# LEGISLATIVE BRANCH APPROPRIATIONS FOR 2020

# HEARINGS

BEFORE THE

# COMMITTEE ON APPROPRIATIONS

# HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

---

SUBCOMMITTEE ON LEGISLATIVE BRANCH

**TIM RYAN, Ohio, *Chairman***

C. A. DUTCH RUPPERSBERGER, Maryland
KATHERINE M. CLARK, Massachusetts
ED CASE, Hawaii
JAIME HERRERA BEUTLER, Washington
DAN NEWHOUSE, Washington

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

DAVID REICH, SUE QUANTIUS, and FAYE COBB
*Subcommittee Staff*

---

## PART 2

## FISCAL YEAR 2020 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

---

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PUBLISHING OFFICE

36–866 WASHINGTON : 2019

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

## COMMITTEE ON APPROPRIATIONS

NITA M. LOWEY, New York, *Chairwoman*

MARCY KAPTUR, Ohio
PETER J. VISCLOSKY, Indiana
JOSÉ E. SERRANO, New York
ROSA L. DELAURO, Connecticut
DAVID E. PRICE, North Carolina
LUCILLE ROYBAL-ALLARD, California
SANFORD D. BISHOP, JR., Georgia
BARBARA LEE, California
BETTY MCCOLLUM, Minnesota
TIM RYAN, Ohio
C. A. DUTCH RUPPERSBERGER, Maryland
DEBBIE WASSERMAN SCHULTZ, Florida
HENRY CUELLAR, Texas
CHELLIE PINGREE, Maine
MIKE QUIGLEY, Illinois
DEREK KILMER, Washington
MATT CARTWRIGHT, Pennsylvania
GRACE MENG, New York
MARK POCAN, Wisconsin
KATHERINE M. CLARK, Massachusetts
PETE AGUILAR, California
LOIS FRANKEL, Florida
CHERI BUSTOS, Illinois
BONNIE WATSON COLEMAN, New Jersey
BRENDA L. LAWRENCE, Michigan
NORMA J. TORRES, California
CHARLIE CRIST, Florida
ANN KIRKPATRICK, Arizona
ED CASE, Hawaii

KAY GRANGER, Texas
HAROLD ROGERS, Kentucky
ROBERT B. ADERHOLT, Alabama
MICHAEL K. SIMPSON, Idaho
JOHN R. CARTER, Texas
KEN CALVERT, California
TOM COLE, Oklahoma
MARIO DIAZ-BALART, Florida
TOM GRAVES, Georgia
STEVE WOMACK, Arkansas
JEFF FORTENBERRY, Nebraska
CHUCK FLEISCHMANN, Tennessee
JAIME HERRERA BEUTLER, Washington
DAVID P. JOYCE, Ohio
ANDY HARRIS, Maryland
MARTHA ROBY, Alabama
MARK E. AMODEI, Nevada
CHRIS STEWART, Utah
STEVEN M. PALAZZO, Mississippi
DAN NEWHOUSE, Washington
JOHN R. MOOLENAAR, Michigan
JOHN H. RUTHERFORD, Florida
WILL HURD, Texas

SHALANDA YOUNG, *Clerk and Staff Director*

# CONTENTS

TESTIMONY


| | Page |
|---|---|
| Office of Congressional Workplace Rights | 1 |
| Open World Leadership Center | 39 |
| Architect of the Capitol | 57 |
| Congressional Budget Office | 93 |
| Government Accountability Office | 123 |
| Government Publishing Office | 203 |
| Library of Congress | 249 |
| U.S. House of Representatives | 297 |
| U.S. Capitol Police | 425 |
| Members' Day | 469 |
| Testimony of Interested Individuals and Organizations | 505 |

# LEGISLATIVE BRANCH APPROPRIATIONS FOR 2020

THURSDAY, FEBRUARY 7, 2019.

## OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

**WITNESS**

**SUSAN TSUI GRUNDMANN, EXECUTIVE DIRECTOR, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS**

### OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. Welcome, everyone. We are going to call the committee to order. I am pleased to welcome everyone to our first legislative branch hearing for the fiscal year 2020. There are lots of new faces here—four new subcommittee members as well as the new majority professional staff. We even have a new name for one of the agencies appearing today. A special welcome to our new ranking member: Ms. Herrera Beutler.

Let me quickly introduce our subcommittee staff to the members. On our side, we have David Reich as our clerk, and Sue Quantius and Faye Cobb. They are absolutely terrific and bring a ton of experience to this committee in helping their new rookie chairman. And also Jenny Panone, who continues on the subcommittee as minority clerk. We worked very well with her last year under Chairman Yoder.

Though this committee is small in size, it has very important responsibilities in trying to provide Congress with the resources it needs to properly and independently perform its legislative functions and to make its work accessible to the people we represent. We also should remember that several of our agencies, such as the Library of Congress and the GPO, provide important services to the Nation as a whole as well as to the legislative branch. Our bill even supports some unusual functions for the legislature—the U.S. Copyright Office and Library Services for the Blind.

This morning, our first hearing will be with the Office of Congressional Workplace Rights, formerly called the Office of Compliance. After that is concluded, we will have our second hearing with the Open World Leadership Center.

One bit of housekeeping: I intend to follow what is pretty standard procedure in Appropriations subcommittees for questioning witnesses. For those members present at the beginning of the hearing, I will recognize members for questions in order of seniority, alternating between majority and minority. For those members who arrive after the hearing has started, I will recognize them in order of arrival, alternating between majority and minority. This order

will continue through all rounds of questioning. I will try hard to observe the 5-minute rule for questions and answers. I know there are always conflicting Appropriations hearings, and I understand that members may have to come and go, but we are lucky that the legislative branch budgets come to us unencumbered by OMB review, and we already have requests in hand for most of our agencies. We may be able to nearly finish our fiscal year 2020 budget hearings before the President submits his budget for the executive branch.

So let's get started. We are pleased to welcome today Ms. Susan Tsui Grundmann, the executive director of the Office of Congressional Workplace Rights.

Ms. Grundmann, it is fitting that we begin with OCWR because it is integral to the high priority Congress has placed on the effective protection of workplace rights and its passage of the Congressional Accountability Reform Act last December. We know that it has been quite an active period for you since you testified here last year. At that time, Congress was considering the reform legislation, and last year's hearing moved away from budget questions and into opinions about how the reform legislation should be changed.

Now that the legislation is enacted with an effective date in June 2019, I hope we can get back to a more budget-oriented session, which, of course, will include discussions of the resources your office needs to implement the new law.

Before we start, I will turn to our ranking member, Ms. Herrera Beutler, for any opening comments you may wish to make.

## Opening Statement of Ranking Member Herrera Beutler

Ms. Herrera Beutler. Thank you, Chairman.

Thank you so much for recognizing me. I am looking forward to joining the subcommittee as ranking member. Congratulations on being selected as chair. Everyone that I have heard who has had the opportunity to work with you has spoken very highly of you. I am looking forward to it.

Thank you for your graciousness this morning. Everyone, when I have mentioned to people, are like, "He's a good Member to work with." So I am looking forward to this.

And to the subcommittee, honestly, I feel like this is probably a good way to get my feet wet, so to speak, in something that is really focused on the institution and on preserving and protecting and promoting it in many different ways. So I think it will give me a good look at some of the activities and functions that make up our first branch of government: the legislative branch.

Although, from what I have learned now, we are the smallest subcommittee, we are still very critical in that if we don't do our job, the other 11 committees can't do their jobs. So, as we start consideration of fiscal year 2020 budget request, I look forward to working with you in putting together a bill that adequately addresses the needs of our agencies so they can carry out their respective missions while at the same time balancing this with being good stewards of the fiscal taxpayer budget.

Welcome, Ms. Grundmann, I look forward to hearing from you. I see your budget request is the same as it was enacted in 2019. And I am looking forward to hearing from you on your office's work

to implement the Congressional Accountability Reform Act, which was signed into law this last December and which our chairman already alluded to.

So, with that, I yield back. Thank you, Mr. Chairman.

Mr. RYAN. Very good, so now I would like to yield to the chairwoman of the full committee, Mrs. Lowey.

## OPENING STATEMENT OF CHAIRWOMAN LOWEY

The CHAIRWOMAN. Thank you. Sometimes I feel like I need roller skates going from one place to another.

Good morning. And I would like to thank Chairman Ryan and Ranking Member Herrera Beutler for holding this hearing. It is a pleasure to welcome Executive Director Susan Grundmann of the Office of Congressional Workplace Rights before the subcommittee.

The success of Members of the House and Senate depends on the staff in Washington and in our districts. When we met last year, revelations of harassment and discrimination shocked the country and highlighted inadequacies in congressional staff protections. Substantial legislative changes to the Congressional Accountability Act were only the first step toward remedying the institutional damage inflicted during years of grossly insufficient and often nonexistent staff protections.

The OCWR is now tasked with implementing these reforms in a way that celebrates the increased diversity on Capitol Hill, promotes safety, and ensures everyone in the legislative branch community can complete their duties free from fear of discrimination and harassment. It falls to this subcommittee to ensure that OCWR has the resources to meet this need. I am pleased the fiscal year 2019 spending bill included $6.332 million, a $1.3 million increase from the previous year, to cover the costs associated with recent reforms. However, this subcommittee will need to once again commit an adequate level of funding to ensure the OCWR can carry out its new responsibilities and increase services and protections for victims.

Executive Director Grundmann, I eagerly await your testimony regarding the implementation of the CAA Reform Act and major changes to the OCWR after 2 years of troubling disclosures of harassment and assault across the country and, sadly, right here in this Congress. So thank you very much.

Thank you, Mr. Chairman.

Mr. RYAN. Thank you, Madam Chairwoman.

Ms. Grundmann, you have the floor.

## TESTIMONY OF SUSAN TSUI GRUNDMANN

Ms. GRUNDMANN. Thank you, and good morning, Chairman Ryan, Ranking Member Herrera Beutler. On behalf of the newly formed Office of Congressional Workplace Rights, formerly known as the Office of Compliance, thank you for this opportunity to discuss our 2020 budget justification and request.

Today is day 48 on our march towards implementation of the CAA Reform Act, which takes full effect on June 19th. Now remember that date because everybody in our office thinks about that day every single day of the year so far. And while many things have

changed for us, a number of things remain the same, such as the labor and employment laws that apply to the legislative branch, such as the 180-day statute of limitations to file a claim under the CAA, such as the enforcement of the occupational safety and health laws, the ADA public accessibility rules, and the Federal Service Labor-Management Relations statute, and, perhaps most important, what remains the same is the independent nonpartisan nature of our office.

What has changed is just about everything else. Beginning with that new name, which really does better reflect our mission and our purpose. Our jurisdiction has been expanded to include new employing offices, like the Helsinki Commission, and additional categories of employees, such as unpaid staff, and that is detailees, fellows, and interns. So our caseload could go up.

Our ADR process, administrative dispute resolution process, no longer includes mandatory counseling, the mandatory cooling-off period, or mandatory mediation, although mediation remains as an option. A new step in our process has been inserted which calls for preliminary review by a hearing officer within the first 30 days of the filing of the claim.

All employing offices have new posting and training requirements. We have new reporting requirements, four or five by our count. And Members of Congress and employing offices must reimburse the Treasury account for certain types of awards and settlements.

During the last year, including the last 48 days, we have accomplished a great deal. We moved forward with the e-filing system required in the Reform Act. We moved forward with, actually, fiscal year 2018 dollars. This system will be secure and will allow parties to have access to it during the pendency of the procedures. We are currently making modifications in our case management system to reflect the changes in the process brought by the Reform Act.

We began discussions with contractors for the climate survey, the first ever climate survey in the legislative branch. We have identified statutory changes which require action and have inhouse teams with timelines and deadlines, the most significant of which is the promulgation of procedural rules to reflect changes in the CAA, such as that initial 30-day preliminary review.

We actually have a single individual in our office whose primary task is to track every team, note every benchmark, and to ensure that we adhere to every deadline. He is actually here with us today. I would like to introduce you to him. His name is Alex Ruvinsky. We are conducting brown bags with all our stakeholders on the changes we foresee. We are developing a new training module to reflect those changes, and actually other legislative branch offices are reaching out to us to use that module and require the employees to take this training so that they can fulfill their training requirements under the Reform Act.

We have met with CHA and Senate Rules and will continue to do so. I have meetings scheduled with the House Ethics Committee and the Senate Ethics Committee. And we have a new logo and have secured a new domain name, and that is ocwr.gov.

And if I may, I would like to take you through the changes in the Reform Act. It is in your materials, and you will see the flowcharts.

There are actually three variations to this process, and let me go through the one generally that applies to most employing offices. One step back. Counseling, under the current system, which is still in effect, can last up to 30 days currently. Mediation, which is mandatory, must last up to 30 days currently. The so-called cooling-off period must last 30 days. All of that is gone under the new system. The process now begins with intake. And where the employee comes into our office, we record their claim. We give them notice of rights, and we immediately notify the employing office and its designated representative. At that point, the employee is free to go to district court within 90 days. So, without the cooling-off period, the mandatory mediation, immediately to court.

The next step is entirely new, and that is the preliminary review I was telling you about and that occurs within the first 30 days of the filing of the claim. It is before a hearing officer and actually will result in a report, a seven-point report which discusses a number of things: whether the employee is a covered employee, whether the named office is actually an employing office, whether the claim is timely filed within the 180 days, whether the employee has stated a claim for which relief can be granted under the CAA. The hearing officer will also note factual and legal issues raised in the claim and identify the relief sought. And, finally, the hearing officer will note the potential for settlement.

If the employee is not a covered employee or has not stated a claim for which relief can be granted, then the employee must go directly to district court; they will have no further recourse in our process. If, however, the employee is covered and has stated a claim for which relief can be granted, they may stay in our process, and the remainder of our adjudication process is pretty much the same as it currently is.

NEW ADMINISTRATIVE DISPUTE RESOLUTION PROCESS

Members of Congress——

Mr. RYAN. So let's just open it up at this point.

Ms. GRUNDMANN. Sure, okay.

Mr. RYAN. I think it is really important that, this committee especially, we really understand this——

Ms. GRUNDMANN. Okay.

Mr. RYAN [continuing]. Indepth. So initial process: notice to the employee's office. So someone comes in, and then you say, "Okay."

Ms. GRUNDMANN. Yes.

Mr. RYAN. Call the chief of staff of the Member.

Ms. GRUNDMANN. We would notify—let me go one step further because Members of Congress actually have a distinct process at three junctures. First, initially at intake, not only would we notify OHEC immediately, we would also notify the Member and tell them primarily that they have the right to intervene along with the fact that they may be financially liable for any settlement or award that comes out of the Treasury fund.

The second part that is distinct for Members of Congress is during the preliminary review. At the close of the preliminary review,

the report that the hearing officer generates will go directly to the appropriate Ethics Committee.

And, finally, upon final disposition of the case and final disposition includes a settlement or an award, the Ethics Committee will be entitled to the records of that case. So it is different for the Members of Congress.

Mr. RYAN. So preliminary report, 30 days. There is a seven-point plan—seven issues that you will cover, including relief and kind of procedural stuff, like timeliness and stuff and all that. And when you said the employee is not covered——

Ms. GRUNDMANN. If the employee——

Mr. RYAN. What does that mean?

Ms. GRUNDMANN. What that means is if the employee fails that seven-point review—not a covered employee, not an employing office, not timely, failure to state a claim—the only option the employee has at that point is to go to district court.

Mr. NEWHOUSE. Civil action.

Ms. GRUNDMANN. Civil action, exactly.

We know you have many questions. We hope to answer as many questions as we possibly can with the understanding that some of these answers are yet to unfold as we develop our procedural rules which will be out for notice and comment in April. Thank you for the privilege of your attention. And I look forward to answering your questions.

[The prepared statement and biography of Susan Tsui Grundmann follow:]

**Statement of**

**Susan Tsui Grundmann, Executive Director**

**Office of Congressional Workplace Rights**

**Before the Subcommittee on the Legislative Branch,**

**Committee on Appropriations, United States House of Representatives**

**Fiscal Year 2020 Budget Request**

**February 7, 2019**

---

Mr. Chairman Ryan, Ranking Member Herrera Beutler, 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) 2020 for the Office of Congressional Workplace Rights (OCWR). I want to express our appreciation to this Subcommittee for its continued support of the OCWR 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 Congressional Accountability Act of 1995 (CAA) embodies a promise by Congress to the American public that it will hold itself accountable to the same federal workplace and accessibility laws that it applies to private sector employers and executive branch agencies. Congress established the OCWR—until recently known as the Office of Compliance—to administer the CAA.

*The OCWR's Statutory Mandate*

We are a very small office with a very broad mandate. With 28 FTE positions inclusive of a part-time Board of Directors, the OCWR serves the same functions as multiple agencies in the executive branch, including the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration, the Department of Labor, and the Federal Labor Relations Authority. We are responsible for enforcing federal workplace and accessibility laws that cover more than 30,000 employees in the legislative branch, including the House of Representatives, the Senate, the United States Capitol Police, the Library of Congress, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Congressional Accessibility Services, and our own office, among others. We administer the administrative dispute resolution (ADR) system established by the CAA to resolve workplace disputes; we carry 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 we advise Congress on needed changes and amendments to the CAA.

Furthermore, our General Counsel (OGC) is responsible for inspecting—at least once each Congress—over 18 million square feet of facilities and grounds in the legislative branch for Occupational Safety and Health (OSH) violations, as well as 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 OGC is further responsible for investigating allegations of OSH, ADA, and unfair labor practice (ULP) violations filed under sections 210, 215 and 220 of the Act, and for filing and prosecuting complaints of OSH, ADA and ULP violations. As one of the smallest offices in the

legislative branch with no redundant staff, the OCWR also regularly contracts for the services of other individuals such as mediators, hearing officers, and safety and health inspectors, in support of its statutory mandate.

*The CAA Reform Act*

On December 21, 2018, the Congressional Accountability Act of 1995 Reform Act, S. 3749, was signed into law. Not since the passage of the CAA in 1995 has there been a more significant moment in the evolution of legislative branch workplace rights. The new law focuses on protecting victims, strengthening transparency, holding violators accountable for their personal conduct, and improving the adjudication process. The Reform Act includes many important changes that dramatically expand the OCWR's duties and responsibilities, as well as the number of employees covered by the CAA.

These new duties and responsibilities include:

- substantially modifying the administrative dispute resolution process under the CAA, including creating additional procedures for preliminary hearing officer review of claims;

- developing and implementing procedures for current and former Members of Congress to reimburse awards or settlement payments resulting from harassment or retaliation claims;

- developing and implementing procedures for employing offices to reimburse payments resulting from specified claims of discrimination;

- appointing one or more advisers to provide confidential information to legislative branch employees about their rights under the CAA;

- renaming our office as the Office of Congressional Workplace Rights to more clearly inform the legislative branch community of our mission;

- extending CAA protections to unpaid staff, including interns, detailees, and fellows, as well as employees of the Library of Congress, the John C. Stennis Center for Public Service Training and Development, the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission;

- significantly expanding OCWR reporting obligations;

- developing and administering a biennial climate survey of all legislative branch employees to collect information on the workplace environment and attitudes regarding sexual harassment;

- creating a program to permanently retain records of investigations, mediations, hearings, and other proceedings;

- establishing an electronic system to receive and keep track of claims; and

- developing and implementing means by which legislative branch employees who work outside of the Washington, D.C., area—such as in Members' district offices—have equal access to OCWR services and resources.

Some of the changes in the CAA Reform Act are effective immediately, such as the name change of our Office, but most will be effective 180 days from enactment, i.e., on June 19, 2019. The biennial climate survey of the legislative branch—which will be designed in FY 2019—will be administered for the first time in FY 2020.

*The OCWR's FY 2020 Budget Justification*

For FY 2020 operations, we are requesting $6,332,670, which is the same as our FY 2019 enacted level. Approximately 60% of the requested amount provides pay and benefits. The remainder focuses on supporting the OCWR's statutory mandates and improving the delivery of services to the covered community under the CAA. It also reflects the OCWR's immediate need to implement and administer the changes set forth in the Reform Act, discussed above. This amount will also allow us to carry out our statutory mission to educate and train Members of Congress, their staff, and other legislative branch offices and employees on their rights and responsibilities under the CAA through the development of education and training courses and materials specifically designed for the legislative branch, and which are easily understood, practical rather than legalistic, and proven effective. The education and training programs mandated by the Reform Act reflect Congress's ongoing commitment to foster and promote a healthy workplace culture on Capitol Hill.

The OCWR received a substantial increase to its funding for FY 2018 and FY 2019, and we have already begun to make progress on many of the initiatives discussed above, including developing and designing a secure e-filing system, and revising virtually all publications and education and training materials that the OCWR produces to incorporate the changes set forth in the Reform Act. Although the initiatives mandated by the Reform Act require substantial funding in FY 2019, many of those initiatives will also require ongoing funding in FY 2020 and beyond. For instance, the e-filing system, once launched, will require continuing cybersecurity upgrades and modifications. New ADR procedures, such as preliminary review by hearing officers of certain claims, will affect the costs associated with adjudication of those claims. Online training and educational modules must be continually updated.

The OCWR anticipates the most costly and laborious task is the design, development and implementation of a biennial climate survey of the legislative branch to collect information on the workplace environment and attitudes regarding sexual harassment, which is called for in the Reform Act. Conducting the survey beginning in FY 2020 and every two years thereafter, updating the survey, and interpreting the data resulting from the survey, will result in additional recurring costs.

Of the FY 2020 requested amount, the OCWR is requesting that a total of $1,000,000 remain available until September 30, 2021 for the services of essential contractors, including hearing officers, mediators, and safety and health inspectors and to design and conduct a climate survey of the legislative branch employees.

*Alternative Dispute Resolution Program*

The OCWR requests a total of $300,000 for non-personnel services for FY 2020 for administration of its ADR program, which represents our best estimate for the cost of administration of that program in the coming fiscal year based on past and current expenses. The CAA establishes an

ADR process that provides employing offices and covered employees a neutral, efficient, and cost-effective means of resolving workplace disputes. We strive to ensure that stakeholders have full access to these ADR procedures. The OCWR enjoys a 100% affirmance rate in employment cases by the U.S. Court of Appeals for the Federal Circuit. The OCWR 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.

In any given year, it is difficult to predict the number of cases that will be filed with the OCWR's ADR program, the complexity or duration of administrative proceedings, or the overall costs associated with case processing and adjudication. Recent developments add to the difficulty of making such predictions for FY 2020. In FY 2018, for example, Library of Congress employees were allowed to file claims with the OCWR for the first time. This has already added to the number of cases filed with the OCWR, and we expect that number will continue to increase. Moreover, as discussed above, on June 19, 2019, the ADR process will change significantly. The new process, as required by the Reform Act, is outlined in our FY 2020 budget justification. As discussed above, these changes require, among other things, that an additional hearing officer be appointed to conduct a preliminary review in each case filed on or after June 19, 2019 that involves claims arising under part A of title II of the CAA. Furthermore, the changes set forth in the Reform Act will require that the OCWR again amend its Procedural Rules, modify its Case Management System, develop and maintain a full electronic filing system, and improve IT infrastructure and cybersecurity. Other changes in the Reform Act—such as extending CAA protections to unpaid staff, including interns, detailees, and fellows—are highly likely to add to the number of cases on the ADR docket. Our budget justification takes these considerations into account in arriving at our projection of the costs for administering this program in FY 2020.

*Education and Training Programs*

The OCWR is requesting a total of $370,000 for non-personnel services for FY 2020 for its Education and Training Programs. The OCWR has a statutory mission to educate and train Members of Congress and legislative branch employees on their rights and responsibilities of the CAA. In FY 2018, the demand for the OCWR educational and training materials on preventing harassment and other forms of discrimination in the workplace dramatically increased. To date, thousands of congressional staffers have been trained either in-person or through our online platform.

During FY 2018, OCWR also presented in-person training bi-monthly at the request of the Congressional Research Service (CRS). During each CRS training session, the OCWR interacts with approximately 40-50 congressional staffers new to their jobs in district and state offices located around the country.

The OCWR also reorganized its website and added additional tools in FY 2018, including interactive surveys on safety and health issues, and publications to educate the covered community. The OCWR's monthly publications and quarterly electronic newsletters are aimed at keeping the congressional community up to date on developments in the areas of safety and health and workplace rights. The OCWR continues to quickly respond to this demand for information and training opportunities.

In FY 2019, the Reform Act will require the OCWR to modify its publications and online training and education materials, and provide better access to OCWR services and resources for staff in district and state offices. Virtually everything that the OCWR produces, including publications and training and educational materials for each of the 13 laws that are incorporated by the CAA, will have to be revised. The OCWR is also redeveloping its educational materials covering the 13 laws applied by the CAA, as well as developing new educational materials, training modules, and posters to inform the legislative branch community of the new procedures set forth in the Reform Act. These efforts will also allow us to assist those employing offices that are required by the Reform Act to develop and implement programs to train and educate their employees on the rights and protections provided under the CAA, including OCWR administrative and judicial dispute resolution procedures. The success of these endeavours, as well as our ongoing mission to provide stakeholders in the legislative branch with current, dynamic and innovative educational and outreach materials, will require substantial funds in FY 2020.

*Safety and Health and Public Access*

The OCWR is requesting a total of $302,600 for non-personnel services for FY 2020 for its Occupational Safety and Health and ADA public access inspection programs. Before the OCWR 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 OCWR 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 OCWR 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 are trained OSH and ADA specialists, 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.

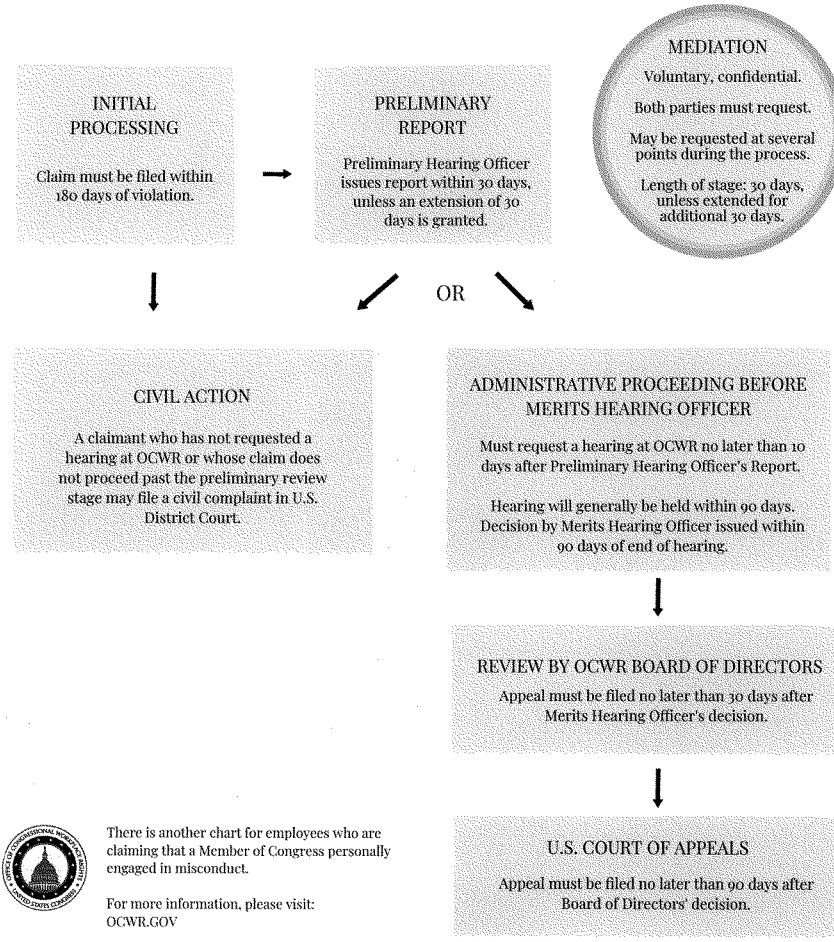
*Additional Services*

The balance of the requested amount covers 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 OCWR.

Thank you very much for providing us with this opportunity to brief you on our FY 2020 budget request. As the Executive Director of the OCWR, 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

# OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS
## Alternative Dispute Resolution Process effective June 19, 2019

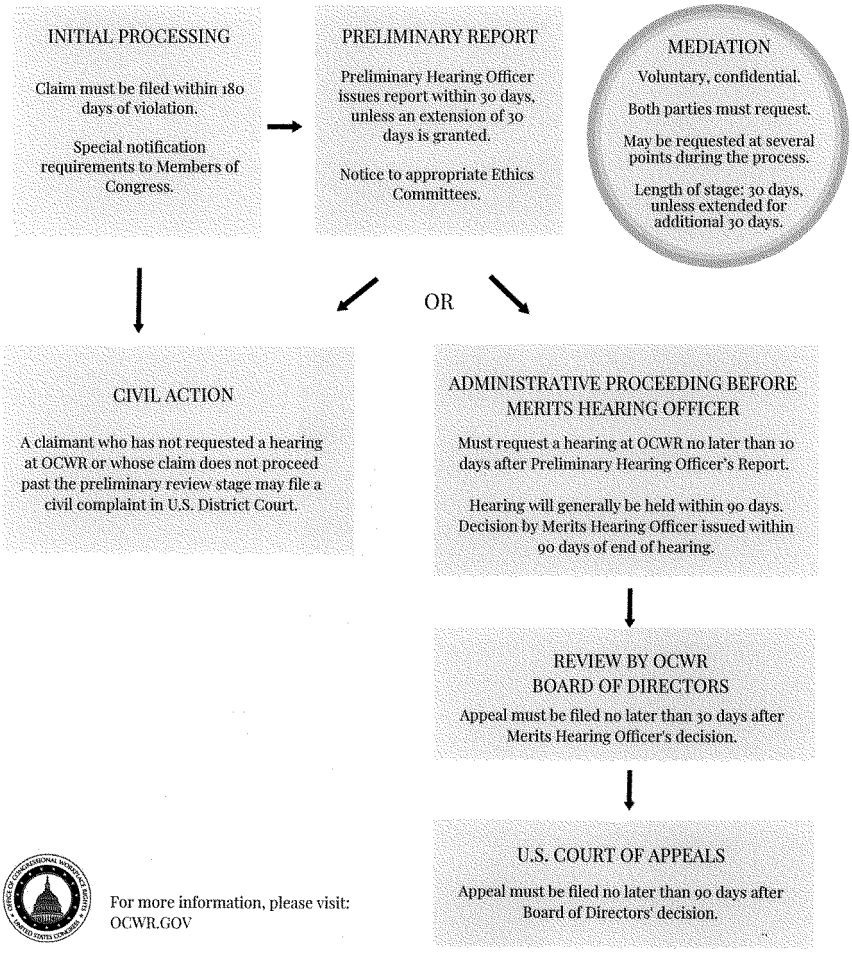



There is another chart for employees who are claiming that a Member of Congress personally engaged in misconduct.

For more information, please visit: OCWR.GOV

# OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS
## Alternative Dispute Resolution Process effective June 19, 2019

FOR EMPLOYEES WHO MAKE A PERSONAL CLAIM AGAINST A MEMBER OF CONGRESS




For more information, please visit:
OCWR.GOV

# *Office of Congressional Workplace Rights*

## Susan Tsui Grundmann

Executive Director

Susan Tsui Grundmann joined the Office of Congressional Workplace Rights (OCWR) as Executive Director in January 2017.

Ms. Grundmann serves as chief operating officer for the OCWR, which was established to ensure the integrity of the Congressional Accountability Act of 1995 (CAA) through programs of dispute resolution, education, and enforcement. These programs assist members of Congress, employing offices, employees, and the visiting public in understanding the thirteen workplace and accessibility laws incorporated in the CAA. Ms. Grundmann also works with the OCWR Board of Directors to advise Congress on needed changes and amendments to the CAA.

Previously, Ms. Grundmann served as the Chairman of the U.S. Merit Systems Protection Board, enforcing Federal merit systems in the executive branch. She was confirmed to that position by the U.S. Senate in 2009. Ms. Grundmann has more than twenty years of professional experience in litigation and in advising and educating clients in labor and employment matters. She began her legal career as a law clerk to the judges of the Nineteenth Judicial Circuit of Virginia. She earned her bachelor's degree at American University and her law degree at Georgetown University Law Center.

HEARING PROCESS

Mr. RYAN. Great. So I am going to have you just kind of quickly go through, you said the administrative proceeding. Can you talk to us a little bit about how that goes down?

Ms. GRUNDMANN. Sure, you mean the hearing process itself?

Mr. RYAN. Yeah.

Ms. GRUNDMANN. It begins with the filing of a claim, a complaint. There are——

Mr. RYAN. So they are covered.

Ms. GRUNDMANN. They are covered. They are in our process. A hearing officer will be appointed for the case almost immediately. That hearing officer will be in touch with the parties, talk about any preconference issues, set hearing dates. There is discovery under our process. There are motions as well. And the employee is entitled to a decision, under the new statute, within I believe 90 days of the close of the record.

REPRESENTATION FOR EMPLOYEE

Mr. RYAN. So who is representing—who is speaking on behalf of the employee at this point? Do they have it to get an attorney that represents them?

Ms. GRUNDMANN. Great question. In the House, the employee is entitled to an employee advocate. And that is under the CAO branch. The employee is also entitled to either a designated representative or a private attorney, or they can proceed pro se. And the new reform bill brings into light a confidential advisor. And that person is actually defined by statute, and for the first time, the confidential advisor will actively work with the employee to develop the claim that will be filed.

Mr. RYAN. And who is that? They work for you?

Ms. GRUNDMANN. That person has not been hired yet.

Mr. RYAN. Okay.

Ms. GRUNDMANN. But yes, the role is actually defined by statute. And that person could be an employee of our office, could be somebody that the executive director designates for the sole purpose of getting them through the first part of the proceedings.

Now let's talk a little more about the confidential advisor because it is a crucial role, and it is defined by statute. He or she can advise the employee on a privileged and confidential basis. He or she will also talk specifically about rights and protections under the CAA, the value of obtaining either an attorney or a designated representative as opposed to proceeding pro se, tell the employee that the employee has the ability also to go to the Ethics Committee, and there is nothing in our process that bars the employee from going directly to the Ethics Committee.

There are limitations on the confidential advisor, and this is also baked into the statute. The confidential advisor cannot appear in any proceedings before OCWR. The confidential advisor cannot serve as a mediator in OCWR. And if the employee has a designated representative or an attorney, the confidential advisor cannot be that designated representative but can offer general assistance to the representative.

EMPLOYEE ADVOCATE

Mr. RYAN. How is the confidential advisor different than the employee advocate?

Ms. GRUNDMANN. The employee advocate is actually paid for; it is free to the employee. The employee advocate will represent the employee during a House proceeding.

Mr. RYAN. Who is that? Is that in your office?

Ms. GRUNDMANN. It is not in our office. It is a separate office. It is housed under the Chief Administrative Officer. And it is a much more extensive representation. And I believe—I am not sure of this—that the employee advocate can actually accompany the employee to court.

Mr. NEWHOUSE. Could you repeat that, who pays for that?

Ms. GRUNDMANN. Okay. The confidential advisor is in our budget.

Mr. NEWHOUSE. Okay.

Ms. GRUNDMANN. The Office of Employee Advocacy, they call themselves OOEA, they are housed in the Chief Administrative Officer's Office, CAO.

Ms. HERRERA BEUTLER. OOEA?

Ms. GRUNDMANN. There are a lot of O's in our world. If I may, let me distinguish our O from all the other O's around. We are the only nonpartisan independent adjudicator that can provide a final disposition to a claim. We do not represent employees, but we can give them final resolution, and no other office does it in the legislative branch.

Mr. RYAN. I yield 5 minutes to the gentlelady.

PERMANENT RECORD RETENTION

Ms. HERRERA BEUTLER. A couple of questions. One of the things in terms of the substantial changes includes that you are tasked with I believe creating a program to permanently retain records of investigations, medications, hearings, and other proceedings. You are going to keep permanent records of medications——

Ms. GRUNDMANN. Not medications. I think it is mediations.

Ms. HERRERA BEUTLER. Okay. I had medications. I was, like, that seems a little inappropriate to me. I don't think it is anybody's business, so a little typo.

Ms. GRUNDMANN. But the medication could be part of the mediation so——

Ms. HERRERA BEUTLER. As long as the House is not keeping records of employees' medications, I am cool with that. Fast forward. That was the first one.

MEMBER REIMBURSEMENT OF TREASURY FUND

What happens if a Member leaves and doesn't reimburse? Because what I am understanding from this is you are paying upfront.

Ms. GRUNDMANN. Right.

Ms. HERRERA BEUTLER. And then what if they just leave?

Ms. GRUNDMANN. It is very, very well thought out. The good news is that we are not in the collections process. As you say, we pay the money out through the Treasury fund, and then the matter

is turned over to the administrative branch of the House, so this is the appropriate Chamber. And there is a period of time allotted to the Member—let me answer your—I am going the long way around.

Ms. HERRERA BEUTLER. That is fine.

Ms. GRUNDMANN. Bear with me—there is a period of time whereby the Member can voluntarily repay it. I think it is 90 days. Afterwards, the garnishment starts. Now if you are not a Member anymore, that is not an issue because there is language in the legislation that talks about garnishment of non-Federal wages, garnishment of Social Security, garnishment of TSP, so there are lots of avenues to get the money back.

Ms. HERRERA BEUTLER. And is any of this retroactive?

Ms. GRUNDMANN. The provision on reimbursement to the Treasury fund from Members of Congress has already started. So that started on December 1st. It is not retroactive beyond December 1st, but it started as of December 1st. That is one of few provisions of the Reform Act that actually implemented immediately.

BUDGET TO IMPLEMENT CHANGES

Ms. HERRERA BEUTLER. Last year, an additional $1.3 million was provided in anticipation of this? But your budget didn't request an increase for fiscal year 2020. So is that amount sufficient to implement all the changes, or are there going to be additional costs down the road?

Ms. GRUNDMANN. Well, that is a great question, and let me answer it in a number of ways. First of all, we think we got it right. And we have in there the 1 million carryover from 2019 going into 2020. We have asked for the same thing in 2020 going into 2021. We did anticipate a number of changes just seeing the similarities between the two bills, between the House and the Senate. But we didn't actually see the legislation itself until pretty much the same time you guys saw it. So there were a number of things that were new to us. But this is a new day and a new territory and new challenges.

We have never adjudicated a case with a preliminary review. We know what the numbers look like currently. We don't know how many preliminary reviews there will be. We don't know how long it is going to take. It has got to take less than 30 days; that much we know. We also know that it has to be a hearing officer that conducts that review. And hearing officers are specifically defined in the CAA. They have to be retired judges or adjudicators that are versed in employment type cases. And they are paid on an hourly rate.

So one final note: When the Reform Act implements in June, we will only have 3 months of data under the new system. We won't have a full year of data until the end of 2020 and that full year review is really important to spot trends: Are people filing less in the summer? Are they filing more at certain points in time?

Our numbers are up this year for 2018—even in the beginning of 2019, we have half of——

LIBRARY OF CONGRESS EMPLOYEE CLAIMS

So the numbers are up, and we do have the Library of Congress. They are about half of our numbers now.

Ms. HERRERA BEUTLER. But they were just added, correct?

Ms. GRUNDMANN. They were just added. And it is interesting because we have only had them for 6 months under the last fiscal year. And during that 6 months, they accounted for about 18 percent of our docket in that 6 months.

This year, just going from October 1st to today, they are a little less than half the docket already.

Ms. HERRERA BEUTLER. Things that need to be dealt with apparently.

Ms. GRUNDMANN. The Library of Congress. Yes, that they are now under our system. They come under our jurisdiction in March with the omnibus, and they have been filing claims.

The CHAIRWOMAN. Oh, so you say they are half of the claims?

Ms. HERRERA BEUTLER. Half of last year's.

Mr. RYAN. How many? What are the raw numbers?

Ms. GRUNDMANN. I can't give you a raw number in 2018.

Ms. HERRERA BEUTLER. I think you have a number of settlements.

Ms. GRUNDMANN. Those are aggregate.

The CHAIRWOMAN. Oh.

Ms. GRUNDMANN. Let me be clear: The Library of Congress' dispute system still exists, so they have an EEO system. The Library employees are given an option either to come to us or choose the Library's process. We have talked to the Library when they first came under our jurisdiction in March. And their numbers are pretty similar to ours. I mean they get about 40, 60 cases a year.

The CHAIRWOMAN. Forty to 60 cases?

Ms. HERRERA BEUTLER. That is a lot.

Ms. GRUNDMANN. With five going through mediation. We get somewhere between 40 to 60 cases a year. Last year, we had over 70 cases, which was pretty high.

And that included the Library for 6 months.

The CHAIRWOMAN. We are really shocked that there are over 70 cases. Are you free to compartmentalize the cases? Obviously, no names, but what categories do they fall in?

Ms. GRUNDMANN. The vast bulk of our cases involve discrimination.

The CHAIRWOMAN. Oh, okay.

Ms. GRUNDMANN. There are some labor cases. There are other types. There are FLSA, Fair Labor Standards, cases. We have a number of unions in the legislative branch, so we do see some activity there. But the majority of our cases are discrimination.

EMPLOYEE ADVOCATE

The CHAIRWOMAN. I see. Now how many employee advocates are there?

Ms. GRUNDMANN. Let me see if I can answer your question in a different way. There is——

The CHAIRWOMAN. I mean, 5, 10, 15, 2.

Ms. GRUNDMANN. I don't know the numbers. I don't know how many there are.

The CHAIRWOMAN. Approximate.

Ms. GRUNDMANN. You mean that will represent an employee?

The CHAIRWOMAN. Yes.

Ms. GRUNDMANN. There is an office that actually represents employees in the House. I think they have a director, and they may have two staff attorneys at this point.

The CHAIRWOMAN. So my question is about the employee advocate, let's—that employee advocate may decide this person is guilty. Do they have an obligation to represent them? And I would think a Member or employee, whoever they are, wouldn't want an employee advocate that believes they are guilty. So I guess they have a right to get an outside attorney.

Ms. GRUNDMANN. True, absolutely, but—and this is a question better directed to the Chief Administrative Officer, but it is my understanding that—okay, we are still under the old system at this point—that the employee advocate would still have to represent the employee. Now under the new system——

The CHAIRWOMAN. Wait. You are saying they would still have to represent the employee.

Ms. GRUNDMANN. Yes.

The CHAIRWOMAN. But the employee may not want that person.

Ms. GRUNDMANN. Absolutely.

The CHAIRWOMAN. So they have the right to get an outside counsel?

Ms. GRUNDMANN. Always.

The CHAIRWOMAN. And pay for counsel themselves?

Ms. GRUNDMANN. Yes.

The CHAIRWOMAN. And the employee advocate is free of charge.

Ms. GRUNDMANN. Yes.

The CHAIRWOMAN. So sometimes when things are free of charge, that is exactly what they are worth. But I am just curious, do most of these cases use the employee advocate?

Ms. GRUNDMANN. I do not know if—I do not know that. Most of the cases—I don't know if we have actually seen the employee advocate in our system yet. And the employee—the office OOEA—OOEA—stood up I believe last fall. So they are fairly new to this community.

The CHAIRWOMAN. So maybe we have to get to know them. I guess I am wondering if a person knows they are guilty and the employee advocate knows they are guilty, is that employee advocate required to still represent them as lawyers do?

Ms. GRUNDMANN. I think you should direct that question, with all due respect, to that office.

FILING UNDER THE NEW SYSTEM TIMING

The CHAIRWOMAN. I get it. So, if an incident occurs today prior to full implementation, can victims wait to have their cases processed under the new regulations?

Ms. GRUNDMANN. Yes. The only thing the law requires is that the claim be filed within 180 days of the violation—of the alleged violation. So we are day 48. So, if the incident occurred today, they

could file under the current system immediately within the next 4 months or so or under the new system and wait until June.

Mr. NEWHOUSE. They could file today.

Ms. GRUNDMANN. They can file today.

Mr. NEWHOUSE. For the new system.

Ms. GRUNDMANN. They cannot file today for the new system. If they file today, they are in the old system. Now the old system does have mandatory mediation on certain types of things. The new system has—the primary change, other than the mandatory nature of certain processes, is that preliminary review that occurs within the first 30 days. And, again, bringing this back, that preliminary review, if the employee loses that review, that seven-point review—actually it is four: timeliness, covered employee, employing office, failure to state a claim—if they lose that review, they cannot stay in our process under the new system. They have to go to court.

NOTIFICATION OF WORKPLACE RIGHTS POSTERS

The CHAIRWOMAN. Now we know there are 101 new Representatives. Have the new House offices received the same posters? And is the OCWR doing anything to confirm that all offices have properly displayed this information?

Ms. GRUNDMANN. With respect to the posters, the new legislation actually puts new requirements in that poster. And that poster does not need to be up—the new poster does not need to be up until June. Under resolution 724, which is from the last Congress, which I still believe is a standing rule, you must post a poster. And we have gone out, and we will be happy to deliver them. When the House resolution passed 1 year ago, 2 years ago, CHA actually picked up about 250 posters of ours and started handing them out.

FAMILY MEDICAL LEAVE ACT

The CHAIRWOMAN. The other thing I wonder about, this is to the chairman too, do you deal with issues such as paid medical leave?

Ms. GRUNDMANN. Yes. FMLA.

The CHAIRWOMAN. I was shocked to learn—I give a very generous, 3 months paid medical leave. And I realized some of the offices don't do that. So I guess it is not consistent. Is that correct?

Ms. GRUNDMANN. Can I respond to that?

Mr. RYAN. Yes.

Ms. GRUNDMANN. Every Member's office is a separate office in Congress. There is no one office, like the Architect of the Capitol is a single entity; the Capitol Police is a single entity. There are 535 different employing offices in Congress.

The CHAIRWOMAN. So there is no consistent timeline.

Ms. GRUNDMANN. I do not know if there is consistency, but there is no requirement.

The CHAIRWOMAN. No, there isn't. I just discovered it. There is no requirement across the Federal Government.

Ms. CLARK. That is crazy.

The CHAIRWOMAN. I mean, I have been giving 3 month's family medical leave forever, but some offices don't. You don't?

Ms. HERRERA BEUTLER. We had to just go around and survey colleagues to try to figure out, how do we do this? And we just pulled it together. We do give leave and maternity, but there was no

standard. We literally just started asking Members how they did it, and we pulled together what we felt was the best practices, and we consulted an outside organization to try to put together something, but there is no template.

The CHAIRWOMAN. No, this is not true confessions. I don't want anybody to——

Ms. HERRERA BEUTLER. What I mean is that not everybody does it. There was no help. It wasn't like, "Oh, this is the way to do it." You just have to make it happen if you believe in it.

The CHAIRWOMAN. In fact, I was surprised talking to a Senator whose daughter worked for another Federal agency, they didn't get any paid family leave. So that is something we may want to talk about because I am not sure what the standard is, but I have always felt that 3 months is fair, but that is not consistent across the government.

Ms. GRUNDMANN. Let me tell you how we would review a claim like that.

The CHAIRWOMAN. Is anyone responsible for that or no?

Ms. GRUNDMANN. It wouldn't be us because, again, we are neutral. We don't represent you. You do have representation. You have the Office of House Employee Advocacy—no, sorry. I got my O's mixed up. The House Employment Counsel will represent management, will represent you in a hearing. We would look at a claim of that nature. We would review the policy in your office, not across the legislative branch—in your office.

Ms. HERRERA BEUTLER. I think we may have used that.

Mr. RYAN. So you gave it to one person and maybe didn't do it for someone else.

Ms. GRUNDMANN. No, we don't disseminate any boilerplate language, but if there was a claim in your office, we would review the policy in your office.

Mr. RYAN. Right.

The CHAIRWOMAN. But if there is no standard, each office does their own thing.

Mr. RYAN. If I am understanding you correctly, so, in my office, if I gave it to two people, I gave paid leave to two people, and then someone else came along and I said no, then you would review it within the context of how I handled my office previously.

Ms. GRUNDMANN. Your office only, not anybody else's office.

One of the things that we can do is we do provide training. It is not mandatory in the House, our type of training. And we can come and talk to you about good practices and best practices in terms of policies as well. Just let me make clear that FMLA—we have talked a little bit about this—FMLA is the floor. Nothing precludes you from giving more than what FMLA gives you.

The CHAIRWOMAN. Thank you, Mr. Chairman.

NOTIFICATION OF WORKPLACE RIGHTS POSTERS

Mr. RYAN. All right.

Mr. Newhouse, 5 minutes.

Mr. NEWHOUSE. Five minutes.

Well, thank you for being here with us. This is an important thing; everybody has a stake in it. Like Mrs. Lowey said, we are not doing true confessions here—for the benefit of all of my col-

leagues, can you make sure that all of those posters have been distributed?

Ms. GRUNDMANN. We can, but bear in mind that you will have the old posters and not the new posters.

Mr. NEWHOUSE. As long as we are——

Ms. GRUNDMANN. No problem.

CLARIFICATION OF TRAINING

Mr. NEWHOUSE. So my questioning is I think pertinent to you. All of the training stuff that we as House Members have had to go through and all of the staff, that is your thing, right?

Ms. GRUNDMANN. That is not our thing.

Mr. NEWHOUSE. Oh, it is not?

Ms. GRUNDMANN. Yes. CHA actually created guidelines as to who qualifies for certification purposes, and the entity that is providing the certification training is actually a private contractor. Now we offer the training for free, but it doesn't qualify for the certification.

Mr. NEWHOUSE. You just took all my ammunition away because I was going to bring up the fact that, personally, I guess we checked the box on the training, but I just didn't really see a whole lot of value in it, and I didn't talk to anybody who came out of there thinking, "Oh, great, I feel much better about this."

"I feel much better about this." And my staff, I have to tell you the truth, if this is the right venue, we had to spend a ton of money to send people for training across the State, and I thought it was a waste of time.

Ms. GRUNDMANN. Well, we do it for free.

Mr. NEWHOUSE. To get there and put them up in hotels and all that.

Ms. GRUNDMANN. Well, we are certainly partial to our training, one, because we know our process and we think we know our new process.

Mr. NEWHOUSE. Must have been the contractor training that we received.

Ms. GRUNDMANN. No doubt.

Mr. NEWHOUSE. So that is not you——

Ms. GRUNDMANN. Well, actually we do provide training, and we think we have the best training because we have lived and worked amongst you for 23, going on 24 years, and you have paid for it already. But we provide not just the mere letter of the law in terms of, like, discrimination or harassment. We go one step further: we talk about best practices. We have bystander intervention training, which is not mandatory, but we will offer it to you. We will come to your offices. We will go to your district offices. We also offer unconscious bias training. A number of chiefs of staffs have already attended it. It is interactive; it is an in-person training. There is a module on our website for bystanders as well. We talked about I think something we have learned over the last year and a half or so, is that the culture has to change, and you can no longer talk about a mere legal definition to change the culture. You have to educate on the underlying biases, practices, and bad behavior that could lead to a hostile work environment, that could create discrimination. So you have got to go over and above. We can do it for you.

Mr. NEWHOUSE. Okay. Well, in light of the fact that we have got between 40 and 70 cases per year.

Ms. GRUNDMANN. Those are not House cases. Those are cases overall from the legislative branch, to be clear.

Mr. NEWHOUSE. Oh, not just Member offices.

Ms. GRUNDMANN. Right. Member offices, you are our largest stakeholder. You are half the community that we serve. So, in relative numbers, it is not that much. Clearly the other employing offices have more cases before us.

Mr. NEWHOUSE. But the fact that, within the whole institution, there are that many complaints——

Ms. GRUNDMANN. In the legislative branch, yes.

Mr. NEWHOUSE. Whether theyare all legitimate or successful, it points out the fact that we need to make sure that the training that is in place is actually getting the message to people, right?

Ms. GRUNDMANN. I could not agree with you more.

Mr. NEWHOUSE. So I would just throw my 2 cents in that I don't—at least from my experience, we are not there yet. It should be more than just checking a box so we can tell the public, "Hey, we are doing this." We actually should try to get to the root of the culture and change that needs to happen.

Ms. GRUNDMANN. We have these modules ready. We are ready to deliver them to you. It is an interactive module too.

Mr. NEWHOUSE. Good. This is critically important. Everybody, all of us are certainly interested in this, wanting to get it right. I don't think that, reading through the things and listening to what you are saying, that there is a presumption one way or another. You guys are completely neutral, right?

Ms. GRUNDMANN. Absolutely. Independent, third party neutral. Only one in the legislative branch.

Mr. NEWHOUSE. So there is no presumption of innocence or guilt?

Ms. GRUNDMANN. Well, not guilt so much, but there are burdens of proof that are part of the law, and that is available for anybody to see, but there is no presumption of anything; you are correct.

Mr. NEWHOUSE. Okay. Are my 5 minutes up already?

Mr. RYAN. I have to take a stand every now and again.

Mr. NEWHOUSE. It has to be with me?

I appreciate you being here and discussing this.

Mr. RYAN. Ms. Clark.

Ms. CLARK. Thank you. And congratulations, Mr. Chairman and Ranking Member Herrera Beutler.

Thank you all for the best view. It is pretty fantastic, and I am just delighted to be here.

CONTRACT FOR HOUSE TRAINING

And thank you, many of my questions were in line with Mr. Newhouse's questions that we would like to reduce your numbers for this whole system, and that starts with good training. And I think we have found consistently with our staff talking to other staff, other Members, that the unique power imbalance in Members' offices is not addressed and the fact that a Member's staff who potentially may have a claim against a Member then imperils everyone else's job and livelihood if their claim is successful is such

a unique dynamic that doesn't really exist anywhere else. So who does that contract for that training? Where does that fall?

Ms. GRUNDMANN. I believe the contract for the training that is the required training is Franklin Covey.

Ms. CLARK. But who contracts with them?

Ms. GRUNDMANN. CAO. Some of the dynamics that you are talking about are actually part of our training, which is how do you deal with that power dynamic between the Member and the intern because an intern will be covered under the new law—or a senior staff. I mean, there is a tension. And your offices are relatively small. So, I mean, we talk about those dynamics, and we actually talk about, how do you address these things?

In previous training sessions, we have—and it works best when the Member is present. And the Member will stand up and say: Look, if any of this happens to you, you contact me directly.

And that is leading by example.

Ms. CLARK. Okay, well, we will look into your training. It is really having sat through one of the required trainings, and it was like you pick two—a sentence, and then you start your next sentence with the last word in that sentence. And I wonder how does this help us understand the power dynamics in our office and what is acceptable and what is a mystery? But you are the wrong person to take that up with.

Mr. RYAN. May I ask, how much did we pay for the Franklin Covey?

Ms. GRUNDMANN. Oh, I have no idea. Wrong person to ask.

Mr. RYAN. Okay.

OCWR PROVIDING THIS TRAINING

Ms. CLARK. Would you ever want responsibility for that training?

Ms. GRUNDMANN. Absolutely.

Ms. CLARK. Okay. And would you have the capacity. Since you have these training modules, would you have the capacity to do that? I mean, I would think you would need more funding.

Ms. GRUNDMANN. Absolutely more FTE. Just a case in point, let's go back to November of 2017 when all of this started.

Our deputy executive director trained about 500 people in a couple of weeks, and she did it not with 500 people in one room; she did it in ones and twos and threes in individual offices. And it does work better in that setting because then you have a conversation going with the staff.

Ms. CLARK. Do you know how it came to be the required training came down through the CAO or how that——

Ms. GRUNDMANN. You should ask the CAO, but that was their guidelines that CHA had to put out in terms of who could qualify and what should be in the training. That was not our determination.

Ms. CLARK. Okay, thank you.

NOTIFICATION TO MEMBER OF CLAIM IN OFFICE

Just a few questions. In the new process, I know that there is Member of Congress notification when it is a claim against the Member. But when it is not, if that was from someone in a Member's office against someone else, is there any notification for the

Member of things they should be aware of in their office. I know it would be very unusual that you would be totally unaware, but it can happen. Or is that not——

Ms. GRUNDMANN. I do not believe that there is a legal duty in the statute to notify the Member if it is a member of the Member's staff. What would happen is the Office of House Employment Counsel would be notified, along with the employing office. So whoever you have designated in your office would be notified of a claim.

Ms. CLARK. So there would be some feedback.

Ms. GRUNDMANN. Maybe you have designated yourself to be notified of any claim filed.

NEW ADMINISTRATIVE DISPUTE RESOLUTION PROCESS

Ms. CLARK. All right. And with the administrative proceedings, how are you developing the rules of procedure?

Ms. GRUNDMANN. Oh my goodness. We actually have a whole team for that. That is the biggest, heaviest lift we have.

Ms. CLARK. I would think so.

Ms. GRUNDMANN. Those rules are being written as we are sitting at this table right now. They will be going to our board of directors at the end of this month for their review. They will be going out for public notice and comment in April. It is a 30-day comment period, and then that will give us time to absorb the comments after the comment period closes and reform the rules to the comments we received. The final rules themselves absolutely have to be posted before June 19th.

BUDGET NEEDS

Ms. CLARK. Okay. That is great. And with you asking for no increase in your funding, and I realize that it has significantly grown since fiscal year 2017. But you think you are able to do that?

Ms. GRUNDMANN. We think we can, but we don't know what we don't know. We do not know what kind of burden preliminary review will give us. It is fairly extensive, and it is 30 days, and it is with a hearing officer. The statute is very clear.

Ms. CLARK. How many hearing officers are you anticipating you will need?

Ms. GRUNDMANN. We currently have six. They are appointed on a random or rotational basis. They are contractors, so they work and are paid by the hour. They are not employees on staff. The statute actually allows the executive director to designate a member of staff for a hearing officer. And it makes sense on some ends, so I think the question has come our way: Why don't you have a hearing officer on staff? Because the statute also requires that the appointment be on a random or rotational basis. And if we have a full-time staff hearing officer, it is neither random and it is never rotational.

Ms. CLARK. Thank you very much.

REMOTE ACCESS TO PROCEEDINGS

Mr. RYAN. To follow up on that, do you treat an issue that happens in a congressional district, like in a State, then contract with a retired judge there, or does this just all move to Washington?

Ms. GRUNDMANN. We use FMCS, and they actually provide us the mediators. And it would go to the employee.

Mr. RYAN. What does FMCS stand for?

Ms. GRUNDMANN. The Federal Mediation Services Conciliation panel, and they are the folks that give us the names. They have mediators nationwide. But yes, the employee is not going to be dragged here to D.C. for something like that.

SALARY INCREASES

Ms. CLARK. One more question. About salary increases, I think you had 1.9 percent, but we have recently passed the 2.6, so would you need an adjustment if you were able to——

Ms. GRUNDMANN. It is hard to say no to something like that.

Ms. CLARK. Okay.

CLARIFICATION OF TRAINING

Mr. RYAN. Mr. Ruppersberger.

Mr. RUPPERSBERGER. The first thing I want to say before I get to you: Mr. Chairman, do you remember we came in on the same class, and we came in on the Appropriations Committee at the same time. And Leg Branch was one of my first subcommittees. I was a former county executive. And I think our mission here really is managing the operations of the House and these issues, the police, and all these areas that we deal with. So it is a very important committee, and it really helps us run every day. Now getting to where you are, you are in a very unique position. I have looked at your bio, and you have a lot of experience. And yet you are starting up basically based on the Congressional Accountability Act, and the climate has changed, and there are a lot of issues that are there. So you are not really going to know exactly where your budget is going to be and what you are going to have. And I am really glad you have the ability to have subcontractors who can help you, and that is part of what you need to do.

I think one of the most important things we have to deal with on the issues you deal with is that it starts in our offices. And the training there and the fact that we have communication with all employees, including interns, and then have the ability for anyone at any time to go to someone else—it could be a Member or designate a chief of staff or a legislative director so someone could feel comfortable. And I think one of the most important things if you set those standards is to try to stop a situation before it gets to the next level, and I think that is where it is important. And that is where the training comes in.

And I think the training was pretty well that my staff went through. We all went through it. Are there things based on what you know now that you would change in the training? What is happening there as far as the training, or do you think it is pretty good?

Ms. GRUNDMANN. Well, your certification training is not our training. It is that of a private contractor. Our training goes over and above that, which is we talk about the underlying practices that can lead to an environment that is hostile, that is discriminatory. And we open up a line of communication in the staff so they could talk about how they would handle something like that. Perhaps you have a staffer that is not the target of the activity but an observer, a bystander. What should the bystander do? The bystander should have a number of options: talk to the employee, talk to the harasser, talk to their supervisor. So there are other ways of dealing with it so you can nip this bad behavior in the bud.

VISION OF AGENCY

Mr. RUPPERSBERGER. Your staff helped my staff. We had constituents that would call and wanted the names of the Members where money was paid out, and based on you helping us and working with us, we were able to answer the questions appropriately. I think the laws are going to be changed. There is going to be more transparency and openness, but the important thing too is the balance. When you are dealing with these issues, you have someone who files a complaint, who knows whether it is true or not. There is a process to go through. But where do you see your mission changing as this law has changed and the culture has changed on sexual harassment and issues like that?

Ms. GRUNDMANN. Well, our vision is actually I think far more reaching than our mission. Our vision really is a legislative community that is free of discrimination and harassment, and free from occupational health and safety, and accessible to the public. It is a zero-complaint year; that is what we are looking for. Can we get there? We can't stop people from filing, but again this goes back to changing the behavior and changing the culture, and you have to have this conversation. And we want to be able to have this conversation with you one on one in a group in a larger setting, however it works for you.

CYBERSECURITY AND CONFIDENTIALITY

Mr. RUPPERSBERGER. I think it is important. I do a lot of cybersecurity, and you are always going to have files on whatever you do. And a lot of these files are confidential. And by the way, it is just not about Members; a lot of victims don't want anything to go out there either. You need confidentiality. So you have to deal with these issues of privacy and how you handle them, but once you have files, they could be hacked, so to speak, which could be used by bad people and bad guys to leverage or do whatever they want with one individual or wherever we go. Have you talked to the CAO or whatever about protecting the privacy of your classified or confidential files?

Ms. GRUNDMANN. We actually sit on the IT cybersecurity work group.

Mr. RUPPERSBERGER. Okay.

Ms. GRUNDMANN. We have a seat on it. So there is a cross conversation going across a legislative branch with other risk managers, other cybersecurity experts. We are working in tandem with them. We are undergoing a GAO cybersecurity audit that is re-

quired under the new legislation. We are looking forward to the results that will come out.

FUTURE PROJECTED NEEDS

Mr. RUPPERSBERGER. And the final thing: We are appropriators, and we ask a lot of policy questions, and we are learning in this hearing about where you are in the process, your challenges for the future because it is an ongoing process. From an appropriations point of view, you have already stated you have an increase from last year. As appropriators, where do you see you going? What do you think you might need more in the future, especially as it relates to not only your staff but the private contractors and the judges?

Ms. GRUNDMANN. That is a great point. Again, we were talking about not knowing what we don't know right now. What we do know is that we can expect cases to go up because we have more employing offices under the new Reform Act. We have a larger class of potential claimants, including unpaid staff. I don't know how many people are interns or fellows or detailees on Capitol Hill, but they are now covered under the act. So the scope has been expanded for us to cover. And even with the Library coming in, that has brought new claims and put a different stress on our system.

LIBRARY OF CONGRESS CLAIMS

Mr. RUPPERSBERGER. I wanted to ask you about the Library, how many people work at the Library of Congress?

Ms. GRUNDMANN. I don't know.

Mr. RUPPERSBERGER. Anybody have a clue?

Mr. RUVINSKY. It is between 3,000 and 4,000.

Mr. RUPPERSBERGER. Really? I did not realize that at all. That is why, because of that amount of people. Now is there a reason why those claims—are you talking with the Librarian? We are going to be doing her budget too in this committee. What is happening that you might look at from your perspective to work with the leadership there to see what is going on?

Ms. GRUNDMANN. Well, I think what we can do, and I think the Library has reached out to us in particular to fill their training requirement needs. There is, under the new legislation, a requirement that every employing office develop and implement a training and education program for their employees. We are working toward making our program part of—to fulfill their training needs.

Mr. RUPPERSBERGER. Are there more discrimination, sexual harassment cases? What is the scope of it?

Ms. GRUNDMANN. The scope, overall, the bulk of the cases are discrimination based on race and color. The second class category of cases that we see more frequently than anything else is discrimination based on gender. And gender includes harassment.

Mr. RUPPERSBERGER. Harassment. You are talking about the Library of Congress.

Ms. GRUNDMANN. Yes.

Mr. RUPPERSBERGER. How about on the other side, your regular cases——

Ms. GRUNDMANN. Well, I am talking about legislative branch overall.

Mr. RUPPERSBERGER. So the trend that you see in the Library is also the same trend in whatever you do, or is the Library a little different?

Ms. GRUNDMANN. I don't think we looked into that depth in terms of spotting trends for individual employing offices. We certainly have not been required to do so. There is some value in having this conversation. But clearly the larger the employer is, the greater the possibility of having claims.

CHANGE IN CULTURE

Mr. RUPPERSBERGER. Would you say, finally, my final question, that it really starts in our offices to develop a communication, a system, a system for reporting and including the interns—sometimes we have interns 2 or 3 months, and they move on. And I think that is a focus that we—especially it could be the Member or the chief of staff or the legislative director, but the employees who might be working with younger interns, and I think that is important too. We need to focus on that issue too.

Ms. GRUNDMANN. I think you nailed it.

Mr. RUPPERSBERGER. Okay, good.

CLARIFICATION OF TRAINING

Mr. RYAN. I just have one or two quick questions, and I think Mr. Ruppersberger just touched upon it. What are we doing, what are you doing, and what can we help you do as far as really trying to understand? We did this training in the Library of Congress, and we are still having problems. And how do we get the feedback that, you know, it is not working? They used Franklin Covey. And where you are doing your work, it is working; and where they are doing their work, it is not working, so we are going to move on from them and go to someone else. What is the feedback loop?

Ms. GRUNDMANN. Let me step back, Franklin Covey only does training for the House, not for the Library of Congress. So each employing office, Architect of the Capitol, Capitol Police, has their own, I would presume, training program, as we do. They have to report to CHA and Senate Rules in June as to what that program is. So you will actually see what the individual programs are.

CLIMATE SURVEY

But this, though, in particular was very informative because it gives me an opportunity to talk about the climate survey, and this is the first climate survey that you will have legislative-wide. That survey will be—it is, again, defined by statute, will be voluntary in nature, and must be confidential and anonymous. And the survey has to tell the respondent "this is confidential, this is anonymous" throughout the survey. The statute also requires that we have specific questions on attitudes toward sexual harassment. So, for the first time, you will actually have the temperature taken, so to speak.

Mr. RYAN. For every employee.

Ms. GRUNDMANN. It is voluntary, but it is part of our communication plan to get out to all the employing offices, starting from the leadership and drilling down and encouraging them to take this

type of survey. Now the results are going to be given to CHA, Senate Rules, and the Committees on Homeland Security and Government Affairs. We are in the process of developing that survey right now. I will tell you we talked about the biggest lift was the procedure rules. This is the second biggest lift. And this is coming sometime in the first quarter, first, second quarter of fiscal year 2020. Lots of questions we need answers to: How long the survey is? Do we have open-ended questions? I mean, we have been encouraged to do that. But certainly in developing this survey, the statute does require that we work with these committees.

Mr. RYAN. And you can let us know when you are ready to release the survey because I think we can send a joint Dear Colleague, and I think the House Administration should send a joint just to make sure everyone—encouraging everyone to fill this out so we can get that kind of feedback that we need.

Ms. GRUNDMANN. Right. And the more people that respond, the more accurate the survey will be.

CUSTOMER SURVEY

Mr. RYAN. Right. One last question, with regard to the hearing officer and the process that the employee would have to go through so they get an employee advocate or they get a confidential adviser, whatever that case may be, and then they go through the hearing process, and then there is a report, and onward we go; do you have anything in place to talk to the employee after they go through that process, so again we can say, "Okay, how did this go?"

Ms. GRUNDMANN. Customer survey.

Mr. RYAN. Customer survey, get as much feedback as we possibly can from the employee so that we know how to maybe adjust or deal with employee advocates, making sure if a woman comes in or a person of color comes in, we want to make sure we are giving them the best service possible and the best skilled and equipped person to advocate for that.

Ms. GRUNDMANN. So, as we are designing the system, the time to ask for this is now. And I think we can definitely have that as an element of the after, the lookback, so to speak.

Mr. RYAN. I think that is really important: do a debrief.

Ms. GRUNDMANN. Debrief. It will obviously depend on everybody participating afterwards. Some people do; some don't.

Mr. RYAN. Great. Well, this was a great hearing. Thank you.

Thank you so much and your entire team, especially your ace in the hole from Youngstown, Ohio.

The committee is adjourned.

[Questions submitted for the record follow:]

**CHAIRMAN TIM RYAN**

*Question: What steps have you taken to ensure that your sexual harassment training materials are consistent with what the CAO presents in its training?*

Answer: We have been pleased to provide information to the CAO about the Congressional Accountability Act (CAA) and the administrative dispute process. The CAO and its contractor consulted with us briefly during the initial stage of the training design, but the OCWR did not have an opportunity to take a substantive role in developing their curriculum. Both OCWR staff and the Office of Employee Advocacy met with the CAO and with contracted trainers to review key points of the training that will be delivered in the 116th Congress. It is important to note that OCWR training and education programs, which are designed to meet the needs of all employees and employing offices in the legislative branch, are more in-depth than the training that CAO will conduct for the House this year. The OCWR training on sexual harassment prevention emphasizes practical application in the legislative branch environment, incorporates best practices, and leverages up-to-date research findings from the EEOC and other experts. We believe that in order to change the culture of the legislative community, education on the underlying biases, behaviors, and practices that can lead to discrimination, harassment, and retaliation, must be addressed. It is essential to proactively address adverse behaviors before they become legal issues.

*Question: Your general counsel is responsible for inspecting congressional facilities for occupational safety and health violations. In fiscal year 2018, how many violations did the general counsel identify? What kind of problems were they?*

Answer: Our numbers for the 115th Congress are still very preliminary and have not been fully vetted through our quality control process. It must also be noted that all of the abatement data from the employing offices for the 115th Congress has not yet been received by our office and, in some cases, is not yet due. Based upon our preliminary numbers, our inspectors found approximately 2679 hazards during FY 2018, of which 1293 have been abated based on data received to date.

Most of the hazards are electrical. Electrical hazards include such deficiencies as problems with panels, boxes, outlets, or covers; improper use of surge protectors, power strips, or extension cords, including the use of "daisy chains"; unlabeled or poorly labeled circuits and breakers; problems with light bulbs, tubes, and fixtures; and issues involving exposed wires or other energized components.

Many of the hazards relate to "means of egress." Most of these hazards involve obstructed exit routes, incomplete implementation of emergency action plans, issues with annunciators, and missing or inoperable emergency lighting or exit signage. A significant number of the "means of egress" hazards concern unprotected penetrations in fire barriers, which compromise fire safety by allowing the migration of fire and smoke.

- *What has been the record of congressional offices in complying with the citations you have issued?*

Answer: When our inspectors find a hazard during an inspection, the hazard is initially entered into our records as a finding. Findings are not escalated to a citation unless abatement of the hazard involves a multi-year plan that must obtain separate funding and approval. Based upon the abatement information we have collected to date, approximately 48% of the hazard findings during FY 2018 have already been abated We anticipate that this percentage will increase when we receive all of the abatement data for the 115th Congress.

With respect to citations, the General Counsel has only issued 67 citations during the history of the office. No citations were issued during the 114th or 115th Congresses. Most of the citations that have been issued are connected with major fire and life safety issues or lead and/or asbestos removal. Several of the citations were issued in connection with the formal complaint issued in February 2006 involving the utility tunnels. These were abated as part of the multi-year settlement agreement that was closed out in June 2012. We only have 6 open citations, all involving fire and life safety issues. In general, then, the record on closure has been good given the complexity of issues connected with each citation. The only open fire and life safety citation for House office buildings is Citation 18 involving the Cannon HOB. Under the abatement plan, this citation will be fully abated when Phase I of the Renewal Project has been completed. We have recently been notified that all of the action items required by the abatement plan have been completed and we anticipate that our final inspection will result in the closure of this citation. There are abatement plans in place or pending for the remaining citations which involve the Russell SOB, US Capitol, LOC book conveyors, LOC exit stairwells and Jefferson stairs and fire doors.

- *Do your inspections extend to contract employees, those working on building renovations, the Capitol plant, and other sites where risks may be higher than average?*

Answer: Most construction work is performed by private contractors who are subject to inspections by the Occupational Safety and Health Administration (OSHA) and are therefore not covered by the CAA. We have in the past assisted OSHA in gaining access to construction areas when these projects have met OSHA's inspection criteria. We have on occasion inspected construction sites when the work is being performed by AOC employees. We do inspect areas where AOC employees are performing maintenance work. We do inspect the Capitol Power Plant and the utility tunnels. We do focus our inspections on the higher risk areas of each building that we inspect. These include such areas as shops (grounds keeping, electrical, elevator, plumbing, furniture, high voltage, painting, etc.), electrical closets, elevator pits, chemical storage areas, emergency generators, firing ranges, etc. We also inspect areas of special interest that include day care centers, page dorms and schools, and Member offices.

*Question: Your underlying authorizing law requires your Board to report to each Congress on whether and to what degree provisions of Federal law relating to terms and conditions of employment and access to public services apply to the legislative branch and whether changes should be made. Has the Board ever recommended that certain provisions of these laws* ***should*** *apply to Congress but currently do not?*

Answer: The Board of Directors recently issued the 102b report which can be found on our website. With the exception to the Board's recommendations regarding the Wounded Warrior Act, which was signed into law after the current 102b report was drafted, many of the recommendations made in previous 102b reports and my testimony on December 7, 2017 have been adopted by the Reform Act of 2018, such as

eliminating the mandatory counseling period and so-called cooling off period, making mediation voluntary, requiring every employing office post notice of employee rights, and mandating workplace rights training throughout the legislative community.

*Question: In last year's hearing, the Members talked about the issue of confidentiality versus transparency when* ***complaints*** *are filed against Members or senior staff. At that time, the reform legislation wasn't final. Now that the bill is law, could you please review what is required in law about either making public or keeping confidential any information about these complaints?*

Answer: The CAA Reform Act amends and clarifies some of the CAA's provisions in an effort to strike a balance between transparency and confidentiality. Under the CAA, covered employees may elect to pursue their claims through the OCWR's administrative dispute resolution procedure, in which case they would be decided by an OCWR Hearing Officer in a confidential setting, or by filing a lawsuit in a U.S. District Court, in which case the proceedings would be a matter of public record. Although OCWR Hearing Officer and Board proceedings and deliberations remain confidential under the revised statute, a new subsection clarifies that a covered employee may disclose the "factual allegations underlying the covered employee's claim" and an employing office may disclose "the factual allegations underlying the employing office's defense to the claim[.]" 2 U.S.C. § 1416(f).

Exceptions to the confidentiality requirements in the CAA have also changed as a result of the new provisions for automatic referral of dispositions of certain claims to the ethics committees. Specifically, section 416(d) of the CAA now provides for automatic referral to the relevant ethics committees, upon the final disposition of a claim alleging unlawful harassment or reprisal, if such harassment or reprisal was committed personally by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, or by a senior staff member of the House of Representatives or the Senate. The ethics committees are required to ensure that any reports they issue with respect to claims referred to them by the OCWR do not directly disclose the identities or positions of the individuals who filed those claims. 2 U.S.C. § 1416(d).

- *Are the rules similar for transparency on decisions and monetary judgments applied in these cases?*

The CAA Reform Act also requires the OCWR prepare and submit to Congress, and publish on its public website, an annual report regarding payments from the section 415(a) account that were the result of claims alleging a violation of the sections of the CAA concerning employment discrimination and reprisal, among other matters. In preparing, submitting, and publishing this report, the Office must also ensure that the identity or position of any claimant is not disclosed, and the Executive Director may redact data in the report to protect the identities of claimants. 2 U.S.C. § 1381(l)(4).

The Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate are required by the Reform Act to issue rules establishing the content, format, and other requirements for this report with respect to any payment made for claims involving the House of Representatives or the Senate, including the portion of any payment for which there is a finding requiring reimbursement from a Member of the House of Representatives or a Senator. Thus, the scope

of the information to be reported concerning such cases will ultimately be determined by House and Senate rules.

*Question: There is a permanent, indefinite appropriation that pays for the cost of most settlements and awards relating to the Congressional Accountability Act. With the changes in the Reform Act requiring Members and House offices to reimburse this fund for the cost of the settlements and awards, how much do you think the drawdown from the settlement fund is likely to decrease?*

Answer: Because the OCWR is an independent, third party neutral, we have no control over the number of settled claims, issued awards, or the amounts thereof. As such, we do not know whether the drawdown will decrease. However, with the requirement that Members of Congress reimburse the fund for certain types of claims, it is possible that the incentive to settle a claim will diminish.

*Question: We have quite a few Members who are new to the subcommittee. I think it would be helpful for you to outline for us the basic role of your office, and how that differs from what the other three House offices do - - the Office of Employee Advocacy, the Office of Employee Assistance, and the Office of House Employment Counsel.*

Answer: Our office was established in 1996 to provide an independent, neutral process for employees to resolve workplace disputes. In addition to resolving alleged violations of the Congressional Accountability Act, this office conducts safety and health inspections, ensures ADA accessibility to legislative branch facilities, and enables certain employees to organize for the purposes of collective bargaining. Unlike our office, the Office of Employee Advocacy represents employees of the House who file claims with the OCWR, and the Office of House Employment Counsel represents employing offices in matters filed with this office. The Office of Employee Assistance provides free confidential consultation by certified professional counselors who assist employees to resolve a wide-range of professional, emotional, behavioral and stress-related issues through in-depth assessment and referral.

*Question: We understand that your office has established a program, with the assistance of the Library of Congress, to enhance your cybersecurity practices. Now, with that additional requirements of the December reform legislation, you will have to invest additional funding to safeguard the sensitive data you must maintain. Please describe what you are planning for your IT governance, risk management and compliance program, and your cost estimate for fiscal year 2020.*

Answer: The Information Technology InfoSec Governance, Risk Management and Compliance program will ensure the necessary levels of protection for ensuring confidentiality, integrity and availability of the sensitive information within the e-filing system that is being developed to meet the statutory requirements. On an ongoing basis, this program will include the necessary continuous diagnostics and mitigation of cybersecurity risks along with the information security continuous monitoring to effectively detect, thwart and respond to associated cybersecurity threats and vulnerabilities. For fiscal year 2020, we anticipate this program will cost approximately $350,000.

*Question: We understand that the OCWR is facing physical space constraints in your current location within the Library of Congress, limiting the number of staff you can hire and the storage of case files. I*

*know you are having discussions with the Library about possibility of obtaining more space. If space became available outside the Library, would you be able to move or are you tied to the Library because they provide other services to your office?*

Answer: We are not technically bound to the Library in a way that prevents us from moving as we could certainly procure the same services elsewhere. However, we have made significant investment in fiscal years 2018 and 2019 with the Library to improve our current IT and cybersecurity position to stay compliant with our statutory requirements. In addition, and more importantly, our current location allows employees ready access to our services in a confidential setting. We appreciate this Subcommittee's assistance in securing our current space and obtaining access to additional space for employees, hearings and meetings.

- *If you obtained more space, would it lower your costs because you would have the space to hire direct employees rather than contract for those jobs?*

Answer: There is no direct correlation between the OCWR's space needs and its contracting needs. Some contractors are necessary to provide additional expertise that we do not require on a routine basis. For example, as a result of the tree incident on Independence Avenue, the OCWR retained the expertise and services of an arborist for the duration of the investigation. Hiring an arborist as a permanent employee would not be necessary under these particular circumstances. Additionally, most of our costs for contractors reflect our costs for mediators and hearing officers who are appointed by the Executive Director on an "as needed" basis. The CAA requires that the Executive Director select hearing officers on a rotational or random basis. While the CAA does not preclude the selection of a full-time employee of our office, the selections process would no longer be rotational or random.

**RANKING MEMBER JAIME HERRERA BEUTLER**

*Question: Last year an additional $1.3 million was provided in anticipation of the new reform legislation. Your budget request did not increase for FY2020. Do you feel that amount is sufficient to implement all the changes in the Reform Act? Will there be additional costs down the road?*

Answer: With the $1 million increase in fiscal year 2018 and the approximately $1.4 million increase that we received for fiscal year 2019, we have already began to make progress on many of the priority items from the Reform Act, such as enhancing our cybersecurity program and implementing a secure e-filing and reporting system. As such, we believe that we have sufficient resources for fiscal year 2020 and do not foresee additional funding requirements at this time. We will continue to monitor the costs and address any shortages in our fiscal year 2021 budget request.

*Question: One new requirement your office has is developing and administering a biennial climate survey of all legislative branch employees to collect information on the workplace environment and attitudes regarding sexual harassment. Should this committee expect to see a higher budget request every other year to accomplish this requirement?*

Answer: Our fiscal year 2019 appropriation includes $1 million in two-year funding and we have requested the same for fiscal year 2020. This more than doubled our previous requests of $450,000 remaining available for two years to, among other things, design and deploy the biennial climate survey. We are currently working with OPM to execute the climate survey contract and based on our current cost projections, we do not expect our budget request to increase every other year for this specific task.

*Question: With the passage of the new legislation last year can you let us know of any hurdles or complications you have encountered so far or foresee in the future?*

Answer: Our biggest challenge is creating and implementing an entirely new process with new reporting and filing requirements in the 6 month time period allotted under the Reform Act. We have identified statutory changes which require action and have assigned them to in-house teams with timelines and deadlines, the most significant of which is to amend our current procedural rules to reflect changes mandated in the Reform Act. The limited timeframe is a challenge yet it is an exciting time for us as we have been given the rare opportunity to create a new structure and process. We are looking forward to meeting this challenge and everyone at OCWR is up to the task. However, for certain functions, such as e-filing and enhanced cybersecurity, we are dependent on the prompt and consistent cooperation by the Library of Congress. We are also dependent upon the full participation and cooperation of certain committees in launching the climate survey in 2020.

*Question: One of the drivers for reforming the Congressional Accountability Act was to streamline and expedite the dispute resolution process with the intent of helping employees who had their rights violated faster. Do you believe that was accomplished? Why or why not?*

Answer: The effective date for the new administrative dispute resolution procedures under the CAA Reform Act is June 18, 2019. As is discussed below, several procedural changes now provided for in the

Reform Act potentially shorten the case handling process without compromising its effectiveness in resolving disputes under the CAA.

Currently, the CAA requires that an employee satisfy two jurisdictional prerequisites prior to filing a complaint with the OCWR pursuant to section 405 of the Act or in the U.S. District Court: mandatory counseling and mandatory mediation. "Counseling" is a statutory term that equates to intake. The CAA provides that "[t]he period for counseling shall be 30 days unless the employee and the [OOC] agree to reduce the period." The CAA also specifies that the mediation period "shall be 30 days." In addition, the CAA presently requires an employee to wait an additional 30 days after the conclusion of mediation, i.e., the "cooling off" period, before pursuing a formal administrative complaint with our office or a lawsuit in a U.S. District Court.

Under the new procedures set forth in the CAA Reform Act, neither counseling nor mediation are mandatory jurisdictional prerequisites to asserting claims under the CAA. Thus, rather than mandatory counseling, the Reform Act provides for the optional services of a confidential advisor—an attorney who can, among other things, provide information to covered employees, on a privileged and confidential basis, about their rights under the CAA. 2 U.S.C. § 1402(a)(3). Similarly, although mediation services still remain available under the revised statute, they are optional, and mediation will take place only if requested and only if both parties agree. Finally, the CAA Reform Act deletes the mandatory 30-day cooling off period from the statute.

As these changes set forth in the CAA Reform Act take effect, the OCWR will carefully monitor their impact on the dispute resolution process and advise Congress of its findings in this regard. We can say with certainty, however, that the revised statute no longer requires employees to satisfy any mandatory waiting periods prior to filing a claim with our Office.

*Question: With the expansion of your responsibilities, how are you managing the new workload with regards to additional staff and addressing the need for additional space for them?*

Answer: We are working with the Library of Congress to maintain our space and acquire more for new employees and hearings as we have reached our capacity in our current space in the Adams Building. We have emptied a storage room and are in the process of converting a conference room to accommodate additional staff that we have hired. The Library of Congress has given us access to additional conference rooms when needed; however, availability is not always conducive to our needs. We welcome this Subcommittee's assistance in securing additional space in the Adams Building as this is a growing concern and impacts our future FTE requests.

*Question: In the fiscal year 2018 Omnibus your jurisdiction was expanded to include claims submitted by the Library of Congress. Have you seen an increase in claims as a result of this expanded jurisdiction?*

Answer: We have seen a marked increase in cases during FY 2018. With only six months of data from the Library, the Library accounted for approximately 18% of the cases we received.

*Question: According to your budget justification in fiscal year 2018, there was a significant drop in dollars that was paid out in settlements and awards ($596,568 decrease.) Without violating any NDAs or commenting on specific settlements, can you explain why this decreased so significantly?*

Answer: Historically, these amounts have fluctuated quite a bit. We do not control the number of settled claims, issued awards, or the amounts thereof.

THURSDAY, FEBRUARY 7, 2019.

## OPEN WORLD LEADERSHIP CENTER

### WITNESS

**JANE SARGUS, EXECUTIVE DIRECTOR, OPEN WORLD LEADERSHIP CENTER**

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. I call this hearing to order.

Thank you, Ms. Sargus, for being here today. We appreciate it. And your entourage. You are like a President of a country here with all this.

Although the budget for Open World Center is small as compared to the rest of our legislative branch agencies, it has had a real impact in showcasing U.S. values and democratic institutions in an area of the world where Russian officials stand firmly against our Nation's democratic principles. It does so by facilitating visits to the United States by legislators and other government officials from Russia, Ukraine, and other countries to meet with our colleagues here.

I understand the Center uses the strength and expertise of local volunteer organizations and cost-sharing in grant proposals to maximize savings. This is a benefit to the taxpayer, visiting countries and local communities. A win-win for everyone involved.

We are thankful for the leadership of the Center, its staff, and the many volunteers across America who have worked hard to ensure the success of Open World.

My own State of Ohio is the sixth-most-visited State, having hosted over 1,200 Eurasian visitors. I look forward to your testimony today and working with you to continue to building global relationships.

I was telling the staff earlier today, over my career I have done a lot of traveling, and I just think the interfacing of legislatures and legislators is essential to having these deep relationships that we need. Presidents come and go, and a lot of times the seniority in our legislative bodies is really essential to deepen the relationship between the countries.

So I am thankful for all of your work and your great and well-dressed team that you have over there. We have to look into the budget. You are paying these guys a lot of money. They look very sharp, well-dressed.

But, with that, we are happy to hear your remarks.

Oh. Let me first yield to the ranking member, Ms. Herrera Beutler.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Welcome. It is a pleasure to have you, Ms. Sargus. I look forward to hearing your testimony and learning more about the Center and how it supports changes in other countries by inviting developing leaders to observe our democracy and our free enterprise system in the U.S.

When I get to questions, I am obviously interested in hearing about the activities that you participate throughout the U.S. and including my district. We are not the sixth-most-visited, but, as I was looking through, we do get our share.

CHAIRMAN RYAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you, Ms. Herrera Beutler.

Without objection, Ms. Sargus, your written testimony will be made part of the record. With this in mind, please summarize your statement and highlight your efforts of the past year to the committee. After your statement, we will move to questions and answers.

So please begin.

OPENING STATEMENT OF JANE SARGUS

Ms. SARGUS. Thank you. Thank you for welcoming our delegation of the Members of Parliament of Serbia. We are delighted that they are part of this process today. It illustrates, actually, the real work of Open World, and having them here with me is encouraging. And I hope that you will have a chance to speak with them for a moment. I don't know that they will stay the whole time, though. So we will see.

Mr. RYAN. We will try to keep it brief.

OPEN WORLD LEADERSHIP CENTER FY 2020 BUDGET REQUEST

Ms. SARGUS. Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee, thank you for this opportunity to present testimony on the Open World Leadership Center's budget request for fiscal year 2020.

In this request, the Center is asking for $5.8 million, an increase of $200,000, or 3.6 percent, over the 2019 enacted appropriation. Open World has been at the current enacted level since fiscal year 2016. The increased funds are needed mostly for program costs, especially airfare, accommodations, and other logistical expenses.

OVERVIEW OF THE OPEN WORLD LEADERSHIP PROGRAM

The Center conducts a one-of-a-kind, peer-to-peer exchange program that has hosted more than 28,000 emerging leaders from Russia, Ukraine, and other post-Soviet and transitional states since 1999. In 2018, more than 140 of our participants were either members of parliament, parliamentary staff, or regional or local legislators. By the end of this year, we will have hosted our 20,000th Russian participant.

As a legislative branch agency, the Center is well-placed to provide critical support to Congress in its foreign affairs oversight responsibilities. Indeed, this placement is the leading component of

the success of the Open World program in these strategically important countries.

Providing programs for informed citizens and, in turn, for more informed legislators is universally a good thing. And we do this in a critical region of the world where knowledge-based democracies with transparency and accountable governance are not traditions.

On the program side, Open World has an American hosting network of service clubs, local NGOs, and community colleges, as well as thousands of volunteer host families. In 2018, these host families lived in nearly 120 congressional districts in 48 States and contributed nearly $2 million in in-kind contributions.

Coupled with an increasing number of U.S. embassies working directly with Open World and other cost-sharing partners, this keeps the per-person cost of an Open World delegate at about $9,000—far below the standard executive branch rate of $20,000 per person.

Open World's young leaders stay in private homes in American communities across the country. They discuss topical issues of mutual interest and experience firsthand the functioning of our democratic institutions. They talk with their counterparts during the professional program and go back to their countries with high praise for that and for their American host families. This is how the Open World program nurtures civil society that develops not only from the top down but from the ground up and the periphery in.

Each year, there are new American civic organizations, such as Friendship Force, Rotary, Sister Cities, or other clubs, joining the Open World network. And because of this network, these future leaders from Eurasia form positive views of the United States, which, in turn, influence attitudes in their home countries.

The most important work we do, however, is to showcase the American system of governance, particularly the legislative process.

IMPACT ON FOREIGN LEGISLATORS

Did you know that the Americans with Disabilities Act has impacted communities far beyond our borders? Last year, a delegation from Azerbaijan with three disabled participants went to Reno, Nevada, to examine how that law could be replicated in their country.

That the GI Bill and other veteran-related legislation inspired the Ukrainian Parliament to establish the Ministry of Veteran Affairs last year? An Open World delegation hosted in Maryville, Tennessee, is taking the lead to help craft legal and legislative language addressing these needs.

That the Freedom of Information Act leaves an indelible impression on the Russian journalists that come on the Open World program? When a state journalist from Foreign Minister Sergey Lavrov's press pool expresses a favorable impression of the Voice of America, acknowledging its independence no less, we have just made an inroad in countering disinformation.

For the United States Congress, the Open World Leadership Center is a resource. Our delegations are ready and willing to provide on-the-ground, unfiltered information about events and developments in their countries.

Open World is an asset. Our parliamentary program is unmatched in the legislative branch. When your counterparts in Open World countries meet with you, you are getting direct and firsthand information. This, in turn, becomes the basis for a more informed foreign policy.

Open World is an investment. Bringing delegations of rising leaders to meet with their counterparts here creates a global network of partners united in a common goal: to endow democracies in transition with the basic ingredients of accountable governance and transparency in a civil society.

The Open World program is your toolkit for supporting democracies in transition—a toolkit that creates opportunities for Open World participants to experience how legislative action is the change agent their governments may need; a toolkit that allows America's constituents to engage personally in strengthening civil society in other countries. In these countries that do not have a tradition of open debate or legitimate opportunities to propose alternatives for their government, our participants see how the legislative process can empower them to be that agent for change.

Most importantly, though, the Open World program is an effective one precisely because it is in the legislative branch. In today's geopolitical environment, legislative diplomacy emerges as a unique but no less powerful tool for engaging governments in critical regions of the world.

There are good examples of Open World success stories itemized in the justification. This unique program continues to succeed in a shifting landscape, where it has achieved a special status in the successor states of the former Soviet Union and elsewhere.

On behalf of all of us at the Open World Leadership Center, I thank this subcommittee for its interest in and support of the Open World Leadership Center.

[The prepared statement and biography of Jane Sargus follow:]

**Statement of Jane Sargus**
**Executive Director, Open World Leadership Center**

**Before the**
**Subcommittee on the Legislative Branch**
**Committee on Appropriations**
**U.S. House of Representatives**
**February 7, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for the opportunity to present testimony on the Open World Leadership Center's budget request for fiscal 2020. In this request, the Center is asking for $5.8 million, an increase of $200,000 or 3.6% over the 2019 enacted appropriation. Open World has been at the current enacted level since fiscal 2016. The increased funds are needed mostly for program costs, especially airfare, accommodations, and other logistical expenses.

The Center conducts a one-of-a-kind, peer-to-peer exchange program in the legislative branch that has hosted more than 28,000 emerging leaders from Russia, Ukraine and other post-Soviet and transitional states since 1999. In 2018, more than 140 of our participants were either Members of Parliament, Parliamentary staff, or regional and local legislators. By the end of this year, we will have hosted our 20,000$^{th}$ Russian participant.

As a legislative branch agency, the Center is well-placed to provide critical support to Congress in its foreign affairs oversight responsibilities. Indeed, this placement is the leading component of the success of the Open World program in these strategically important countries. Providing programs for informed citizens and in turn for more informed legislators is universally a good thing – and we do this in an extremely critical region of the world where transparency and accountable governance are not traditions.

On the program side, Open World has an American hosting network of service clubs, local NGO's and community colleges as well as thousands of volunteer host families. In 2018, these host families lived in nearly 120 congressional districts in 48 states and contributed nearly $2 million worth of in-kind contributions. Coupled with an increasing number of U.S. embassies working directly with Open World and other cost sharing partners, this keeps the per person cost of an Open World delegate at about $9,000 – far below the standard executive branch rate of nearly $20,000 per person.

Open World's young leaders stay in private homes in American communities across the country. They discuss topical issues of mutual interest and experience firsthand the

functioning of our democratic institutions. They talk with their counterparts during the professional program and go back to their countries with high praise for that and for their American host families. This is how the Open World program nurtures civil society that develops not only from the top down, but from the ground up and the periphery in. Each year, there are new American civic organizations such as Friendship Force, Rotary, Sister City or other clubs joining the Open World network. And because of this network, these future leaders from Eurasia form positive views of the United States which in turn will influence attitudes in their home countries.

But the most important work we do is to showcase the American system of governance, in particular the legislative process. Did you know that the Americans with Disabilities Act has impacted communities far beyond our borders? Last year, a delegation from Azerbaijan with three disabled participants went to Reno, Nevada to examine how that law could be replicated in their country. That the GI Bill and other Veteran-related legislation inspired the Ukrainian Parliament to establish the Ministry of Veterans' Affairs last year? An Open World delegation hosted in Maryville, Tennessee on Veterans' Issues is taking the lead to help craft legal and legislative language addressing these needs. That the Freedom of Information Act leaves an indelible impression on the many Russian journalists and media specialists that come on the Open World program? When a state journalist from Foreign Minister Sergei Lavrov's press pool expresses a favorable impression of the work of the Voice of America, acknowledging its independence, no less, we have just made an inroad in countering disinformation.

For the United States Congress, the Open World Leadership Center is a resource: our delegations are ready and willing to provide on-the-ground information – unfiltered information – about events and developments in their countries.

Open World is an asset: our Parliamentary program is unmatched in the Legislative Branch. When your counterparts in Open World countries meet with you, you are getting direct and firsthand information. This in turn becomes the basis for a more informed foreign policy.

Open World is an investment: bringing delegations of rising leaders to meet with their counterparts here creates a global network of partners united in a common goal – to endow democracies in transition with the basic ingredients of accountable governance and transparency in a civil society.

The Open World program is your toolkit for supporting democracies in transition; a toolkit that creates opportunities for Open World participants to experience how legislative action is the change agent their governments may need; a toolkit that allows America's constituents to engage personally in strengthening civil society in other countries. In these countries that do not have a tradition of open debate or legitimate opportunities to propose

alternatives for their government, our participants see how the legislative process can empower them to be that force for change.

Most importantly, though, the Open World program is an effective one precisely because it is in the legislative branch. In today's geopolitical environment, legislative diplomacy emerges as a unique but no less powerful tool for engaging governments in critical regions of the world.

There are good examples of Open World success stories itemized in the Congressional justification. This unique program continues to succeed in a shifting landscape where it has achieved a special status in the successor states of the former Soviet Union and elsewhere. On behalf of all of us at the Center, I thank the Subcommittee for its interest in and support of the Open World Leadership Center.

Mr. RYAN. Thank you.

We will open it up for questions. I will yield to my ranking member, Ms. Herrera Beutler, for 5 minutes.

HOST COMMUNITIES

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

Well, from the research we have found, you have hosted 12 programs over the years in my neck of the woods, in Washington State. And I believe Members of Parliament from Tajikistan and regional economic specialists from Ukraine are visiting our area, at least, this year.

Ms. SARGUS. Yes.

Ms. HERRERA BEUTLER. I just wanted to hear what types of district events you participate in and how you determine what districts you choose.

Ms. SARGUS. So Open World seeks to get geographic diversity when we issue grants to national organizations. So when we work with a national grantee, we say, can you get into 50 States, or how many States can you get into?

National grantees have their own hosting network, and so they reach out to the different States and seek their solicitation to see if they would be willing to participate in an Open World program.

Ms. HERRERA BEUTLER. So a national grantee is someone here in the States who is receiving?

Ms. SARGUS. Well, it could be Rotary International.

Ms. HERRERA BEUTLER. Okay.

Ms. SARGUS. And Rotary International is a good example because they have clubs in every State.

Ms. HERRERA BEUTLER. Okay.

Ms. SARGUS. And I would like to give a shout-out to Rotary because they are a wonderful partner, and they are largely responsible for creating a network of clubs in Russia. They increased the size and number——

Ms. HERRERA BEUTLER. Really.

Ms. SARGUS [continuing]. Of clubs in Russia. Yes. Everything has abated a bit, but from 1999, in the beginning, Rotary was very important in working in Russia.

And we still have clubs in the United States who nominate for the program because of the sister partnership.

Ms. HERRERA BEUTLER. Okay.

Ms. SARGUS. Yes. So when the grantee selects a host organization, that host organization creates opportunities for a professional program. And the delegation will visit—it could be the State Treasurer's office, depending on the theme. It could be a hospital administrator if it is on a medical theme. So they choose meetings and professional contacts with people involved in that particular theme of travel.

Ms. HERRERA BEUTLER. Got it.

Ms. SARGUS. The Rotary would be a good example because of the entrepreneurship and business development connection.

CANDIDATE SELECTION

Ms. HERRERA BEUTLER. I was hoping you could explain to me how a delegation is formed. Like, is it self-selecting, or are you looking—how does that work?

Ms. SARGUS. So delegates are not self-nominated.

Ms. HERRERA BEUTLER. Okay.

Ms. SARGUS. There is no self-nomination. In each of our countries, we work with the U.S. embassy there as well as having on-the-ground nominating organizations. And then, of course, on this side, we would have Rotary or Friendship Force who would also be able to help with that, and Sister City organizations.

Mostly, though, the nominations come through the embassy from nominating organizations in that country—trusted, solid organizations that we can use, especially in Russia.

Ms. HERRERA BEUTLER. I was going to say, because I think it was 2016, there were, with regard to funds made available for support for Russian participants—obviously we want their participation, but I saw that we put in a pretty specific set of criteria for how those are chosen.

Is that pretty typical for this program? Or were we just kind of looking at this case, saying, this is kind of our mission here, so we are going to put a few sideboards on this?

Ms. SARGUS. I would say that it was a reflection of the time. And we still do not bring officials from the central government. And that was the language that was in there. And it is a reflection of the times.

But we really look for the emerging leader, the young person. Most of our delegates are 35 years and under or, you know, in their 20s. And they have demonstrated the ability to change minds or to lead groups or to create consensus. That is an emerging leader, and that is the person that comes over here and meets their counterpart in the United States. And they form bonds, they form ideas for projects, and they often continue them.

Ms. HERRERA BEUTLER. Very good.

Well, with that, I yield back, Mr. Chair.

Mr. RYAN. Mr. Ruppersberger.

Mr. RUPPERSBERGER. Well, again, I am back on this committee after a period of time, but years ago, that is when I got to know Open World. And I don't know if he is still involved, but Judge Dick Bennett, U.S. district court judge, is a very good friend of mine, and he was always advocating—in fact, he did go to Russia, I think——

Ms. SARGUS. Yes, he did.

VETTING CANDIDATES

Mr. RUPPERSBERGER [continuing]. And meeting with the other judges.

You know, the chairman and I are both on the Defense Appropriations Committee. And we spend billions of dollars in defense and nuclear and Russia, China, cybersecurity, all those issues. But this is a program that, really, we invest in what you are doing—and you have been doing it for 20 years, I think—that really can make a difference down the road.

Now, we know that China has a culture—they are communists—they are to be looked at when they are here and they are not going to be able to make a lot of changes. But the subtle relationships—it is about relationships—and trust that might develop. There could be a way, when some of these people might be in leadership or have input to make a difference in this world, that we—it is really a dangerous world right now.

So I think it is a really good program. You know, the numbers are pretty good; 28,000 I think you are talking about.

Ms. SARGUS. Yes.

Mr. RUPPERSBERGER. And that is very good.

I want to ask you, because Russia and the Chinese—I know we are always dealing with issues in my intelligence background. When you have people coming over, I assume some of these people are going to be spies. I mean, it is just natural that they are going to try to get people to these other countries.

Do you see that? How do you deal with it? And, you know, if they are, it doesn't make any difference, because you are exposing them to a free world. So could you address that?

Ms. SARGUS. That is a great question. You know——

Mr. RYAN. Do we have to go into closed session for this answer? I never thought I would say that in a Leg Branch hearing.

Ms. SARGUS. Sure.

That is a great question. All of the Russian delegates are vetted by the embassy, the U.S. embassy. The visas are issued in Russia. So that process is pretty well-established and pretty safe.

Yes, I suppose somebody could be. I couldn't tell you if we had a spy or not. I will not know that.

But I know that we take care with the vetting. It is matching the background with the theme of the program and in the career development of that person. Are they in the right place? Are they an emerging leader? And that gets vetted by the embassy. And we trust our U.S. embassy on this matter.

THEMES FOR PROGRAMS

Mr. RUPPERSBERGER. Let me ask you this too. There are certain major threats that we have in our country. One of the most serious, other than nuclear weapons, is probably cyber. And we know Russia is very aggressive in our country and China and other countries.

Do you ever, as part of a curriculum or educating, letting your people work with our people, about the issue of cybersecurity and how it is important to the world that we understand we need standards in that area? Is there any type of format for those type of discussions—and it doesn't have to be cyber. It can be something else that is really important to the world.

Ms. SARGUS. Well, we have programs with Russian journalists. And——

Mr. RUPPERSBERGER. Yes, and I noticed that. I wanted to ask you about the Russian journalists, because that is major.

Ms. SARGUS. Yes.

Mr. RUPPERSBERGER. And I think you just started that.

Ms. SARGUS. It is a very powerful statement to a Russian journalist to come to the U.S. and especially spend—actually, they

spend a third day in Washington, because of the Newseum, because of the Voice of America. It is an important part of their orientation. But often they go to a host city that has a major newspaper or a radio station.

So they are meeting their counterparts, and they are talking about the issues in a unusually frank and open way. They are very, very confident and capable of saying what is wrong with the situation or what is right with the situation. There doesn't seem to be much fear of having the wrong opinion.

So everybody gets educated, both ways. We learn a little bit from them; they learn a bit from us. But, generally, the journalists from Russia that come to the United States on our program go away deeply impressed.

Mr. RUPPERSBERGER. They probably want to stay. But notwithstanding that——

Ms. SARGUS. Possibly.

Mr. RUPPERSBERGER [continuing]. In closing, I support your program. I think it is important that we move forward. I think we get something out of it in this very dangerous world. And a lot of it is about networking and relationships, in the end——

Ms. SARGUS. Yes.

Mr. RUPPERSBERGER [continuing]. And learning a little bit about our country and what they have to deal with. And, hopefully, around the world, it does make a difference, compared to, again, what you and I do on Defense Approps—billions of dollars that we are spending to protect our national security all over the world. And yet this is not a lot, but it hopefully will make a difference.

When I was a county executive, there was a program called Ultra program. And we helped fund it—had to do with Northern Ireland and Southern Ireland, in the same type of format that you had, where they brought them together. And it really started to work. Over a period of time, you could see it. And they would come to the United States, but getting the North and South together.

Ms. SARGUS. I think that one thing that we keep in mind when we are hosting Russians, there will eventually be a post-Putin era.

Mr. RUPPERSBERGER. Uh-huh. Yes.

Ms. SARGUS. And if you have 20,000——

Mr. RYAN. Don't tell Vladimir Putin that, okay?

Mr. RUPPERSBERGER. Yeah.

Ms. SARGUS. And, in that time, we will have already hosted 20,000-plus young Russian rising leaders who are moving into important positions and influential positions and policymaking positions. And that will matter in future relationships.

Mr. RUPPERSBERGER. Yes. It will.

Ms. SARGUS. We have 20,000 friends in Russia who are going to be important down the road.

Mr. RUPPERSBERGER. Do you stay in touch with them at all?

Ms. SARGUS. Oh, yes, we do. We received a grant last year from an anonymous donor who wants us to promote and grow our alumni program, especially in Russia and Ukraine. And Russia has the 20,000——

Mr. RUPPERSBERGER. That is very important, I think.

Ms. SARGUS. Yes, exactly. So we are going to work hard on that part of program. Ukraine is a much easier place to work in, obviously, but mostly it will be in Russia.

Mr. RUPPERSBERGER. Good.

I yield back.

DEVELOPMENT AND FUNDRAISING

Mr. RYAN. This is, obviously, critically important work that you are doing. And, you know, I have been on and off with this committee and just disappointed at the budget over the past few years and what has happened. I actually think these are the programs we need to really be investing in. And you just articulated why it is so important over the long haul. And we get very shortsighted sometimes in this body and in this country, not really recognizing these seeds that we used to plant all the time around the world that helped us win the Cold War. We have forgotten those very lessons.

So I am not sitting here promising we are going to get that budget back up to where it was in 2009 or 2010, so don't get too disappointed in me, but the opportunities are here for us to grow this program.

And so I just have a couple of quick questions.

One, you mentioned financial contributions from the outside, which you are legally allowed to partner and take.

Ms. SARGUS. Yes.

Mr. RYAN. How is that going? And are you attracting more private donations?

Ms. SARGUS. We are so-so in our ability to raise private money. We don't have the in-house capacity, to be honest. None of us are development officers. We are only six people in the agency. We are good at talking and asking, and we do submit proposals, and we will continue to do that.

Where we have more success is, in applying at a budget review, with the Department of State for funds that are available. But that is also an unknown quantity of money. So I can ask for $4 million and I might see $50,000 in a given year. And I don't know until well into the fiscal year what that amount might be, so it makes budget execution a particular challenge.

But we manage. And I have gotten used to the way Open World operates. Open World is a trust fund. It is different than the other agencies that you will talk to. And as a trust fund, that means that we have more fluid beginning dates and end dates of obligations, because it is essentially no-year money. It is appropriated once a year, and then it goes into a trust fund, which means I can spend it over time.

Mr. RYAN. Have you explored the opportunities of building out the fundraising arm of your organization?

Ms. SARGUS. Well, we did hire for a 10-month period an outside person who gave us a roadmap. And as I said, we do apply for grants. We have gotten grants. And the grants are usually for specific purposes, such as the alumni program, which is really an important part of having an exchange program and continuing with that follow-up. So we will continue to work on that, and we will continue to work on fundraising.

Mr. RYAN. And what is the cost-share? You may have mentioned this. But, like, with the Kiwanis, you have them come to Boardman, Ohio, and you are working with the local Kiwanis. They put you up in housing, but is there any cost-share there——

Ms. SARGUS. There is. I mean, they——

Mr. RYAN [continuing]. Other than, like, an in-kind type of contribution?

Ms. SARGUS. Absolutely. Breakfast. It is the kitchen-table diplomacy. You sit at the kitchen table with people who are future leaders of countries and you have your coffee or your tea together. And most dinners are spent together. The lunches are working lunches.

But the contribution is that home stay, including the meals, but it is also sharing the culture and sharing family time and going to a local baseball game or a hockey game, which is—it is funny. Those kinds of things really matter, and they are part of that bonding process.

POLAND

Mr. RYAN. One last question. I know the world is obviously changing a lot, and there are always conversations about expanding operations to include other countries. I know there is an interest that I share with a Member of expanding to Poland. Can you talk just a little bit about that?

Ms. SARGUS. Yes. We have been in conversation, and, actually, we had a meeting with a staff member from the Congresswoman's office, and Open World is ready to jump in and launch a program.

The process that we are going to do, we will be bringing this up at the board meeting, which is February 28. Your office has notification of that because you are ex officio member of the board of trustees.

Mr. RYAN. I have heard that. I am excited about that.

Ms. SARGUS. Yes. And it will be in the Library of Congress, and details will be coming. And so that will be a topic of discussion. And we are ready to do that program, and the board will hear the arguments for it.

And it is followed by a 90-day notification to the subcommittees, both chambers.

Mr. RYAN. Okay. Terrific.

Ms. SARGUS. To add a country, we have to notify, a 90-day notification.

Mr. RYAN. Okay.

Well, thank you so much. And thanks again to your team and our special guests from Serbia. Thank you for being here. I hope this is a great experience for you. I hope you get some good breakfasts in America. And if you are in Ohio, I recommend Bob Evans. They have very good pancakes.

And, again, thank you. And I would like to continue this conversation offline around the fundraising piece.

Ms. SARGUS. Okay.

Mr. RYAN. I think that can be important. There is a lot of money floating around the world and around the country today, and if we can figure out how to supplement some of this, we can get you expanded to where you need to be.

Ms. SARGUS. Yes. We are happy to do it. We are happy to have that conversation. We will reach out to your office——

Mr. RYAN. Okay.

Ms. SARGUS [continuing]. To make that appointment.

And yours, too, if you are interested.

Mr. RYAN. Terrific.

Go ahead.

Ms. HERRERA BEUTLER. I would add to that, I have done development for a small nonprofit, and I realize no one ever wants to pay for maintenance and operations. There are different things you are never going to be able to sell the ticket for. But it is worth investing, if nothing else, because then you are going to have people coming in and taking, you can kind of supplant funds.

Ms. SARGUS. Right.

Ms. HERRERA BEUTLER. You can cover certain things. And with the uncertainty that you have experienced with the budgeting, it just helps, it just adds. It is worth having someone—you make what you bring in. So you need to get somebody young and hungry.

Ms. SARGUS. Yes. Sure.

Mr. RYAN. And even if it is part of their portfolio with something else that they are doing, they may open you up to all kinds of connections. So, anyway——

Ms. SARGUS. Sure. Well, thank you.

Mr. RYAN [continuing]. We will spare our Serbian friends the inside discussion here, but thank you so much for all your work.

Ms. SARGUS. Thank you.

Mr. RYAN. We really appreciate it, and it is critically important.

Ms. SARGUS. I wanted to say something, that Phil Kiko, the Chief Administrative Officer, is one of most important people that our delegations speak to. I just wanted to let you all know that. He is a font of information that is practically unmatched in the leg branch. He is wonderful to the groups, and they love talking to him. He is so great.

Mr. RYAN. Thank you.

Ms. SARGUS. So I just wanted you all to know that.

Mr. RYAN. Thank you. Yeah, Phil is a great guy.

Ms. SARGUS. Thank you.

Mr. RYAN. Thank you so much.

[Questions submitted for the record follow:]

Open World Leadership Center
February 7, 2019 – Hearing
Legislative Branch Appropriations Subcommittee
Chairman Tim Ryan

Questions for the Record

1. As the world situation changes, is Open World evaluating and/or considering expanding its operations to include additional countries? For example, I believe there is interest from other Members to expand to Poland.

   **The Center has been contacted by a Member's office asking about the possibility of starting a program for Polish mayors. The Center is in the process of establishing a formal procedure that structures how a country is added. No matter what process is decided, the Center's Board of Trustees must vote to approve the new country and the Center must provide a 90-day notification to the Subcommittees on Appropriations in both chambers.**

2. The appropriation for Open World is fairly small and less than half of 2009 levels, yet you have been able to support a large number of delegates visiting the U.S. What have you done over the years to mitigate the impact of these funding reductions?

   **The first step the Center took was to examine areas where we could achieve significant cost savings. For example, by working directly with vendors of hotels and food service providers we are able to save a 17% indirect cost that the logistical contract would charge us. In addition, we worked very closely with grantees to increase cost sharing of the program. Another area that yielded significant savings was utilizing the services of an interpretation program coordinator rather than supplying interpretation services to individual locations through the grant. Most grants have indirect charges. We have also developed relationships with our embassies abroad some of whom help fund special delegations. Finally, we have had to significantly curtail staff travel.**

3. What success are you having in attracting financial contributions from private sources as your charter permits? What steps will you take to receive financial contributions from private sources as cited in your charter?

   **The Center does not have the in-house capacity to raise private money – there is no Development Officer. We do submit proposals to foundations and other entities, however, and will continue to do that. We have had sporadic success in applying for program funds from the Department of State. Funds from that source, however, are not known to us in advance and we may or may not receive the amount requested.**

**Questions for the Record**
**Ranking Member Jaime Herrera Beutler**

**Mission:**
Last year there was report language included in the Conference Report that directed you to collaborate with your Board of Directors and Congressional stakeholders to outline potential ways in which you can meet your mission in this evolving world.

- Where are you on this directive and when should we expect to see the report?

  **The Center has drafted an outline of the potential ways in which it can meet our mission in this evolving world. This draft and the direction to us included in the Conference Report will be an agenda item at our annual Board of Trustees meeting, which is in the process of being scheduled. We can deliver the Board's suggestion to the Subcommittee 15 days after the meeting.**

- When engaging with your board and stakeholders on potential changes to the Center's mission have there been any common themes?

  **Because the Board of Trustees annual meeting is the appropriate venue to broach larger issues such as change in mission, we have not yet discussed this as a group. When engaging with individual members of our Board of Trustees, however, the concept of the Center providing support for Members' legislative diplomacy efforts has arisen. We are in the process of scheduling our 2019 annual meeting at this time.**

**Budget:**
You are requesting $5.8 million in FY2019.

- How many participants does this accommodate?

  **We would be able to accommodate 726 participants in FY2019.**

- Last year, how much did you receive from other Government funding and where from? How does this compare to prior years?

  **In FY2018 we received $1.9 million from the Department of State. In FY2017 we received $51,000 from the U.S. Embassy in Serbia.**

- You budget had been relatively flat the last couple years, what affect did that have on your program? What will the $200,000 increase you are asking for go towards?

  **The bad news is that we had to reduce staff and reduce the number of participants. The good news is that, faced with having to cut costs and find other savings, the Center developed strategies to help us think creatively about doing the same with less. As a consequence, we did find ways to achieve significant program results with less money. The $200,000 increase will mitigate the increase in operational costs that we have faced since the 2009 and especially in the last four years.**

**Countries:**

- How many countries are currently participants of the Open World program?

  **Currently we operate in 17 countries: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kosovo, Kyrgyzstan, Macedonia, Moldova, Mongolia, Russia, Serbia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.**

- How do you figure out which countries you will expand to and when?

  **The Center is in the process of establishing a formal procedure that structures how a country is added. No matter what process is decided, the Center's Board of Trustees must vote to approve the new country and the Center must provide a 90-day notification to the Subcommittees on Appropriations in both chambers.**

TUESDAY, FEBRUARY 26, 2019.

# ARCHITECT OF THE CAPITOL

## WITNESS

### CHRISTINE A. MERDON, ACTING ARCHITECT OF THE CAPITOL

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. All right. Let's call this hearing to order.

This is the fiscal year 2020 budget hearing for the Architect of the Capitol. I am pleased to gavel this hearing to order.

And We will have two hearings this morning: first the Architect of the Capitol, then followed by the Congressional Budget Office.

We welcome Ms. Christine Merdon, the Acting Architect of the Capitol, along with her team in the back against the wall.

Ms. Merdon, this is your first time testifying before the subcommittee. You are pinch-hitting after the resignation of Steven Ayers last November. But we know that you have had a distinguished tenure at the AOC and before that were involved in several projects near and dear to our hearts in Washington, like the Martin Luther King Memorial and the Nats baseball stadium—two really cool projects.

With all the scaffolding and cranes around the Capitol complex, I am sure we will find lots to talk about today.

I have to note that your budget request is a sizable increase of $98 million or 13.3 percent. We know that the increase is driven by several large project commitments, and we have to hope that we will get a generous enough 302(b) allocation to address them.

Just to remind our members, we are luckier than the other Appropriations subcommittees. We can begin our budget hearings because we have received the leg branch requests, while the executive branch budgets have been delayed more than a month.

Ms. Merdon, before I ask you to summarize your written statement, I will ask our ranking member, Ms. Herrera Beutler, if she has any opening remarks she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. I do. Thank you, Mr. Chairman.

Welcome, Ms. Merdon. As was mentioned, this is your first time before the Legislative Branch Subcommittee in your current role as Acting Architect of the Capitol. Congratulations.

Ms. MERDON. Thank you.

Ms. HERRERA BEUTLER. While maintaining day-to-day services and operations, which include welcoming 3-million-plus visitors to the Capitol Visitor Center and Botanic Gardens, the AOC has a busy year with some major projects, including stone restoration, cogeneration development at the Capitol Power Plant, the ongoing

Cannon renewal and Rayburn garage renovation—and we just cheer you on in that—the completion of the first phase of the House childcare expansion, which is very exciting, as well as numerous other projects and maintenance work.

And on top of all of that, recently you played a major role in the moving of hundreds of Member, committee and leadership offices, impacting the staff and all of us through the congressional transition.

So I look forward to learning more about the operations and projects of the Architect of the Capitol and participating in some site visits around campus.

Thank you.

Mr. RYAN. Thank you.

The floor is yours.

## TESTIMONY OF CHRISTINE MERDON

Ms. MERDON. Thank you.

I would first like to thank all of you for meeting with me in advance of the hearing. I know your schedules are extremely busy, but you took time to meet with me, and I greatly appreciate that so I could introduce myself and you could learn a little bit about me and the agency.

So good morning, Chairman Ryan, Ranking Member Herrera Beutler. Thank you for the opportunity to present the Architect of the Capitol's fiscal year 2020 budget.

Many of you are new to the subcommittee, as I am new as Acting Architect of the Capitol, but I am not new to understanding the needs and the responsibilities of this agency. Serving 8 years as the Chief Operating Officer provided me the opportunity to work with a very talented team. We have achieved many successes, including the Capitol Dome restoration and, most recently, getting significant progress on the Cannon Building renewal.

Our request of $832 million prioritizes people, projects and preservation to ensure that we can complete our mission. We are honored to be trusted stewards of the most iconic buildings in the Nation: the House and the Senate buildings, Library of Congress, Supreme Court, Botanic Gardens and the Capitol. Many visit the U.S. Capitol because it is the symbol of democracy throughout the world.

Nearly everything you encounter on the Capitol campus is preserved and maintained by the AOC. From the incredible architecture that inspires you, to the floors you walk on, to the lights that brighten your way, there is an entire world of unseen IT and security infrastructure that allows you to do the Nation's work in safety and comfort.

Each year, we are asked to do more. Our footprint is expanding. Our responsibilities and complexity of our work and security requirements are increasing. Our people work behind the scenes to help the agency meet the mission every day. In the past, the AOC has strategically prioritized Capitol budget increases to maintain and improve our facilities, but this has been at the expense of our operational support needs. To meet the current and growing requirements, we must have the right resources.

We request additional staff to successfully meet our project and operational needs. This includes project managers, safety and fire professionals and contracting officers. Today, for example, a Federal contracting officer executes 100 contract actions a year; our contracting officers at the AOC execute 200 actions a year.

The AOC has more than 2,000 employees. To attract and retain specialized talent in a competitive market, we need human resource professionals.

Our team, as well as our inspector general, confirmed that cybersecurity is our highest risk. We hold sensitive information; we must safeguard it. However, our IT funding is one of the lowest in the Federal Government—3 percent of our budget compared to the Federal average of 11 percent. Our staff works around the clock, but our IT support is not available after 5:00 and on weekends.

We have had many project successes over the last year, including the co-generation project, funded through a public-private partnership and now yielding significant energy savings.

The Capitol Power Plant generates steam and chilled water throughout the campus through miles of tunnels. We must keep this critical infrastructure safe and reliable. Additional security screening is essential to close a critical gap. We must keep threats outside of the building.

We are in a race against time to maintain our infrastructure. Stone from this building can crumble in your hand. Therefore, it is important to prevent the deterioration of historic fabric. We are requesting $60 million in projects to ensure major campus landmarks are enjoyed by future generations. Preservation is a part of our heritage. The buildings, fine art, botanic assets—their value is priceless.

So, during the Dome restoration, our project team used AOC's original drawings from 1855 as a resource to complete the project. We have requested preservation resources to continue our work.

Chairman Ryan, last year, you noted a concern of us prioritizing projects over people. We know we must invest in people we need to carry out our project and preservation mission. With your help, we will continue to be stewards of our Nation's living history.

So that concludes my remarks. I look forward to hearing your questions today.

[The prepared statement and biography of Christine A. Merdon follow:]

Statement of Christine A. Merdon, P.E., CCM
Acting Architect of the Capitol

ARCHITECT OF THE CAPITOL

**Architect of the Capitol Fiscal Year 2020 Appropriations**

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

February 26, 2019

Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee, I appreciate the opportunity to present the Architect of the Capitol's (AOC) Fiscal Year (FY) 2020 budget. Our request of $832 million will allow the agency to successfully meet our mission with a proactive focus on people, projects and preservation.

Prior to becoming Acting Architect of the Capitol, I spent eight years as the Deputy Architect of the Capitol and the Chief Operating Officer. I learned much about the agency, Congress and the needs of the Capitol campus in that role. And I am energized by the people who work here. The AOC's small but nimble group of employees is not always recognized, but their work matters greatly, and they have a passion and desire to do the best job possible to serve Congress and the Supreme Court, preserve America's Capitol and inspire memorable visitor experiences.

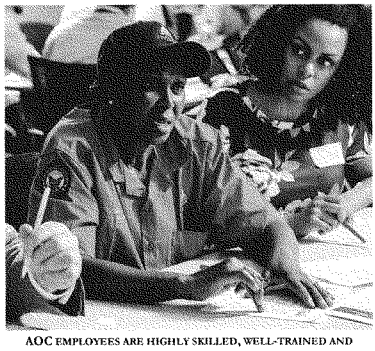
U.S. CAPITOL DOME AND THE STATUE OF FREEDOM

The AOC is the steward of the U.S. Capitol, Library of Congress buildings, U.S. Supreme Court, U.S. Botanic Garden and surrounding office buildings, grounds and other facilities. I am proud of what we have accomplished this year. Nearly one-half of the campus' buildings are undergoing stone restoration as weather, age and environmental conditions are destroying many of the finer details of our monumental buildings. The Capitol Power Plant's cogeneration system began generating electricity and steam, which will be the biggest single contributor to the AOC's energy reduction in the coming years. We completed the first phases of the Cannon Renewal and the House Child Care Center expansion projects. The Capitol Visitor Center welcomed its 21 millionth visitor and the U.S. Botanic Garden engaged nearly a million visitors with innovative educational programs and seasonal exhibits. We also collaborated with partners to provide extraordinary support for special events on the Capitol campus, including the Lying in Honor ceremony for the Reverend Billy Graham, the Lying in State ceremonies for Senator John McCain and President George H.W. Bush, and the celebration of the 225th anniversary of the laying of the Capitol cornerstone.

Despite these successful initiatives, we continue to face great challenges. The AOC is working hard to keep pace with our continually expanding footprint and increased responsibilities. We must ratchet up our efforts to attract and retain talented employees who are engaged and passionate about their work; support projects that are forward-focused and incorporate a broad view of the structure and growing needs of the Capitol campus; and position the agency as the authority on historic preservation to ensure that future generations can continue to take pride in the facilities and art under our care. I think of these challenges as the three Ps: people, projects and preservation.

People

The AOC has some of the most talented and widely admired craftsmen, tradesmen, artists, architects, engineers and scholars. Over the years, our agency has earned a well-deserved reputation as an agency with a "can-do" attitude. We have taken on new responsibilities and are committed to meeting ever-increasing workloads. However, there are areas that we need to improve. The most significant of these is attracting and retaining talented employees.

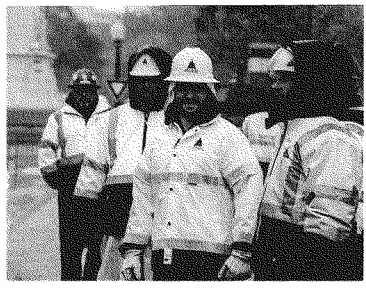


AOC EMPLOYEES ARE HIGHLY SKILLED, WELL-TRAINED AND EXTREMELY DEDICATED

Much of our work is very specific and highly specialized. Surveys indicate that for the skilled trades — welders, electricians, machinists and others that are prevalent in construction and facilities management — the shrinking talent pool is likely to become more acute. Recruiting and retaining skilled professionals is increasingly competitive.

Since FY 2015, the AOC has strategically prioritized requested budgetary increases for our capital program at the expense of our operational needs. Congress supported our plan and provided significant increases in our capital program that have and will continue to address many critical repairs to our facilities and building systems across campus. In order to maximize the impact of these increases, our FY 2020 budget requests a 9.2 percent increase to begin recruiting necessary personnel and updating critical support systems.

With the expansion of new responsibilities and the ongoing and planned construction of new facilities both on and off campus, additional in-house resources are needed to lead and manage increasing campus-wide project design and development, construction oversight and project management requirements. Personnel are required to reduce contract award and administrative lead times, and to avoid project delays and cost overruns. As our campus ages and our systems are updated, we need better support for emergency response, fire safety inspection efforts and oversight of fire and safety operations.

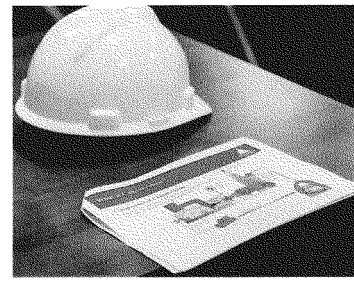


RESOURCES ARE NEEDED TO KEEP PACE WITH GROWING OPERATIONAL AND PROJECT SUPPORT REQUIREMENTS

The AOC must also update and improve several critical information technology systems which we have identified as an agency enterprise risk. Our network is supported by decades-old infrastructure and end-of-life equipment that must be modernized. We are requesting increased funding to protect our critical infrastructure and meet the Legislative Branch Cybersecurity Working Group initiative to harden networks and defend legislative branch systems against malicious cyber activity.

Projects

The AOC has a unique and important role. We have a responsibility to develop a vision for the future of the Capitol campus that will serve Capitol Hill and the American people well into the future. The decisions that we make about projects and priorities are important to preserve this beacon of American democracy for many generations.

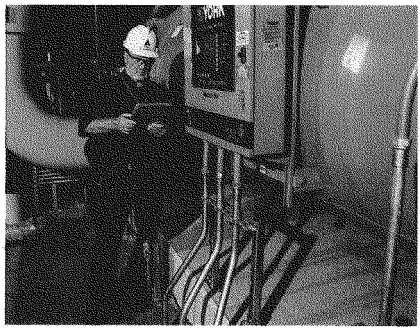


THE AOC'S RISK-BASED PROJECT PRIORITIZATION PROCESS STRATEGICALLY IDENTIFIES PROJECTS

Adhering to a plan is important to me. Each year we use a risk-based process to prioritize needed projects. In FY 2020, we are requesting $175 million for projects that will provide necessary maintenance to our energy delivery infrastructure, facilitate the next presidential inauguration as well as enhance security measures around the campus.

Current projects across the campus include campus-wide stone and metal rehabilitation, garage and landscape restorations, House and Senate office building renewals, upgrades to security, fire and life safety systems, improvements to visitor services, and energy resilience and sustainability initiatives. Within our FY 2020 Line Item Construction Program (LICP) request, approximately $58.2 million (25 percent) will be used to complete the next phases of several critical infrastructure projects. Projects that were requested in FY 2019 but did not secure funding represent an additional $25.3 million (11 percent).

All of our current and planned work comes with potential impacts to daily operations, and I am cognizant of potential construction fatigue — within the AOC, among members of Congress and their staffs, as well as our Capitol Hill neighbors. We will continue to communicate consistently with our stakeholders, work hard to minimize disruptions to the Capitol Hill community and those who visit, and always remain cognizant that the business of the nation is taking place here.

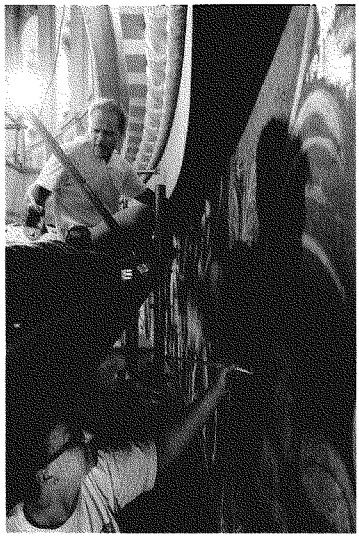


CRITICAL INFRASTRUCTURE SYSTEMS ARE IN NEED OF MODERNIZATIONS AND REPLACEMENT ACROSS CAMPUS

The AOC's FY 2020 request continues to focus on space and storage needs to be able to accommodate the growth of the AOC, congressional staff, Library of Congress collections and Supreme Court personnel. Security requirements and their ever-evolving needs and responsibilities also remain a priority.

Preservation

Our heritage assets include buildings, monuments, landscapes, fountains, fine art, archival records and botanic assets. Their value is priceless. Over the last several years, we have expanded our foundational preservation documents, including building preservation guides and cultural landscape reports. We use these documents and our historic preservation policy as planning tools for restoring, renewing and reclaiming our heritage assets to a standard that is appropriate for the nation's capital and the worldwide symbol of American democracy.



CONSERVATION WORK ON THE ROTUNDA FRIEZE

The Architect of the Capitol is one of the few organizations where staff architects and engineers work directly with highly skilled, in-house preservation artisans daily. The buildings on Capitol Hill were carefully and purposefully designed and constructed, and this tradition continues.

Much like an ounce of prevention being worth a pound of cure, adherence to conservation principles and regular maintenance will ensure we are successful in preserving our national treasures for years to come. To that end, our FY 2020 budget request includes more than $60 million in projects that will continue to preserve the U.S. Capitol's exterior façade for future generations and ensure the historic architectural features of the Library of Congress buildings and major campus landmarks retain their original beauty.

Over the past couple of years, the agency has worked hard to tackle aspirational plans and identify campus-wide solutions that help us to stitch the Capitol campus into a true campus environment. When I think of the things that I want the agency to accomplish under my leadership, I know that it will only be possible by focusing on the people, projects and historic preservation needed to uphold the unified and symbolic vision for the Capitol campus inherited from the nation's founders.

Thank you for your continued support and consideration of our FY 2020 budget request.

# Christine A. Merdon, P.E., CCM

**Acting Architect of the Capitol & Chief Operating Officer**

As authorized by law, upon the November 23, 2018, retirement of the 11th Architect of the Capitol, the Deputy Architect of the Capitol/Chief Operating Officer became the Acting Architect of the Capitol.

As the Acting Architect of the Capitol/Chief Operating Officer, Ms. Christine Merdon is responsible for facilities maintenance and operation of the historic U.S. Capitol Building, the care and improvement of more than 570 acres of grounds and the operation and maintenance of 18.4 million square feet of buildings including: the House and Senate Congressional Office Buildings, the Capitol Visitor Center, the Library of Congress Buildings, the U.S. Supreme Court Building, the Thurgood Marshall Federal Judiciary Building and other facilities. She is responsible for the care of all works of art in the Capitol under the direction of the Joint Committee on the Library and is responsible for the maintenance and restoration of murals, outdoor sculpture and other architectural elements throughout the Capitol complex. She also serves as Acting Director of the U.S. Botanic Garden and the National Garden.

The Acting Architect of the Capitol is a member of the Capitol Police Board and the Congressional Accessibility Services Board, as well as an ex officio member of the United States Capitol Preservation Commission. Additionally, the Architect of the Capitol is a member of the District of Columbia Zoning Commission, the President's Advisory Council on Historic Preservation, the National Capital Memorial Commission, the Art Advisory Committee to the Washington Metropolitan Area Transit Authority and the National Institute for the Conservation of Cultural Property.

Before joining the AOC as Deputy Architect of the Capitol/Chief Operating Officer in 2010, Ms. Merdon worked in private industry, starting as a project manager and ascending to the role of Senior Vice President of Program and Construction Management with McKissack & McKissack. Her responsibilities included projects in Washington, D.C.; Chicago, Illinois; and Los Angeles, California. She has been responsible for the successful program and construction management of more than $15 billion in major construction projects and programs including: Washington Nationals Major League Baseball Stadium, O'Hare Airport Modernization Program, Los Angeles Unified School District, Martin Luther King, Jr. National Memorial, Smithsonian Institution's National Museum of African American History and Culture, and Abraham Lincoln and Thomas Jefferson Memorial Renovations.

Prior to her work in the private industry, Ms. Merdon was employed by the White House Military Office as a project manager responsible for managing classified design and construction projects at the White House, Camp David and other presidential support facilities.

Ms. Merdon began her federal career in 1981 as a cooperative education engineering student for the U.S. Navy. After earning her Bachelor of Science degree in 1987 from the University of Maryland in civil engineering, she continued her career with the Navy as a project engineer and project manager. In 1998, she received a Master of Science degree in civil

engineering. She is a Registered Professional Engineer in the Commonwealth of Virginia and a Certified Construction Manager.

Throughout her career, Ms. Merdon has won many outstanding performance awards, as well as excellence awards for construction projects. She is the proud recipient of the 2016 D.C. Professional Engineer of the Year award and an award-winning member of the American Society of Civil Engineers. She is also a member of the Society of Women Engineer, the Society of American Military Engineers, the former Chair of the Board of Visitors for the Department of Civil Engineering at the University of Maryland and the past president of the National Capitol Region ACE High School Mentor Program. She also serves on the Board of Visitors for the Department of Civil and Environmental Engineering at the University of Maryland.

Born in Paducah, Kentucky, she now resides in Old Town Alexandria, Virginia, with her husband, Michael, and their daughter.

Mr. RYAN. Thank you so much. We appreciate it.

As I said, I will take the first volley here.

You are asking for: $25 million increase for the Capitol Building, $28 million for the Power Plant, $53 million more for the Library of Congress. Also requested is a substantial increase in the Capital Construction and Operations, which is akin to your headquarters program management account.

Can you explain to the committee why the Capital Construction and Operations account requires $25 million more, which is a 24-percent increase?

Ms. MERDON. Thank you for that question.

Many of you know the Architect of the Capitol has several jurisdictions, 10 appropriations, 9 jurisdictions, including the House Office Buildings, the Senate Office Buildings, the Library of Congress.

Our central staff supports all of these jurisdictions by being a central location for human resources, for IT, safety, fire, and environmental protection, project managers.

So the Cannon, which is one of the largest projects we have ever done in the history of the AOC, project managers for that project support that project.

So, over time, our line-item construction projects have increased, our footprint has increased with the O'Neill and also with the Union Square. We need people to support those initiatives and those efforts.

So the project increases, the project work to be done behind the scenes, there is a lot of work by contracting officers and many others to support that. So we are rightsizing our organization to accommodate our growing needs and responsibilities.

Mr. RYAN. So how many people work now, and how many would you be able to hire if you got the full $25 million?

Ms. MERDON. We are hoping to hire 35 more people in CCO, 12 projects managers. Right now, we are understaffed in project management. And the project managers are the heart of what makes us deliver our projects on time.

We also have a need for seven contracting officers. You know, as I mentioned in my opening statement, we do almost twice as much in contract awards as the rest of the Federal Government, so our contracting officers are working very hard. And if you don't have enough contracting officers, the contract actions take longer to do, and then it accumulates additional cost.

Mr. RYAN. So I am going to play dumb. So you need 12 more projects managers, you need 7 more contracting officers, and additional money to get those projects done.

So you are saying, if you get all of the requests that you asked for, that that particular account would handle the management side of basically all of the increases that you are asking for?

Ms. MERDON. It would handle the management side.

We also would be able to hire people. You know, working in Washington, D.C., almost my entire career, it is a very competitive market. And making sure that we are the best agency that people can come to, and we reach far and wide for the talent that comes here. Everybody here is very specialized. So it is project managers,

IT professionals, HR professionals, safety and fire protection, general counsel, you know, a couple more attorneys in there——

LINE ITEM CONSTRUCTION PROJECTS

Mr. RYAN. Can you go through exactly what would be done to the Capitol, what would be done to the Power Plant, what would be done to the Library of Congress in more detail?

Ms. MERDON. Sure.

The Capitol Building, you can see the construction that is occurring on the House side. A big portion of that is to—I think it is about $22 million—to continue the project. You know, the project will continue until the inauguration, but after the inauguration, we will begin with the west side, with this side right over here, for the stone restoration.

That also includes funds for the inauguration, $7 million for the inauguration. And it also includes funds for electrical distribution. That is one of the unseen things, is the electrical distribution that is critical to maintain the operations of this building.

At the Capitol Power Plant, we have four projects that are specifically tied to our utility tunnels. The Capitol Power Plant generates steam and chilled water for this campus as well as Union Station, Folger Library, the Thurgood Marshall Building.

So we need—there are 2 miles of tunnels where these steam and chilled water lines run through. In 2006, we had a citation from the Office of Compliance because we were not maintaining those tunnels. There was crumbling concrete, there was asbestos, there was heat stress. We actually corrected that in 2016, but we need that money to continue to maintain the steam and chilled water lines. They are kind of the veins and arteries of the campus, if you will.

Also, on the cooling side, our refrigeration plant revitalization, that is a multiphase project. We are requesting funds for that. Some of the equipment in the refrigeration is over 35 years old. It has gone past its useful life. This is actually to replace that over time, to put chillers in those spaces over time.

At the Library of Congress, we have the copper roof that requires replacement at the James Madison. There is also the stained glass restoration project that is a multiphase project over four phases. We are requesting funds for that.

The Madison Building, we are also requesting roof repair projects because on the roof there is a terrace on the sixth floor of the Madison that leaks into the spaces below, and that is where the collections are stored.

So all of these are critical projects. All of these are projects that are not nice-to-haves, they are absolutely need-to-haves to keep things functioning.

Mr. RYAN. I will stop there.

Ms. Herrera Beutler.

CYBERSECURITY

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

I wanted to ask about the cybersecurity; you were just explaining to the chairman the needs behind some of the requests. I think about different businesses in my district, when they have some of

these major capitol maintenance-type projects, it is not the fun stuff, it is not the sexy stuff.

But even as you are asking for it, you know, you are talking about the copper dome or you are talking about protecting where the collections are housed in the LOC, or the stained glass, those are things that at least, you know, the general public sees.

The cybersecurity piece nobody sees. And it is probably more costly.

I would like to hear what you have done to protect your networks and improve cybersecurity. And I would like you to maybe elucidate the threat a little bit so that it is easier for us to, I think, chew on the cost.

Ms. MERDON. Sure.

Ms. HERRERA BEUTLER. Thank you.

Ms. MERDON. So the agency undergoes a risk assessment every year to determine the agency risk. It is called enterprise risk management. So we determined that cybersecurity is our biggest threat, the biggest risk for the agency. In addition, we have our own inspector general, and they also determined that cybersecurity is our biggest risk for the agency.

So we have large systems at the Capitol Power Plant that have steam and chilled water. There is natural gas that comes in there. And we just last year, with your assistance and the funding, we hired an industrial security officer to maintain that. So we have to continue to maintain that.

But some of the other risk—you know, we have millions of events every year that bad actors are coming in trying to look at our systems. And we are the holders of plans, we are the holders of information about the campus and how the campus functions.

So we are concerned about access to that. And so we have been concerned about it for a while, so we have done things to prevent people from attacking us——

Ms. HERRERA BEUTLER. Can I ask, because you said there are bad actors who look to take our information, sensitive systems and functions.

Ms. MERDON. Plans.

Ms. HERRERA BEUTLER. Can you be more specific?

Ms. MERDON. Sure. Each building has plans, design plans, that show the building structure as well as the electrical, the water, and the other systems for the building, as well as the plans around campus. So we have access to the plans, and we have access to, also, things like inauguration plans too.

Ms. HERRERA BEUTLER. And so, with those sensitive plans, you have seen—when you say bad actors, like, online—can you talk about some of that more specifically?

Ms. MERDON. In a higher way.

Ms. HERRERA BEUTLER. Yes.

Ms. MERDON. So we monitor the people who are trying to actively get into our internet system, our systems, and we receive over millions of events every year. We actually have a screen where you can actually see that happening from other countries.

So we take this very seriously, and we were the first on the Hill to implement a two-factor authentication. So, when I log into my

computer, I put in a PIN, also a thumb drive. I need two pieces to actually activate my computer.

We work very closely with the Legislative Branch Cybersecurity Working Group. All of our employees, 100 percent, receive training annually on cybersecurity so they understand, if somebody is trying to social engineer you to do something to give them access, they know what to look for. And we test people on that annually.

But what we are trying to protect is the systems that provide support to the Capitol and the information that we hold. We have been here for over 200 years, and we actually are our own archives. We don't send documents to the National Archives. We maintain our own archives, older drawings as well as newer plans. All the plans for the Member offices are done on our computers——

Ms. HERRERA BEUTLER. And this includes all of our email, right, the support——

Ms. MERDON. Our email.

Ms. HERRERA BEUTLER. Just yours.

Ms. MERDON. Correct.

Mr. RYAN. Mr. Ruppersberger.

Mr. RUPPERSBERGER. First, I want to ask you a very important question. Where did you go to college?

Ms. MERDON. That is the most important question I think I will be asked today. The University of Maryland, proudly.

Mr. RUPPERSBERGER. That is great. So you are a Terp.

Ms. MERDON. I am a Maryland Terrapin.

Mr. RUPPERSBERGER. So you hear the phrase "fear the turtle."

Ms. MERDON. The phrase is "fear the turtle." Thank you, sir.

Mr. RUPPERSBERGER. Very good.

You know, one of the issues that I want to get focused on—because I do specialize in a lot of this—is cyber. I represent NSA that does a lot of that work.

And, from your perspective, what do you see as your mission as it relates to cyber? Making sure that you don't get the attacks so that they can really shut down our systems? Is that basically your focus and your mission?

Ms. MERDON. That is one of them. We want to make sure that nobody can attack our mission.

And one thing with the Capitol Power Plant, we have it air-gapped, meaning it is not on the internet. But we need to make sure that nobody tries to access it in other ways. But it is air-gapped.

But, also, the many plans and specifications, the office locations of many of the Members that we have here, and any of the security features that we have on campus—we are responsible for doing the build-out of, many of the security features—and making sure that we can protect those.

AOC CYBERSECURITY PERSONNEL

Mr. RUPPERSBERGER. So how many people do you have on staff to do cyber things?

Ms. MERDON. We have a staff in our organization at the CIO—I can provide you the exact number. I don't know the exact number off our head, but it is probably a dozen or so that are focused on our internet security specifically.

[The following information was provided by the witness after the hearing:]

AOC currently has eight personnel who focus on cyber defense. Unfortunately, this leaves us one-deep in some critical roles—leaving us exposed when personnel are sick or on leave. For that reason, our FY 20 budget request includes support for three additional personnel. In addition to these onsite personnel, AOC has a contract with an industry leading managed security service provider that provides 24x7x365 monitoring, threat detection and security analysis.

But I think our challenge is many of our employees are now using, you know, smartphones as a tool just as they use a hammer and a drill. And if you go to our projects, you will see them not carrying around blueprints anymore; they will have an iPad around their neck so they can see the plans right there.

Mr. RUPPERSBERGER. Well, I think it is the future of where we are going. For instance, last year, pursuant to our Commerce Department, China has stolen over $600 billion. So they are everywhere. Russia—I mean, you have it all over. And we are really far behind.

And I know your IT budget, was cut because of sequestration, which is one——

Ms. MERDON. Yes.

Mr. RUPPERSBERGER[continuing]. Of the most serious problems we have dealt with here. It was stupid to do that, but we did. And, you know, you were cut 32 percent. So you had to prioritize, and you put it into the infrastructure instead of digital, but now you are going to hopefully catch up.

Who are you working with, though? I mean, there are so many people out there, people who know about what cyber is, but nobody really focuses a lot where it needs to go. Are you working with our police department here? I know they hopefully will be working with other law enforcement.

I am just trying to get a hold of what you really do, what you need, and what your mission is in cyber. And then where do you get support if you need it?

Ms. MERDON. Sure. So our mission in cyber is to protect the information——

Mr. RUPPERSBERGER. By the way, let me ask one more quick question, too, before you get into that.

Ms. MERDON. Sure.

Mr. RUPPERSBERGER. What countries—you were talking about certain countries were attacking us?

Ms. MERDON. You know, if we are to look at who is coming after us, I have seen the screen, and they are the usual suspects Russia and China and some from Africa too, where you can see they are coming in and trying to get into our systems.

Mr. RUPPERSBERGER. Okay. All right.

Ms. MERDON. Our mission is to protect the Capitol, the infrastructure, and all the plans that we see. And as people are using the systems more, folks are using the systems, we need to get smarter and better, because it is becoming more robust.

We are working with the Cybersecurity Working Group, so we work with the House CIO, the Senate CIO, and all the other CIOs across campus. And I know we have an organization——

Mr. RUPPERSBERGER. All under dot-gov, right?

Ms. MERDON. Yeah, all under dot-gov. These are our partner agencies. And, of course, I sit on the Capitol Police Board, and we work closely with the Capitol Police Board if there is a need to reach out if we see something not working.

We do hire contractors who come in and work with us on the cybersecurity initiatives.

Mr. RUPPERSBERGER. Okay.

I think we really have to focus on this. There are several of us on this committee and other committees who have really focused on that. And I think it is almost impossible that we don't get attacked, and trying to deal with it and finding out where it is, because there is so much of it out there all over the world.

And, you know, our NSA is as good as Russia. China, they are not as sophisticated as we are and Russia, but they are volume. And they are constantly trying to learn and find out what we have so they can do better. Like, our space system, as an example, they are even with us in space now, they are putting a lot of money in it, because they have all of our programs and we didn't even know it.

INFRASTRUCTURE MAINTENANCE

The other thing I do want to say, when you are dealing with infrastructure, it seems to me that if you don't handle a maintenance problem which could cost $100,000, then that maintenance problem becomes a $1 million problem. So I am sure that part of your focus and your engineers are focusing on taking care of those maintenance problems that are high necessity. We always have to deal with those. Do you agree?

Ms. MERDON. Thank you for recognizing that, because we always try to keep things at the smallest level before it becomes a big problem. But sometimes—I know appropriations and resources are tight in these times—we are not able to get to it immediately. But I firmly agree, preventive maintenance is much better than deferred maintenance.

Mr. RUPPERSBERGER. Thank you.

Mr. RYAN. Thank you, Mr. Ruppersberger.

He is our resident expert on cyber and has been working on it a long time, so we rely on his opinion a lot around here.

Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

I won't ask you any tough questions like where you went to school because I know that you wouldn't have the right answer.

Ms. MERDON. University of Maryland.

CONGRESSIONAL OFFICE MOVES

Mr. NEWHOUSE. Ms. Merdon, welcome, and thank you for being here this morning. Thanks for bringing so many of your fine team with you, too. Certainly, we appreciate the hard work you have in front of you and that you accomplish in helping to preserve—I often tell people we work in a living museum. And it has to be not only a tremendous honor to work here, for all of us, but a lot of responsibility in keeping things up. So we appreciate that.

And I know, this last transition, you had almost a record number of offices to move, or close to it, right?

Ms. MERDON. A record number in 40 years, yes.

Mr. NEWHOUSE. Yeah. And so, you know, that is a big job.

As we have talked—and thank you for coming to my office prior to the hearing—we had a few issues in our transitional moving, which maybe—we are an isolated case, I am sure. But we had a great experience with a lot of the work from your team.

But it seemed like that some of the things that—and we talked about this. We had different groups of people coming in, maybe, to do something that had already been accomplished, or maybe it was the wrong team. And so it just seemed like there were some communication issues.

Could you go over some of the things that you have been able to do or are planning to do to try to address some of those issues so that we have the right people in the right place at the right time to be more efficient?

Ms. MERDON. Sure. Thank you once again for meeting with me, and thank you for sharing any of your concerns that you had in your office. I am glad we are able to work those for you.

You know, as you had noted, we did have a record number of moves, I think 278 moves, the most in the last 40 years. We also, in December and January, turned over the first phase of the Cannon and also completed the Rayburn garage, as well as turned over the daycare center. So the House of Representatives was very busy this year. And thank you for all your support on that.

And I know the House Superintendent, who is here with me today, works very hard to coordinate all those issues with our partners—the CAO, the Capitol Police, or any of those. So our House Superintendent is looking at ways to better coordinate and communicate on those. And I know we are following up on your issues.

CANNON RENEWAL

Mr. NEWHOUSE. Okay. Appreciate that.

You brought up Cannon. The first phase is complete?

Ms. MERDON. Correct.

Mr. NEWHOUSE. You also mentioned, too, or visited earlier, now that Members are moving into the recently renovated parts, some issues have been expressed to us and other people we know about some of the lack of built-in storage, the lack of space for some of the necessary equipment that they need.

I just wondered how that is being addressed and if you are using some of that input for future plans for the rest of the building.

Ms. MERDON. Yeah, you are correct, we did finish the first phase.

For the committee, there are five phases of the Cannon, and we completed the first phase, which was the infrastructure, the initial phase, in 2016. And, this year, we have completed the first phase at the end of the year.

Mr. Ayers, the previous Architect, did comment last year that phase one is the most difficult phase of the entire project. It is the longest, physically. It has the Cannon rotunda, the Caucus Room, two hearing rooms, the food servery. And it is also going to be the one where we are going to have our lessons learned, we are going to find out where things actually exist. You know, you recognize that we actually raised the roof on the Cannon because there is a fifth floor now, and we had a lot of lessons learned from that.

And I know our staff is working with the 31 chiefs of staff that moved in there. We had 31 Members move in there. And we understand, when you build a building, you know, you have your one punch list, but then there is another punch list when people move in, because that creates a different dynamic, with heating and lighting. And we are reaching out to learn more about what the occupants think about how the space is working.

Mr. NEWHOUSE. Okay. Good. Good.

CONTINGENCY FUND

With all the things you have going on, you have a lot of planned expenses, planned projects. Could you talk about your contingency fund if there is something unexpected that comes up? Do you have something like that?

Ms. MERDON. Well, each project has a contingency, and we do—I can say we do 10 to 20 percent, but it is actually a very educated number. We do a risk analysis on each project's contingency based on the difficulty of the project. So it could be a simple project that has 5-percent contingency or the Cannon or others which had—I think the Dome had a 20-percent contingency.

But, also, each of the jurisdictions have a minor construction fund available to them for emergent projects and——

Mr. NEWHOUSE. Unplanned things. Yeah.

Ms. MERDON. Exactly.

Mr. NEWHOUSE. Okay.

PRESIDING INAUGURATION

You mentioned the stage, the platform for the inauguration. Could you tell us how much that costs to construct every—and then tear down?

Ms. MERDON. This year, we are requesting $7 million. And the construction and the teardown is included in that.

So we start planning that the day after the last inauguration. We do——

Mr. NEWHOUSE. So you are assuming it will be on the west side all the time now?

Ms. MERDON. Yes. I think Reagan may have had the first one; we made the switch about that time.

But we take the plans, we say what can we do better, what worked and what didn't work or what technology is changing or what security aspects are changing after the last inauguration. So right now we are getting to approach finishing up the design.

And in September of 2020 we will begin the construction of the stands. So about 3 months before the end of the year we begin the stand construction. So it is quite an endeavor.

Mr. NEWHOUSE. Yeah. Yeah. I don't know what the question is—or what the answer is. It just seems like some streamlining of that whole thing so we don't have to recreate the wheel every 4 years.

CPP TUNNEL MAINTENANCE

But, anyway, the other thing I was thinking as you were talking, you talked about the tunnels and the maintenance and the citation that you received by—who was it?

Ms. MERDON. Office of Compliance in 2006.

Mr. NEWHOUSE. And then you mentioned that you satisfied that citation in 2016, 10 years later.

Ms. MERDON. Uh-huh.

Mr. NEWHOUSE. So just expand on that.

Ms. MERDON. So, you know, we were cited in 2006. We have over 2 miles of tunnel, so I think identifying all the issues, doing the design, bringing a contractor in, and——

Mr. NEWHOUSE. Oh, wow. It is a 10-year process, huh?

Ms. MERDON. Right. And also having to maintain operations the entire time. So we had to take it out not all in one time but in parts and pieces.

And, you know, some of it was asbestos, and asbestos is very time-intensive to remove. Some of it was heat stress and concrete repairs. And it is not like you are going into an open room like this; you are working behind very difficult systems and pipes all the way.

So it took quite a while to do because of all the difficulty to identify all the problems, design a solution, and ultimately remediate it.

Mr. NEWHOUSE. All of those tunnels, they are original? They are part of the original campus? Or are they——

Ms. MERDON. You know, some of them are very old, but we have some tunnels—the CVC tunnels are fairly recent, only 10 years old. So they are different ages. The Cannon tunnel is probably one of our oldest.

Mr. NEWHOUSE. Yeah. It is just fascinating. There is a ton of stuff around here that you just don't see and people don't realize.

Ms. MERDON. Exactly. It is all the unseen that takes a lot of time and attention to keep the campus safe, warm——

Mr. NEWHOUSE. Okay. Well, thank you. Again, thank you for being here, and——

Ms. MERDON. Thank you, sir.

Mr. NEWHOUSE [continuing]. I appreciate your input.

Thank you, Mr. Chairman.

## CANNON RENEWAL

Mr. RYAN. Thank you, Mr. Newhouse.

I wanted to dig in here a little bit on a couple of these issues.

What would your assessment be of the Cannon project at this point? I know you expressed several challenges that you faced with storage and so on and so forth. I had a couple Members grab me about privacy within the office space—I don't know if the chief of staff had mentioned that to you—or maybe conversations can be heard. I heard it from two or three people. I didn't go up to check it out myself.

But what would your assessment be of the project so far? And do we have any red flags that have popped up?

Ms. MERDON. This is the first I have heard about the conversations. We will make sure we address that.

So, as I mentioned, this is the one where we have our most lessons learned. So, currently, we are taking the lessons learned on the phase one and doing an assessment of the cost, looking at

where is going to cost more and where we may have some efficiencies, and also holding the contractor accountable.

But we have to take those lessons learned and apply them to phases two, three and four, and, once again, looking for efficiencies. So the project team right now is doing that assessment.

One thing to remember, the Cannon is a very large project, and each of the five phases is larger than the dome, as far as size. So it takes time for our team to work through the complex issues and to finalize a number or what the bottom line is. So I would like to come back to the committee in springtime to provide you with a number of the cost to complete. We are working very hard to keep it at the original number, the 752.7, but we are assessing what we learned on the first phase.

Mr. RYAN. Okay.

The GAO talks a lot about redesign and issues around redesign once construction has begun. Can you talk a little bit about that?

Ms. MERDON. Certainly.

This project is a renovation project. Prior to coming to the Architect of the Capitol, I had spent a number of years in the industry. And typical with this type of project, you do run into a lot of unforeseen conditions once you start tearing down walls or lifting the roof. So there was a lot of redesign, because we found conditions that weren't as we thought on the original plans that we had, and we had to redesign to accommodate the conditions as they were built. So working through that.

CANNON CAUCUS ROOM

Mr. RYAN. The Cannon Caucus Room, is that part of your comments just then?

Ms. MERDON. Yeah, the Cannon Caucus Room, some of the issues—there was a desire to make some changes on installing a dais and some of the audio-visual equipment too. And so we are doing the redesign on that, and it should be open by the beginning of next year.

Mr. RYAN. So how does that happen? I mean, you think you are going to redesign the Cannon and you are talking about the dais. Wasn't that thought about beforehand, that that had to be part of a redesign?

Ms. MERDON. It was. I think the issue with that is the design for the Caucus Room was done several years ago, and there may be new people who came in who had a different desire based on current needs and requirements. And we made those adjustments—are making those adjustments.

Mr. RYAN. Okay. So when you talk about lessons learned, that would be a good example, correct?

Ms. MERDON. Absolutely. And one of the things that we did on phase two is—it is kind of a two-phase—we actually have been meeting with our stakeholders and the others, like the CAO in the House, probably starting 2 months ago to review the drawings to see if there are any changes earlier on, prior to starting construction, and a more rigorous change management process.

FUTURE BUILDING RENEWALS

Mr. RYAN. Okay. Good.

So we are talking about Cannon, and we also have Longworth and Rayburn waiting in the wings. Last year, we had a hearing where your predecessor indicated that it was going to be around several billion dollars to do the Longworth and Rayburn. And that is obviously a huge challenge for us, with the small budget that we get here in the Legislative Branch Appropriations.

So how are you planning to manage these projects? And do you have any ideas around some creative financing? We are going to talk about this later in our next hearing, but I would be interested in, given your broad experience on these projects, is there any creative financing that we can come up with here to help us expedite some of these projects and pay for them and get them moving? Because, obviously, they get more expensive as time goes on.

Ms. MERDON. Absolutely.

Mr. RYAN. And coming up with some way to make these early investments to get these things done, I think, would be beneficial to the taxpayer in the long run.

Ms. MERDON. Absolutely. We utilized a public-private partnership with the co-generation, and the cost savings is going to be the energy savings on that.

So the Longworth and the Rayburn are both rated, I believe——

ENERGY SAVINGS PERFORMANCE CONTRACTS

Mr. RYAN. Can you talk—and I don't mean to interrupt you. Can you talk to me about that?

Ms. MERDON. The Cogen? Yes.

Mr. RYAN. That public-private partnership——

Ms. MERDON. Certainly.

Mr. RYAN [continuing]. What did that look like?

Ms. MERDON. So the Department of Energy gives authority to agencies to do energy savings performance contracts. Those are changing the lighting and the heat and the ventilation. And we have done that at the House and the Senate, the Capitol, and we are doing it at the Library of Congress, where those things are installed, energy savings are installed, but the government pays the contractor or the financier back with the energy savings over a period of time. And we have been very successful.

Department of Energy also has the utility savings contract vehicle. That is for larger projects. And we use that authority and that vehicle to engage with Washington Gas to do the design and the construction and the financing of the Power Plant.

So we are achieving significant energy savings from the Cogeneration, and it just started producing energy and steam and power at the end of last year. So that is about a 20-year payback period on that.

So those are authorities that we have. To do, I think, what you are asking for, we would need authority too. We had the authority in legislation when they built the Thurgood Marshall Building. It is a court building, but a developer came in and built that, and we pay the lease costs, and it will become ours in 2024. So those are opportunities, different examples of how that can be done.

Mr. RYAN. Department of Transportation, is that a lease too?

Ms. MERDON. I am not familiar with that building.

Mr. RYAN. All right. I was just wondering.

So the Cogeneration at the DOE and the utility piece sound—I mean, there is obviously—so the energy savings pays for——

Ms. MERDON. Pays that back.

Mr. RYAN. Who put the money in up front? Department of Energy?

Ms. MERDON. No. It was Washington Gas, their financial——

Mr. RYAN. Oh, Washington Gas. Okay.

Ms. MERDON. Yeah. You know, the only money——

Mr. RYAN. So it was like a PACE program, a PACE kind of program?

Ms. MERDON. Exactly.

Mr. RYAN. Okay.

Ms. MERDON. Exactly. And the appropriations were provided for the management team. You know, we needed to have project managers and our own financial consultants and engineers to oversee Washington Gas, and that was appropriated money. But the project was paid for and financed by Washington Gas.

Mr. RYAN. That would probably be harder to do, or we would just have to do it differently, with the buildings that we are talking about renovating here, right?

Ms. MERDON. Right. We would have a——

Mr. RYAN. Because it is not a Power Plant; it is an office building.

Ms. MERDON. Correct. You may have to do a lease cost back, you know, where they would provide a financing for the upgrade of the building and then, you know, Congress would have to pay a lease, similar to what was being done at the Thurgood Marshall Building.

Mr. RYAN. I would like to get some information on that——

Ms. MERDON. Sure.

Mr. RYAN [continuing]. If that is okay——

Ms. MERDON. Yeah.

Mr. RYAN [continuing]. The Thurgood Marshall Building.

Ms. MERDON. Uh-huh.

[The information follows:]

THURGOOD MARSHALL FEDERAL JUDICIAL BUILDING

On October 8, 1988, the Judiciary Office Building Development Act (Public Law 100-480) authorized the construction of a Federal judiciary building on Capitol Grounds. On August 15, 1989, the AOC (acting on behalf of the Government) entered into a series of agreements with the competitively-selected developer to effectuate the financing, construction, operation, and leasing of the TMFJB.

Trust Agreement. Congress authorized the use of private financing (trust funds consisting primarily of the proceeds from the sale of certificates of participation and the repayment thereof over 30 years based upon payments from building tenants) to finance the cost of constructing the building instead of using appropriating funds.

Ground Lease. While the Government-owned land was leased to the developer for a period of 30 years, the title to the land is retained by the Government.

Development Management Agreement. Although the developer initially managed the property, the AOC approved all construction-related items (plans, specifications, construction contracts/subcontracts, construction financing, etc.). The developer was paid a fee for its services as Development Manager, but retains no residual ownership interest in the structure.

Master Lease. As owner of the building, the developer leased the building upon its completion to the AOC for a period of 30 years. As such, the AOC bears the risk of loss and responsibility for all maintenance and upkeep. The AOC thereafter leased the building to its judicial tenant, the Administrative Office of the U.S. Courts (AOUSC).

The AOC makes bi-annual fixed rent payments in the amount of $8.62M and remits those payments to the Trust Company in accordance with the Trust Agreement. The AOUSC reimburses the AOC for the fixed rent cost and annual operating expenses pursuant to an interagency space occupancy agreement. Because the 30-year financing is at a constant rate, the base rent charged to the AOUSC to retire the indebtedness over 30 years is not subject to escalation (unlike the case in privately leased buildings or those leased by the Government Services Administration).

The Government retained title to the land. The developer's leasehold interest in the land will expire at the end of the 30-year Ground Lease, and ownership of the structure will pass to the Government at no additional cost upon expiration of the 30-year Master Lease. The final rent payment will be on August 15, 2024.

Mr. RYAN. So, anyway, the billions of dollars in Longworth and Rayburn, how do you plan on managing that beast?

FUTURE BUILDING RENEWALS

Ms. MERDON. It is a big effort. And we have engaged a blue-ribbon panel recently, who are bringing industry experts, and they are going to come and assist us, providing some guidance and some insight on how to do that.

So that is a recent development, and, with that, we can start planning which building has to be done first. I know the Rayburn is in poorer condition than the Longworth is. But helping us determine the priorities, taking a look at some financing strategies or some funding strategies.

Mr. RYAN. What is the timeline on those projects, projected at this point, which is——

Ms. MERDON. So the Cannon will be in 2024. And we don't anticipate being completed with those two until 2030s or 2040s, quite a while away.

Mr. RYAN. Okay. So Brady Ryan may be the Congressman, I think, at that point. He is 4 now.

Ms. MERDON. Could be.

ENERGY REDUCTION

Mr. RYAN. I just have one final question on the energy savings. And that is of great interest to the committee because of what has already been done. What other strategies do we have moving forward with Cannon, with Longworth, with Rayburn, any other projects you have, around energy savings?

Ms. MERDON. So the Energy Savings and Security Act of 2009 required a 30-percent savings by 2015. And in 2015 we made a decision that the AOC will have energy savings of 2 percent a year, up to a 50 percent by—I believe it is 2025.

So the Cogen is a big part of that. We actually achieved the 30 percent, and we are at 42-percent energy savings by bringing the Cogen on line.

But we are not done yet. We are doing an energy savings contract at the Library. So that is changing metering systems. You know, being able to measure what you are doing is a big part of saving it, so installing meters, better controls of HVAC, replacing old equipment to more reliable equipment. We did install, a couple years ago, solar panels on top of the Hart roof, so that is one technology that has some payback but I know is evolving over time. You know, we are using natural gas at the Capitol Power Plant instead of oil.

So I think we have done quite a bit and will continue to do more. And we are also looking at ways to save water, use our water more efficiently, because that is a cost to us, so looking at ways to do that.

GREEN ROOFS

Mr. RYAN. How about on the roofs, the roofing? I know that—a lot of gardens on the roof and that kind of thing. Are you exploring any of those?

Ms. MERDON. So there is a green roof on the Hart, and there is a green roof on the O'Neill. And we are looking at——

Mr. RYAN. That is grass?

Ms. MERDON. Different type of materials besides grass——

Mr. RYAN. Okay.

Ms. MERDON [continuing]. You know, just a little hardier——

Mr. RYAN. Yeah.

Ms. MERDON [continuing]. Can take the sun a little bit more. And we are looking for opportunities in the Cannon, too, in the courtyard——

Mr. RYAN. Okay.

Ms. MERDON [continuing]. To make it more of a green space.

Mr. RYAN. So the material on the Hart Building, is that better than the grass and the dirt and stuff that I have seen on a lot of buildings in some of the bigger cities?

Ms. MERDON. We can provide you with a picture and some information, but I think it is sedum. It is a grass that is a little hardier. And I think with the Hart they also wanted some color variations too.

Mr. RYAN. Oh, it is grass? Forgive me. I have never been on the roof of the Hart Building.

Ms. MERDON. Ground cover, different types of ground cover.

Mr. RYAN. Yeah.

Ms. MERDON. We can provide you that information.

## GREEN ROOFS

AOC's vegetative roofs offer a full range of benefits: extending the life of a roof membrane by protecting it from UV light exposure; reducing and filtering storm water runoff from roof areas (which means less stress on the city's infrastructure); reducing the urban heat island effect by cooling the roof surface (helping to reduce energy use for cooling and heating our buildings); creating an urban habitat; and improving the overall aesthetic of the roof area (particularly beneficial on low roofs). In some cases, the systems offer educational value when shared as a best management practice.

Green roofs can be used to comply with the District of Columbia's Department of Energy and the Environments, storm water regulations and are a potential source of both storm water and LEED building credits. Green roofs can increase the insulation value of a roof. They also increase the total weight of a roof, which requires more structural steel. In most cases it can be more expensive to retrofit an existing building with a green roof because you may need to include structural steel upgrades. Therefore, it is better to design and build a new building with a green roof so that the structural steel is designed and built as a complete system to support the weight.

Various planting material may be used depending on the type of green roofing system. Both the Dirksen and O'Neill systems used native or adaptive sedums for their extensive green roofing systems. A "sedum" or "sedum carpet" is a standard build-up of extensive, meaning a soil layer of .8-6 inches, for green roofs. It is a shallow and lightweight green roof type with ground-covering plants, which require little maintenance.

It is the intent of the AOC to select plants that are well-adapted to local micro-climate conditions and maintenance regimes, thereby reducing the inputs – both labor and materials – required to maintain a thriving landscape. Careful plant selection results in benefits for the local environment, including supporting local pollinator populations and wildlife, reducing reliance on chemical fertilizers and pesticides, reducing water consumption, slowing and filtering storm water runoff, and inhibiting invasive species.

Water runoff is slowed or retained on the roof at various levels of the system. The basic buildup of a green roof is layered: drainage, filter fabric and vegetation layer. Each layer fulfills several functions from drainage, to aerations, water storage, insulation and root barrier protection. Both the Dirksen and O'Neill project teams used best practices in the design of their systems.

The AOC maintains multiple green roofs on and off campus. These include green roofing systems located at the Dirksen Senate Office Building, O'Neill House Office Building, House Spirit of Justice Park, and Library of Congress Packard Facility.

Mr. RYAN. I mean, can you turn it into a place where people could go and——

Ms. MERDON. I think it is not that accessible.

Mr. RYAN. Okay. Yeah.

Ms. MERDON. I think that is the challenge; it is not an accessible roof.

Mr. RYAN. Okay.

Well, great. Well, thank you and to your entire team. We know how much effort you put into your budget and trying to get it right before you come to this committee, so we are very thankful for all of your efforts. We appreciate you. It is important work.

I mean, I think Mr. Newhouse captured it by saying a lot of people don't really understand. They come here to visit, and we come here to work, and we walk around, busy, and you all make it work for us. So we really appreciate it.

And we are going to try to be as supportive as we can, given the constraints that we have here and all the demands that we have here, one of which we will hear very soon in the next hearing that we have.

So thank you so much.

Ms. MERDON. Thank you for your support.

[The following questions were submitted to be answered in the record:]

Architect of the Capitol Budget Hearing
Tuesday, February 26, 2019
Chairman Tim Ryan

1. We realize that the Architect's office, along with many of our other agencies, needs to upgrade its information technology systems -- those needs having been pushed aside in favor of major construction projects. New cybersecurity requirements also require investment. Your overall request for information technology is $34 million, a 44 percent increase. Assuming the Committee were able to meet your request, how many years would it be before you would have to do another IT "refresh"?

The AOC's FY 2020 request includes the required funding to sustain the IT refresh program, which is designed as a continuous activity to replace a portion of aging information technology equipment each year based on a lifecycle replacement schedule. If fully funded, we do not expect future increases beyond annual inflationary adjustments.

2. One of the concerns about the Cannon House Office building project raised by the Government Accountability Office has been re-design issues once construction has begun, raising costs and creating delays. One example of this is the re-design of the Cannon Caucus room, which has put completion of that portion of the project beyond Phase One, with a delay at least until the end of 2019. What steps are you contemplating to rein in re-design, to avoid increasing project budgets?

We've always known that Phase 1 would be the most difficult phase of all five phases because it was the first phase in which we had to move Members out; is the largest phase based on square footage; it involves multiple specialty spaces such as the Rotunda, Caucus Room, food servery and two hearing rooms; and is where latent conditions would be exposed. That said, based on our experience during Phase 1, the AOC has determined a need to implement a more stringent process to control scope creep, which can lead to cost overruns and schedule growth. In conjunction with the Executive Working Group, we are developing a change request procedure that will document the request from stakeholders, any budget and schedule impact of requested change, sign-off by requesting stakeholder acknowledging the budget or schedule impact, and the potential approval by the Executive Working Group. We will work proactively to identify changes as early as possible.

In addition, we are working with the contractor to incorporate lessons learned from Phase 1 and to identify potential cost saving measures for Phases 2, 3 and 4.

3. Coming fast on the heels of the Cannon project are needed renovations for the Longworth and Rayburn buildings. Your predecessor indicated in our hearing last year that the cost of the Rayburn building – the last time you looked at it – was in the range of several

billion dollars. Budgets of that size could seriously challenge the Leg Branch appropriation, even if the project were separated into phases.

- How are you planning to manage requests of this magnitude in future year budgets and how much time do you think we have before dangerous deficiencies in the buildings compel our action?

In December of 2018, we contracted with an independent organization to assemble a blue-ribbon panel of construction and financial industry experts to assess potential renewal strategies for the Longworth and Rayburn House Office Buildings. The focus of this study will be to identify alternative renewal strategies and their related cost and schedule. We will investigate alternative financing options including public-private-partnerships, leasing options with developers, in addition to the traditional direct appropriations. The results of this study will provide actionable recommendations to the agency for future funding request consideration.

In addition to the blue-ribbon panel study underway, the AOC is conducting a third-party facility condition assessment (FCA) of the Rayburn House Office Building. This study will identify the building's deficiencies and outline strategies to correct them with appropriate timeframes for action.

4. It is clear that the Capitol complex is in the midst of a large-scale construction boom, trying to play catchup after decades of underinvestment. Can you describe for us how long this high expenditure phase will last, if funding resources permit? In which decade would the next spending surge recur?

- Is the Architect's office looking into ways to regularize these rounds of expenditure, using something like a capital investment fund? I realize we currently have the House Historic Buildings Revitalization Trust Fund, but getting sufficient funding for that has been challenging and it doesn't address non-House projects. Do any private sector entities have alternative financing models to handle funding cycle challenges like this?

Due to the age and historic nature of our facilities, ongoing construction and maintenance is required to preserve these facilities for future generations as well as maintain good work environments to enable Congressional operations. On an annual basis, the Architect of the Capitol assesses our facilities' needs to determine the highest and greatest requirements of the agency. We focus on failed systems, systems approaching failure, critical capital improvements or new construction to address these needs. Based on this assessment, the needs are developed, prioritized and funding is requested via our annual budget. Alternatively, regularizing these requests may result in projects competing for limited funding, inefficient

phasing or underinvestment and excessive deferred maintenance. Our new Rayburn and Longworth House Office Buildings blue ribbon panel study, will look at new renewal strategies for these buildings, it will also investigate alternative financing models (i.e. private entities), which may provide a new approach to the long-term funding challenges for the Capitol complex.

5. In the past, I've expressed my interest in the Botanic Garden using its public platform to encourage urban gardening on a nationwide scale. We appreciate the report the Garden submitted last September describing the challenges various urban farming projects have faced – whether maintaining financial stability, their difficulty in job creation, or meeting goals of dietary improvements. But the report affirmed that the Botanic Garden can use its strengths to engage its one million annual visitors on the importance of urban gardening.

- What specific steps does the Botanic Garden plan to take to increase its role in public education on urban farming?

We are very pleased to have the opportunity to engage with gardens and communities across the United States in urban agriculture, an area central to the USBG's mission.

- Last year the USBG launched a new partnership with Chicago Botanic Garden to support train-the-trainer programs and resource development in urban agriculture and community engagement across the country. The first training session offered through this partnership will be in Chicago in summer 2019.
- Through a partnership with the National Center for Appropriate Technology, the USBG also developed an Armed to Urban Farm training program for veterans and active duty service members. One session was offered in D.C in September 2018, and we will offer additional trainings in Ohio and D.C. over the next two years. This partnership had also led to the creation of a "Green House Manual for Educators" to be released in early spring of 2019.
- To continue expanding its role in education on urban farming, the USBG hired an Urban Agriculture Education Specialist this winter and is continuing to explore new potential partnerships with gardens and other educational organizations across the U.S.
- In addition to these national initiatives, the USBG is also developing public programs focused on urban agriculture, food, and nutrition for visitors, local educators and others here in D.C. For example, we will bring the public into our Kitchen Garden to share information on how to grow food plants. We will also offer teacher trainings to help teachers better utilize school gardens and greenhouses.

6. We have been approached by the office of my colleague, Rep. Eleanor Holmes Norton, about her legislation to require the Library of Congress to add a window with the Seal of the District of Columbia to the stained-glass windows in the Main Reading Room of the Jefferson Building. I understand that you are adding windows for the last two States admitted to the Union in your planned renovation project.

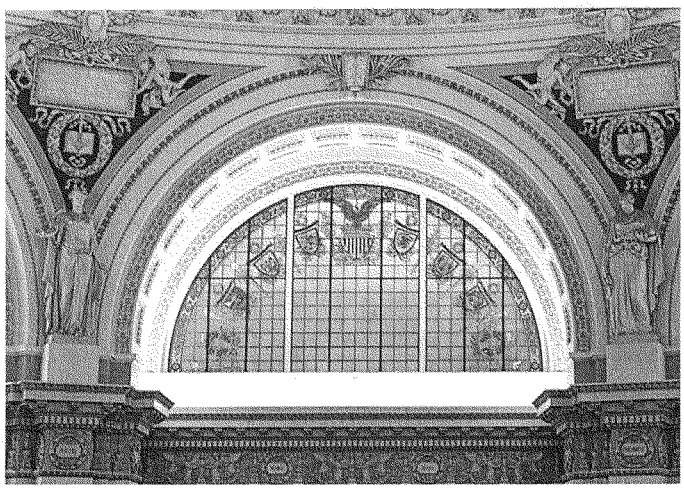
- Is there a reason you haven't included the District of Columbia in that stained-glass window project? It seems to me that "the 50 States and the District of Columbia" is the typical grouping for Federal government activities.

- Wouldn't it be equally appropriate to include the seals of the other territories in the Library of Congress display?

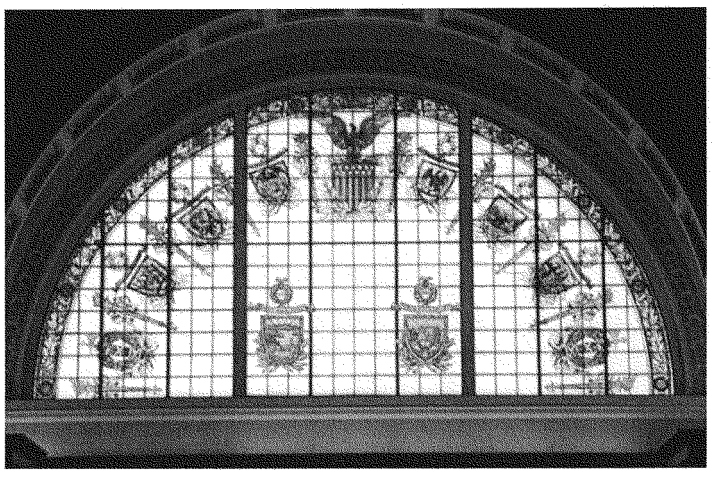
The underlying need for the stain glass restoration project is to make necessary repairs to the 120-year-old original panels surrounding the main reading room. The stain glass windows depict the States and Territories as of 1897, when the building opened. The project will replace broken and missing pieces of glass. It will also resolve the inward sagging of some sections that could lead to unexpected and potentially dangerous failures. The project will be carried out in four phases.

From a historic preservation perspective, the AOC's first choice would be to restore the stained-glass panels as they currently appear. However, if directed by Congress to add seals, the AOC has a plan that would allow the addition of 16 new seals, two per window. The attached photos show the current window configuration, and how they would look with two new seals added. Assuming phase 1 construction of the Stain Glass Window project is funded in FY2020, we envision requesting phase 2 in FY2022 and phase 3 in FY2023. The appropriate time to incorporate the seals of Alaska, Hawaii and the District of Columbia would be in this third phase of the project. Any additional seals will impact the project's schedule and budget.

## Library of Congress - Stained-Glass Window As is



## Library of Congress - Stained-Glass Window
## With additional seals



Architect of the Capitol – February 26, 2019
Questions for the Record
Submitted by Ranking Member Herrera Beutler

**Child Care Center**

Was phase 1 within budget?

Yes, Phase 1 was completed within budget.

When is phase 2 scheduled to be completed and open for business?

Phase 2 of the Child Care Center will be completed in Spring 2020. We are actively working with the Chief Administrative Officer of the House to identify an official opening date.

Have you encountered any extraordinary problems during the buildout in the O'Neill Building?

Yes, upon demolition of the exterior landscaping along C Street NW, the roof of the O'Neill Garage was found to be failing due to water infiltration. Extensive repairs were required prior to the construction of the 2 playgrounds serving the Child Care Center. In total, the garage roof repairs have cost approximately $4M of annual facility maintenance dollars that is not part of the $30M Child Care program.

**Baby Changing Stations/Lactation Rooms**

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

Yes, we believe there is an adequate number at this time.

Are there any plans to add more baby changing stations in the future?

More stations will be added as each phase of the Cannon is completed.

What is the status of the lactation rooms on campus?

There are currently 51 lactation stations in buildings across campus.

**Congressional Accountability Act Settlements**

What steps has the AOC taken to ensure its employees are protected against discrimination and harassment, including sexual harassment?

The AOC remains committed to ensuring a work environment that values diversity, promotes respect for individual differences and is free from unlawful discrimination, harassment and retaliation for all employee and applicants for employment. This is outlined in AOC's Policy Memorandum 24-3, Workforce Diversity, Inclusion and Equal Employment Opportunity, issued annually to all employees. It is AOC's policy to hire and advance individual based on merit and without regard to race, color, sex, religion, age, national origin, sexual orientation, gender identity, genetic information and/or disability. Our office of Diversity, Inclusion and Dispute Resolution (DI/DR) promotes full access and integration of qualified individuals with disabilities into the AOC workforce through administration of the AOC Reasonable Accommodation Program.

An essential element of the AOC's steadfast commitment to maintaining a workplace where all employees can feel safe, welcome and valued is regular agency-wide Prevention of Sexual Harassment (POSH) training for all AOC supervisors and employees. This mandatory training is now presented annually.

Prior to 2018, the mandatory POSH training was deployed on an every-other-year schedule. However, in January of 2018, the curriculum and the training schedule were reassessed and changes were made in terms of both content and frequency. The decision was made to provide POSH training annually alternating between two methods of course delivery (in person and online). The 2018 course was delivered in person, the 2019 course will be online with the cycle then repeating. Additionally, the online course was developed through a collaborative effort between DI/DR and the Office of Compliance (OOC).

**Branded Restaurants**

Are you actively working with the CAO to identify additional branded food service opportunities?

Yes, we are actively working with them as they identify future opportunities.

**Urban Agriculture Outreach Program**

Could you please update us on this program?

We are very pleased to have the opportunity to engage with gardens and communities across the United States in urban agriculture, an area central to the USBG's mission.

- In September 2018, the USBG completed and delivered to Congress a report on "The Role of Public Gardens in American Urban Agriculture".
- Last year, the USBG also launched a new partnership with Chicago Botanic Garden to support train-the-trainer programs and resource development in urban agriculture and community engagement across the country.
- Through a partnership with the National Center for Appropriate Technology, the USBG also developed an Armed to Urban Farm training for veterans and active duty service members in D.C. and will offer additional sessions in Ohio and D.C. over the next two years.
- The Garden hired an Urban Agriculture Education Specialist this winter and is continuing to explore additional partnerships with gardens and other educational organizations across the U.S.
- In addition to these national initiatives, the USBG is also developing programs focused on urban agriculture, food, and nutrition that will be offered to visitors of the Garden here in D.C.

**Rayburn Garage Renovation**

Please update the Subcommittee on the progress of this project?

The opening of Phase 1 has gone very well. Phase 2 of the 4-phase project is ongoing and on schedule.

Has there been any unexpected costs?

Yes. The Members Wellness Center pool lies beneath the parking area of the garage, and the deterioration of the slab above the pool was substantially greater than expected. Further, investigation revealed the need to replace the asbestos plaster ceiling. Replacement of the ceiling also included replacement of the fire protection systems and lighting. Additional funding of $500K from minor construction funds covered the cost of these repairs.

The four-phase project is still on time and on budget.

Is completion still on schedule for 2022?

Yes. The project is still on schedule for 2022.

TUESDAY, FEBRUARY 26, 2019.

# CONGRESSIONAL BUDGET OFFICE

## WITNESS

### DR. KEITH HALL, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. All right. We are going to call the hearing to order.

Welcome. This is our second hearing this morning, as you know. We are going to be discussing the Congressional Budget Office and its appropriations request.

CBO has become so much a part of this institution that we may take it for granted, but we should remember what a key role CBO plays in helping Congress effectively exercise the power of the purse assigned to us by the United States Constitution.

Before CBO was established in 1975, Congress largely depended on the executive branch for budget and economic analysis and for estimates of the cost of proposed legislation. With CBO, Congress has its own independent source of cost estimates for legislation, assessments of the President's budget proposals, and projections of the future path of spending, revenue, and deficits. We need to protect and strengthen that capacity.

The CBO budget request we are discussing today calls for a $2.8 million, 5.6 percent increase above fiscal year 2019. Virtually all of that is for personnel costs. In addition to covering normal pay raises, the requested increase would allow continued modest growth in staffing levels to help keep up with CBO's heavy workload, strengthen analytic capacity in key areas, such as healthcare, and continue efforts to make CBO's work as transparent as possible.

This subcommittee has highlighted the need for transparency in CBO's estimates and analysis, and I believe CBO shares that objective. For example, in recent years CBO has been making more underlying data and details of its economic and budget protections publicly available. It has been publishing more information about its models and methods and more analyses of the accuracy of previous projections.

These all are welcome developments, and I expect we will be hearing more today about future plans in this area.

I should note that the Appropriations committees are the source of some of CBO's heavy workload. We need CBO's help in making sure our bills add up to what they are supposed to, and we need CBO cost estimates at each stage of legislative action. I am told that our committee gets great support from the people at CBO who do appropriations scorekeeping, including work on nights and weekends and on short notice. We appreciate that, and I am cer-

tain other committees similarly appreciate the people at CBO and the work they do.

Our witness today is Dr. Keith Hall, who was appointed CBO Director in 2015. Previously, Dr. Hall has held a number of other positions in government and economics, including as chief economist at the International Trade Commission and at the Department of Commerce, and as head of the Bureau of Labor Statistics. He holds a Ph.D. in economics from Purdue University. As an Ohio guy, we won't hold that against you.

Before Dr. Hall testifies, I want to first say thank you. This is my 17th year here, and CBO in modern debates has been tossed into the middle of the pit, and unnecessarily so. But even when there are disagreements, I think what you have done in the past few years to open it up and have a level of transparency has been extremely helpful in the process.

Not that you won't take political arrows. We are all living in D.C. in 2019. But I want to personally say thank you for that. I think it is an important step, and I look forward to hearing your remarks here.

But before we go to you, I want to turn to my ranking member for her opportunity to make an opening statement, Ms. Herrera Beutler.

## OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And I, too, want to welcome you, Dr. Hall, and look forward to hearing your testimony.

The CBO has been a part of a lot of my legislative work since I got here. This is my fifth term. So I look forward to getting a chance to sit down and hear your testimony about needs that you have and hearing a little bit about what goes into your cost estimates.

And I know that you are requesting an increase this year for additional staff. I know that in the previous years you have been focused on being responsive to Member requests and making sure that you are able to get through analysis quickly.

And so I welcome you. I have questions for you about probably some issues that you are going to be familiar with, and look forward to hearing more about how we can help you as you serve the institution.

Mr. RYAN. Thank you.

## TESTIMONY OF DR. KEITH HALL

Dr. HALL. Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee, thank you for the opportunity to present the Congressional Budget Office's budget request, and thank you also for your longstanding support of CBO. That support has allowed us to provide budgetary and economic analysis that is timely, thoughtful, and nonpartisan as the Congress addresses issues of critical importance.

The primary purpose of my testimony this morning is to request an appropriation of $53.6 million for 2020. That amount is an increase of $2.8 million, or 5.6 percent, from the amount provided in

2019. The increase is largely aimed at accomplishing two main goals.

The first goal is bolstering responsiveness and transparency. Last year, the Congress increased CBO's budget to put in place a multiyear plan to increase our capacity to make its work as transparent and responsive as possible. As a result, we are increasing staffing in high-demand areas, such as analyses of healthcare and immigration. In addition, we are continuing to hire analysts to expand our use of team approaches, in which work on large and complicated projects is shared.

In 2020, we propose hiring additional staff who would increase our expertise and modeling capability in several areas. CBO's goal is to have more staff with overlapping skills within and across teams. In some cases, those skills will consist of expertise related to particular programs, such as transportation. In other cases, they will be more technical, such as the ability to design simulation models. Increasing the number of staff with overlapping skills will allow us to be more nimble when responding to requests for information.

Building on the strong foundation we have established over many years, and with added resources, CBO will undertake many different activities to make its analysis transparent. For example, during the next two years, we will:

- Testify about our projections and analytical methods and will work to resolve issues raised by the Congress;
- Publish more overviews and documentation of some of our major models and more detailed information, including computer code, about key aspects of those models;
- Release data in many forms, including an interactive product to help users obtain information about our estimates of the distribution of household income;
- Use a new format for our cost estimates to highlight key parameters as well as information needed by the Congress for budget enforcement procedures;
- Continue to evaluate previous estimates, when possible, in order to improve future ones;
- Publish several reports about uncertainty in our estimates;
- Experiment with creating visual summaries of some of our major reports, as we did in our most recent budget outlook report; and
- Interact daily with Congress to explain our estimates and obtain feedback and continue to regularly obtain advice from outside experts.

The second goal is to continue our high volume of output.

In 2018, we published more than 900 formal cost estimates; we completed cost estimates for nearly all bills before a floor vote occurs. We also provided the Appropriations committees with numerous summaries and account-level tabulations for appropriation bills; provided technical assistance to congressional staff as they developed thousands of legislative proposals and amendments; and published many reports about the budget, the economy, and related issues.

Those reports included our assessment of the 10-year budget and economic outlook, a report on the long-term budget outlook, an

analysis of the President's budget, a 300-page report describing more than 100 options for reducing the Federal deficit, monthly budget reviews, and a variety of analytic reports that examined particular Federal spending programs, aspects of the Tax Code, and budgetary and economic challenges. Most of those reports were written at the request of the Chairman or Ranking Member of a committee or subcommittee or at the request of the leadership of either party in the House or Senate.

But we know that Members would like us to do even more. So to achieve our two goals—to continue a high level of output and bolster responsiveness and transparency—CBO requests an increase of $2.8 million.

About $1.5 million—a little more than half of the proposed increase—would go toward funding for a full year 14 additional staff members that we will be hiring during fiscal year 2019, as well as 6 additional hires in the fiscal year 2020. That would boost our total FTEs from 255 planned for this year to 264 next year. The other $1.3 million would cover a small increase in our employees' average salary and benefits to provide merit-based pay raises and keep pace with inflation.

With your support, we look forward to continuing to provide timely and high-quality analysis to the Congress.

I am happy to take your questions.

[The prepared statement of Dr. Hall follows:]

Congressional Budget Office

# Testimony

# CBO's Appropriation Request for Fiscal Year 2020

**Keith Hall**
**Director**

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

**February 26, 2019**

*This document is embargoed until it is delivered at 11:00 a.m. (EST) on Tuesday, February 26, 2019. The contents may not be published, transmitted, or otherwise communicated by any print, broadcast, or electronic media before that time.*

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to present the Congressional Budget Office's budget request. And thank you also for your long-standing support of CBO. That support has allowed CBO to provide budgetary and economic analysis that is timely, thoughtful, and nonpartisan as the Congress addresses issues of critical importance.

CBO is asking for appropriations of $53.6 million for fiscal year 2020. That amount represents an increase of $2.8 million, or 5.6 percent, from the $50.7 million provided to CBO for 2019. Of the total amount, nearly 91 percent would be used for personnel costs.

## Reasons for the Requested Increase in Funding

CBO requests an increase of $2.8 million for two priorities—to pay for current staffing and to bolster transparency and responsiveness. Last year, the Congress increased CBO's budget to put in place a multiyear plan to increase the agency's capacity to make its work as transparent and responsive as possible, and the increase requested now would allow the agency to continue to pursue that plan.

### Paying for Current Staffing

CBO requests an increase of $1.3 million to fund current staffing levels in 2020. That amount would be used for a small increase in employees' average salary and benefits to provide merit-based pay raises and keep pace with inflation.

### Bolstering Transparency and Responsiveness

The increase would include $1.2 million to fully fund 14 staff members hired throughout fiscal year 2019. (The addition in terms of full-time-equivalent positions, or FTEs, would be 7.6.) The increase would also include $0.3 million for 6 new hires in fiscal year 2020. (The addition in terms of FTEs would be 1.4.)

## CBO's Budget Request and Its Consequences for Staffing and Output

In fiscal year 2020, CBO will continue its mission of providing objective, insightful, clearly presented, and timely budgetary and economic information to the Congress. To fulfill that mission, CBO requests $53.6 million in funding. The requested funds would be used for personnel costs (that is, salaries and benefits), information technology (IT), and other costs, such as training.

### Funding Request for Personnel Costs and Consequences for Staffing

CBO requests $48.7 million for salary and benefits. Those funds would support 264 FTEs. The requested amount represents an increase of $2.8 million, or 6.1 percent, from the amount provided for 2019. Of the total requested amount:

- $36.5 million would cover salaries for personnel—an increase of $2.3 million, or 6.7 percent, from the amount that will be spent in fiscal year 2019. The increase would include $0.9 million in pay to fully fund the 14 staff members hired in 2019 and $0.2 million for the 6 new hires. The increase would also cover performance-based salary increases for current staff and an across-the-board increase of 1.9 percent for employees earning less than $100,000. And it would provide funds for 3 FTEs for CBO's intern program.

- $12.2 million would fund benefits for personnel—an increase of $0.5 million, or 4.4 percent, from the amount projected to be spent in 2019. The increase would cover a boost in the cost of federal benefits, fully fund benefits for the 14 staff members hired in 2019, and pay for benefits for the 6 new staff members.

### Funding Request for Nonpersonnel Costs

CBO requests $4.9 million for costs other than personnel. 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, interactive graphic tools, and subscriptions to library services.

The requested amount is roughly unchanged from the amount that will be spent in fiscal year 2019. That is the result of offsetting effects. The 2020 amount is pushed up in relation to the 2019 amount mainly because CBO plans to further develop tools to analyze and present data and would need to purchase additional resources to support a larger staff. But the 2020 amount is pushed down in relation to the 2019 amount mainly because CBO anticipates achieving efficiencies in its IT operations and because costs in 2019 have been temporarily boosted by onetime agencywide training.

**Consequences for Output**
The requested amount of funding would allow CBO to do the following for the Congress:

- Provide roughly 700 formal cost estimates (and significantly more than that number if legislative activity is as high as it was in 2018, when CBO provided 947 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;

- Fulfill thousands of requests for background information and technical assistance, 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;

- Produce about 150 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; and

- Publish about 70 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.

The agency would also continue to bolster its transparency and responsiveness by increasing its staff's availability to meet surges in demand and by dedicating more staff to creating publications that explain and graphically illustrate CBO's work.

Despite high productivity by a dedicated staff, CBO expects that the volume of estimates and other analyses will fall short of the number of requests from committees and Congressional leadership and will fall considerably short of the number of requests from individual Members. The demands on the agency remain intense and strain its resources in many areas. For example, the workload associated with the analysis of appropriations continues to be heavy. Also, over the past year, CBO analyzed legislation related to financial reform, farm programs, nutrition programs, housing assistance for veterans, pension reform, disaster assistance, opioid abuse, and cybersecurity. CBO regularly consults with committees and leadership to ensure that its resources are focused on the work that is of highest priority to the Congress.

## Transparency

CBO has always worked hard to make its analysis transparent, and the agency anticipates that almost all of its current employees will spend part of their time on such efforts. Moreover, CBO recently put in place a plan to strengthen those efforts. The Congress increased CBO's budget for 2019 in part to hire new staff to contribute to transparency and bolster responsiveness. To enhance transparency, CBO plans to hire 10 staff members in 2019 and proposes to hire 6 more in 2020.

During the next two years, CBO will undertake many different activities to make its analysis transparent.

**Testifying and Publishing Answers to Questions**
In 2019 and 2020, CBO expects to testify about its baseline projections and other topics as requested by the Congress. That work will involve presenting oral remarks, answering questions at the hearings, and presenting written statements, as well as publishing answers to Members' subsequent questions for the record. CBO will continue to work to resolve issues raised as part of the oversight provided by the budget committees and the Congress generally. In addition, the agency expects that Members of Congress will ask other questions to which it will provide published responses.

**Explaining Analytical Methods**
CBO will update the format of its cost estimates to highlight key parameters as well as information needed by the Congress for budget enforcement procedures. The agency will also publish cost estimates' tables in spreadsheet format on its website to facilitate use of the information.

CBO also plans to publish short reports providing general information to help Members of Congress, their staff, and others better understand its work. One such report will provide brief explanations of some important concepts related to the Congressional budget process.

For example, that report will explain differences among authorizations, appropriations, rescissions, and reappropriations. Another will explain the differences between two types of estimates used for credit programs: estimates prepared using the methodology specified in the Federal Credit Reform Act, which applies to most federal credit programs, and estimates prepared on a fair-value basis, which incorporates market risk. And another short report will explain key scorekeeping rules and how they have been used in providing estimates for recent legislation.

CBO will publish a substantial amount of technical information about updates to its health insurance simulation model (HISIM). CBO also will provide technical information about several other methods used to analyze the effects of federal policies. In addition to segments of computer code from HISIM, CBO plans to release some code from other models.

**Releasing Data**

In 2019 and 2020, CBO will continue to publish extensive sets of data in conjunction with its major recurring reports, including detailed information on 10-year budget projections, historical budget outcomes, 10-year projections for trust funds, revenue projections by category, spending projections by budget account, tax parameters and effective marginal tax rates on labor and capital, and 10-year projections of economic variables, as well as data about the economy's maximum sustainable output.

The agency will also provide details about baseline projections—this year with more supporting spreadsheets—covering the following: the Pell grant program, student loan programs, Medicare, the military retirement program, the pension benefit guarantee program, the Social Security Disability Insurance program, the Social Security Old-Age and Survivors Insurance program, the trust funds for Social Security, child nutrition programs, child support enforcement and collections, foster care and adoption assistance programs, the Supplemental Nutrition Assistance Program, the Supplemental Security Income program, the Temporary Assistance for Needy Families program, the unemployment compensation program, the Department of Agriculture's mandatory farm programs, federal programs that guarantee mortgages, programs funded by the Highway Trust Fund, benefits for veterans and military personnel stemming from the Post-9/11 GI Bill, and veterans' disability compensation and pension programs.

Other data will provide details about long-term budget projections, projections underlying Social Security estimates, more than a thousand expired or expiring authorizations of appropriations, and dozens of federal credit programs. When CBO analyzes the President's budget request, it will post a set of files providing estimates of the budgetary effects of specific proposals. Throughout the year, the agency will post the data underlying the figures in various reports.

**Analyzing the Accuracy of CBO's Estimates**

In 2019 and 2020, CBO will release reports analyzing the accuracy of its past projections of outlays, revenues, deficits, and debt. As part of a continuing series of reports about the accuracy of its previous cost estimates, CBO will reexamine its original estimates of certain legislation. A report on the accuracy of CBO's economic forecasts will be released. And CBO will publish comparisons of previous projections of federal subsidies for health insurance with actual amounts.

**Comparing Current Estimates With Previous Ones**

In several of its recurring publications—reports about the budget and economic outlook, federal subsidies for health insurance, and the long-term budget outlook—CBO will continue to explain the differences between the current year's projections and those from the previous year. In its cost estimates, CBO will continue to identify related legislative provisions for which it has provided estimates in the recent past and explain the extent to which the provisions and estimates at hand are similar or different.

**Comparing CBO's Estimates With Those of Other Organizations**

The agency will continue to publish its regular comparisons of its budget projections and the Administration's and of its economic projections and those of private forecasters and other government agencies. And the agency will include comparisons of estimates in various reports. In addition, when time does not allow for publication, analysts will sometimes be able to discuss such comparisons with Congressional staff.

**Estimating the Effects of Policy Alternatives**

In 2019 and 2020, CBO will release new interactive products to help users understand the effects of potential changes to federal policies. And reports on other topics will also illustrate the potential effects of various policy proposals.

**Characterizing Uncertainty Surrounding Estimates**
CBO will update its interactive workbook showing how changes in economic conditions might affect the federal budget. Also, its reports about the 10-year outlook for the budget and the economy, the long-term outlook for the budget, and federal subsidies for health insurance will contain substantial discussions of uncertainty.

**Creating Data Visualizations**
In 2019 and 2020, CBO will provide information about its budget and economic projections in slide decks and create infographics about actual outlays and revenues. And the agency will continue to look for opportunities to include graphics to enhance the explanations in some cost estimates.

**Conducting Outreach**
CBO will continue to communicate every day with Congressional staff and others outside the agency to explain its findings and methods, respond to questions, and obtain feedback. The agency's Director will meet regularly with Members of Congress to do the same.

As the agency updates its health insurance model, it will continue to discuss the development with representatives from the Congress, federal agencies, states, insurers, employers, doctors, hospitals, and the general public. The agency will also obtain feedback from researchers such as those on the technical review panel that it established for HISIM.

After each set of baseline projections is published, CBO's staff will meet with Congressional staff to discuss the new projections and answer questions.

CBO will continue to obtain input from its Panel of Economic Advisers and Panel of Health Advisers. It will continue to turn to other experts as well. For example, CBO will convene a recurring meeting of crop insurance and commodity analysts to review the past performance of the crop insurance program and commodity markets and to discuss projections of future spending in those areas. Many reports will benefit from written comments by outside experts on preliminary versions. For some recurring reports produced on compressed timetables, such as the one about CBO's long-term budget projections, the agency will solicit comments on previous publications and selected technical issues to incorporate improvements in future editions.

CBO's staff will give presentations on Capitol Hill—some in collaboration with the Congressional Research Service—on its budget and economic projections and on other topics. Those presentations will allow CBO to explain its work and answer questions. The agency will also give presentations about its findings and about work in progress in a variety of venues to offer explanations and gather feedback. In addition, CBO will use podcasts and blog posts to summarize and highlight various issues.

## Responsiveness

One of CBO's highest priorities is responding to the Congress with the information that it needs to legislate. That information takes a variety of forms, ranging from formal cost estimates to background information and technical assistance, and CBO tries to provide it when it is most useful. For example, CBO completes nearly all cost estimates before a floor vote on legislation. In addition, the agency works to provide technical assistance, reports, and other information to policymakers during earlier stages of the legislative process.

The agency recently put in place a plan to strengthen its responsiveness. For 2019, the Congress increased CBO's budget in part to hire new staff to contribute to that effort. As a result, CBO is increasing staffing in high-demand areas, such as analyses of health care and immigration. In addition, the agency is continuing to hire analysts to expand its use of team approaches, in which work on large and complicated projects is shared.

The budgetary increase that CBO is requesting now would allow it to continue such efforts while also enhancing transparency. In 2020, CBO proposes hiring additional staff who would increase the agency's expertise and modeling capability in several areas. CBO's goal is to have more staff with overlapping skills within and across teams. In some cases, those skills will consist of expertise related to particular programs, such as transportation. In other cases, they will be more technical, such as the ability to design simulation models. Increasing the number of staff with overlapping skills will allow the agency to be more nimble when responding to requests for information.

This testimony summarizes information in CBO's budget request for fiscal year 2020, which was prepared by Mark Smith, with contributions from Leigh Angres, Wendy Edelberg, Joseph E. Evans, Jr., Theresa Gullo, Deborah Kilroe, Jeffrey Kling, Cierra Liles, Benjamin Plotinsky, and Stephanie Ruiz.

Mark Hadley reviewed the testimony, Benjamin Plotinsky edited it, and Jorge Salazar prepared it for publication. It is available on CBO's website at www.cbo.gov/publication/54965.

Keith Hall
Director

WORKLOAD CHALLENGES

Mr. RYAN. Thank you, sir.

I believe you guys shrank a bit earlier in the decade, and I know you are trying to rebuild, and that is part of the request.

What was the distribution of the workload when you guys were squeezed? We hear these stories of weekends and nights and all of that to try to get things done, and we are very appreciative of that. Can you tell us how you dealt with that?

Dr. HALL. Sure.

We always have a problem with peak load issues. A topic becomes hot, a bill becomes active, and we only have so many experts we can throw in on it. So lots of times folks have to expect to work over the weekend and et cetera.

The thing we try really hard to do, and I think we do this very well, is sort of do our due diligence. We take the time to think something through, we talk to experts, and et cetera. And sometimes that can be frustrating for folks that are waiting for us and it can push our work over weekends, but we are sure to do that.

And now that we are trying to be more transparent and more clear in our writing, the writing up of things, that, again, takes more time. And we can anticipate some of it. We are trying to add people in certain areas.

The past year or 2 our healthcare team has just been working flat out and had way more workload than we could possibly do. And those folks, it is unusual to give them the weekend off at times.

Mr. RYAN. Wow.

Dr. HALL. But we deal with it, we try our best to anticipate, and that is part of what we are trying to do now.

Mr. RYAN. Are these straight salary people, so they come in and work, they are not getting any overtime?

Dr. HALL. That is right. That is right.

Mr. RYAN. I didn't even need you to answer. I saw everybody's face, everyone's expression behind you. They are not good poker players, I will tell you that.

Ms. Herrera Beutler.

WHEN ARE COST ESTIMATES MADE PUBLIC?

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

In response to your comments about being responsive, I wanted to ask a question about H.R. 1, and this is something that I have had several colleagues weigh in with me on and ask.

It was introduced on the first day of this Congress, which was about 7 weeks ago, and has 227 cosponsors, and the Speaker has publicly stated her intention to schedule a floor vote on this legislation later this month. I think it is being marked up this afternoon.

And you were sent a letter by Ranking Members Davis and Womack last week that in part read, quote: All Members of the House are very familiar with elections law, procedures, and regulations. Members on both sides are obviously interested and concerned about this encompassing legislation and what it could mean for their individual districts and States, from the six-to-one taxpayer donation matching system to the My Voice Voucher Pilot

Program. There are numerous provisions identified that could easily have long-term implications.

So my questions are: When is CBO going to release a formal cost estimate of H.R. 1? And has your team shared with Congress a preliminary cost estimate for H.R. 1, just given the implications here?

Dr. HALL. Sure. I do think we are going to be able to meet demand and have things ready for the vote. That was the topic we were working on this last weekend, as a matter of fact. We have spent a lot of time on it.

One of our challenges almost always is, and it is with this bill, is the language changes.

Ms. HERRERA BEUTLER. As it is going.

Dr. HALL. As it is going along. We really spend more of our time sort of with informal discussions and talk about changing language, which I guess I will call technical assistance, and we have done quite a lot of that, even if we don't have a formal estimate yet.

And so getting the language sort of finally nailed down and narrowed down is sort of always a challenge for us in getting that done, and I think we should be able to do that.

Ms. HERRERA BEUTLER. When you say informal conversations, who have you had those conversations with?

Dr. HALL. I don't know offhand. It is almost always—it is the committee of jurisdiction, the committee or the leadership that is drafting the language. I don't know off the top of my head.

Ms. HERRERA BEUTLER. So the ranking members on the committees of jurisdiction, have they been privy to some of these? Have you been able to informally brief an update?

Dr. HALL. Right. Yeah, a lot of that depends upon the committee staff, whether they want us to work confidentially or not because it is sort of work product. So a great deal of our work is done confidentially.

And we have a practice of once specific legislative language, it all becomes public, and we make all our estimates after that public. And once we get the formal language and get a formal estimate, we will be sure that we get the information around and tell folks.

We have probably had some real conversations back and forth with the committee majority as they craft the language, though.

Ms. HERRERA BEUTLER. And I understand there is a sensitivity to if I am working on legislation with my leg staff, you want to get it as ready for primetime as you can before you release it out to the public.

Dr. HALL. Sure.

Ms. HERRERA BEUTLER. I completely understand the need for discretion.

I think my concern is that when you are asking for help with manpower to do these enormous herculean tasks, this has obviously been probably going on for 7 weeks, I don't doubt that you picked it up 2 weeks ago and were like, "Oh, this is huge. We have to work over the weekend." I am sure your team has been dedicating a lot of time to this.

It is hard then to come back and think, well, so you are saying on one hand you want to be responsive and you want to be helpful, but if we aren't going to have any information about this until it

is being marked up, you can imagine why CBO gets put into the middle of political fights, to be totally frank, right?

Dr. HALL. Right.

Ms. HERRERA BEUTLER. Because it kind of feels like, well, this is all taxpayer money.

Dr. HALL. Right. Well, we are somewhat at the mercy of Congress, you know.

If we are doing work for a committee and they ask us to do it confidentially, we do it confidentially, but with the understanding that if language becomes public, we can't do that.

So we are trying our best to create a level playing field while at the same time doing a lot of confidential work, and that is what I get phone calls about sometimes.

Ms. HERRERA BEUTLER. So can I ask—and this will probably be my last before the chairman moves on.

Mr. RYAN. Take your time.

Ms. HERRERA BEUTLER. With that, so the language itself and the proposals, they are public. That is where I think I am a little hung up. It is not private information that someone waited to release. This has been part of press releases. It has been part of talking points. It has been heralded as a political shift, right, which is the prerogative of any majority. That is not what I am debating.

What my question is, is once those proposals have been made public, as you just said, why then isn't it open to all Members of Congress in terms of the financial estimate? That is my issue.

Dr. HALL. Sure. And it is a matter of specificity. We have to make a judgment as to whether the language that is public is specific enough and really is what we are working on, and then we make that sort of pivot.

So lots of times you will hear discussions of aspects of a bill that are being considered, but they don't make it into the final language, and so we aren't necessarily even——

Ms. HERRERA BEUTLER. Which means you can't obviously provide a full, comprehensive, formal review. I understand that. But I think that would also give you the opportunity to have informal conversations over major titles that you know have been released, that are publicly available, that are not being kept confidential.

I can flip open and go through, like, seven titles, and probably all of it won't be in there, but I can tell you, there are probably some pieces that have been part of talking points at press conferences that are going to stay in there.

And I would ask that you would consider that once it has been made public, by whoever is sponsoring it, I am not asking you to do something inappropriate that you are at least having those informal conversations with the ranking members as well. I think that would be my request.

Dr. HALL. Okay. Yeah. Well, we will see what we can do. But we are still, like I say, sort of caught in between a little bit.

And I get calls from Members who are upset about not knowing what we are working on or why we can't pivot to their work because we are busy. We can't even tell you what we are busy on.

So I have heard this before, and I would love a way out of the trap, sort of.

Ms. HERRERA BEUTLER. Well, I think it is a good precedent to say, if whoever it is is going to talk about it and put it in open source, and if it is something that taxpayer dollars are being funded for you to do, then I think it does behoove you to be open with the Members of Congress who ask you about it. I don't think you then have the opportunity to gatekeep that.

You can say, this may end up in it, it may not, when someone says, "Hey, this is open source, this has been brought forward." In terms of transparency, I can see why that would frustrate someone.

Dr. HALL. Sure.

Ms. HERRERA BEUTLER. To say, well, people are using it in press conferences, can't you provide at least the information you have? I mean, I am sure to date you have information about it. You can say, "Well, full disclaimer, this might not end up in the final bill, but I will give you what I got." Does that make sense?

Dr. HALL. It does, but it is a little bit of a danger to us to have us——

Ms. HERRERA BEUTLER. It is.

Dr. HALL [continuing]. Quoted back on a number that we have changed——

Ms. HERRERA BEUTLER. Yes.

Dr. HALL [continuing]. In the middle of the process. And parts of bills interact with each other in unexpected ways sometimes. So it is not always——

Ms. HERRERA BEUTLER. I am familiar.

Dr. HALL. But I understand your concern, and we will continue to try to do what we can to create a level playing field and talk about our estimates when we can.

Ms. HERRERA BEUTLER. All right.

HOW CBO PRIORITIZES ITS WORK

Mr. RYAN. Is this a straight chronological, "We got this request on this date and we start moving on it," versus the Speaker of the House is prioritizing, this bill is H.R. 1? Does that trump—to continue with my card playing references here—does that trump the chronological request?

Dr. HALL. Well, it kind of does. We set our priorities. We talk to the committees of jurisdiction and ask them, "Well, what should we be spending our time on?" And so we do let them do that, and sometimes they do change priorities in the middle and that sort of thing.

And to be honest, it is hard to just sort of say, we get a bill and we start working on it, because we could be talking for years about pieces of this legislation and talking about how we view this and that. So we have a sort of foundation of work over time.

That is part of why I emphasize that so much of our time probably—more of our time is probably spent with this sort of informal technical assistance just talking than it is on the formal estimates where we get that language and here it is final and that sort of thing.

STAFFING STRATEGIES

Mr. RYAN. Around campaign finance, how many people do you have working on that? It seems to me you are talking about

healthcare, you are talking about immigration, you are talking about the economy, you are talking about taxes. I can't imagine you have many people——

Dr. HALL. Well, we will have a team. I would guess it is at least three or four main people. But one of the things that we do is we have assistants who help. And then we have a review process where things get touched by a lot of people to make sure we are being objective, we have been complete.

So the number is probably larger who will touch that eventually on its way out. And everything passes by my desk as well. So if you think about even something fairly simple, a lot of people wind up having some impact on it.

But we can't, as I am sure you know, we can't just sort of create expertise. We have got to have those people there. And it takes our analysts a couple of years to become really expert in their areas.

And so this is part of what we are trying to do, we are trying to create more overlap, so rather than get caught with one person carrying all the weight on something, we have several people who are helping and we have some assistance.

Mr. RYAN. In that regard, let me ask one quick question before I go to Mr. Newhouse. With the budget request, who would you hire with regard to topics? Do you know?

Dr. HALL. Yeah. We try to have a broad range of topics. Eighty percent of our folks have advanced degrees. So our budget analysts typically have master's degrees in public policy. And we will bring them in, for example, somebody fresh out of school, and they will specialize in an area and learn the legislation, learn who to talk to, that sort of thing.

But we have 80 budget analysts covering the entire waterfront. So it seems like a lot of people, but when you consider all the topics, it is not a lot.

And we just try to anticipate. We have to have everything covered because we never know what is going to happen. But if we anticipate there will be more things on immigration, we might try to add some.

Mr. RYAN. So you are just adding bodies, not necessarily saying, "Okay, of the full-time employees, we want 25 percent to go to healthcare." You just want bodies and then you will figure out where they go based on what the demands are.

Dr. HALL. Right. Well, that would be true for budget analysts, yes. We also have a large number of Ph.D. economists who have an expertise that is not so fungible. So we will have areas that are covered, and they will be helping out with developing the modeling and doing some of the——

Mr. RYAN. And that is part of the request?

Dr. HALL. Yes.

Mr. RYAN. Okay.

Mr. Newhouse. I like your gray hair, by the way, just for the record.

Mr. NEWHOUSE. It wasn't always this color.

Mr. RYAN. I know. I know the story.

Mr. NEWHOUSE. I am still trying to get my head around you being here 17 years. You started when you were 12, obviously.

Mr. RYAN. Pretty close.

Mr. NEWHOUSE. Well, welcome, Dr. Hall. Appreciate you being here and bringing your team with you to talk about your budget needs for the year.

CBO is one of those organizations, if the numbers come out with something that you are in favor of, everybody loves them; if they don't, well, maybe the opposite could be true. So it is a tough position to be in. I think you guys are in the position of—I think, you tell me if I am wrong—just calling balls and strikes, right? It is a very impartial place to be. So take my questions in that light. I want to help you improve that.

You talked about transparency. I appreciate your efforts there, and maybe we can talk more about those things to improve transparency so Members feel as though everything is available to them when they need it and all those things.

I would like to know a little bit more about some of the specific reasons, the models that are used in decisionmaking, what that process is like, would it not be a factor when you analyze a bill.

And let me give you an example of what I am trying to get to. And the chairman said you have been thrown into the pit, and that is absolutely accurate, you are at the center of a lot of the arguments.

When you analyzed the House version of the American Health Care Act last year, your estimate included people who would be willing to choose to forego the coverage that they were mandated to purchase under the Affordable Care Act even if they couldn't afford it.

In the total number of people who would lose insurance under the new bill, it also included individuals on Medicaid that would voluntarily leave the free coverage that they were receiving due to the repeal of the individual mandate. So the bottom line is, and I am sure you know, your study deduced that the healthcare bill would cause 23 million fewer people to have health insurance, including that number 14 million who would not buy the insurance if the government stopped fining them for it.

Since the repeal of the individual mandate in the Tax Cuts and Jobs Act, the Centers for Medicare and Medicaid Services released their own estimate for insurance coverage reduction: Not 23 million, it was 2.5 million people in 2019. Of those, the majority are expected to be somewhat younger and healthier than those who retain coverage.

So this is, obviously, a drastically different number than your original estimate. And on top of that it comes after an overestimated number of individuals who would sign up for coverage under the Affordable Care Act in the first place.

So given all of that and the unique role that you have of just calling balls and strikes, but you can influence, through what your work is, policymaking, it is certainly important that the numbers are reliable.

So I would like to just ask about that, some of the reasons specific models were used, what led to the analysis to be, I guess you could characterize being so inaccurate, and what steps are you taking to ensure that going forward that models are going to be more

accurate so that we can all have confidence and all feel that we are getting a fair shake here.

Dr. HALL. Sure.

Well, first of all, there is a little bit of an apples-and-oranges comparison because our 23 million was over a 10-year period, and a lot of that change in coverage came from Medicaid expansion ending. So it wasn't just the mandate.

Also, a few things. We were working on a 2017 baseline. The Budget Committee asked to use that instead of the more recent baseline. So there is a fiction already going on a little bit because we were using a little bit of an old baseline.

We fundamentally differ, I think, from the CMS in thinking that the mandate affects Medicaid enrollment. We think the mandate does encourage people to look for coverage and then they discover that they are eligible for Medicaid where they didn't know before. So we do fundamentally differ with them on that. They don't seem to see much of a Medicaid impact.

I could go on a bit about our differences in estimates, but keep in mind the mandate penalty has been gone for only 2 months. So we are going to see this year exactly how many people do drop coverage now that the mandate penalty is gone. So in terms of our accuracy, well, we will see how that works out.

Mr. NEWHOUSE. The jury is still out, you are thinking?

Dr. HALL. The jury is still out, and it will take a while to get that data in.

We have changed our thinking on it a little bit. We did lower our estimate of the effects of the mandate at some point.

The modeling that we have done has been—let's make one important distinction. We do use models, but the most important thing is our analysts. We have people who think this through very carefully, they talk to people, et cetera. The model is just sort of one tool that they use. So we are not just all dependent upon the model. But that is something that we pay attention to.

For what it is worth, we have just finished updating the healthcare model, first time since it has been created. The model we have been using is something called HISIM. We have got something now that we are calling HISIM 2.0. It is just now online. So we will see what sort of difference that makes.

I think certainly the new modeling will make us more flexible and more able to do different estimates faster going forward.

But you are right, projecting stuff, we have differed with other folks. We have been more or less accurate over times with this.

Part of the issue certainly with the mandate, to be honest, is things change, and a lot of things change, publicity changed, the news changed, and that affects people's view of things, and their willingness to go and sign up for healthcare changes, and we can't always predict that.

But we don't want to be wrong on things. We do assess how we are doing and try to correct things. We do it every year. We adjust our baseline. So we take it seriously when we are off, and we do try to correct it. We have been adjusting our healthcare estimates all along.

DIFFICULTIES IN MAKING PROJECTIONS

Mr. NEWHOUSE. What would you say to some that have been critical of the CBO, even going as far as to say that they should no longer exist?

Mr. RYAN. Keep your language clean when you answer that, okay.

Dr. HALL. Well, I will just say, projecting things is hard, right. Projecting the future is hard. As much as we can, we do it in an objective, nonbiased fashion. I think we are very good at it on the whole. There are instances when sometimes projecting things is very hard, and when it is hard we are not as accurate.

I think healthcare, the ACA was very hard. It was something new. Other things are less hard. I think we do as well or better than anybody in a lot of things. I certainly don't think we have done a bad job on the healthcare, but I do think that has been a really tough lift to forecast that accurately, because there are just so many things that make it complicated. This is part of why transparency is important to us.

Mr. NEWHOUSE. Yeah, that is sort of what it kind of boils down to. So that we understand the processes you are using and maybe even understand the weaknesses and the strengths of those processes so we know where to have more or less confidence in the outcomes.

Dr. HALL. Yeah. And we have done reports, we have done a few presentations at CRS about exactly how we estimate healthcare and do our healthcare estimates. We have done that for staff a couple times, at least once, maybe twice.

So we are going to try to keep doing that work. We are going to try to communicate about uncertainty. When we say 23 million there is a lot of uncertainty in that. And that is just our best estimate. It could be higher. It could be lower. We try to communicate that.

But that is a challenge for us. And to use a terminology, it is not just a matter of unknowns, there is unknown unknowns sometimes in your forecasting. And we don't get to beg off. We don't get to say, "Oh, that is too hard." We try to give you our best estimate and try our best to communicate about it.

Mr. NEWHOUSE. But you footnote that, too.

Dr. HALL. Yes.

Mr. NEWHOUSE. Kind of recognizing the unknown unknowns, right?

Dr. HALL. Right. Now I would say, one of the things that we did, which really should be noticed, is we have redone our healthcare model. We have made probably a dozen presentations to experts on our model as we are developing it. So there are now a lot of people who understand exactly what our new model does, how it works. We have had input from a lot of people. So this has been a very transparent process in arriving at a model which will be a tool for future things.

But this is sort of the challenge of dealing with an uncertain future, trying to be more transparent about it and taking the time to do that.

I can tell you, for example, when we did the healthcare, the ACA estimates, we would have been working on a new model if we hadn't been working on those estimates. We had all hands on board working on those estimates. So it has delayed things because we have been busy doing the work as opposed to setting aside and redoing the modeling. So it is this balance that is a challenging thing.

Mr. NEWHOUSE. That sounds like the lumberjack that doesn't have time to stop and sharpen his saw.

Dr. HALL. Yeah, yeah, I think that is a fair analogy. That is right.

And we have probably, what, 40 people in total who deal with healthcare, but that is a lot of topics in healthcare, and we are working all out. We do our best to actually talk to outside experts and get their views on things.

Mr. NEWHOUSE. Well, obviously, there is a lot of interest in having confidence in the CBO numbers. And I think that transparency, people understanding the processes you are using and, like I said, maybe understanding more the relative strength or the confidence that you have in particular predictions would be helpful, too.

Dr. HALL. Right. And we are looking for input.

When we talk about transparency, we are doing a lot of things in transparency. We like to know what works and what doesn't work, what Congress finds helpful and not so helpful. That is part of what we are doing. We are trying to make business decisions about which axes to sharpen and that sort of thing as well. But it is a process. We don't crave the attention on this.

Mr. NEWHOUSE. It is inherent in your job, I am afraid.

Dr. HALL. It is inherent in our job. And we know we do work that Congress relies on and it is important work. So we are looking for whatever help we can get in helping us focus on what we should be doing.

Mr. NEWHOUSE. All right. Good. Thank you.

Thank you, Mr. Chairman.

Mr. RYAN. You got it.

### FEASIBILITY IN SHARING SUPPORT DATA

Along those lines, there is a bill that would require CBO to publish all the data, models, computations, assumptions used in preparing each cost estimated issue and do so in a way that would allow outside experts to replicate the cost estimate. Is this feasible?

Dr. HALL. It just isn't, unfortunately. We have taken a track where transparency is a lot of things. We understand some of the focus on the modeling, but that is just one aspect of transparency.

And one of the problems is analysts do the work. We are not slaves to the modeling. So there is only so much help models can give.

But second is, we have lots of models. If we had to put up every model we used—we have got 200-plus models—we would have almost no time for anything else. So it is a matter of priorities, which is sort of why we have taken this track of rather than focusing just on the models, we are focusing on a number of things and trying to make good business decisions about which things will be more useful to Congress.

Not to say we are not producing some code from our models, it is the models that are used a lot and that we will likely use again in the future. We are trying to focus on that sort of thing.

And then another aspect of this bill which would be really a concern for us, we use all sorts of confidential data. We are calling up people. Sometimes it is even business confidential data. And if we made that public every time, we would have real problems getting the data in the future. So we have lots of constraints on something like this.

You know, I agree, I have always agreed with the idea that transparency is important. We want to be more transparent. We just want to do it, like I say, with some smart business decisions. This feels a little like being overregulated if you are a company where it is going, in my mind, too far with the modeling and not enough in some of the other aspects.

ESTIMATING SAVINGS FROM PREVENTION

Mr. RYAN. One of the issues that came up earlier was the healthcare bill. And I remember back when we did the Affordable Care Act one of the issues was the inability to project cost savings around prevention.

Dr. HALL. Right.

Mr. RYAN. That was a pretty frustrating time. You know, we are going to have more screenings, we are going to have more birth control, we are going to have more this, we are going to have more that. And, obviously, an ounce of prevention is worth a pound of cure, but we couldn't find that information out. Can you tell us why?

Dr. HALL. Well, first of all, the easy part, or the easier part, is knowing how much the government is going to spend on it. We can get that down. The part about how much is saved from prevention, we do try to take that into account.

What gets frustrating is we look at research, we look at evidence, we don't want to just assume that. And so when we do an estimate, we really do try to make an estimate of the net cost. So we do try to take into account the effects of prevention, that sort of thing.

One of the frustrations, I think, for people is a lot of things seem like they would save more money than they do. You can treat a lot of people, and for the ones that the treatment works on, there are savings, but you are treating a lot of people. So the cost is still there. So we have to net all that out.

And we are constantly looking for evidence. If we get some good evidence, some research that is relevant and shows some savings, we will take that into an account.

I think part of it as well is we can take the savings from prevention into account, and it still doesn't mean that something pays for itself. That is a pretty tall order, for something to actually pay for itself even if it does have some savings involved.

One example I can think of, it was a while back, that something actually paid for itself was some anti-smoking stuff. That actually paid for itself because of the prevention. But there are very few other things we have encountered since then where the prevention has such an impact that it outweighs the spending cost to the Federal Government.

Mr. RYAN. So you are doing screenings, but you are doing screenings for everybody.

Dr. HALL. Yes.

Mr. RYAN. And maybe a lot of those people weren't going to get anything anyway.

Dr. HALL. Right.

Mr. RYAN. And you are catching it for a certain cohort once you are able to——

Dr. HALL. That is exactly right. That is almost always an aspect of trying to take this into account. If treatment helped somebody with opioids, for that person really there can be a lot of savings. But what percentage of the people get reached by that, we have to take that into account, and that gets to be a hard lift sometimes.

Mr. RYAN. So you do have the information. You just can't really project the savings.

Dr. HALL. We try to.

Mr. RYAN. If this particular treatment works, you know.

Dr. HALL. Right. But our starting point has to be, yeah, it works for how many people versus how many are treated. So we do look at that and try to take that into account.

One of the things, I think, that can be frustrating a little bit, too: So much medical research is helpful but it isn't always directly applicable to our issues.

We have actually now done a few things which I really think we should continue to do more of. We put out blogs now talking about where we could use some more research that would help us take this stuff into account.

We did one on obesity a few years ago, for example. We talk about what the evidence is and why we aren't able to give more credit towards programs that help with that. And the idea is to try to encourage research. And we like to hear about research. If there is some research that you think we should take into account, we will listen and talk to those folks and see what we——

Mr. RYAN. I don't want to jump ahead of H.R. 1, but I do have a couple of requests. I mean, one that I think is coming more and more online is the adverse childhood experiences and how these ACEs have a significant impact on long-term health, addiction, all of the anti-social behavior.

Dr. HALL. Right.

Mr. RYAN. And I think we have got to get our arms around that because it is going to take some early investments to try to prevent some of that. So we may be coming at you with that.

CREATIVE FINANCING FOR CAPITAL PROJECTS

Last question I have, that we talked about a little bit with the Architect of the Capitol, is trying to find ways to fund the legislative branch, especially the bricks-and-mortar projects, with some level of creative financing. We had a couple of examples around cogeneration with the power plant and more of a PACE program where you get some upfront money from the gas company to put in the retrofits and all of that and then you yield the savings in the long run.

I don't know if you have any ideas on how we would be able to creatively finance some of these. Renovating the Longworth Build-

ing is going to be over a billion. The Rayburn renovation is going to be over a billion dollars. The longer we wait, the more it is going to be.

Dr. HALL. Right.

Mr. RYAN. I don't know if you have any ideas. I am just kind of tapping into your expertise here. Or if you have any money, I mean.

Dr. HALL. I didn't expect that.

Mr. RYAN. You know, I am not going to let you just ask me for money. We are going to ask you for money.

Dr. HALL. Well, the budget generally is done on a cash basis, and there are some things we do on an accrual basis, credit programs we do that way. But for the most part it is a cash basis.

And when something like what you are talking about, if there is a commitment, even though the government may be renting something, if there is a commitment to rent it, we have to treat that as a commitment. So when we do a budget estimate that all gets wrapped into the cost. So it doesn't necessarily look all that different with the different creative financing things.

But we can certainly talk to you a little bit, if you like.

Mr. RYAN. We could get the money upfront, right. We could get the project. That is what I am concerned about, is getting these projects done and then, fine, paying rent, lease, whatever, down the line. I don't know how you do that with the Rayburn Building.

Dr. HALL. Right. No, I mean, in our cost estimate we would reflect that, we would reflect it. You know, when we do an estimate we do it over 10 years, so we would characterize the upfront money. We would talk about it on a cash basis, when the money goes out, that sort of thing.

As to whether that winds up saving money or not, I don't know.

Mr. RYAN. Yeah. Well, I mean, my estimate—well, I don't know if it would or not, but it would get the projects done. I would think it would save money in the long run because if we wait, the longer we wait, the more expensive everything is, labor, material, all of that.

Is there anything in the budget—this will be the last question. This is a very elementary question. We, the Federal Government, owns all of this property. We own these buildings. They are the Federal Government's property.

Dr. HALL. Right.

Mr. RYAN. The Capitol, Longworth, Rayburn, Ford, all of these. But there is no—we don't get any—I mean, is it just general assets? Are they counted as assets into the Federal Government? Is that part of what we borrow off of in general?

Dr. HALL. Yeah, you can do it that way, that is right. If you just own them, since they don't have that much of an impact on the budget, because there is no cash going in or out.

Mr. RYAN. Right. But if I had a house I owned, I would get home equity, and I would go out and borrow money and redo my house or add something on. But, I mean, we can't do that, right? I mean, if we sold the Longworth Building to a developer, what would they pay for that property?

Dr. HALL. Right.

Mr. RYAN. I am exploring this with you. I don't have an answer. But I would imagine it would be a lot of money.

Dr. HALL. Right. And that would have budgetary impacts, and we would make an assessment of the incoming money when that happens on a cash basis.

I don't know, we don't do it, but there are probably some estimates out there about the value of what the government owns.

Mr. RYAN. I mean, we probably wouldn't look as poor as we are now or the deficits wouldn't look as bad or the debt wouldn't look as bad if we took into account the assets of the Federal Government.

I am just trying to understand if that is even counted. Does that even factor into our own budget or the long-term debt of the country?

Dr. HALL. No, it doesn't really play into what we do.

Now, one of the things that we do when we talk about the debt and the deficit, we do it as a share of GDP to put context in it, right, because GDP gives you some idea of the ability of the economy to generate income that the government could rely on. We do that and we try to put that into context and not just talk about the raw numbers.

But we don't do a lot of talking about the value of the assets of the Federal Government until they are sold.

Mr. RYAN. Yeah. I am glad there is no press in here saying the Congressman wants to sell—the chairman wants to sell off all the assets. We will be cleaning that one up.

Mr. NEWHOUSE. It is already tweeted.

Mr. RYAN. You tweeted that out. There you go. I thought you were my friend.

You are never getting 30 minutes to ask questions again, I am just going to tell you.

Well, we appreciate you and your team. Thanks for coming up and showing up here. And we will take a very close look at your request. We have got a lot of demands this year, and your requests are part of the challenges we have got to struggle with.

But we do want to say thanks to you and your team. And please let everybody know that at HQ we are very thankful for all their work and we rely on you.

And I just think, lastly, that this whole idea of having a strong legislative branch that is independent from the executive is essential for us, and you are a big part of that.

So happy to yield.

Ms. HERRERA BEUTLER. And I don't want to extend the hearing. But I may want to connect with someone further. In the last number of months I have gotten a lot of different information about modeling, like you use a lot of different models and analysts use it. I don't know that our answer can be back to the public, well, they use a lot of different models so then we can't make it open, open and transparent. That doesn't sell.

Dr. HALL. Right.

Ms. HERRERA BEUTLER. So there probably will continue to be more interest in that. And the bill that the Chairman mentioned I have a lot of interest in as well.

And to that, we talked a lot about healthcare, the economic outputs and where we are at, and the projections I am seeing out of CBO based on—and they are revised slightly. But if you look backward and then you look forward you have underestimated economic growth at times, right? And so we are seeing with the big piece of legislation that passed 2 years ago, the tax cuts bill.

I am just curious, as you are putting out updated forecasts, because I assume you are, because GDP is continuing to grow, incomes are continuing to grow, the revenue forecast is changing, while it is a delicate dance for you and it is not a perfect science, the more that you can make your methods public, the more we are going to be able to trust and rely on the hard work that I know your smart folks are putting into this.

You know, part of my challenge is I get into an issue and there are so many different competing. So the economy is growing or it is not growing? It is hard to even answer that. And we are reliant upon CBO to give us good information. And then when you have another, even a quasi-government organization contradicting that, you guys are the economists, you said the Ph.D. economic forecasters.

So it is really, I think, for the future of this organization to continue to do and serve your mission, you are going to have to find a way to become more transparent. It is going to have to be demonstrated. It just will, I think.

And so that is one of the things that as you are asking for budgets to grow, we want to provide that because we want you to do your work.

Dr. HALL. Let me just say, we do a fair amount of self-assessment, how have we done, how accurate we were last year. And I can say, maybe it is worth mentioning, our budget outlook we just produced, 10-year, in there we tell you exactly why we have changed our forecast, how much of it was economics, how much of it was new legislation. We give an economic forecast, we tell you what everybody else is forecasting as well. So we put it right into context.

So we try very hard to be transparent, and a lot of that is sort of buried in the report.

Ms. HERRERA BEUTLER. It is, and it is really fun to read through there with a highlighter trying to find it.

Dr. HALL. But we are always willing to come and talk about this.

Ms. HERRERA BEUTLER. Great.

Dr. HALL. I have never turned down an offer to come talk with a Member.

Ms. HERRERA BEUTLER. Right.

Dr. HALL. And we will come and talk about everything if you like.

Ms. HERRERA BEUTLER. Wonderful. Well, I appreciate it.

And I thank you, Chairman.

Mr. NEWHOUSE. Mr. Chairman?

Mr. RYAN. Yes, Mr. Chairman. Yes, sir.

Mr. NEWHOUSE. Do I have 30 minutes like——

Mr. RYAN. You have got 30 seconds.

Mr. NEWHOUSE. I just wanted to follow up. Dr. Hall said he would be willing to come and talk to any Member at any time.

Dr. HALL. Absolutely.

Mr. NEWHOUSE. I would like to talk to you more about the use or the non-use of dynamic scoring. I have got an article in front of me about the President's budget last year, and it makes some assumptions on the economic growth due to tax changes whereas CBO doesn't necessarily take those into account.

So it comes up with different outcomes, and so I would like to have a longer conversation about that if we could.

Ms. HERRERA BEUTLER. I would like to.

Dr. HALL. Sure.

Mr. NEWHOUSE. But also in your testimony, one of the topics is analyzing the accuracy of the CBO's estimates. You are coming out with some reports analyzing your hits and misses apparently. I am certainly interested in seeing that, and I think that would be interesting for a lot of people to see.

Mr. RYAN. I am happy to adjourn this hearing.

[The following questions were submitted to be answered for the record:]

Congressional Budget Office

MARCH 22, 2019

# 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 February 26, 2019, 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 2020.[1] After the hearing, Ranking Member Herrera Beutler submitted questions for the record. This document provides CBO's answers. It is available at www.cbo.gov/publication/55040.*

**Question.** You mentioned in your written testimony, that last year CBO completed 947 formal cost estimates, significantly higher than the year before at 740. Roughly how many preliminary cost estimates did CBO produce last year? How do you prioritize cost estimate requests?

**Answer.** In 2018, CBO fulfilled several thousand requests for preliminary estimates and technical assistance. CBO provides such information at the early stages of the legislative process, when proposals are being developed, as well as at later stages, when amendments to legislation are being considered.

The Congressional Budget Act of 1974 requires CBO to prepare formal cost estimates after a committee orders authorization legislation to be reported for consideration by the full House or Senate. (For appropriation bills, CBO provides information in a different form.) That requirement was designed to ensure that CBO placed the highest priority on preparing estimates for the legislation that was most likely to be actively considered by the Congress. The Congressional Budget Act also directs CBO to prioritize requests from committees—particularly the House and Senate Budget Committees. Given CBO's staffing, it generally is not possible to satisfy requests for formal estimates that do not come from those two committees, the committees of jurisdiction, or Congressional leadership, but CBO's analysts provide technical assistance or informal estimates to individual Members as time permits.

**Question.** Last December the Congressional Accountability Reform bill became law. There is a provision that will hold the agencies responsible for reimbursing the Treasury for settlements and awards. What steps has CBO taken to ensure its employees are protected

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 2020* (February 26, 2019), www.cbo.gov/publication/54965.

against discrimination and harassment, including sexual harassment? Do you think the new provision requiring agencies to pay for settlements and awards rather than out of a general fund will impact your agency's mission?

**Answer.** It is CBO's long-standing policy to not tolerate unlawful discrimination or harassment of any kind; to take prompt and appropriate action in response to all allegations of misconduct; and to ensure that all employees are aware of their rights. The agency's practices include the following:

- CBO provides notice to its employees about their rights under the Congressional Accountability Act (CAA), as well as about the agency's policies on discrimination and harassment, in its policy manual and in notices that are posted in common areas. The agency also presents that information to new employees.
- CBO requires managers to clearly communicate the agency's harassment policy to their staff and to immediately report any instances of harassment to the agency's Equal Employment Opportunity (EEO) Officer. Also, CBO has provided managers with training in a variety of topics, including preventing sexual harassment, providing reasonable accommodation to disabled employees, and preventing discrimination on the basis of race and national origin.
- CBO periodically provides staff with various kinds of training designed to prevent discrimination. The agency has often partnered with the Office of Congressional Workplace Rights to offer such training. It has also brought in staff of the Office of House Employment Counsel and outside vendors. Recent examples include training in "bystander intervention"—that is, training in how to intervene in situations that may be perceived as sexual harassment—in April 2018 and training in managing unconscious bias in November 2018.

CBO's Office of General Counsel, Office of Human Resources, and EEO Officers have consulted with the Office of Congressional Workplace Rights on implementing the new law. In addition, CBO has scheduled a session with the Office of Congressional Workplace Rights to remind employees of their rights and protections under the CAA. That course will be held on April 10.

It is difficult to determine the impact that the provision in question could have on CBO's budget because the cost of settlements can vary widely. The agency has strong policies to address concerns of discrimination and harassment, and it follows them promptly, so it does not anticipate having to pay any settlements. Given the size of CBO's appropriation and the fact that 90 percent of its budget is for pay and benefits, if it did have to pay a significant settlement, it would need to seek additional funding. If CBO did not receive that additional funding, it would need to make choices that could constrain its ability to support the Congress.

**Question.** Last year funds were provided to increase staffing by 14 to help transparency and responsiveness including health care analysis. This year you are requesting 6 additional hires. What would these hires be focused on? Where are you in the hiring process for the 14 FTEs?

**Answer.** CBO has hired employees to fill 11 of the 14 positions for fiscal year 2019. As of this writing, some of those 11 new hires have not yet begun work. But the agency expects that all 14 new hires will have begun work by the end of this fiscal year.

In fiscal year 2020, CBO proposes hiring 6 additional staff members, who are expected to contribute in a variety of ways. One of CBO's broad goals is to have more staff members with

overlapping skills within and across teams. In some cases, those skills will consist of expertise related to particular issues, such as health care, immigration, and transportation. In other cases, they will be more technical, such as the ability to design simulation models. Increasing the number of staff with overlapping skills will also allow the agency to be more nimble when responding to requests for information. Another broad goal that the additional staff will support is being transparent; CBO's transparency efforts promote a thorough understanding of its work, help people gauge how estimates might change if policies or circumstances differed, and enhance the credibility of its analyses and processes. The new hires' duties will also depend partly on retirements and other attrition that occurs over the next year or two.

**Question.** I understand last year's funds allowed you to put in place a multiyear plan to make your work more transparent and as responsive as possible. Can you walk us through where you are on this plan and what it looks like? What are the main elements of your overall effort to boost transparency within CBO?

**Answer.** CBO's plan to boost its transparency builds on the strong foundation that the agency has established over many years.[2] During the next two years, the agency will, among other things:

- Testify about its projections and analytical methods and work to resolve issues raised by the Congress;
- Publish more overviews and documentation of some of its major models—including its simulation model of health insurance coverage, which produces key inputs that are combined with other sources of information in the preparation of its budget projections—and more detailed information, including computer code, about key aspects of those models;
- Release data in many forms, including an interactive product to help users get information about CBO's estimates of the distribution of household income;
- Use a new format for its cost estimates to highlight key parameters as well as information needed by the Congress for budget enforcement procedures;
- Continue to evaluate previous estimates, when possible, in order to improve future ones;
- Publish several reports about uncertainty in its estimates;
- Experiment with creating visual summaries of some major reports, as CBO did in its most recent report about the budget outlook;
- Interact daily with the Congress to explain estimates and obtain feedback; and
- Continue to regularly obtain advice from outside experts.

Those efforts will build on progress made in 2018, which included creating several interactive products, publishing information about important models, publishing analyses of the accuracy of estimates, and producing reports explaining processes.

CBO has implemented three main strategies to enhance responsiveness. First, the agency has hired more assistant analysts, who can move quickly from one topic to another and support more senior analysts when demand surges for analysis of a particular topic, such as health care, natural resources, or banking. Second, CBO has hired analysts to develop deeper expertise in certain topics, such as cybersecurity, so that the agency is better positioned to

2. Details of that plan were provided in a report to the Congress. See Congressional Budget Office, *Transparency at CBO: Future Plans and a Review of 2018* (December 2018), www.cbo.gov/publication/54885.

analyze new proposals in those areas. Third, the agency has hired analysts to expand its use of team approaches, in which work on large and complicated proposals is shared. For more information about how future hiring is planned to further bolster responsiveness, see the answer to the previous question.

**Question.** In February, CBO released a blog that stated, ". . . the [Tax Cuts and Jobs] act would boost taxable income, and thus federal revenues." Could you go into more detail on how CBO came to the conclusion that the tax bill boosted taxable income for Americans? Could you explain how passage of the tax bill has resulted in the increase of GDP in the U.S.? How has the tax act increased investment by companies and corporations?

**Answer.** In April 2018, CBO provided a detailed description of the effects of the 2017 tax act on CBO's economic and budget projections.[3] That description covered the 2018–2028 period.

In CBO's projections, the act boosts the level of annual real gross domestic product (GDP) by an average of 0.7 percent over the 2018–2028 period. In CBO's assessment, it does so by changing businesses' and individuals' incentives in various ways, encouraging them to save, invest, and work, on net. The effects on the U.S. economy will therefore include higher levels of investment, employment, and GDP, CBO projects.

Various provisions of the 2017 tax act promote increases in investment. The act affects private investment through three channels: changes in incentives, crowding out (which occurs when larger federal deficits reduce the resources available for private investment), and changes in economic activity. The provisions that encourage investment include lower tax rates for businesses and, for several years, more favorable tax treatment of depreciation for equipment.

Just as the tax act is projected to boost real GDP, it is expected to increase income for labor and business over the 2018–2028 period. That is because domestic income—for labor, employees' compensation and their wages and salaries; for businesses, corporate profits and proprietors' income—derives from the production of goods and services.

3. See Congressional Budget Office, *The Budget and Economic Outlook: 2018 to 2028* (April 2018), Appendix B, www.cbo.gov/publication/53651.

WEDNESDAY, FEBRUARY 27, 2019.

## GOVERNMENT ACCOUNTABILITY OFFICE

### WITNESS

### GENE L. DODARO, COMPTROLLER GENERAL OF THE UNITED STATES

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. The committee is in order.

Today we have two hearings. First is the GAO, and the second is the Government Publishing Office.

We are pleased to welcome Mr. Gene Dodaro, the esteemed Comptroller General of the United States, along with his team to testify on the fiscal year 2020 budget request for the Government Accountability Office.

Congress needs your agency's neutral expertise these days more than ever. With the complexity of Federal programs and tax policy threatening to overwhelm Congress's capacity to perform adequate oversight, we know we sometimes overtax you with our constant requests for reports, but GAO and the agency IGs are really our principal source of analysis that are needed for responsible policymaking.

Your budget request is an ambitious $58 million increase or almost 10 percent above your fiscal year 2019 level. We will have to hope that we receive a healthy enough 302(b) allocation to be able to address it.

Mr. Dodaro, before we ask you to proceed with the summary of your written statement, I would like to ask our ranking member, Ms. Herrera Beutler, if she has any opening remarks she would like to make.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And I would also like to welcome our distinguished guest. I am excited to hear exactly what the Comptroller General of the United States does. I have seen some information, but I am interested in hearing this.

The GAO often—I have, myself, cited it as a watchdog in many a hearing. We all do. We rely on what you do. And I think what most of the public doesn't understand, you are tasked with investigating how well or how inefficiently we do our jobs. I mean, I feel like you are a very critical piece of what we do.

I have seen estimates from your office that say, for every dollar invested, $124 of potential savings government-wide is identified, which totaled over $75.1 billion in fiscal year 2018 alone.

So your budget request is $647.6 million, with a 9.78-percent increase over last year's enacted. So we should see $80 billion in sav-

ings to the government, at least, based on the numbers I was just looking at, will we see that $80 billion in savings to the government based on that request?

And I look forward to hearing from you.

Thank you, Mr. Chair.

Mr. RYAN. The floor is yours, sir.

## TESTIMONY OF GENE DODARO

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

Good morning to you, Ranking Member Herrera Beutler.

Good morning, Congressman Ruppersberger, Congressman Newhouse. Good to see you again, everyone.

I appreciate the support that this committee has given us. And I believe that we have provided a great return on that investment. For the last 5 years, the GAO has returned over $100 for every dollar invested in GAO. The last couple years, as you cited, Ms. Herrera Beutler, it was over $124 for every dollar invested in GAO.

So we provide, on a consistent basis, a sound return of financial benefits to the government. But, beyond that, we also produce other benefits for the government in public safety, national security, and other areas, since our scope is the entire breadth of the Federal Government's operations.

Last year, for example, based on our work, Congress gave legislative direction to VA to improve its appeals process and to retrofit facilities for women veterans who are in need. DOD was directed to come up with a plan to improve military readiness. I have been very concerned about military readiness. GAO is required to monitor DOD's execution of that plan over the next 5 years. Military readiness will be a big part of our activities over this period of time.

Also, I was pleased that the Congress, based in part on our work, passed the Disaster Response Reform Act, which allows for more funds to be used for mitigation and resilience building ahead of time, which is, we believe, a prudent way for the Congress to go.

We have also pointed out a wide range of other things that need attention. For example, VA needs to improve its suicide prevention efforts. We have made recommendations there. States need more guidance on how to deal with substance abuse-affected infants, and, based on our work, we have encouraged that.

We also have done work that helped the Congress pass legislation on elder abuse; to collect more data so the government could come up with better prevention strategies in the future to deal with elder abuse. Based on our work, Congress directed ONDCP to come up with better measures to gauge progress in addressing the opioid epidemic.

So our work touches everything from defense to healthcare.

GAO is asking for an increase for FY2020 to $647.6 million. We believe that this will enable us to meet the highest-priority needs of the Congress. We continue to serve over 90 percent of the standing committees of the Congress and most of the subcommittees. We get, on average, about 800 requests a year from the Congress.

We tackle them by priority, what is in statute or conference or committee reports are priority one. Requests from committee chairs and ranking members, same treatment, are priority two. Priority

three is requests from individual Members of Congress, but we haven't had enough resources to do that for about 15 years. Presently, in order to get access to our services, it needs to be a committee, at a minimum, or something in statute. I would like to do more, but we just don't have the resources.

I meet on a regular basis with all the committee chairs and ranking members to try to help set priorities for their requests and to make sure we are focused on their priorities. I have a clear sense of what they are, and they understand what the tradeoffs are if they want something different, if an emerging issue comes up for example.

FY 2020 BUDGET REQUEST

There are four areas that we are increasing our resources but I believe need even more resources in FY 2020.

First, is science and technology issues. This is something that we have been working on for a while now. We have just created a new team to give it more prominence, to deal with science, technology assessments, and technical assistance to the Congress.

SCIENCE AND TECHNOLOGY

Science and technology is evolving so fast that I think Congress needs more help and more assistance understanding the ethical, legal, and regulatory aspects of science and technology issues, whether you are talking about artificial intelligence, blockchain, quantum computing, brain augmentation, or a wide range of other issues.

We have the capacity to do this, and we are building more capacity to help the Congress in that regard.

CYBERSECURITY

Second, cybersecurity continues to be a huge risk. We labeled this a high-risk area across the entire Federal Government in 1997; we have been warning people for a while. We have added critical infrastructure protection beyond the Federal Government systems and there needs to be more effort there.

We have also encouraged the Congress to pass a comprehensive privacy legislation framework for the private sector. Currently, only healthcare and credit reporting agencies are covered. There is really no framework for information reselling or other issues in this area.

DEFENSE

Third is defense. Congress continues to make huge investments in the defense area, and we want to make sure that we are on top of that. We get dozens of mandates every year in the defense authorization and appropriation bills for work requesting GAO's assistance, and so we spend a lot of time on that.

HEALTHCARE

Fourth is healthcare. Healthcare costs, aside from interest on the debt, are the fastest-growing portion of the Federal Government. You know, about a trillion dollars was spent this past year on

Medicare and Medicaid alone. Both medicare and medicaid have been on our high-risk area for a number of years.

The Congress needs to address this issue on payment policies and try to come up with reductions in healthcare expenditures because it is really not on a sustainable long-term path.

I can talk more about the number of beneficiaries in Q&A. I don't want to use up all the time. I could talk for an hour on healthcare alone. The number of beneficiaries are growing exponentially as our population ages. Right now, there are only 2.8 people working for every one retired person in the United States. We are going to where it is going to be two people working for every one retired person in the United States. The models that we have for Social Security and for Medicare indicate that we aren't going to be on a sustainable financial path without attention from and reform by the Congress.

This is leading to a long-term unsustainable fiscal path for the Federal Government. As the auditors of the Federal Government's financial statements. I have been saying for years that this is on an unsustainable long-term path.

INTEREST ON NATIONAL DEBT

The interest on the debt just in the last 2 years alone has grown $120 billion. We are talking over $360 billion this year. By 2029, within 10 years, interest on the debt alone, CBO estimates, could be $928 billion.

We would be knocking on the door of a trillion dollars a year just to pay the interest to service the debt. By then, Medicare and Medicaid each will be a trillion dollars by themselves. So that is $3 trillion. Social Security right now, this year, hit a trillion dollars in spending.

Before you fund anything else in the Federal Government, interest on the debt, healthcare, and Social Security is going to be $4 trillion, just as an opening bid on those issues.

Ms. HERRERA BEUTLER. Four trillion?

Mr. DODARO. Four trillion. Each one will be close to or at a trillion dollars by that point in time. The Medicaid portion includes State as well as Federal money.

STAFFING

At GAO, we take our job very seriously.

We are also rated as the best place to work in the Federal Government. We are rated number one across Federal Government for our commitment to diversity and inclusion. We have tremendous, dedicated, talented people.

We have no problem hiring people. I spend a lot of time going around to colleges and universities, and we have a national recruiting program, and so we have no problem getting top-tier talent in the Federal Government.

Mr. RUPPERSBERGER. Do you think you would consider running for President with all that?

Mr. DODARO. No. I like my current——

Ms. HERRERA BEUTLER. He said he liked his job.

Mr. DODARO. I love my job.

I am here to ask for your continued support. I believe we will provide a great return on investment.

OFFICE OF TECHNOLOGY ASSESSMENT

I know there has been a debate in the past about whether to reinstate OTA, Office of Technology Assessment, or provide more resources to GAO. I am here to assure you that we are prepared, if you decide to go that way, to handle those additional responsibilities.

We have been doing technology assessments since 2002. We have built the capability to do that at GAO and to do more work in that area. I am very much looking forward, it is a high priority for me. I believe we need to have more science capabilities and technical capabilities.

Congress asked us to look at the new *Columbia*-class nuclear submarine. I need people that understand that technology. The Federal Government is spending over $300 billion to refurbish our nuclear arsenal. I need people who understand how to do that, particularly sophisticated computer modeling.

As Congressman Newhouse knows, the disposal of radioactive waste, is complicated and we do a lot of work in Hanford. We have a site there we do so much work. Healthcare, is another area we are doing work on antibiotic-resistance bacteria and other vaccines that need to be done.

This is an area where GAO has been and will continue to grow to meet our full range of services, but we can also meet the technology assessment and technical assistance to the Congress.

We have a plan due to the Congress next month that was required by this committee last year, a plan on how to expand our technology and assessment work in the future. We will be submitting that plan on time next month and look forward to your consideration.

I know you will give careful consideration to our budget request, and I thank you for that. I am prepared to answer whatever questions you may have.

[The prepared statement and biography of Gene L. Dodaro follow:]

United States Government Accountability Office

Testimony

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

For Release on Delivery
Expected at 10:00 a.m. ET
Wednesday, February 27, 2019

# FISCAL YEAR 2020 BUDGET REQUEST

# U.S. Government Accountability Office

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

GAO-19-403T

# GAO Highlights

Highlights of GAO-19-403T, a report to Subcommittee on the Legislative Branch, Committee on Appropriations, U. S. House of Representatives

## Background

GAO's mission is to support Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people. We provide nonpartisan, objective, and reliable information to Congress, federal agencies, and to the public, and recommend improvements across the full breadth and scope of the federal government's responsibilities.

GAO responded to requests from 90 percent of the standing full committees of the Congress in fiscal year 2018. GAO issued 633 reports, 1,650 new recommendations, and testified before 48 congressional committees 98 times. Congress used our work extensively to inform its decisions on key fiscal year 2018 and 2019 legislation. Since fiscal year 2000, GAO's work has resulted in:

- nearly $1 trillion dollars in financial benefits; and
- over 23,000 program and operational benefits that helped to change laws, improve public services, and promote sound management throughout government.

GAO remains an employer of choice in the public sector. The Partnership for Public Service announced again in 2018 that GAO one of the top places to work in the federal government, placing fourth position among mid-size agencies and first for supporting diversity.

View GAO-19-403T. For more information, contact Gene L. Dodaro at (202) 512-5500 or dodarog@gao.gov.

February 2019

# FISCAL YEAR 2020 BUDGET REQUEST

## U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Since 2014, this Subcommittee has provided funding that has resulted in our work achieving over $340 billion in financial benefits and more than 6,300 other improvements in federal programs and operations for our government. In fiscal year (FY) 2018, GAO's work yielded a record $75.1 billion in financial benefits, a return of about $124 for every dollar invested in GAO. We also identified 1,294 other benefits that led to improved services and public safety for the American people and program and operational improvements across the government.

For FY 2020, GAO is requesting $647.6 million in appropriated funds, and authority to use $38.3 million in offsetting receipts and reimbursements, a 9.8 percent increase. These resources will fund 3,250 full-time equivalents (FTE). The funding requested will also allow us to continue to make investments in our information technology and infrastructure, security requirements, as well as address long deferred building maintenance needs.

This level of funding will enable GAO to meet the highest priority needs of the Congress, as we remain committed in helping Congress meet its constitutional responsibilities for the benefit of the American people. In FY 2018, for example, we received 786 requests, including hundreds of statutory requirements, for work from 90 percent of the standing committees of Congress supporting a broad range of oversight and legislative priorities. The activities planned for FY 2020 will better position GAO to assist the Congress in meeting its legislative and oversight responsibilities, accomplish our mission objectives and goals, and improve government performance and accountability.

In FY 2020, we will continue to support Congressional oversight across the wide array of government programs and operations. We also will continue to increase our capabilities to review the opportunities and challenges associated with evolving science and technology issues; the risks and management needs to address complex and growing cyber security developments; increased investments in the Department of Defense; and rising health care costs.

In January, we established a new Science, Technology Assessment, and Analytics team to continue and expand our focus on rapidly evolving science and technology issues. The team will focus on: (1) conducting technology assessments at the request of the Congress; (2) providing technical assistance to Congress on science and technology matters; (3) continuing to develop and use technical guides to assess major federal acquisitions and technology programs in areas such as cost estimating, schedule planning and technology readiness; (4) supporting Congressional oversight of federal science programs; and (5) advancing GAO's ability to use data analytics in auditing.

We also will continue to further enhance our capacity to assess efforts to protect our nation from cyber threats. Specifically, we recently highlighted urgent actions needed to ensure the cybersecurity of our nation. We also renamed our Information Technology team to Information Technology and Cybersecurity in order to better reflect the significant body of work the team does on protecting federal information systems, critical infrastructure, and individual privacy from cyber threats. GAO will also support continued congressional oversight of DOD's efforts to balance current operational deployments with fulfilling the full spectrum of future military needs, as well as the federal government's challenges in effectively and efficiently managing health care programs.

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to discuss our fiscal year (FY) 2020 budget request. I greatly appreciate the subcommittee's support of our efforts to serve the Congress and improve government performance, accountability, and transparency.

Since 2014, with the funding the Subcommittee has provided, GAO has produced work resulting in over $340 billion in financial benefits and more than 6,300 other improvements in federal programs and operations for our government. In fiscal year (FY) 2018, GAO's work yielded a record $75.1 billion in financial benefits, a return of about $124 for every dollar invested in GAO. We also identified 1,294 other benefits that led to improved services to the American people and program and operational improvements across the government.

## Fiscal Year 2020 Request

GAO is requesting $647.6 million in appropriated funds, a 9.8 percent increase, and authority to use $38.3 million in offsetting receipts and reimbursements. These resources will fund 3,250 full-time equivalents (FTE). The funding requested will also allow us to continue to make investments in our information technology and building infrastructure, security requirements, as well as address long deferred maintenance needs.

This level of funding will enable GAO to meet the highest priority needs of the Congress, as we remain committed to helping Congress meet its constitutional responsibilities for the benefit of the American people. In FY 2018, for example, we received 786 requests, including hundreds of statutory requirements, for work from 90 percent of the standing committees of Congress, supporting a broad range of oversight and legislative priorities.

The table below provides a summary by program for the FY 2020 request.

**Table 1: FY 2018 – 2020 Summary of Resources by Program (dollars in thousands)**

| Program | Fiscal Year 2018 Actual | | Fiscal Year 2019 Estimated | | Fiscal Year 2020 Request | | Net Change Fiscal Year 2019 / 2020 | |
|---|---|---|---|---|---|---|---|---|
| | FTE | Amount | FTE | Amount | FTE | Amount | FTE | Amount |
| Human capital | 3,015 | $484,876 | 3,150 | $520,986 | 3,250 | $554,025 | 100 | $33,037 |
| | | | | | | | 3.2% | 6.3% |
| Engagement support | | 14,194 | | 13,300 | | 14,050 | | 750 |
| | | | | | | | | 5.6% |
| Infrastructure operations | | 103,837 | | 100,361 | | 116,883 | | 16,522 |
| | | | | | | | | 16.5% |
| Center for Audit Excellence | | 727 | | 1,000 | | 1,000 | | 0 |
| | | | | | | | | 0.0% |
| **Total budget authority** | **3,015** | **$603,634** | **3,150** | **$635,649** | **3,250** | **$685,958** | **100** | **$50,309** |
| | | | | | | | **3.2%** | **7.9%** |
| Offsets[a] | | **($34,566)** | | **($45,899)** | | **($38,321)** | | **$7,578** |
| | | | | | | | | **(16.5%)** |
| **Appropriation** | | **$569,068** | | **$589,750** | | **$647,637** | | **$57,887** |
| | | | | | | | | **9.8%** |

Source: GAO | GAO-19-403T

[a] Includes offsetting receipts and reimbursements from program and financial audits; rental income; training fees, collection of bid protest system user fees; supplemental funds for disaster audits; and for FY 2019, carryover of FY 2018 two-year funds.

## Meeting the Priority Needs of Committees Across Congress

In FY 2020, we will continue to support congressional oversight across the wide array of government programs and operations. We also will continue to increase our capabilities to review the opportunities and challenges associated with evolving science and technology issues; the risks and management needs to address complex and growing cyber security developments; increased investments in the Department of Defense; and rising health care costs.

## Assessing Evolving Science and Technology Issues

Rapid advances in technology and science play an increasingly important role in our society. These potentially affect areas such as economic competitiveness, improved medical care and information security. The rapid development and use of these new disruptive technologies test the government's and the Congress's ability to evaluate their potential and assess their program and policy implications.

Our work has reflected the need to research and assess technology developments. In FY 2018, we reported on the emergence and

implications of Artificial Intelligence, the benefits, risks, and regulatory issues concerning Financial Technology (fintech), the need for revised cost estimation and scheduling policies by the National Science Foundation for large facilities, assessments of the National Aeronautics and Space Administration's (NASA) major projects, and critical infrastructure protection. We also used our technology readiness assessment best practices guide to evaluate major technical systems acquisitions such as those found at the Department of Defense (DOD), Department of Homeland Security (DHS), the Department of Energy (Energy), NASA and other agencies.[1]

To enhance our ability to provide Congress with thorough and balanced analysis of technological and scientific developments that affect our society, environment, and economy, we established the Science, Technology Assessment, and Analytics team in January 2019. Our new team will expand our support to Congress by:

- conducting technology assessments and providing technical services;
- reviewing science and technology programs and initiatives to assist in oversight of federal investments in research, development, and advanced manufacturing;
- compiling and utilizing best practices in engineering sciences, including cost, schedule, and technology readiness assessments; and
- establishing an audit innovation lab to explore, pilot, and deploy new advanced analytic capabilities, conduct research in information assurance, and explore emerging technologies that will impact future audit practices.

***Technology Assessments*** – Our technology assessments explain the consequences that certain technology will have on the federal government—and on society as a whole.

- **Economic competiveness.** Our work has covered a range of topics including artificial intelligence, connectivity and the Internet of Things, innovation in data analytics, and 3D printing.
- **Energy and the environment.** We have reported on topics like improving municipal freshwater scarcity, reducing freshwater use in

[1] We use these assessments in addition to two other best practices guides for capital acquisitions: life cycles cost estimating and project scheduling.

hydraulic fracturing and thermoelectric power plant cooling, and climate engineering.

- **Health care.** We have evaluated enabling rapid diagnoses of infectious diseases and the implications of nanomanufacturing on human health. We are currently investigating the impact of artificial intelligence on health care.

- **Homeland security.** We have examined the use of explosive detection technologies to protect passenger trains, and the use of biometrics for border security.

GAO has published a number of technology assessments on established and emerging technology. We continue to provide evidence-based analysis to assist policymakers with the privacy and security implications of technology, as well as the management of federal investments in technology and science. We also develop best practice guides, such as our technology readiness assessment guide. Some of the key reports GAO has issued include:

**Table 2: Technology Assessments and Science Forums**

| | |
|---|---|
| Technology Assessment: Artificial Intelligence: Emerging Opportunities, Challenges, and Implications GAO-18-142SP, Mar 28, 2018 | Highlights of a Forum: 3D Printing: Opportunities, Challenges, and Policy Implications of Additive Manufacturing GAO-15-505SP, Jun 24, 2015 |
| Chemical Innovation: Technologies to Make Processes and Products More Sustainable GAO-18-307, Feb 8, 2018 | A Capsule Version of: Nanomanufacturing—Emergence and Implications for U.S. Competitiveness, the Environment, and Human Health GAO-14-406SP, May 19, 2014 |
| Medical Devices: Capabilities and challenges of technologies to enable rapid diagnoses of infectious diseases GAO-17-347, Aug 14, 2017 | Nanomanufacturing: Emergence and Implications for U.S. Competitiveness, the Environment, and Human Health GAO-14-181SP, Jan 31, 2014 |
| Internet of Things: Status and implications of an increasingly connected world GAO-17-75, Published: May 15, 2017 | Technology Assessment: Neutron Detectors: Alternatives to Using Helium-3 GAO-11-753: Published: Sep 29, 2011 |
| Highlights of a Forum: Data and Analytics Innovation: Emerging Opportunities and Challenges GAO-16-659SP, Sep 20, 2016 | Technology Assessment: Climate Engineering: Technical Status, Future Directions, and Potential Responses GAO-11-71, Jul 28, 2011 |
| Technology Assessment: Municipal freshwater scarcity: Using technology to improve distribution system efficiency and tap nontraditional water sources GAO-16-474, Apr 29, 2016 | Technology Assessment: Explosives Detection Technologies to Protect Passenger Rail GAO-10-898, Jul 28, 2010 |
| Municipal Freshwater Scarcity: Survey of Technology Adoption by Municipal Water Utilities (GAO-16-588SP, April 29, 2016), an E-supplement to GAO-16-474 GAO-16-588SP, Published: Apr 29, 2016 | Technology Assessment: Protecting Structures and Improving Communications during Wildland Fires GAO-05-380, Apr 26, 2005 |
| Technology Assessment: Water in the Energy Sector: Reducing Freshwater Use in Hydraulic Fracturing and Thermoelectric Power Plant Cooling GAO-15-545, Aug 7, 2015 | Technology Assessment: Cybersecurity for Critical Infrastructure Protection GAO-04-321, May 28, 2004 |
| Technology Assessment: Nuclear Reactors: Status and Challenges in Development and Deployment of New Commercial Concepts GAO-15-652, Jul 28, 2015 | Technology Assessment: Using Biometrics for Border Security GAO-03-174, Nov 15, 2002 |

Source: GAO. | GAO-19-403T

***Management of Federal Technology and Science Programs*** – GAO also assess the management and coordination of federal research and development efforts, including investments in scientific facilities (such as telescopes and research vessels) and emerging technologies (like synthetic biology and quantum computing).

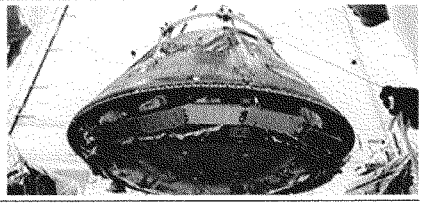
**Figure 1:** ***Management of Federal Technology and Science Programs***

**Defense**

We evaluate the technology readiness assessments and overall project execution for complex weapons systems, such as the Columbia class ballistic missile submarine, military space systems, and border security technology.

**Space**

We assess federal military and civilian satellite programs and efforts to support and oversee telecommunications in the public interest.



**Energy and the environment**

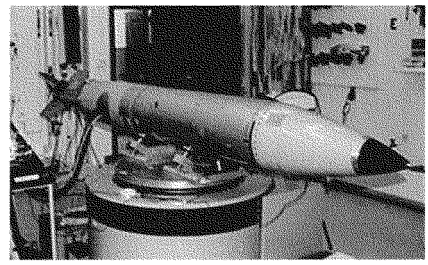
We evaluate developing and deployed technologies in a range of activities, including renewable energy, civilian nuclear power, and cleanup of hazardous waste sites.

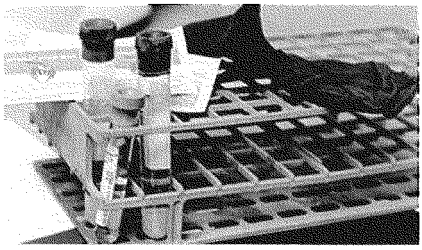
Sources (top to bottom): GAO, NASA, and GAO | GAO-19-403T

Figure 1: (continued) *Management of Federal Technology and Science Programs*

**Nuclear**

We assess programs, infrastructure, technology readiness, and operations for the maintenance and management of nuclear weapons and missiles, as well as the aircraft and ships designed to carry and deliver them.





**Health care**

We assess new technologies for emerging infectious diseases, such as technologies that can simultaneously test for multiple infectious diseases at or near the site of patient care, and the impacts of new technology on human health, disease prevention, and the delivery of health care.

**Science and innovation**

We assess programs to promote innovation (such as federal support for advanced manufacturing institutes), as well as federal policies and funding for the protection of intellectual property.

Sources (top to bottom): GAO, GAO, and NIST Manufacturing Extension Partnership. | GAO-19-403T

Ongoing and planned technology assessments in FY 2019 include freshwater technologies in agriculture, the implications of artificial intelligence on healthcare, 5G wireless communications systems, and epidemiological models for emerging infectious diseases. The requested resources will enable us to expand and accelerate our work including potential technology readiness assessments of complex technical acquisitions such as nuclear modernization programs, the Army's Next Generation Combat Vehicle program, DHS border protection technologies, and Uranium Processing Facility, among others. To bolster the new team, GAO has begun efforts to recruit additional staff with expertise in:

- biological/life sciences for emerging infectious diseases, epidemiology, synthetic biology, biosafety, and biosecurity work;
- computer/systems/electrical engineering for digital and communications technologies (i.e., 5G wireless, Blockchain, quantum cryptography, artificial intelligence/machine learning systems);
- applied math/statistics/computer science for advanced analytics/data science/data engineering;
- nuclear physics for nuclear nonproliferation, waste management, weapons systems analysis, radiation/nuclear detection systems, quantum computing; and
- physics/aerospace engineering for hypersonics, advanced weapons systems, space systems, unmanned systems.

Based on interest expressed by various committees of jurisdiction, potential future work could focus on digital ledger technologies such as Blockchain, opioid-addiction vaccine development, autonomous vehicles, and regenerative medicine, among many others. Also, as we do in all areas, we will make our expert staff available to Members and staff to share knowledge and insight on technical and scientific matters.

Consistent with the 2019 Legislative Branch Appropriations Bill, Conference Report, we will provide a detailed plan to this committee in March 2019. The report will outline our expanded capabilities on science and technology related issues, specific plans for additional staff and other resources, and any authorities we plan to seek in order to obtain the

needed expertise.[2] To inform this plan, we are conducting outreach to subject matter experts and stakeholders. These include Members of Congress, congressional committees, alumni of the former Office of Technology Assessment, major scientific associations, the National Academies, and leading science and technology policy experts in universities and nonprofit institutions.[3]

## Addressing Complex and Growing Cyber Security Threats

Federal agencies and the nation's critical infrastructures—such as energy, transportation systems, communications, and financial services—are dependent on cyber information systems and electronic data to carry out operations and to process, maintain, and report essential information. Our work in cybersecurity includes:

- **Critical infrastructure protection.** We work on how to protect the nation's critical infrastructure—including financial markets, telecommunications, the national airspace system, electricity grid, and oil and gas pipeline sector.
- **Federal information systems.** We evaluate the cybersecurity of key federal agencies, such as the Internal Revenue Service and the Department of Homeland Security.
- **Privacy.** We evaluate federal efforts to ensure the privacy of individuals in response to emerging technologies (such as the Internet of Things and artificial intelligence), the collection and use of personal information in the private sector through social media, and privacy in government programs (e.g., federal student aid and Medicare).

We also will continue to further enhance our capacity to assess efforts to protect our nation from cyber threats. Specifically, we recently updated our cybersecurity high-risk area based on our recent evaluations. We did so to highlight urgent actions that are needed by federal agencies to ensure the cybersecurity of our nation.[4] We also renamed our Information Technology team. Its new name, Information Technology and Cybersecurity (ITC), better reflects the significant body of work the team

[2] The FY 2019 committee report will cover the resources GAO plans to devote to the team; identify any additional authorities that may be necessary to acquire the expertise; and propose methods of obtaining priorities for the team's work, based on GAO's *Congressional Protocols*.

[3] As of February 15, GAO has met with more than 30 expert stakeholders.

[4] *High-Risk Series: Urgent Actions Are Needed to Address Cybersecurity Challenges Facing the Nation*, GAO-18-622 (Washington, D.C: Sept. 6, 2018).

does on protecting federal information systems, critical infrastructure, and individual privacy and sensitive data from cyber threats. To reinforce GAO's cybersecurity audit capabilities, the ITC team is actively recruiting additional resources, including those participating in the CyberCorps Scholarship for Service program. The new recruits will augment our cadre of experts who can assess the criticality of cyber risks, both present and future, as well as evaluate the government's complex and multi-faceted attempts to address them.

**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 increasing importance of cybersecurity. Threats from state and non-state actors are growing in sophistication, scope, and impact. These increasing threats could have a serious, or even potentially catastrophic, impact.

Attackers target increasing volumes of sensitive and Internet-accessible data by using ever-more powerful tools like automation, social media manipulation, vulnerability exploitation, and insider access to carry out attacks. These threats pose growing dangers for the entire federal government, the nation's infrastructure and democratic processes, and the privacy and financial security of American citizens.

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. Additional resources will allow us to quickly expand our audit capabilities related to key components of the cyber high-risk area, including evaluating efforts to protect federal systems, critical infrastructure, and individual privacy from cyber threats. Over the next two years, our planned efforts include assessing the federal government's efforts to establish and implement a comprehensive national cyber strategy, to evaluate government-wide initiatives to implement continuous diagnostics and monitoring capabilities, and to establish effective risk management processes at federal agencies. GAO is also evaluating key agency capabilities for responding to security incidents and data breaches, as well as assessing their security postures through detailed vulnerability assessments of agency network defenses.

Our work on the protection of critical infrastructure will continue to focus on two areas: (1) the cybersecurity of specific sectors,[5] including the electricity grid and the financial services and communications sectors, and (2) the effectiveness of the public-private partnership model as a framework for protecting the nation's critical assets from cyber threats.

As part of our work on critical assets, we are also starting work evaluating the cybersecurity implications of the move to 5G in the communications sector. Our work on the protection of individual privacy will also continue to focus on two areas: (1) federal efforts to protect consumers from data breaches and their after effect; and (2) whether federal agencies are applying data protection best practices when performing their own critical mission activities.

## Overseeing Increased Investments in the Department of Defense

The Department of Defense (DOD) faces significant challenges in responding to a complex and rapidly evolving national security environment that includes instability in key regions of the world, cyber threats, and terrorist activities. As DOD works to sustain and advance its military superiority and achieve efficiencies that can be reinvested to increase readiness, it continues to undergo one of the most significant organizational realignments since the Goldwater-Nichols Act of 1986.

As you know, in support of DOD's mission, Congress entrusted DOD with considerable resources, about $686 billion in discretionary funds enacted in FY 2019, and Congress has directed GAO to review a broad range of DOD's activities to assist Congress in its oversight of this investment. Since 2006, GAO's work has resulted in 4,072 recommendations to DOD designed to strengthen the department's programs and operations. These recommendations focus on critical challenges facing the department, including rebuilding readiness, managing space capabilities, strengthening cyber defenses, acquiring and sustaining major weapon systems, and addressing inefficiencies in the military health system, among others.

[5] 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; nuclear reactors, materials, and waste; transportation systems; and water and wastewater systems.

GAO's work has led to the designation of seven DOD areas on our High Risk List, including financial management, weapon systems acquisitions, business systems modernization, and support infrastructure management, as well as the government-wide personnel security clearance process, for which DOD has significant responsibilities. Collectively, our work has resulted in over $70 billion in financial benefits since FY 2015. For example, we identified $36 billion in financial benefits from improvements to DOD's weapon systems acquisitions processes, an estimated $3.1 billion from improvements to DOD's method for setting standard fuel prices, and $849 million through identifying unexpended and unobligated balances in DOD's Military Personnel accounts.

GAO anticipates continuing to support congressional oversight of DOD by testifying during congressional hearings, providing quick-turn-around technical assistance, and issuing special oversight publications across a broad range of areas.

GAO will continue to interact extensively with committee staff on the Senate and House Armed Services Committees as they draft the annual National Defense Authorization Act, providing input on many legislative provisions based on GAO's work. For example, Congress approved a budget reduction of $1.3 billion for the Navy's frigate program, based on GAO's finding that more knowledge was needed before contracts were awarded.

GAO will also support congressional appropriators by conducting budget justification reviews on a variety of topics and defense operations and maintenance, weapon system acquisitions, personnel, and defense health care. GAO's review of DOD's 2019 research, development, and procurement budget request identified almost $2 billion in potential rescissions and reductions. GAO also will continue to issue annual "Quick Look" reports assessing the cost, schedule, and performance of about 80 major defense acquisition programs, helping support the Congress in overseeing the department's estimated $1.5 trillion in future spending on these systems.

GAO also continues to assess DOD's efforts to strengthen its financial management practices and efforts to obtain a clean opinion on its financial statements. DOD has never received a clean opinion on its financial statements, which prevents GAO from expressing an opinion on the consolidated financial statements of the federal government. Long-standing weaknesses in DOD's financial management adversely affect the economy, efficiency, and effectiveness of its operations. The same

financial management problems that prevented DOD from being auditable in the past, adversely impact its operations and its ability to achieve broader business transformation goals.

We anticipate a growing demand from the Congress for GAO's work regarding DOD. In the last year, for example, Congress signaled a continued emphasis on DOD's new Chief Management Officer as the driving force behind the department's business reform efforts. We have a number of ongoing audits assessing DOD's progress in this area, including reviewing DOD's efforts to implement cross-functional business reform teams and to achieve enterprise-wide efficiencies.

GAO will also support continued congressional interest in DOD's efforts to balance current operational deployments with training and equipping forces capable of fulfilling the full spectrum of military operations. We will continue to assess DOD's efforts to sustain its major weapon systems and address challenges from aging depot maintenance facilities. We will also 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 hypersonic weapons and associated defensive systems. We also anticipate further congressional interest in DOD's long-range strike fighter and next generation air dominance acquisition efforts, as well as a broad array of space-based programs.

Regarding DOD's efforts to control costs, we plan to continue assessing the costs, schedule, and technical capabilities of the Columbia class nuclear submarine program. We also plan to assess DOD's efforts to achieve efficiencies and reduce overlap and duplication, such as across its defense agencies and field activities. We will also continue to assess the department's approach and methodologies for improving the efficiency of the military health system and determining its medical workforce needs.

We will support the Congress in assessing DOD's efforts in implementing other key legislative requirements, including acquisition reform legislation aimed at streamlining DOD's processes for buying weapon systems.

With the resources requested, GAO will expand our work within and beyond these areas, helping ensure that we address the issues most important to the Congress and taxpayer during this critical period for DOD and our country's national defense.

## Managing Rising Health Care Costs

Estimated at $1 trillion in FY 2018, growth in federal spending for major health care programs 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 Affordable Care Act (ACA) and related spending. Federal spending also supports health care for American Indians, veterans, service members and public health priorities, such as preventing and responding to infectious disease outbreaks and bio health threats. 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 health care spending per person and by increasing enrollment, in part stemming from the aging of the population.

The federal government faces challenges in effectively and efficiently managing health care programs. 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. Congress has frequently sought our health care policy expertise on a range of health care issues. In 2018, we issued 85 products 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, among other topics. We made 123 recommendations to improve the efficiency and effectiveness of federal health care spending, and documented about $40 billion in savings in 2018 alone by agencies taking action on our recommendations.

GAO has also focused on health care issues through its 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 high-risk areas related to health care: Medicare, Medicaid, the Food and Drug Administration, and Department of Veteran Affairs (VA) Health Care.

In addition to these audit products, we annually respond to dozens of requests for informal assistance regarding federal health care policy and programs. The demand for this type of assistance continued in 2018, as committees considered evolving and complex health care policy changes. These requests ranged from making our subject matter experts available to answer detailed questions about the interworking of programs to providing time-sensitive data analysis.

Our health care policy experts also advise me on my statutory responsibilities for appointing members to six different health-related commissions.[6] Carefully considering each appointment to these commissions requires a high-degree of professional judgment and subject matter expertise and demands a significant investment of time by our health care senior executives.

Additional resources for our health care work would not only allow us to respond more quickly to congressional requests, it would allow us to expand our work on the drivers of health care costs. For example, the continued growth of the Medicare and Medicaid programs drives federal spending on health care and these programs are expected to place additional strain on the federal budget in the coming years, as each program is projected to top $1 trillion in annual expenditures within the next decade.

With decades of experience, our expertise positions us to examine the growth of Medicare spending relative to other components of the health care system (e.g., inpatient and post-acute care) and ask which is growing higher and faster. Our expertise also positions us to examine the incentives created by certain Medicare payment policies that drive excess and inappropriate utilization of services. Furthermore, our staff's Medicaid expertise positions us to explore issues like access, financing arrangements, delivery, and program integrity, all critical issues that are made more complex by the variation among state Medicaid programs.

In addition to examining the sustainability of these large federal health care programs, we would continue to examine how these health care programs and markets affect the daily lives of Americans and communities. For example, given:

- The complexities of the prescription drug market, we would continue to provide objective, unbiased examinations of trends in drug costs and identify options to control these costs.

[6] GAO has responsibility for appointing members to six health care commissions, including the Health Information Technology Advisory Committee; Medicaid and CHIP Payment and Access Commission; Medicare Payment Advisory Commission; Patient-Centered Outcomes Research Institute (PCORI) Governing Board; PCORI Methodology Committee; and the Physician-Focused Payment Model Technical Advisory Committee.

- Congressional interest and the ongoing opioid epidemic, we would expand our work examining the federal government's effort to curb drug misuse.[7]
- Our high-risk designation of veterans' health care issues, we would provide real-time assessments of significant VA initiatives in these areas.

## GAO Information Technology and Building Infrastructure

The resources we received for FY 2019, and request for FY 2020, will allow GAO to make strategic investments in information technology (IT), and GAO's facilities infrastructure. Funding in these areas enables 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** – GAO has a range of business applications, many of which rely on outdated technologies. A multi-year, multi-phase effort to improve our aging IT infrastructure is underway. This effort will allow us to further streamline business operations, increase staff efficiency and productivity, improve access to information, and facilitate a more agile and mobile workforce, all in a more secure environment. This modernization effort will include several components, some of which are discussed below.

In FY 2019 and FY 2020, we will:

- Continue our efforts to modernize content development, distribution, and publishing our reports. This effort, New Blue, will allow our reports to be formatted for and consumed on any internet-connected device. GAO will be publishing reports from each mission team in preparation for full deployment. Initial stakeholder feedback from congressional staff on New Blue has been very positive, specifically, the ability to access GAO products remotely for use during congressional hearings.
- Finish rolling out cloud-based technology to provide enhanced Unified Communication Tools (UCT) and collaboration capabilities within

[7] Congress directed GAO to conduct over a dozen studies in the 2018 Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act.

GAO for an increasingly mobile workforce. UCT supports our mobile workforce / virtual presence goals to reduce the need for travel among field offices and headquarters, in addition to audit locations. This effort will modernize our suite of telecommunications tools, which will facilitate greater video conferencing, audio, data sharing, reduce redundant implementation and maintenance costs, and standardize the infrastructure that supports voice and data usage. In addition, this effort will migrate telecommunications infrastructure to a cloud hosted solution, which will reduce expenditures and fully integrate with enhanced collaboration tools.

- Deploy a cloud-based Web Content Management solution for GAO's external web site, www.gao.gov, which will better enable mobile content and increase customer satisfaction.
- Upgrade the virtual desktop infrastructure[8] to be more responsive to staff needs and better enable staff to conduct analysis and develop content. This effort will include upgrading the operating environment on our desktops to Windows 10 prior to Windows 7 being sunset in 2020.
- Implement software enhancements to automate and improve how GAO receives complaints regarding fraud, waste, and abuse through GAO's Fraudnet portal.
- Define the requirements to replace our decades old document and records management system, which houses the supporting documentation for our audit engagements and operational support programs. We are looking to move to a cloud-based Enterprise Content Management solution that provides enhanced functionality, including security, knowledge management, workflow automation, and business process management.

  This solution will improve existing document and records management capabilities, and will do so with less administrative burden on employees. In addition, the solution will radically improve our ability to share knowledge across the agency and automate many routine workflows for engagement management and execution as well as for internal operations. This will free staff to focus their energies on

[8] Virtual desktop infrastructure (VDI) is virtualization technology that hosts a desktop operating system on a centralized server in a data center.

content development and client and customer service. We expect to acquire and begin implementation of the solution in FY 2020.

- Replace the agency's outdated Learning Management and Performance Management systems with a cloud-based Talent Management information system to track and manage training and development activities of GAO staff.

We also plan to expand our IT capacity to meet the demands of a larger GAO staff and support the new STAA Team and Audit Innovation Lab.

***Facilities and Security*** – While most of GAO's staff is located at its Headquarters in Washington, DC, GAO maintains a presence in strategic locations throughout the country. GAO is always working to ensure our headquarters and field office locations operate as efficiently as possible, and we continue to reduce our real property footprint as we identify opportunities.

In FY 2018, GAO consolidated space in its headquarters building to maximize efficiency, freeing up over 40,000 square feet for use by another federal agency and increasing GAO's rental income. In a further effort to cut costs and reduce our real estate footprint, GAO is strategically moving its field offices into federally owned space as commercial leases expire. For example, GAO recently moved its San Francisco Office from a commercial lease in the financial district to a federal building in Oakland.

Over the next two years, GAO is also looking at options to relocate staff in Los Angeles and Chicago from commercial buildings. GAO is requesting additional funding related to these office moves to ensure we have funding needed for fixed costs related to moves and other expenses related to the office transitions. In addition, as reported in our FY 2018 financial statements, GAO has over $29 million of deferred but necessary maintenance at its headquarters building. This includes heating and air conditioning infrastructure and major electrical equipment that are original to our 67-year old building and past their useful life. Additional funds will help enable this work and protect these valuable assets from quickening deterioration.

***Increased Classified Work*** – In recent years, GAO has received an increasing number of mandates and congressional requests for reviews that require GAO staff to have access to classified agency information, as well as reviews that require accessing information at higher classification

levels. Further, GAO's Procurement Law division hears bid protests that involve classified information as part of its statutory responsibility for adjudicating bid protests of government contracts.

Given this increased demand, GAO began making corresponding infrastructure investments in FY 2017 and FY 2018. For example, GAO has increased the size of its secure space available in its headquarters for processing classified information at both the Secret and Top Secret and Sensitive Compartmented Information levels.

Additional funds in FY 2020 will help enable GAO to make further cost-effective technological and infrastructure improvements to support the anticipated increase in work involving classified information, such as:

- upgrading and deploying additional secure video teleconference equipment for field offices;
- a new case management system to more efficiently track personnel security clearances;
- a new Classified Enterprise Content Management solution to enhance processing of classified products; and
- networked Top Secret and Sensitive Compartmented Information computer processing capabilities.

## 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 used GAO's work to make important legislative decisions. Examples linked directly to GAO's work include:

- **The Consolidated Appropriations Act of 2019**. Based on GAO work, Congress directs:
  - DOD to (1) mitigate the effects of flooding on roads and infrastructure on domestic installations that are vital to military operations; and (2) improve oversight of its global real property portfolio;

- VA to (1) modernize and improve its appeals process; (3) improve the accuracy and fairness of Gulf War illness claims; (4) retrofit facilities to eliminate barriers to care for women veterans; (5) report on progress to improve oversight of the controlled substance inspection program; and (6) improve staffing, recruitment, and retention strategies for physicians;

- DOE to (1) better account for fraudulent spending or other improper payments; (2) improve contract auditing and the tracking of meaningful data for fraud, waste, and abuse in its contracts; and (3) improve the Office of River Protection's ability to carry out oversight of its contractors' quality assurance programs.

- **The National Defense Authorization Act for Fiscal Year 2019.** Reflecting our past work, the Congress directs DOD to:

  - develop a plan to rebuild military readiness in 5 warfighting domains, including ground, air, sea, space, and cyberspace, as well as requiring GAO to annually review the department's plan through 2022;

  - provide military service members with training to enhance their employability within one year prior to their separation, and improve related performance reporting and monitoring;

  - require the Navy to provide detailed budget information for multi-billion dollar aircraft carrier dismantlement and disposal activities; and

  - require the Secretary of Defense to designate a component responsible for coordinating efforts to acquire a modernized Global Positioning System receiver, to maximize the government's return on a multi-billion dollar investment.

- In addition, a House report accompanying the Act directs DOD to:

  - use policy and technological solutions to manage risk and secure classified information and systems to counter insider threats; and

  - urge the Secretary of the Air Force and Secretary of the Navy, in concert with the F-35 Joint Program Office, to reduce F-35 sustainment costs.

- **The Good Accounting Obligation in Government Act (GAO-IG Act).** Signed into law on January 3, 2019, the act requires certain federal agencies:
  - to include a report in their annual budget justification that identifies the implementation status of each public GAO recommendation that has been outstanding for at least one year and that not been implemented.[9]
- **The 2018 Omnibus Appropriations Act.** Based on GAO's work, the Congress directs:
  - the Veterans Health Administration (VHA) to research the overmedication of veterans that led to deaths, suicides, and mental health disorders;
  - DOD to align its (1) structure, (2) statutory parameters, and (3) regulatory guidance across federal prescription drug buying programs to increase its buying power and reduce costs;
  - DHS to (1) develop performance metrics for all deployed border security, (2) evaluate the individual and collective effect of deployed technologies, and (3) assess progress;
  - DHS to regularly assess advanced protective technologies for cybersecurity; and
  - federal agencies, such as DOD, National Cybersecurity and Communications Center, and Bureau of Indian Affairs, to report on how they plan to implement GAO recommendations.
- **The National Defense Authorization Act for Fiscal Year 2018.** Reflecting our past work, the Congress directs DOD to:
  - improve its budget guidelines, cost savings, leadership of business operations, military readiness goals and implementation strategies, and reduce vulnerabilities in military aircraft and risks to military installations from climate change;
  - increase reporting on the Columbia class nuclear submarine to keep the program on track;

[9] For GAO's own reporting in response to the GAO-IG Act, see page 30.

- change its space leadership structure;
- reinstate annual reports on the time required to conduct investigations, adjudicate cases, and grant security clearances; and
- establish new ways for agencies to modernize their legacy information technology.

- **The Disaster Recovery Reform Act of 2018.** In October 2018, based in part on GAO's work, Congress passed the 2018 Disaster Recovery Reform Act, which directs the Federal Emergency Management Agency (FEMA) to:
  - develop a National Public Infrastructure Pre-Disaster Mitigation fund to allow for a greater investment in building resilience before a disaster occurs;
  - make federal disaster assistance available to state and local governments for building code administration and enforcement;
  - reconsider the factors it uses to evaluate a jurisdiction's request for a major federal disaster declaration; and
  - update Congress on the development of a national preparedness assessment and efforts to avoid duplication across preparedness grants.

Federal funding for disaster assistance since 2005 is approaching half a trillion dollars (about $430 billion), most recently for hurricanes and wildfires in 2017 and 2018. These costs are expected to increase as extreme weather events become more frequent and intense. Increasing reliance on federal assistance is a key source of federal fiscal exposure. Since adding limiting the federal government's exposure by better managing climate change risks to our High Risk List in 2013, we have made several recommendations to help improve resilience to potential disasters.

## Financial and Program Benefits

**Financial Benefits** – In FY 2018, financial benefits resulting from our work included (1) revising spending limits for Medicaid demonstration projects to assure that they are budget-neutral ($36.8 billion); (2) helping the Centers for Medicare & Medicaid Services (CMS) achieve and measure the benefits of its fraud prevention system ($1.3 billion); (3)

identifying unexpended and unobligated balances in selected DOD accounts and proposing changes in its fuel pricing methodology ($5.3 billion); and (4) identifying unexpended and unobligated balances in DOD's Military Personnel accounts ($849 million).

**Other Benefits** – Many other benefits resulting from our work led to program and operational improvements. In FY 2018, we recorded 1,294 of these other benefits. For example, our work on **public safety and security**:

- positioned U.S. Customs and Border Protection to better protect U.S. manufacturers from economic harm and U.S. consumers from potential risks posed by counterfeit products sold online;
- resulted in comprehensive ready-for-sea inspections of Navy ships based in Japan and changes to sleep schedules after deadly collisions in the Pacific highlighted training, maintenance, and manning shortfalls that had contributed to insufficient sleep time for sailors;
- led the Transportation Security Administration (TSA) to begin updating and improving the risk assessment and strategy it uses to (1) secure airport perimeters, and (2) control access to restricted areas to better assess security issues at airports nationwide; and
- prompted the Department of Justice (DOJ) and the Office of National Drug Control Policy to begin developing results-oriented measures, such as reductions in overdose deaths, to help them assess progress made in combatting the nation's opioid epidemic.

Similarly, our work related to **vulnerable populations**:

- contributed to the Congress passing legislation to strengthen the nation's data on elder abuse by requiring annual data collection and reporting to support national prevention policy; and
- led the Federal Communications Commission to begin measuring the effectiveness of industry efforts to prevent wireless network outages helping to ensure that Americans who rely solely on them have access during emergencies.

In addition, our work in the **health care** area:

- prompted the Indian Health Service (IHS) to publish wait-time standards for primary care and urgent care visits to help it monitor patient access to care;
- led CMS to establish regular checks for identifying duplicate health coverage in both Medicaid and the health insurance exchange marketplaces, thereby helping to minimize the risk of the federal government paying twice for an individual's health insurance coverage; and
- prompted the Food and Drug Administration (FDA) and Drug Enforcement Administration to formalize procedures for sharing information that would allow FDA to better manage drug shortages.

Furthermore, our work in the area of **agency operations**:

- led FEMA to (1) pilot a data sharing process with states to allow it to identify potentially duplicative disaster assistance payments, and (2) make plans to create a similar process to manage future disasters;
- prompted the Office of the Director of National Intelligence to issue formal guidance and implementation guidelines to help federal agencies continually assess their employees' eligibility to hold security clearances and to do so uniformly; and
- prompted the Congress to require federal agencies to inform active duty military service members of their eligibility to receive student loans at a 6 percent interest rate to better ensure timely access to these loans and prevent overpayments.

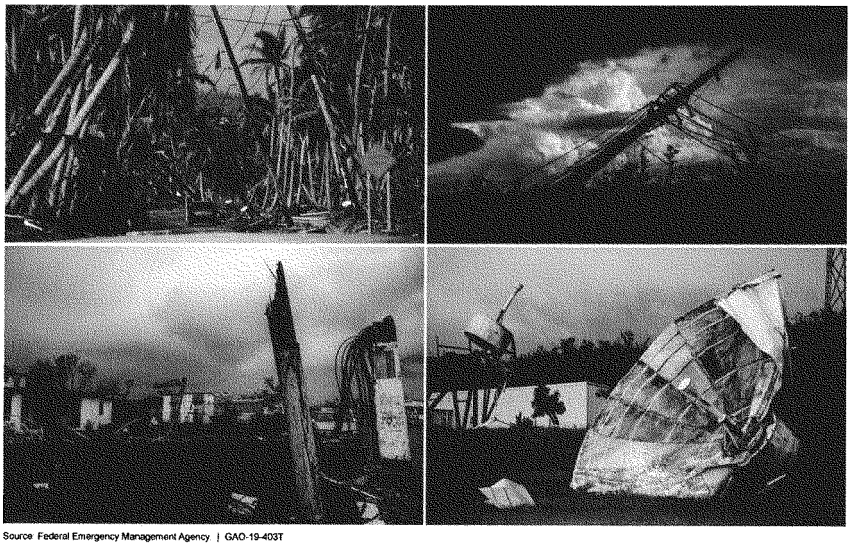
## Evaluating Federal Disaster Response and Recovery Issues

The Supplemental Appropriations for Disaster Relief Requirements Act of 2017 provided GAO with $14 million to conduct unanticipated disaster oversight and audit work associated with the catastrophic hurricanes and wildfires in 2017. GAO is evaluating a variety of topics including disaster contracting, response challenges, progress in multiple federal recovery programs, fraud prevention and internal controls, and is identifying recommendations to improve federal actions in all these areas.

So far, GAO has completed seven disaster-related reports and has 28 additional ongoing audit engagements. Specifically, we have reported on

the initial federal efforts to respond to Hurricanes Harvey, Irma, and Maria, as well as the California wildfires. We have also reported on disaster-related federal spending and identified a number of long-term recovery challenges in disaster-impacted areas, such as Puerto Rico and the U.S. Virgin Islands. Further, we identified challenges related to FEMA's disaster workforce and recommended actions to address weaknesses in federal disaster contracting practices.

**Figure 2: Damaged Power Lines and Satellite Dish in Puerto Rico after Hurricane Maria in November 2017**



Source: Federal Emergency Management Agency. | GAO-19-403T

In regard to ongoing work, we are evaluating disaster recovery programs for individuals and those with disabilities, efforts to strengthen disaster resilience and better prepare for future disasters, and efforts to restore the power grid in Puerto Rico, among other issues. Given the number of ongoing engagements and our reporting schedule, we anticipate that

GAO will use all of the $14 million in disaster funds by the end of FY 2020. A complete list of the reports issued and audits currently underway is included as Enclosure II.

**Figure 3: Nonprofit Volunteer Team Clearing Debris in Big Pine Key, Florida after Hurricane Irma**

Source GAO | GAO-19-403T

## Building Bodies of Knowledge

Through the products we issued in FY 2018, we continued to build on bodies of work related to our three broad strategic goals to (1) address current and emerging challenges to the well-being and financial security of the American people; (2) help the Congress respond to changing security threats and the challenges of global interdependence; and (3) help transform the federal government to address national challenges. Examples include:

- **Protection of children.** We reported on the need to (1) improve federal support to help states recruit and retain foster care families to meet demand; (2) develop guidance for states to help them better apply protections for substance-affected infants; (3) consider

discipline disparities for Black students, boys, and students with disabilities in K-12 public schools; and (4) update guidance to better monitor lead in school drinking water.

- **Support of Veterans.** We reported on the need for VA to improve its oversight and evaluation of the effectiveness of its suicide prevention outreach activities. We found that VA's outreach activities dropped off in 2017 and 2018, and the office responsible for these activities lacked consistent leadership. We also found that VA did not have clear goals for evaluating the effectiveness of its outreach activities.

  We also reported on the need for (1) DOD to improve its monitoring of and reporting on its transitioning veterans program; (2) VA to further assess its performance and progress toward meeting its opioid safety goals for veterans; and (3) VHA to collect better data and evaluate its strategies for improving physician staffing, recruitment, and retention.

- **Advancement of health care.** We reported on the need to (1) better secure the electronic health information of Medicare beneficiaries; (2) improve federal oversight of the health and welfare of beneficiaries receiving Medicaid assisted living services; and (3) improve assessments of individuals' needs for home and community based services.

- **Oversight of military readiness.** We continued to monitor DOD's efforts to rebuild military readiness and reported on the need to (1) better plan for sustaining various military aircraft, including the new F-35; (2) reassess the utilization and organization of the Air Force F-22 Raptor fleet; (3) improve maintenance of the Navy's submarine fleet and the Army's Patriot missile defense system; and (4) clarify policies and gather reliable data to manage the impact of time away from home on service members and their families.

- **Assessment of technology and science.** We reported on (1) Artificial Intelligence applications in four areas – cybersecurity, automated vehicles, criminal justice, and financial services; (2) sustainable chemical innovation, new approaches that improve the chemistry behind medicines, personal care products, and other everyday items to reduce environmental impacts; (3) technologies to mitigate electromagnetic risks to the U.S. electric grid; and (4) quantum computing, synthetic biology, and other potentially transformational research and considerations for U.S. competitiveness.

- **Designation of High Risk areas.** We continued to monitor federal operations previously identified as "High Risk" to discuss how to make progress in these areas. We also added the government-wide personnel security clearance process to our High Risk List and updated our cybersecurity area. This year, our high-risk work in 35 areas resulted in 166 reports, 49 testimonies, $46.8 billion in financial benefits, and 526 other benefits. An updated High Risk Report will be issued in March 2019. The current list is included as Enclosure I.

- **Identification of Fragmentation, Overlap, and Duplication.** Our eighth annual report identified 68 new actions across 23 new program areas that could reduce fragmentation, overlap, and duplication, or provide other cost savings and revenue enhancement opportunities across the federal government. Congress and executive branch agencies addressed 724 of the actions identified from 2011 to 2017, leading to about $178 billion in financial benefits; $125 billion had accrued through 2017, with $53 billion more expected. An updated Fragmentation, Overlap, and Duplication report will be issued early in 2019.

## Focusing on Congressional Priorities

Serving Our Clients -- In FY 2018, we issued 633 reports and made 1,650 new recommendations. Our senior executives were asked to testify 98 times before 48 separate committees or subcommittees on topics including key risks for the 2020 Census, improper payments under Medicaid, national defense preparedness, border security, and the nation's cybersecurity challenges. The table that follows lists examples of topics GAO addressed in testimony in FY 2018, grouped by our three external strategic goals.

**Table 3: Selected GAO FY 2018 Testimonies**

| Goal 1: *Address Current and Emerging Challenges to the Well-being and Financial Security of the American People* | |
|---|---|
| • Observations on DOJ's Grantees' Capacity to Process DNA Evidence | • Implementing Positive Train Control |
| • Observations on the Supplement Nutrition Assistance Program | • Addressing Native American Youth in the Justice System |
| • Improving DOD's Oversight of its Program for Transitioning Veterans | • Reducing Risk of Harm to Medicare Beneficiaries from Prescription Opioids |
| • Observations on the Strategic Petroleum Reserve's Emergency Stockpile | • Improving the Transfer and Monitoring of Unaccompanied Children |
| • Addressing DOE Management Challenges | • Improving Federal Management of Indian Programs |
| | • Improving Oversight of VA Health Care Providers |
| **Goal 2: *Respond to Changing Security Threats and the Challenges of Global Interdependence*** | |
| • Addressing Longstanding Management Challenges for Immigration Courts | • Using TSA Data to monitor Airport Operations Including Passenger Wait Times |
| • Improving Management of the Coast Guard's Acquisition Portfolio | • Preliminary Observations on Reported Injuries to U.S. Personnel in Cuba |
| • Securing the Southwest Border – Progress and Challenges | • Monitoring Inter-American Assistance Agreements and U.S. Contributions |
| • Improving Navy and Marine Corps Plans to Train for Amphibious Operations | • Improving Management of DHS' Chemical Facility Security Program |
| • Enhancing Information Sharing with Private Sector on the Counterfeits Market | • Improving VA's Medical and Surgical Supply Contracts to Reduce Cost |
| • Improving Oversight of the Antiterrorism Assistance Program | |
| **Goal 3: *Help Transform the Federal Government to Address National Challenges*** | |
| • Addressing Physical Security Challenges at NIST and Commerce | • Addressing Management Challenges Presented by Budget Uncertainty |
| • Implementing High-Risk Recommendations for IT Acquisitions, Operations, and Cybersecurity | • Preparing for VA's Transition to a New Electronic Health Record System |
| • Mitigating Key Risks for 2020 Census | • Improving Government Efficiency and Effectiveness to Reduce Federal Costs |
| • Improving Federal Regulatory Guidance Practices | • Observations on USPTO's Covered Business Method Patent Review Program |
| • Addressing DHS' Urgent Cybersecurity Workforce Needs | • Addressing Delays in NASA's Commercial Crew Program |
| • Addressing Cost Growth and Schedule Delays in NASA's Major Projects | • Observations on Challenges and Opportunities for Grants Management |
| • Improving Management of Medicare's Fraud Risks | |

Source: GAO | GAO-19-1SP

**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.

## Internal Improvements

**Supporting Our People** – The hard work and dedication of our diverse and professional multidisciplinary staff positioned GAO to achieve 97 percent on-time delivery of our products in FY 2018. We exceeded the targets for our seven people measures, new hire rate, retention rates with and without retirements, staff development, staff utilization, effective leadership by supervisors, and organizational climate. GAO also continued its distinction as a best place to work—the Partnership for Public Service ranked GAO fourth among mid-size federal agencies and first for supporting diversity.

**Managing Our Internal Operations** – In fiscal year 2018, we continued efforts to maximize our strategic goal 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: managing a quality workforce; improving the efficiency of our engagements; and ensuring the confidentiality, integrity, and availability of GAO's information technology services. We are on track to achieve 3,150 FTE in our FY 2019 hiring plan and expect to have over 3,250 staff on board at year-end.

In FY 2018 GAO deployed the Electronic Protest Docketing System (EPDS), made key security investments, and refreshed technology platforms needed to support our bid protest work.[10]

As previously mentioned, in FY 2019, we will complete the pilot of New Blue, a system that will allow analysts to more efficiently create and manage report content; streamline the publishing processes; and enable access on mobile devices. New Blue is planned to be rolled out across

[10] The Consolidated Appropriations Act, 2014, included a provision for GAO to develop an electronic bid protest filing system. The statute also authorized the collection and use of fees to offset the costs of that system. GAO successfully piloted and launched its new system, EPDS, in 2018.

GAO following the conclusion of the pilot. If you are interested in reviewing a GAO product in the new format, please see GAO-18-312.

To enhance information technology services, we continued to strengthen monitoring and detection of malicious activity to counter escalating cybersecurity threats.

In keeping with our effort to continuously improve our operations, GAO migrated to the Legislative Branch Financial Management System (LBFMS) Momentum Financial operated by the Library of Congress. The system serves as our integrated Financial Management System and is hosted in a FedRAMP compliant and secure facility. LBFMS improved internal controls over invoicing processing, reduced data entry errors, and increased efficiency and timeliness of payments.

GAO also received an unmodified or "clean" opinion from independent auditors on our financial statements for FY 2018 and our internal control over financial reporting. Independent auditors found no reportable noncompliance with provisions of applicable laws, regulations, contracts, and grant agreements tested. We demonstrated that all detailed performance and financial information is complete and reliable and meets high standards for accuracy and transparency.

## Good Accounting Obligation in Government Act Reporting

With regard to the recommendations from GAO's Office of the Inspector General (OIG), GAO has implemented all of the recommendations issued by the OIG prior to January 2018. Additionally, GAO has determined that it will implement the three open OIG recommendations that have been issued within the past 12 months and expects that implementation will be completed within calendar year 2019.

## Legal Work

In FY2018, we addressed about 2,600 bid protest cases and issued more than 600 decisions on the merits. In addition, we published 15 appropriations law products, including five products to carry out GAO's responsibilities under the Impoundment Control Act regarding the President's special message of May 2018.

## Strategic Planning

GAO issued its latest Strategic Plan for Serving the Congress and the Nation in February 2018, covering FYs 2018 to 2023. As the nation confronts a series of both new and long-standing challenges, this plan describes our goals and strategies to support the Congress to identify

cost savings and other financial opportunities; to make government more accountable, efficient and effective; and ultimately to improve the safety, security, and well-being of the American people. GAO's Strategic Plan provides a comprehensive roadmap for how the agency will support the most important priorities of Congress and the American people.

This plan reflects the full scope of the federal government's operations, as well as emerging and future trends that may affect government and society. As part of our strategic planning process, we emphasize foresight, continuous environmental scanning, and trend analysis as essential to helping inform our decision-making and long-term planning.

The plan is comprised of three sections: strategic goals and objectives; key efforts; and trends that provide overall context supporting our long-range planning. The current strategic plan framework (Enclosure III) summarizes these global trends affecting government and society, as well as the strategic goals and objectives that guide our work.

There are eight trend areas in GAO's 2018 – 2023 plan including:

1. **Domestic and Global Security:** Global conditions affecting U.S. and international security;
2. **Fiscal Outlook and the Debt:** The federal government's long-term unsustainable fiscal path;
3. **Economics and Trade:** Global response to challenges posed by divergent economic growth;
4. **Jobs and Education:** Technological advances and their impact on preparing the workforce of the future;
5. **Demographics and Society:** Demographic changes and their implications for U.S. society and economy;
6. **Science and Technology:** Five emerging technologies and scientific advances that could potentially transform society (Genome Editing; Artificial Intelligence and Automation; Quantum Information Science; Brain/Augmented Reality; and Cryptocurrencies and Blockchain);
7. **Government and Governance:** Increasingly complex governance relationships and practices; and
8. **Environment and Sustainability:** Balancing competing natural resource and sustainability needs.

## 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. GAO contributes to a number of efforts that promote good governance and enhance the capacity of the accountability community. The Center uniquely offers a wide range of training and technical assistance services at locations throughout the United States and the world. The Center is authorized to charge fees for its services to facilitate recovery of its costs.

Since its opening in October 2015, the Center has expanded its volume of business significantly and increased annual revenue from $41,000 in fees in FY 2016 to $624,000 in FY 2018. Further, the Center has provided training or technical assistance services to over two dozen federal, state, local and international accountability organizations. Several of these organizations have returned to the Center repeatedly for training and technical assistance services to help build staff capacity in applying auditing concepts and tools.

In FY 2018, the Center provided training and technical assistance to 12 domestic audit organizations, including federal inspectors general and state and local audit offices. Center services helped these organizations improve their staff members' understanding of federal internal control standards, Government Auditing Standards, and performance audit methodologies. For example, the Center provided 10 classes on internal control to one federal audit organization. Based on formal and informal feedback, the vast majority of training participants found Center training to be greatly useful.

The Center also provided technical assistance to three national audit institutions in Europe and Central America during FY 2018 to enhance their capacity to conduct and achieve results from performance audits. For example, the Center helped a national audit institution in Eastern Europe enhance its capacity to conduct information technology audits and helped another national audit institution assess and improve its process for documenting financial benefits resulting from audits. The Center also provided technical assistance on a project funded by the Millennium Challenge Corporation to help enhance the performance audit capacity of a national audit institution in Central America.

In April 2016, the Center signed a Memorandum of Understanding (MOU) with the U.S. Agency for International Development (USAID) to collaborate in enhancing audit capacity and accountability in developing

countries. In FY 2018, under the MOU, the Center assessed the capacity building needs of an African country's audit institutions for USAID and identified areas for improvement. In November 2018, the Center signed an agreement with USAID/Philippines to provide training and technical assistance services to the Philippine Commission on Audit to strengthen their capacity to conduct performance audits. USAID expects the total estimated cost of the 3-year project to be $1.48 million and has obligated $500,000 for services to be provided by the Center in the first year.

The Center continues to implement its business plan and look for additional ways to build on its accomplishments and strengthen the capacity of accountability partners to enhance the oversight of U.S. federal funds used domestically and across the globe. For example, during FY 2019, the Center plans to expand its international work further by leveraging its MOU with USAID and expanding partnerships with other organizations such as the World Bank.

## 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 2019 Budget. Our FY 2020 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 Designated |
|---|---|
| **Strengthening the Foundation for Efficiency and Effectiveness** | |
| Improving Federal Programs that Serve Tribes and Their Members | 2017 |
| 2020 Decennial Census | 2017 |
| U.S. Government's Environmental Liabilities | 2017 |
| Improving the Management of IT Acquisitions and Operations | 2015 |
| Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risks | 2013 |
| Management of Federal Oil and Gas Resources | 2011 |
| Modernizing the U.S. Financial Regulatory System and the Federal Role in Housing Finance | 2009 |
| Restructuring the U.S. Postal Service to Achieve Sustainable Financial Viability | 2009 |
| Funding the Nation's Surface Transportation System | 2007 |
| Managing Federal Real Property | 2003 |
| Strategic Human Capital Management | 2001 |
| **Transforming DOD Program Management** | |
| 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 Acquisition | 1990 |
| **Ensuring Public Safety and Security** | |
| Government-wide Personnel Security Clearance Process **(new)** | 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 U.S. National Security Interests | 2007 |
| Improving Federal Oversight of Food Safety | 2007 |
| Strengthening Department of Homeland Security Management Functions | 2003 |
| Ensuring the Cybersecurity of the Nation | 1997 |
| **Managing Federal Contracting More Effectively** | |
| DOD Contract Management | 1992 |
| DOE's Contract Management for the National Nuclear Security Administration and Office of Environmental Management | 1990 |
| NASA Acquisition Management | 1990 |
| **Assessing the Efficiency and Effectiveness of Tax Law Administration** | |
| Enforcement of Tax Laws | 1990 |
| **Modernizing and Safeguarding Insurance and Benefit Programs** | |
| Managing Risks and Improving VA Health Care | 2015 |
| 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-19-403T

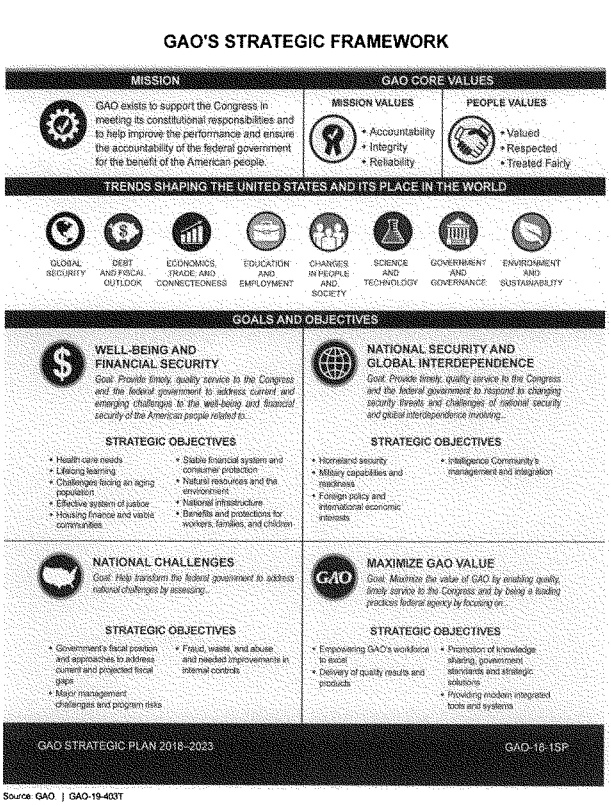
# Enclosure II – Federal Disaster Response and Recovery Engagements

| | |
|---|---|
| Completed Engagements: | • Disaster Assistance: Opportunities to Enhance Implementation of the Redesigned Public Assistance Grant Program. GAO-18-30, November 8, 2017.<br>• 2017 Disaster Contracting: Observations on Federal Contracting for Response and Recovery Efforts. GAO-18-335, February 28, 2018.<br>• Federal Disaster Assistance: Individual Assistance Requests Often Granted but FEMA Could Better Document Factors Considered. GAO-18-366, May 31, 2018.<br>• 2017 Hurricanes and Wildfires: Initial Observations on the Federal Response and Key Recovery Challenges. GAO-18-472, September 4, 2018.<br>• Homeland Security Grant Program: Additional Actions Could Further Enhance FEMA's Risk-Based Grant Assessment Model. GAO-18-354, September 6, 2018.<br>• Continuity of Operations: Actions Needed to Strengthen FEMA's Oversight and Coordination of Executive Branch Readiness. GAO-19-18SU, November 26, 2018.<br>• 2017 Disaster Contracting: Action Needed to Better Ensure More Effective Use and Management of Advance Contracts. GAO-19-93, December 6, 2018. |
| Ongoing Engagements: | 1. FEMA Public Assistance funding and recovery efforts in the U.S. Virgin Islands;<br>2. FEMA Public Assistance funding and recovery efforts in Puerto Rico;<br>3. Department of House and Urban Development Community Development Block Grant Disaster Recovery Assistance;<br>4. Federal post disaster contracts;<br>5. Disaster assistance for older Americans and individuals with disabilities;<br>6. Puerto Rico and U.S. Virgin Islands power grid restoration;<br>7. Review of U.S. Virgin Islands recovery planning and progress;<br>8. Puerto Rico disaster recovery planning and progress;<br>9. 2017 wildfire response and recovery;<br>10. Federal internal control plans for disaster assistance funding;<br>11. Electricity grid restoration and resilience after the 2017 hurricane season; |

12. Mass care sheltering and feeding challenges during the 2017 hurricanes;
13. DOT highway and transit emergency relief funding;
14. Drinking water and wastewater utility resilience;
15. Review of disaster death count information in selected states and territories;
16. Department of Health and Human Services Disaster Response Efforts;
17. Disaster and climate change impacts on Superfund sites;
18. FEMA Public Assistance program fraud risk management efforts;
19. Fuel reduction efforts for wildland fires;
20. Preparedness challenges and lessons learned from the 2017 disasters;
21. FEMA workforce management and challenges;
22. Small Business Administration response to 2017 disasters;
23. Development of the GAO disaster resilience framework;
24. FEMA Individual Assistance programs and challenges;
25. National Flood Insurance Program (NFIP) post-flood enforcement;
26. Emergency alerting capabilities and progress;
27. National Flood Insurance Program buyouts and property acquisitions; and
28. Economic costs of large-scale natural disasters and impacts on community recovery.

# Enclosure III – GAO's Strategic Plan Framework

**Figure 4: GAO's Strategic Framework**




Source: GAO | GAO-19-403T

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

| | |
|---|---|
| GAO's Mission | The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability. |
| Obtaining Copies of GAO Reports and Testimony | The fastest and easiest way to obtain copies of GAO documents at no cost is through GAO's website (https://www.gao.gov). Each weekday afternoon, GAO posts on its website newly released reports, testimony, and correspondence. To have GAO e-mail you a list of newly posted products, go to https://www.gao.gov and select "E-mail Updates." |
| Order by Phone | 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, https://www.gao.gov/ordering.htm.<br>Place orders by calling (202) 512-6000, toll free (866) 801-7077, or TDD (202) 512-2537.<br>Orders may be paid for using American Express, Discover Card, MasterCard, Visa, check, or money order. Call for additional information. |
| Connect with GAO | 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 https://www.gao.gov. |
| To Report Fraud, Waste, and Abuse in Federal Programs | Contact FraudNet:<br>Website: https://www.gao.gov/fraudnet/fraudnet.htm<br>Automated answering system: (800) 424-5454 or (202) 512-7700 |
| Congressional Relations | Orice Williams Brown, Managing Director, WilliamsO@gao.gov, (202) 512-4400, U.S. Government Accountability Office, 441 G Street NW, Room 7125, Washington, DC 20548 |
| Public Affairs | Chuck Young, Managing Director, youngc1@gao.gov, (202) 512-4800 U.S. Government Accountability Office, 441 G Street NW, Room 7149 Washington, DC 20548 |
| Strategic Planning and External Liaison | James-Christian Blockwood, Managing Director, spel@gao.gov, (202) 512-4707 U.S. Government Accountability Office, 441 G Street NW, Room 7814, Washington, DC 20548 |

Please Print on Recycled Paper.

Mr. RYAN. I just want to say thank you to you. From our meetings in my office and the hearings I have been here with you, I just want to say thanks. It is unbelievable, your team and your ability to communicate to us what we need to do. And when we are looking at the trajectory of the country, with the spending and the programs that need to be reformed and updated, you are really providing the roadmap for us. So we appreciate that.

I am going to yield to my colleague here. I know she may have to step out at some point early, so I want to give her an opportunity to ask some of the first few questions.

And take as much time as you need.

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman. I appreciate that.

Well, you know, I could listen to you talk about healthcare for an hour. I would love to dig deeper. And so I will ask a few questions along that route and along the debt service and kind of some of the debt issues that we are looking at.

But I would ask that you would come in and spend some time with me in my office to go over those a little bit more in detail so I can not belabor—you know, I ask a lot of questions.

Mr. RYAN. I am down for it too. I will come to the meeting.

Ms. HERRERA BEUTLER. I just think it would be very, very helpful. And that is ultimately—you know, some of these other things that I think are critical I think you laid out very well. I was sitting here going, science and technology, like, what does he do there? And then you give us a couple examples; okay, that makes sense.

But I think in terms of just overall fiscal policy for us, I would like to talk a little bit about the tax bill, I would like to talk about CBO and assessments. And I saw their 2029 projection with regard to debt service. I had some questions there that I am sure you can answer. And then, in addition, the Medicare, Medicaid, and Social Security pieces.

So I just wanted to put that on there, that I would like to do that, so someone back there, I am sure, is writing it down.

Mr. RYAN. I think all of them did at the same time. Very good team. And they are all happy. Look at them.

Ms. HERRERA BEUTLER. So, with that, I did want to ask, along the lines of disaster funding—another small topic. Fourteen million was provided to GAO in the hurricane supplemental to help prevent fraud, waste, and abuse and to evaluate overall Federal response and recovery efforts.

And, obviously, our rating, our grade on how well we have responded to some of these disasters is still very much in question.

So I am curious what the status of GAO's work on the 2017 disasters is, and what can you share with us so far?

## DISASTER FUNDING

Mr. DODARO. I would be happy to.

We, so far, have issued eight reports on the disaster-related assistance that was provided for 2017, both the hurricanes as well as the wildfires in California.

We have issued reports on the Federal Government's initial response to affected areas. We have issued a followup report on Puerto Rico in particular and some of the challenges the island faces.

Just 2 days ago, we issued a similar report on the Virgin Islands in terms of its status as well.

We have issued a number of reports on contracting for assistance. First, there are a lot of advance contracts that are to be used by the Federal Government to help move quickly in those areas, so you wouldn't have to put things out for bid. You have contractors already lined up. There are improvements that they could make. We made nine recommendations in these areas.

We are looking at the post-contracting areas for disaster assistance. We will have a report coming out soon with 10 additional recommendations to improve contracting. It addresses how the Federal Government uses the money, whether it is used in a wise manner in the contracting area and meets all the requirements.

We have over 25 other audits already underway because there is a long tail to disaster recovery. There is the initial response, but recovery takes many years, as you know. Sandy just finished up not that long ago.

We are looking at the electricity power grid in Puerto Rico, and the housing issues, particularly in Texas, in the area where they were hit. And we are looking at the Small Business Administration and what they have been doing to help small businesses. There is a wide range of other audits.

So far, we have used $5.6 million of the $14 million. We expect that we will use the remainder of that by the end of next year.

Ms. HERRERA BEUTLER. So fiscal 2019?

Mr. DODARO. Fiscal 2019. [Correction: Fiscal 2020]

Ms. HERRERA BEUTLER. Okay.

Mr. DODARO. But we are well on our way in that area. And we are happy to take on additional responsibilities to look at the 2018 disasters as well, both Florence and Michael. Because they were different types of issues, will have different types of effects. We have done a lot of work in Disaster Response and Recovery.

We have on our high-risk list a related issue, which is limiting the Federal Government's exposure by better managing climate change risk. I put that on in 2013. We have encouraged the government to do more in terms of mitigation and resilience building up front, because many of these things could be avoided.

Our report this year on initial governments' response showed that Florida was better positioned than anybody else.

Ms. HERRERA BEUTLER. That would make sense.

Mr. DODARO. Because they had worked to change building codes and standards. Whereas you had Puerto Rico on the other end of spectrum that wasn't prepared at all.

Ms. HERRERA BEUTLER. Well, I am reading the history on Katrina. I was watching something on Florida's preparedness and just the different planning, to say nothing of Puerto Rico.

So when you mentioned the climate change piece, though, I wanted to ask about mitigation with regard to forest management and if that is a piece of what you are looking at.

Because I live in the West, I am actually downstream of that nuclear power plant, so very interested in that as well. But our Federal forests and what happened in California, in Paradise, and then what we see as possibly happening in and around just even my re-

gion. And we see with regard to the difference between State lands, DNR lands, private lands——

Mr. DODARO. Right.

Ms. HERRERA BEUTLER [continuing]. And Federal lands. I have had Fish and Wildlife and Chief Forester, everybody from the Feds has come out and walked through those three different landscapes in the same area, and you just know that we are ripe for a horrible disaster. And I am curious about that piece.

FOREST MANAGEMENT

Mr. DODARO. We have done work in the past on the controlled burns and trying to get rid of the underbrush. I am not sure whether we are currently——

Ms. HERRERA BEUTLER. Selective harvest?

Mr. DODARO [continuing]. Focused on that. But we will go—go back and make sure we are focused on that area.

Ms. HERRERA BEUTLER. I just think, if you are talking about, we live and breathe it and it is a part of our heritage, we want to protect it, climate change isn't the only piece. It would be silly to think it was. You recognize that, once man has touched a forest, it is never going to go back.

Mr. DODARO. Right.

Ms. HERRERA BEUTLER. So then there is a responsibility for a healthy ecosystem. And you really can see the difference in the three.

Mr. DODARO. Right.

Ms. HERRERA BEUTLER. So I would be curious to hear, too, what your team is doing in that area, especially with kind of your look at the climate piece.

Mr. DODARO. We are looking at forest management.

Ms. HERRERA BEUTLER. That might also be another area where we could talk about.

Mr. DODARO. So, when we get together——

Ms. HERRERA BEUTLER. Yes.

Mr. DODARO [continuing]. We will talk about specifically what we are doing.

Ms. HERRERA BEUTLER. Great.

Mr. DODARO. The one thing I want to mention—you mentioned the debt thing. Just one thing——

Ms. HERRERA BEUTLER. Oh, yes.

Mr. DODARO [continuing]. I wanted to put on your radar screen.

Ms. HERRERA BEUTLER. I am sure we could talk about that for a while.

DEBT CEILING

Mr. DODARO. The debt ceiling suspension period is off this Saturday. This means the Treasury Department, as of March 2nd, will not have enough money to pay the Federal Government's bills on time unless it goes to what they call extraordinary measures—which have, unfortunately, become all too ordinary.

Ms. HERRERA BEUTLER. It is true.

Mr. DODARO. They borrow against the government's pension systems, and there are other measures they could take. CBO estimates that, through these extraordinary measures, they will have

enough money to last maybe until the end of this fiscal year in September. I urge Congress to take action.

I have also made recommendations that Congress change how the debt ceiling works. Right now, it does nothing to control the debt. When Congress may not raise it on time, the markets get nervous. They demand an additional premium, and it costs more in interest to borrow money during a period of time. The markets now are distorted because they are avoiding purchasing securities that might expire during a potential impasse period. It is affecting liquidity in the secondary market. So there is nothing to like——

Ms. HERRERA BEUTLER. It helps no one.

Mr. DODARO. It helps no one in this process. I have made some recommendations on different ways that that could be dealt with over time. I am very concerned that any actions never do anything to affect the full faith and credit of the Federal Government.

Ms. HERRERA BEUTLER. Thanks. We could talk about that forever.

Mr. DODARO. Yes.

Ms. HERRERA BEUTLER. Thank you, Chairman.

Mr. DODARO. One approach is that the Congress could use the budget resolution process to raise the debt ceiling.

Right now, the budget resolution process is mostly focused on the annual appropriation figures. Two-thirds of the Federal Government spending right now is on automatic pilot on Social Security and Medicare. The congressional budget resolution process ought to consider all the revenues coming in, just as you do in your family, you figure out what are your expenses, what your revenues are and how much you would have to borrow. That could be number one option.

Number two option could be that authority be given to the executive branch to notify Congress that it needs to borrow more money to raise the ceiling and Congress could disapprove it. In other words, Congress wouldn't have to proactively act unless they disapproved that process.

Third would be to give the President the authority, because Congress is appropriating the money. Right now, the debt ceiling only deals with paying bills that Congress has already appropriated. It is an after-the-fact measure. You could just say, okay, Congress, in deciding appropriations, it decides by de facto how much the government would have to borrow, and authorize the executive branch to borrow that amount of money.

Mr. RUPPERSBERGER. Do you have a paper on that?

Mr. DODARO. Yeah, I have a report.

Mr. RUPPERSBERGER. Could you send it to us?

Mr. DODARO. Yes. I will send it to all of you.

Mr. RUPPERSBERGER. Okay. Good.

[The information follows:]

This link will take you to GAO's most recent work on the Nation's fiscal health, https://www.gao.gov/americas_fiscal_future. We will be issuing an update to this report in April and will provide a copy when it is completed.

Mr. DODARO. We have been working with some Member offices on proposals to deal with that, and I would be happy to talk to you about it.

Mr. RUPPERSBERGER. All right.

The two areas I want to get into are the technology policy, and then I know you had—a couple years ago, you had an issue with the intelligence community being involved. And, you know, I have been involved with intelligence my whole career here. And, you know, intelligence community is very sensitive about their classified issues, and they don't want anyone else being involved. And your issue is trying to find a way to manage it and make sure it works better.

But I will get into that second.

Mr. DODARO. Okay.

Mr. RUPPERSBERGER. I want to get into this first. You know, Congress can use help to better understand a lot of the emerging tech policy, like privacy, cybersecurity, new space threat, hypersonic weapons. These are some of the current projects.

And you have the newly formed Science, Technology Assessment, and Analytics team.

SCIENCE AND TECHNOLOGY

Mr. DODARO. Yes, that is under me, but I also have an Information Technology and Cybersecurity team. There are two teams to deal with the issues you are talking about.

Mr. RUPPERSBERGER. Okay. Well, how is that working at this point?

Mr. DODARO. I think it is working very well.

Mr. RUPPERSBERGER. What are you doing, then, with that?

Mr. DODARO. We are doing a lot of work. We just issued technology assessments on artificial intelligence. We have done technology assessments on sustainable chemistry, detecting explosive devices on passenger rail——

Mr. RUPPERSBERGER. The biological——

Mr. DODARO. Yes, biological technical issues we have the capacity to do this. I have a lot of people with science skills. I hired our first chief scientist in 2008. I have been building this capacity for about 10 years now.

We have a standing contract with the National Academy of Sciences, so we use a lot of their experts to help in peer reviews and other activities as well.

In my prepared testimony, there is a list of all the technology assessments that we have done and technology assessments that we have underway. We also use these people to look at a lot of different issues.

You mentioned hypersonic weapons. That is on our radar screen. So a lot of the defense work we do——

Mr. RUPPERSBERGER. My issue——

Mr. DODARO. Yes.

Mr. RUPPERSBERGER. Like, hypersonic I have been focusing on for years.

Mr. DODARO. Okay.

Mr. RUPPERSBERGER. It is a very dangerous situation for us.

Mr. DODARO. I agree.

Mr. RUPPERSBERGER. And due to sequestration, we are behind Russia and China. And there is an offense and defense.

Mr. DODARO. The same thing on artificial intelligence.

Mr. RUPPERSBERGER. Exactly.

And I actually represent NSA, so I deal with a lot of that.

And they are pretty good. But, on the other hand, you get into the other side that has a lot of issues in Homeland Security. You know, they don't have enough people, they don't have the expertise, and they have a mission which is really big. But I don't want to get into all that. I want to get into the issue of our plan efforts. You know, your testimony talked about over the next 2 years you have plan efforts, to include: assessing the Federal Government's efforts to establish and implement a comprehensive national cyber strategy; to evaluate government-wide initiatives to implement continuous diagnostic and monitoring capabilities; and establish effective risk management processes at the Federal agencies.

Your testimony mentions the GAO's continued focus on the public-private-partnership model. Could you go into more detail on this model?

Mr. DODARO. Yes.

Mr. RUPPERSBERGER. And there needs to be, I think, an emphasis on the importance of a clear and concise best-practice guide for Federal agencies. And will this assessment include the technologies used by Federal agencies who deal with sensitive information?

Mr. DODARO. Yes.

Mr. RUPPERSBERGER. And you can throw in there too, I mean, our dot-gov, we are a long way off. You have some departments that are good, others that aren't. There hasn't been any—may be trying, but ability to pull that together to protect ourselves.

Mr. DODARO. Yes I testified before Congress last summer on all these issues. I will——

Mr. RUPPERSBERGER. What committee was it?

Mr. DODARO [continuing]. Be happy to provide my testimony. It was the House Oversight and Reform Committee.

Mr. RUPPERSBERGER. Okay.

Mr. DODARO. Congressman Hurd had held the hearing. And Connolly had been involved, as well as Congressman Meadows, and Representative Kelly. It was a joint hearing of two subcommittees.

Mr. RUPPERSBERGER. Okay.

Mr. DODARO. And so I will be happy to provide that.

[The information follows:]

This is a link to the *2018 testimony* before Subcommittees on Government Operations and Information Technology, Committee on Oversight and Government Reform that Gene mentioned. Subsequently, we issued a report that provides greater details on the issue, *High-Risk Series: Urgent Actions Are Needed to Address Cybersecurity Challenges Facing the Nation*, GAO–18–622, Sep 6, 2018.

Mr. DODARO. But on the partnership issue, the issue is that the private sector has most of the computer resources, as you know, for critical infrastructure protection. Right now, there are standards out there, but they are all voluntary. The Federal Government really doesn't have a good idea on how implementation has gone of those standards, whether you are talking about the electricity grid—we have done work on that—financial markets, the election systems, telecommunications. There are 16 different critical infrastructure sectors. Our view is the Federal Government needs to know more about the status of implementation of cybersecurity best practices in the private sector in those sectors.

In some areas, the Federal Government has regulatory authorities, like in the nuclear area as well, but in many it doesn't. It is relying on the dialogue with the private sector.

The Federal Government itself has not acted with a sense of urgency commensurate with the threat. I have encouraged them to move faster. We made, in the last 10 years, 3,000 recommendations. Almost 700 of them are open. We issue more regularly.

This is still a problem at virtually every Federal agency across the government, in terms of protecting the systems there. On a national level—we need a national and global cybersecurity strategy.

Mr. RUPPERSBERGER. We will probably be dead and buried before that happens on the global side.

Mr. DODARO. We need some cyber diplomacy. There are no international norms in this area. This is an area that is really very, very problematic.

On the privacy side, our privacy law was passed in 1974. There was the E-Government Act in 2002. We are way out of date in terms of protecting privacy. We have had recommendations since 2013 for the Congress to pass a consumer privacy framework for the private-sector area as well.

Mr. RUPPERSBERGER. We are going to have a second round, right?

Mr. RYAN. Yes.

Mr. RUPPERSBERGER. All right.

Well, I would like you to get that information to me.

Mr. DODARO. Sure.

Mr. RUPPERSBERGER. The other thing, in my opinion, I believe just like we are focusing on prioritizing space, we need to prioritize cyber. And I would hope that we could have, like, a special combatant command or something where you focus strictly on cyber offense and defense. So if you have any information on that——

Mr. DODARO. Okay.

Yes, we just issued a report not long ago about the lack of attention that DOD has been giving the cyber issue in the development of weapons systems.

Mr. RUPPERSBERGER. If you can get that to me.

[The information follows:]

Earlier this week, we also issued a report on DOD weapons systems, *Weapon System Sustainment: DOD Needs to Better Capture and Report Software Sustainment Costs*, GAO–19–173, Feb 25, 2019.

Mr. DODARO. Yes. You will have all that today.

Mr. RYAN. Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Mr. Dodaro, thanks for being here with us. Thanks for bringing your crack team with you.

NUCLEAR WASTE

I do want to compliment you on the work that you did on the Department of Energy's efforts in the cleanup of nuclear waste. I think that that is going to help us make sure that we are spending taxpayer dollars wisely. That is a huge commitment of the Federal Government. And I think shining the light that you have on that will be helpful to not only get the cleanup done but as efficiently as possible. So thanks. You guys came in and helped explain that

to me. And that is maybe not the message I wanted to hear, but we have to face the reality of what we are doing.

I am going to ask kind of a question that I should know—you know, this is my third term in Congress—and I don't. But you alluded to the fact that you work with committee chairs and ranking members; you don't have time for Member requests.

GAO PLANNING

And so I got to thinking, well, you are our watchdog in a lot of things we do as a government. And I am assuming that it is very intentional, the things that you look into, that you assign to your staff. But how does that happen? Do you guys sit down in the morning over a cup of coffee at the table and say, what are we going to look into today? Or is it by request only from committees? How does all that happen?

Mr. DODARO. Yes.

Mr. NEWHOUSE. How do we intentionally look into things? And how do you prioritize?

And with that, you talked about the enormity of all the things that you are doing. Your to-do list isn't empty, I am sure. There has to be a backlog here. And maybe talk about how this request or increase in your budget will help along those lines.

Mr. DODARO. Okay.

Well, first, in terms of planning, deciding what we do, we do a 5-year strategic plan for serving the Congress and the country. We get input from a lot of the congressional committees. I have outside advisers. We have experts in the GAO, so we put that together. The last one we did was February of last year, 2018, through——

Mr. NEWHOUSE. A 5-year plan.

Mr. DODARO. A 5-year plan, strategic plan, for serving the Congress and the country.

Then we work with all the committees on this issue.

On average over the last 5 years, there have been about 800 requests. About——

Mr. NEWHOUSE. From the committees?

Mr. DODARO. From the entire Congress.

Mr. NEWHOUSE. Oh, Members——

Mr. DODARO. Yes, Members—well, there are some Member request. Others come in the form of laws—"GAO shall do this"—committee conference reports. That is priority one.

Priority two are requests from committee chairs and ranking members. We treat both the same. We are a nonpartisan organization. Those are our two priorities.

Then the third, I mentioned is individual Member requests, but those, we don't have resources to do. Many of them get a committee to sponsor their request, so they get resolved.

Of the roughly 800 we receive a year, I would say about 75 percent of them are already contemplated in our strategic plan for serving the Congress.

I believe the vast majority of what we do, is a shared agenda. Congress thinks it is important—they have either put it in law or a committee conference report or sent a request in from a committee—and we think it is important as well.

USING COMPTROLLER GENERAL AUTHORITY

Mr. NEWHOUSE. So would you analyze things without the request of Congress?

Mr. DODARO. Yes.

Mr. NEWHOUSE. You do.

Mr. DODARO. Yes. I do have authority to investigate anything on my own.

Mr. NEWHOUSE. I see.

Mr. DODARO. I use this selectively. The work we have done on the debt ceiling, I did that on our own authority. That is about maybe 5 percent of our resources every year, on average.

Areas on the high-risk area, like cybersecurity, I did that on our own when we first put it on the list. Now it is requested every year.

FANNIE MAE AND FREDDIE MAC

I authorized a study on the problem in housing finance with Fannie Mae and Freddie Mac, which are still under Federal conservatorship 10 years after the global financial crisis. All the risk now in the housing finance area has moved to the Federal Government. Two-thirds of all individual mortgages now are either directly or indirectly supported by the Federal Government. You know, Ginnie Mae's portfolio has grown over $2 trillion. The Federal Housing Administration's portfolio has increased. This is a big problem, and Congress needs to solve this problem.

RETIREMENT SECURITY

Those are just two examples. We did one on retirement security. I think we have a looming problem with retirement security given the changes not only in the government programs but also the private-sector dimension and individuals' own savings accounts.

DEPARTMENT OF DEFENSE

We did a special one on DOD. We listed out their top priorities. I was very concerned, as I mentioned earlier about readiness issues and cyber issues at DOD.

Mr. NEWHOUSE. That was under your own volition?

Mr. DODARO. Yes. That was on our own volition.

So I selectively pick things that I either think need to be reviewed. Many of the issues span the various committees' jurisdictions. Or I know nobody is going to ask us to look into, because it is a hot-button issue and I think needs to be dealt with.

So I think we get the top priorities of the Congress, but we could do more with resources. Until the mid-1990s, we had up to 5,300 people at the GAO. We were downsized about 40 percent during that period of time, along with many other parts of government, but particularly the legislative support agencies for the Congress. That is when the Office of Technology Assessment was defunded, during that period of time.

We used to be able to handle 1,000, sometimes 1,200 requests from the Congress in a year. We can scale up if the Congress decides they want to invest in us. We can provide much more assistance, and we are capable of doing that if——

Mr. NEWHOUSE. It sounds like I should get in the queue soon.

GAO STAFFING

Mr. DODARO. There is a queue in some areas. Those are the ones I am trying to increase. Healthcare in particular. Everybody is interested in healthcare and DOD issues in particular.

Cyber, and science and technology are becoming ubiquitous issues in almost every Federal department and agency. Whether we are talking about protecting electronic healthcare records, it has become an integral issue. These things are coming up.

The only time we say no to a request is if we don't have the authority to do the work. In most cases, we will say, if you are priority one or two, we will accept it, but we might have to wait 4 months before we can start it. That is the way the queue works.

Mr. NEWHOUSE. Okay.

EFFECTS OF SEQUESTRATION

Mr. DODARO. So we eventually get to everything that is a priority one or priority two request.

This happened when the sequester hit back in 2013. We lost 15 percent of our authorized staff during that sequester because of the government-wide cut. Now, I didn't lay off anybody. I didn't furlough anybody. We adjusted, I made changes, but we couldn't replace people that left during that period of time. We now are creeping back up the last few years during that period of time.

To compensate, I went around to all the committee chairs and ranking members, and I said: I am not going to sacrifice quality of our work. What we need to do is agree on your top priorities. We can't get to everything. This process has worked very effectively.

Mr. NEWHOUSE. Okay.

Mr. DODARO. I think we are there but we can obviously do more with more resources. I could have had a bigger request to submit, but I understand, as the auditor of the government's financial statements, what kind of fiscal position we are in. I want to be prudent in submitting the request, which I think I have been.

CONGRESSIONAL MODERNIZATION

Mr. NEWHOUSE. So I am part of a special committee to modernize the Congress. And I can anticipate that we might be wanting to work together with you. Is that something that you have the bandwidth to do currently? It would be helpful, I would think.

Mr. DODARO. Absolutely, we could deal with you.

CYBERSECURITY

Mr. NEWHOUSE. A lot of those things that you talked about, you know, the cybersecurity and technology and all the different things that we need to be looking at and more.

Mr. DODARO. We are looking at the request from the Appropriations Committee on cybersecurity for the new Office of Congressional Workplace Rights, for example. We have done work within the legislative branch as well.

One of the real challenges for you and your committee in that regard is that the Congress has put itself in an increasingly disadvantaged position in providing oversight over the executive branch. Congress has reduced its own staff. It also has reduced staff of the legislative support agencies.

In testimony before this committee over the years, I have always said that I think that this is a mistake, to keep reducing resources. Even at its height, the legislative branch is so out-personed compared to the executive branch, it is hard to conduct oversight.

Issues are happening more rapidly now in the development of science and technology, in particular cybersecurity threats, global issues, and other matters, that the Congress right now needs to really look at modernizing itself. Also look at what capabilities are really required in order to exercise the oversight contemplated by the Constitution.

I would be happy to talk about any aspect of what you are doing.

Mr. NEWHOUSE. Okay. I appreciate that.

Mr. DODARO. It is vitally important to our country that Congress look at these issues, and I would be happy to do whatever I can to support it.

Mr. NEWHOUSE. Okay. Yeah, I appreciate that.

And I would just second the request for information that you are going to send to other offices——

Mr. DODARO. Okay.

Mr. NEWHOUSE [continuing]. About our debt and the budget process. I would be very interested in that.

Mr. DODARO. I would be happy to do that. We will get a package around to everybody on the committee.

Mr. NEWHOUSE. Very good. All right. Thank you.

Mr. RYAN. I would recommend, too, if you want to go down a rabbit hole, go on their website. The reports cover a lot of ground. I mean, the scope of the work is incredible, and the detail is incredible. So you can get lost just reading reports about what is inside his brain.

It got so bad that when I read the reports I hear them in your voice.

Ed Case.

Mr. CASE. Thank you very much.

I just wanted to follow up on my colleague's line of questioning. And there are two parts to the question.

First of all, you say that you do have the authority to be proactive in terms of initiating reviews, that you primarily use that discretion for debt and the budget ceiling—which, by the way, I completely agree with your exercising discretion in that department. But you are mostly reactive to requests.

So the question there is, what would you want somebody from Congress to ask you to do? What is on your list that you want somebody to prioritize?

And let me back on to that question by asking—you made a comment right at the very end there about Congress increasingly deferring to the executive branch. And I think many of us have been concerned about that.

I recall being in a briefing with several of my colleagues by CRS on a major issue. I think it was healthcare, if I am not mistaken. This was a couple of months ago. And there was a key set of assumptions in the briefing. And so somebody asked the obvious question, where did those assumptions come from? And they said, they came from the administration. And that person said, well, how do you know those assumptions are correct? And CRS said, we don't. We are taking the administration's word for it. We don't have the capability to independently——

Mr. DODARO. Yes.

Mr. CASE [continuing]. Independently verify those assumptions, but it made me think, are we in government deferring too much to the executive branch?

And I say this on a nonpartisan basis. It is just our job to check and balance them, right? They could be——

Mr. DODARO. Yes.

Mr. CASE [continuing]. The best people in the world; we would still want to look over their shoulders.

So, big-picture question, what do you think we should be looking at, whether anybody has asked you or not?

And related, where do you think in the areas of the executive branch, basic assumptions that policy is being built on, where are those areas that we should be looking more closely at?

AREAS FOR CONGRESS TO GUIDE GAO

Mr. DODARO. Yes. There are a couple things. First, I don't want to leave the impression that we are reactive to most requests. Most of the requests, of the 800, three-quarters of them are things we suggested to Congress. The committees asked us——

Mr. CASE. Well, I was trying to be polite. I assumed you had a way of suggesting——

Mr. DODARO. We do. Maybe I was too nuanced in my explanation.

Mr. CASE. Okay.

Mr. DODARO. On those, we say, ″We think this is important,″ they agree, and so then they request it.

So most of the big-ticket items that I think Congress should be looking at we are looking at. Then I fill in the gaps with our own authority.

HEALTHCARE

In terms of areas that need more scrutiny and looking at assumptions, there are several I would point to. One is the healthcare issue. I increased our actuarial support at GAO, so I have now three actuaries, including a chief actuary. Many of the assumptions in terms of the actuarial assumptions that the government is making need more scrutiny, whether it is in the healthcare area, or whether it is in the pension area, which includes VA. They made a big mistake in their actuarial assumptions that we caught through our financial audits.

NUCLEAR WASTE

I think the other area is in the assumptions on what to do with all this radioactive waste that is stored. The Federal Government doesn't have a final disposal site at this point in time. It is growing. The environmental liability was added to our high-risk list in 2017. It is almost half a trillion dollars right now. And this is understated. Nobody really knows what the full cost of mitigating, both at the Energy Department and DOD, really is. So much more needs to be done in that area.

PENSION BENEFIT GUARANTEE

Much more needs to be done in the pension benefit guarantee area. In fact, in that area, the multi-employer portion of that program is going to be potentially insolvent—a high degree of likelihood it will be insolvent by 2025–2026 period of time.

QUESTIONING ASSUMPTION

Mr. CASE. These are policy judgments to be made. I am kind of going——

Mr. DODARO. Yes.

Mr. CASE [continuing]. One level down——

Mr. DODARO. Okay.

Mr. CASE [continuing]. And saying, do you think we have questions or legitimate reasons to go after the assumptions on which those policy judgments are being made?

Mr. DODARO. Yes.

Mr. CASE. Nuclear waste or——

Mr. DODARO. Right.

Mr. CASE [continuing]. Pollution, I think you have already said, actuarially, I think you have said, we need to look at some of those actuarial assumptions.

Mr. DODARO. Yes. There is no question about it. I can give you a long list of those things for the record. If you talk to our guys back at the GAO, they would give you a long list of all these things that need to be looked at at that sub-tier level. And it would span most of the departments and agencies in the Federal Government.

Mr. CASE. Okay.

NATIONAL DEBT

Mr. DODARO. I think, the other issue you mentioned was debt. We are at $22 trillion now. We are going to be close to adding a trillion a year and then go over a trillion a year for the next 10 years. What are the assumptions about who is going to lend us the money and at what rate and what mix of bills, the type of debt instruments that should be used—and how we should go about paying down the debt at some point in time. There is no plan right now to pay down the debt.

Mr. CASE. Is that a pending study on your part?

Mr. DODARO. No, we are not currently looking at this. We are planning to look more on the debt management issue.

Mr. CASE. Okay.

Mr. DODARO. I have that on the agenda.

CHEMICAL SAFETY

The other area we need to look more at the assumptions is at EPA. There are a lot of assumptions about the safety of chemicals that are without a lot of made scientific underpinning. They are way behind in doing the scientific studies.

Congress has given them new authority now to get more information from the chemical industry than they had before. Before, they had to prove something was bad that was on the market as opposed to pre-approve it beforehand.

They make a lot of assumptions that I think should be looked at with a lot more scrutiny, because they have a lot of safety implications for the American public, both short-term and long-term. Some of these issues you can't turn around overnight. This is another area that comes to mind.

Mr. CASE. Thank you.

One more, or do you want me to——

Mr. RYAN. Go ahead.

GAO RECRUITMENT

Mr. CASE. So I am going to switch gears to recruitment. Because your biggest request is $33 million for 100 FTEs, which is $330,000 per, which I assume is a standard unit of FTE salary and benefits, so those folks would be at Federal wage classifications, or congressional wage.

Mr. DODARO. Yes.

Mr. CASE. And I guess my question there is, although it is really good news that you are very highly sought after as a place to be employed, we are talking about AI, machine learning, cyberspace. I was just at DOD the other day, and they said one of their toughest challenges is recruitment in these exact areas, because there is an incredibly high demand for incredibly highly specialized people that can command a high salary.

Somebody can want to work for you really badly, but if they are offered twice that or more in the private sector, how do you handle that? Are you able to recruit at the very top expertise, given that we need the top expertise to be able to exercise our oversight function, or is there something different we should be looking at?

Mr. DODARO. I don't have any problem with that. I was at Carnegie Mellon University; I was at Arizona State recently; the University of Maryland, they have quantum computing. I brought some of their professors in to meet with our people. We just hired 30 cybersecurity people. Now, they are not all experienced people, but they are educated in cybersecurity, part of the cybersecurity corps.

What I sell about GAO is the importance of our mission and the ability to make a difference, a good work-life balance and a good place to work. It is a learning environment. You have to sell these things. I go out personally and I do a lot of selling about GAO and about the importance of working with us.

I also use search firms to hire more senior talent in certain areas. I hired our Chief Scientist from the intelligence community, using this vehicle. We are looking now for data science people and

engineers. We have engineers, we have chemists, we have physical scientists and people who have nuclear engineering backgrounds.

I look for people also who work in the private sector who might get paid more money but they are not as satisfied, in some cases——

Mr. CASE. Right.

Mr. DODARO [continuing]. With the type of work that they do, so I target those people.

I don't need huge numbers, but I need the right people. If you market yourself properly and you target people who are likely to want to do public service, to work in a good, professional, nonpartisan environment, that is a big part of what we stress.

Mr. CASE. I get that. I am sure that is your number-one concern, to include the quality of the workplace, and that comes through loud and clear in your testimony.

But I just realistically am asking you the question, do you have the expertise? And I am not so much thinking about the recent Carnegie Mellon grad, although those are important folks, but maybe the person 15 years out——

Mr. DODARO. Yes.

Mr. CASE [continuing]. Who is, you know, really at the top of their game. Because I don't know what the Carnegie Mellon people do or don't know in their first couple of years.

Mr. DODARO. We have those people, too, at GAO. I am not Pollyannaish about it. I have all these people, but to supplement what we are able to do in that area, I have a standing contract with the National Academy of Sciences. If I want to look at nuclear waste disposal. NAS will put a panel together of the top experts in the country. And sometimes they will even go abroad and bring people in.

So we have access and use all these technical resources——

Mr. CASE. I see. So outside.

Mr. DODARO. Outside help. We use that on all our technology work. We have access to all the top people in whatever field we are looking at——

Mr. CASE. Okay.

Mr. DODARO [continuing]. Through this means, to augment our own staff at the GAO. This is a very important component.

Mr. CASE. I should have asked whether you do that. Thank you.

Mr. DODARO. You're welcome.

Mr. RYAN. Thank you, sir.

Just a couple of quick questions.

PLAN TO INCREASE CERTAIN CAPABILITIES

We know you were directed by the CRS to contract for the National Academy of Public Administration study.

Mr. DODARO. CRS was.

Mr. RYAN. CRS was. And then they were going to get the report and then—but the report is not in yet.

Mr. DODARO. Yes.

Mr. RYAN. And you guys are moving forward. So the question I have is——

Mr. DODARO. Okay.

Mr. RYAN [continuing]. Without the report in hand yet—because that is, what, end of the year?

Mr. DODARO. I don't know when it—the CRS one is in the fall, but——

Mr. RYAN. So that is going to come in the fall. You are kind of talking about moving forward.

Mr. DODARO. Right.

Mr. RYAN. Can you just talk to us a little bit about what the complications are with moving forward without that report in hand?

Mr. DODARO. Yes. First of all, I am moving forward with the resources Congress gave us last year. We are increasing—our Information Technology and Cybersecurity team from 140 to 175 people by the end of this year. We also will have 70 people in the Science, Technology Assessments, and Analytics area. I eventually want to grow that to somewhere between 100 and 140 people as well, down the road.

While Congress asked CRS to do this study of what congressional needs were, it also required us to make our team more prominent and to submit a plan to increase our capabilities. Our plan is due to be submitted to you and the committee next month. You will have our plan too.

My belief is, regardless of what you decide on whatever the study CRS produces through NAPA, we need to do this at GAO regardless, to provide proper service to the Congress. Now, we can go further, but what I am building to right now we need——

Mr. RYAN. Anyway.

Mr. DODARO [continuing]. Anyway.

Mr. RYAN. Okay.

INTELLIGENCE DATA SHARING

We heard last year from public witnesses who urged the subcommittee to pass legislation to force the national intelligence agencies—I know Mr. Ruppersberger kind of touched on this—to share their data with you.

And we would like to ask you about that issue. You confirmed that your access was improving a bit but that you really needed Congress to pass legislation requiring the intelligence agencies to cooperate.

So we have tried this once before, in the intelligence authorization bill a few years ago, but backed down due to White House pressure. I am assuming there will be White House pressure again. Do you have any hope of a different outcome if we try to pass it?

Mr. DODARO. Yes. Well, a couple things.

One, I believe we already have the statutory authority to do the work in the intelligence communities. What we need is the support from the Intelligence Committees and the cooperation of the intelligence community.

Now, that has been steadily improving since the directive came out a few years ago. I worked with General Clapper and his team to produce that directive. I have met with Director Coats; we are moving forward.

We are looking at contracting issues right now in the intelligence community, onboarding of staff in the intelligence community, and

whistleblower complaints in the intelligence community and how they handle them, among other issues.

So we are getting more support from the Intelligence Committees. I think that is key to us moving forward in the area. Is work there as smooth as it is in other parts of the Federal Government? No. It takes more time. They don't have as much experience working with us as other departments and agencies of the Federal Government. We are getting in a rhythm with them.

I could always use more support from the Congress in that area, but I don't think we need statutory authority. We just need support from the committees and the Intelligence Committees.

We have more difficulty if the requests come from non-Intelligence Committees.

Mr. RYAN. Yeah.

Mr. DODARO. If we get it from the intelligence communities, generally we can work it out. In some cases, it takes longer to do that, to work out the issues with them. I would welcome whatever additional support——

Mr. RYAN. We should have a conversation about that. I know Mr. Ruppersberger and I both sit on the Defense Subcommittee of Appropriations, and there may be an opportunity for us to at least have that conversation.

Mr. DODARO. Okay.

Mr. RYAN. I look at your reports and I see the work that that you are doing and I hear your testimony and your team's analysis of all of this generally and in particular and just think, with regard to the intelligence community, how valuable it would be for us to have your eyeballs on that. It think it would be very, very helpful.

Mr. DODARO. I think we could do more, particularly in the management area and the investments that are made in that area and whether there is good return on the investments in all cases.

Part of the resource request we have this year is to help get our people the necessary classification and clearances to be able to work in that area and increase the number of people. If we move in that area, a lot of technical people that I have also will need to help, depending on the scope of the request.

Mr. RYAN. Yeah.

A few more questions.

MODERNIZING CONGRESS

I know you talked about modernizing—or Mr. Newhouse talked about modernizing Congress. And I have been of the thought for some time now that the institution of Congress is not keeping up. You look at what is happening in the private sector with information flows and just the speed of things happening, and then you look at Congress.

And it was designed to be a slower process. That was just inherent in the Constitution. Six years in the Senate, 2 years in the House; you know, the initial reaction from the public versus the slower, longer view of the Senate. And an executive that should be limited in their capacity to do things. And yet that design is not keeping up when you talk about cyber and AI and being economically competitive with what China is able to do and focus on.

And even the way our schedules are set up, to come here 3 days a week. And I am glad you brought up the fact that staff has been cut—committee staff, Members' staff, pay, the whole nine yards.

And do you have any recommendations, not just with that, but you also mentioned cross-jurisdictions and how difficult it is, one, to just get a committee to develop some level of expertise, let alone three committees that may have, as you know, cross-jurisdiction. Do you have any initial recommendations?

Mr. DODARO. First, I think the effort to look at this issue and to look at modernization is a good effort that is long overdue. I think it is encouraging that you would do that.

With regard to jurisdictions, I would note, many of the high-risk areas we are putting on the list in the most recent years are ones that involve multiple agencies in the Federal Government and would therefore also cross committee jurisdictions. I think that the Congress needs to look at having more flexibility in dealing with major issues that cross committee jurisdictions. Right now, there is not an easy way that I see to deal with that.

The other thing is I think the Budget Committees have even too narrow jurisdiction over the budget side of things. Because you have the revenue functions in the different committee, then you have expenditures.

So I think there is a need to look at what are the major issues and how Congress can deal with the major issues that cross committee jurisdictions. Sometimes we won't get asked to look at an issue that everybody agrees is important but it is not in anyone's particular area.

I did a study, one that I did on my own authority. I was concerned about children in poverty. One in five children in the United States is in poverty, and what is the Federal Government doing holistically. It crosses all the committee jurisdictions. I got a little pushback on doing that study, and it was because of jurisdictional concerns that somebody had. Of all the issues I study, how could somebody complain that I am looking at children. It is important.

I think that, if you really want to deal with the big issues, Congress is going to have to be more flexible.

The same problems in the executive branch, because they have trouble, part of what we do at GAO is look at the fact that executive branch agencies that should be working together aren't working together very well. This has been a steady stream of work for us in those areas.

This problem in the executive branch sometimes gets mirrored in the committee structure in the Congress, and it prevents our government from being fully responsive in those areas. You need to develop the expertise in the individual areas, but you also need to have something in addition that would supplement that for big-ticket items that cross jurisdictions.

KEY GUIDING PRINCIPLES

Mr. RYAN. So you have a lot of detail in all of these reports, and each sector or each topic has multiple complexities that you have dug into.

Help us understand, from a big-picture viewpoint, a principle or two that you have pulled out of all of this work that you have done

to help us maybe think about what we do differently, not just on this committee but as we all go off into our other committees. Are there a couple principles that we need to start thinking about with regard to how we manage this bureaucracy?

I mean, I am just so concerned generally about our inability to deal with the challenges at hand. I mean, it is cyber, it is China, it is weapons systems, it is 5G, it is diabetes, it is 51 percent of our kids in public schools live in poverty, and all the adverse childhood experiences. And we just seem incapable of pulling together a strategy that all feeds into solving these problems.

And I don't know many people in government right now that have the breadth of knowledge that you have. Can you enlighten us and——

Mr. DODARO. Yes.

Mr. RYAN [continuing]. Say a couple things that you would want us to know?

Mr. DODARO. Yes.

Mr. RYAN. You have 30 seconds to do it.

Mr. DODARO. I can do it.

Mr. RYAN. We are still Members of Congress. Give us the top line here.

Mr. DODARO. Well, the first thing——

Mr. RYAN. Take your time, because I would be very interested.

Mr. DODARO. Well, the first thing I would say, the most difficult part of my job is getting someone either in the executive branch or the Congress to focus on a problem before it comes to a crisis proportion, to plan ahead. We are not very good as a government in doing strategic planning and thinking about things that are going to happen.

It has been clear for a couple of decades that we are going to have this fiscal problem because it is driven by demographics in the country, but yet we haven't done anything to really deal with that problem. We could have taken action a long time ago that would have been less painful than what it is going to take at this time.

The Federal Government's ability, both executive and legislative branches, to identify emerging issues and to put in place actions to prevent these things from occurring is in need of change. That mindset doesn't exist as much as it needs to exist.

It is further exacerbated by constant turnover. In my job, I have already met with four different VA Secretaries for example. There is a lot of turnover there in the executive branch, there is a lot of turnover in the Congress too, but there is no institutional way to do planning.

That is why GAO really becomes the default for the Federal Government because they have the long-range view, the continuity of time, with the 15-year appointment for Comptroller Generals. I am only the eighth in about a hundred years. And so——

Mr. RYAN. How many more years do you have left?

Mr. DODARO. I have 7.

Mr. RYAN. That is not a bad gig, my goodness gracious.

Mr. DODARO. Yes.

Mr. RYAN. Why don't you propose that, Newhouse? Fifteen-year terms for Congress.

Mr. NEWHOUSE. I will get right on that.

Mr. DODARO. That is one thing.

The second thing is I don't believe there is enough engagement with congressional oversight over the executive branch agencies on a sustained basis as there needs to be.

HIGH RISK LIST

I will be testifying next week on an update on our high-risk list, which we do at the beginning of each new Congress, and we are going to take a couple areas off the high-risk list. Invariably, it has been due to congressional help in forcing the agencies to implement our recommendations, and staying with these issues over time to deal with them. We only put the biggest-risk on the list, and they are not easy to solve. So it takes some time and persistent effort.

Wherever we see big progress, congressional intervention usually is the key. It doesn't happen on a consistent basis across all these areas. There needs to be more dialogue. It can involve not just hearings but followup with agency officials later, more detailed legislative directions to the agencies.

Congress, in the appropriation bill that just passed recently, the larger one that covered agencies, gave some direction to the three areas on our high-risk list, for the first time. That is 3 out of 35. It is NASA, DOD, and DOE. That is helpful, for Congress to do this.

These two things, are the most important. One is long-range view. It doesn't have to be real long-range. I am talking about within 5- to 10-year horizons.

A lot of these things you can see coming. Earlier I raised cybersecurity as a high-risk area in 1997 across the Federal Government. It was the first time I ever said anything across the Federal Government is high-risk. I am still having trouble getting people's attention to cybersecurity 20-some years later. That is just one example of the type of difficulty.

So strategic view, mid-, long-term on these issues and then more diligent and rigorous oversight would be my two top recommendations.

Mr. RYAN. Well, thank you. We are going to have to wrap it up, but I appreciate your time.

Mr. DODARO. Thank you.

Mr. RYAN. Thank you for your leadership. Thanks to the happy warriors behind you and all their good work. Please let everybody know how much we appreciate it.

Ms. HERRERA BEUTLER. They do seem happy.

Mr. RYAN. Yeah. I mean, when you have an Italian American leading the charge, they are going to be happy and well-fed, right?

Mr. DODARO. This is true.

Mr. RYAN. The hearing is adjourned. Thank you.

[The following questions were submitted to be answered for the record:]

*Chairman Ryan Record Questions*
*Government Accountability Office Hearing*
*Wednesday, February 27, 2019*

*FY 2020 Staffing*

**Your FY20 budget requests a sizeable increase, $58 million or almost 10 percent. But, as I understand it, about two-thirds of the increase is for personnel and one-third is for IT modernization and infrastructure improvements for your headquarters building. Your budget shows an increase of 100 FTE in FY20, but that is really just the full-year cost of supporting the end-of-year staffing level you expect in FY19. I realize that our conference report anticipated that you would increase FTE by 130, which results in a far larger end-of-year on-board strength.**

1. **If Congress isn't able to support the full amount of your $58 million request, will you start to slow down your hiring this summer so that you don't end up with an end-of-year staffing level you can't afford in FY20?**

   Given turnover and the length of the hiring process for new employees, in order to meet our 3,150 FTE target for FY 2019, GAO has hired or made offers to enough people to achieve the target. This on board level will also enable GAO to achieve 3,250 FTE in FY 2020. If Congress indicates they will not support 3,250 FTE in FY 2020, GAO will necessarily begin to downsize through attrition and assess other cost saving measures.

**We understand that your attrition rate averages 6 percent. That seems good for a Federal agency and is a testament to your efforts to maintain a supportive and diverse workplace. But the statistics on the share of your employees who are eligible for retirement are concerning, as they are for many Federal agencies. Overall, 13 percent of your staff is eligible to retire, but that percentage doubles and triples for the most senior, experienced employees in your pay bands.**

2. **What strategies have you established to recruit their replacements or entice current employees to stay on the job longer?**

   GAO has been fortunate in having a relatively low attrition rate in recent years and almost 40 percent of our workforce is under 40 years old. However, recognizing that attrition does occur, and may increase, we have been employing a range of succession planning strategies for some time. Most notably, we use an annual strategic workforce planning process that assesses the agency's workforce requirements and develops strategies to recruit, hire, motivate, and retain employees. This process helps determine how many, and what types of employees are required, where and when staff will be needed, and what steps must be taken to hire, train, develop and retain a workforce aligned with GAO's strategic goals. As part of this process we forecast expected attrition, and also monitor it throughout the year as we make hiring decisions. We also are developing a 10-year succession plan for our Senior Executive Service.

Other areas that we have been focused on include,

**Recruiting.** We have a national recruiting program where we recruit on a regular basis with a network of senior executives and leaders serve as campus executives. The Comptroller General also regularly visits schools and universities to meet with faculty and students to discuss GAO and what we do. We also have an active Educator's Advisory Panel consisting of 30 members from academia which includes deans from 24 schools and universities, 4 professors/administrative officers from schools and universities, a representative from the Partnership for Public Service, and the Executive Director of the National Association of Schools of Public Affairs and Administration. We also have a robust student intern program that helps ensure that we have a pipeline of qualified new hires. GAO has also ranks among the top as "Best Places to Work in Federal Government" and we use feedback from our employee satisfaction survey to improve our operations continually .

**Developing**. Our development programs ensure competent staff is available at all levels to fill skill gaps as promotion opportunities arise and to ensure a pipeline of qualified and experienced staff. For example, this year about 170 staff was hired or has accepted offers in our entry level Professional Development Program. In addition, nine Executive Candidate Assessment and Development Program classes since 2003 have graduated 80 candidates. This is a competitive 2-year program for assessing the fit, suitability, and potential of Assistant Directors (GS-15 equivalent) to attain Senior Executive Service Status.

**Mentoring.** we have a formal mentoring program available at all levels to facilitate knowledge transfer and guidance and a pipeline of potential reemployed annuitants that we could tap as surge capacity.

**3. As the economy improves, how do you expect your attrition and retirement rates to change?**

Despite a robust economy and low unemployment, GAO has experienced low attrition, about six percent a year for the past five years, about half of which is from retirements. However, we are aware that as the U.S. economy experiences increased demand for certain disciplines and skills, we may see an uptick in attrition. In particular, staff with specialized skills, such as accounting, information technology, cyber security. To prepare for this possibility, we will continue to monitor attrition closely and continue to recruit year around for these positions. We have also increased our campus outreach and strategic focus on a robust recruiting and retention policies, including tuition reimbursement and strong work-life balance policies.

We are aware that as particular business sectors continue to improve, we may see an uptick in attrition. In particular, staff with specialized skills, such as accounting, information technology, and cyber security. To prepare for this possibility, we will continue to monitor attrition closely and recruit all year for positions that we anticipate challenges in recruiting or retaining staff. We've also increased our campus outreach and strategic focus on a robust recruiting and retention policies, including tuition reimbursement and strong work-life balance policies.

***FY 2020 Budget Priorities***

**It seems like your budget, by necessity, is consumed by several large overriding priorities, because of national security risks or the size of the programs analyzed.**

4. **How much of your annual activity is related to statutory requirements from the National Defense Authorization Act?**

National Defense Authorization Act (NDAA) mandates were about 9 percent of GAO's reports issued in FY2018; this includes mandates in the act itself and mandates in the committee reports or conference reports associated with the act. To put this work in context, it is important to note that defense spending comprised over 49 percent of total FY 2018 discretionary spending for the federal government or $622.7 billion. Moreover, DOD has sole responsibility for six areas on GAO's High-Risk list as well as several other areas where it shares responsibilities for programs, including security clearances.

In addition to the Department of Defense, NDAA also authorizes funding for nuclear weapons policy and programs, including National Nuclear Security Administration programs; Department of Energy (DOE) defense environmental cleanup programs; and DOE nonproliferation policy and programs, among other defense-related areas.

5. **What share of your budget must you use to target to mandatory health benefits like Medicare and Medicaid?**

Medicaid and Medicare were about 9 percent of GAO's reports issued in FY 2018; this includes mandates and requests. As you noted, these are large and growing programs. For example, Medicare and Medicaid accounted for about 24 percent of federal spending in FY 2018 ($994 billion). Moreover, both programs are on GAO's High-Risk list.

6. **What share of your budget can you use for GAO-initiated studies rather than mandates or requests from Congress?**

We allocate a small portion of resources (staff days) to GAO initiated work. For the past 10 fiscal years, the percentage of work initiated under authority of the Comptroller General was 3-6 percent each year. For example, in fiscal year 2018, 3 percent of engagement resources to work initiated under the Comptroller General's authority. Much of this work addressed various challenges that are of broad-based interest to the Congress, such as, the cybersecurity high risk update, child well-being in the United States, emerging risks in the financial sector, the state of retirement in America, security clearance reform efforts, and the federal, state, and local government fiscal outlooks.

*Engagement Processes*

**Your statement indicates that GAO receives auditing requests from 90 percent of full committees and 43 percent of their subcommittees. That translated into 786 requests in FY18.**

**7. Are you able to meet 100 percent of those requests within the requested timeframe?**

We strive to deliver information into the hands of Members and their staff when they need it. For mandated requests, we are able to meet the timeframes established in law or report language virtually all the time by providing a briefing, a draft report or the final report. For Committee and Subcommittee requests, we work with their staff to determine an acceptable reporting timeframe.

GAO senior officials also consult regularly with senior congressional leaders and committees to ensure that GAO prioritizes its work in accordance with their informational and timing needs. In addition, we use an electronic survey to obtain feedback on our timeliness in delivering a sample of products (e.g., based on risk level and duration) and testimonies to the Congress.

For fiscal year 2018, 97 percent of clients completing this survey indicated that GAO had delivered the requested work on time. However, GAO continues to monitor this data and has a variety of efforts underway to assure continued timeliness of our work, including working with Congress to understand priorities, improving internal processes to improve efficiency, and offering and variety of types of products, such as briefings and technical assistance, when appropriate.

**8. Are you able to accept any requests from Members who don't hold policy leadership positions?**

The volume of mandates and requests from senior congressional leadership and committee leaders precludes us from starting requests from individual members and this has been the situation for many years. Under GAO's Congressional Protocols, any congressional mandate or request from senior congressional leaders or committee leaders takes priority over requests from individual members, regardless of the order of receipt.[1]

We developed these protocols in conjunction with Congressional leaders in the late 1990s and they continued to be comfortable with this approach when we outreached to them again when we were preparing the 2004 and 2017 updates. We also encourage individual members to discuss their requests with Committee and Subcommittee leaders of jurisdiction to determine whether their requests align with their interests and policy agendas. Committee leaders may also request the work, giving the work higher priority. Also individual members can also be added as corequesters to requests from leadership.

**I'm a little concerned that in GAO's efforts to accommodate as many Members as possible, you may end up satisfying few.**

---

[1]Senior congressional leaders include the President Pro Tempore, Senate Majority Leader, Senate Minority Leader, and Speaker of the House, House Majority Leader, and House Minority Leader. Committee leaders include the Chair and Ranking Member of a committee or subcommittee with jurisdiction over a program or activity.

**9. Have you thought about alternative ways to manage the volume of Congressional report request?**

GAO has a strategic plan that is developed with input from the Congress and its Committees and we have found that requests we receive often reflect this plan. The priority protocol approach we currently use was developed to help us manage the queue of requests for our work. Congressional leaders have supported the concept of GAO's Congressional Protocols since the protocols support Committees in their oversight and legislative responsibilities.

GAO works hard to meet the needs of as many Committees and Subcommittees as possible and in FY2018, did work for over 90 percent of Committees and 43 percent of their subcommittees. The original version and both updates reflect the input of the President Pro Tempore, Senate Majority Leader, Senate Minority Leader, and Speaker of the House, House Majority Leader, and House Minority Leader.

All of GAO's mission teams maintain frequent contact with Committee leaders to prioritize work. The Comptroller General also meets regularly with Committee Chairs and Ranking Members to discuss whether they are getting the support they need from GAO and their priorities to help manage our queue of work. Moreover, Committee staff routinely reaches out to GAO to discuss planned future work, which also enables us to ensure that we are working on their highest priorities. As a result of this outreach, we have been able to better manage the volume of requests.

*Intelligence Information for Engagements*

**This subcommittee has heard from public witnesses who are concerned about national intelligence agencies being unwilling to share data or otherwise work with GAO when it is conducting oversight related to their activities. Today you've said that the situation is improving, but that difficulties remain, especially when GAO is doing work for committees other than the Intelligence Committees.**

**10. Roughly, how many times in the past five years has GAO sought information or other forms of cooperation from one of the other intelligence agencies but your request was denied, in whole or in part?**

In general, we have been able to work through any access issues and have seen our relationship continue to improve over time. We can schedule a briefing with your staff to discuss the details of the two instances when we were denied access to information over the last 5 years. While we were able to complete both reports, in one case, with the requesters' concurrence, we had to modify the scope by removing a reporting objective from the review. In the other instance, we provided more limited information in the report.

**11. Are there any other times when the requested material or access was eventually provided but only after delays you considered to be excessive?**

While our relationship is improving, it is not where we would like to see it. There are 13 other times were we deemed the delays to be excessive. We have found that when requests come from the Intelligence Committees, we tend to have less difficulty working through access issues.

**12. What subjects was GAO auditing or investigating when these denials or delays occurred?**

The subjects covered by these GAO reviews of intelligence agency activities were varied, including management and non-management related topics. Due to the sensitive nature of some of the topics, we can schedule a briefing to discuss our experience in getting requested information from the intelligence community.

**13. How many of these denials or delays occurred on oversight work being done at the request of congressional committees, and which committees were involved?**

Most of the reviews that experienced a denial or delay were conducted at the request of a Chairman or Ranking Member of a congressional committee or subcommittee. However, a few were conducted in response to mandates. Committees requesting or mandating the work impacted by access issues include Senate and House Intelligence Committees; Senate Committee on Homeland Security and Governmental Affairs, House Homeland Security Committee; Senate and Judiciary Committees; Senate and House Appropriations Committees; Senate Foreign Relations Committee; and House Foreign Affairs Committee.

**14. How many occurred on work being done on your own initiative?**

GAO has not conducted any intelligence work on its own initiative.

**15. How are these situations resolved?**

Intelligence Community Directive (ICD) 114 outlines the policies and guidelines GAO will use to engage with the intelligence agencies, including resolving access issues. Consistent with the Directive, GAO sought to reach alternative accommodations as a means to obtain sufficiently responsive information. For example, in some cases, GAO was able to obtain information sufficiently responsive to our inquiries after protracted negotiations with agency officials. In other cases, GAO was eventually able to obtain the documents we originally requested. However, in other cases, GAO worked out an alternative approach with the agencies for obtaining information sufficiently responsive to our requests, as provided for in ICD 114, such as by reviewing particularly sensitive documents on site at an intelligence agency. We can brief your staff in greater detail.

***2019 High Risk List***

**Your biennial high risk program list is carefully reviewed by Congressional committees. But some of the programs identified have been on your list for decades. Your report indicates that some of these holdover programs require legislation to correct their deficiencies and that you have discussed this with Congress.**

**15. Are the Committees resistant to your recommendations?**

In general, committees have been supportive of the hundreds of recommendations to reduce the government's high-risk challenges and in fact much of the progress on high-risk areas results from attention and action from Congress. In GAO's 2019 high-risk report (GAO-19-157SP, see table 5), we give several examples of actions Congress has taken that helped make progress on high-risk areas. For example, Congress enacted several statutes that if implemented effectively will help foster progress on high-risk issues government wide, including the Fraud Reduction and Data Analytics Act of 2015 (FRDAA), IT Acquisition Reform, known as the Federal Information Technology Acquisition Reform Act of FITARA, and Program Management Improvement Accountability Act (PMIAA).

In addition, Congress took action to address areas related to the high-risk areas of Managing Risks and Improving Health Care and Ensuring the Cybersecurity of the Nation. Moreover, Congress was instrumental in the progress made and removal of two high-risk areas—Department of Defense Supply Chain Management and Mitigating Gaps in Weather Satellite Data. Financial benefits to the federal government due to progress in addressing high-risk areas over the past 13 years (FY 2006-2018) totaled nearly $350 billion, including nearly $47 billion in FY 2018.

Our 2019 report outlines numerous actions that Congress should consider to make greater progress on 22 of the 35 high-risk areas. However, it is important to note that many of the high-risk areas are complex and cross many agency and Congressional Committee jurisdictions making resolving them difficult to address.

**16. Does GAO keep statistics about how long it takes the agency to complete a requested report, as measured from the date the mandate appears in a committee report or request letter?**

GAO internally tracks information on average duration for monitoring purposes. Using the requested measure, for all products issued in FY 2017-2018. For products based on requests, the average duration from the date we received the request letter to issuance was 6 months in queue, 13.6 months to complete the work and provide a final draft to the requester(s), and 1.7 months from this date to issuance. For products issued in FY2017-2018 based on mandates, the average duration from the date we received the request letter to issuance was 8.6 months before we started the work, 10.9 months to complete the work and provide a final draft to the requester(s), and 1.8 months from this date to issuance. Mandates often have delayed start dates as we may be asked to evaluate a legislative change that may take time to implement. Internally, we monitor the date the final draft is provided to the agency for comment because the requester(s) can obtain a copy of the final draft report at that time and agencies may have up to 30 days to provide their comments to GAO. We work closely with committees and their staff to help ensure that we are working on their highest priorities first to best manage our queue of work. In addition, teams doing the work are in regular communication with congressional staff throughout the process and offer briefings on the status of the work and any preliminary findings.

**17. Is it agency policy that it doesn't begin the work on a report until the conference agreement is signed into law?**

For those bills (NDAA, the Intelligence Authorization Act and Appropriations bills) that typically pass annually or every two years, which represent a large portion of our mandates, we may begin work on them when the committee report is published subject to staff availability. For all other mandates in committee reports, agency policy is that we generally do not begin work on these mandates until they are signed into law. Before starting on any mandates, we also work with the committees to make sure that the identified mandates are still the committees' highest priorities for GAO.

*Ranking Member Herrera Beutler*
*Government Accountability Office – February 27, 2019*
*Questions for the Record*

*Science, Technology Assessment and Analytics*

**Year after year we receive many requests to restore the Office of Technology Assessment. GAO was tasked with this responsibility in 2002. Last year this subcommittee asked you for a plan to reorganize its technology and science function by creating a new more prominent office within GAO.**

1. **What is the status of the plan?**

The plan was provided to the Committee on March 20, 2019. The plan was based, in part on more than 30 meetings and workshops with Committees and members of Congress and their staff; academic institutions with a nexus of science, engineering, and public policy; and other organizations that analyze policy or study science, technology, national security, and competitiveness. We plan to continue outreaching to Members of Congress and their staff.

2. **How has GAO's technology assessment work evolved over time?**

We have a long track record of doing science and technology related work, including conducting technology assessments, for congressional committees and their staff dating back to the 1990s. GAO defines technical assessments as a separate product line that provides insight and foresight to Congress by explaining a specific technology's policy implications and its potential effects on government and society. GAO has demonstrated its ability to (1) produce science and technology assessments; (2) develop and apply technology readiness assessments; (3) evaluate management of federal technology and science programs; and (4) evaluate complex and growing cyber security risks, including efforts to protect cyber critical infrastructure and data, privacy, and personally identifiable information.

Our involvement in technology assessments has evolved over time. For example:

- In 1997, we first designated information security as a government-wide high-risk area.
- In 2000, we established the Center for Technology and Engineering, led by the position of Chief Technologist, in the Applied Research and Methods team. This center later became the Center for Science, Technology, and Engineering.
- In 2001, we started a standing task order contract with the National Academies of Sciences, Engineering, and Medicine. GAO can interact with National Academies personnel to help GAO identify experts on various scientific topics and also can leverage National Academies assistance to convene GAO expert meetings.
- In 2002, Congress asked us to begin conducting technology assessments to provide more in-depth analysis of technical and scientific issues in order to support congressional decision-making.
- In 2003, we expanded the information security high-risk area to include protecting cyber critical infrastructure.

- From 2002-2006, in response to the Committee's direction to establish a technology assessment pilot program, we completed several technology assessments; based on the positive response to this pilot program, the appropriations committees asked us to continue conducting technology assessments on a permanent basis.
- The Senate report accompanying the Senate's legislative branch appropriations bill for fiscal year 2008 recommended the establishment of a permanent technology assessment function within GAO, stating "GAO's focus on producing quality reports that are professional, objective, fact-based, fair, balanced, and nonpartisan is consistent with the needs of an independent legislative branch technology assessment function."
- In 2007-2008, the Consolidated Appropriations Act (2008), the Congress authorized GAO to use up to $2.5 million of amounts appropriated for salaries and expenses for technology assessment studies. We created the role of Chief Scientist and Congress authorized GAO's technology assessment program on a permanent basis.
- In 2015, we expanded the cybersecurity high-risk area again to include protection of personally identifiable information.
- In January 2019, we created the Science, Technology Assessment, and Analytics Team by combining and enhancing its technology assessment functions and its science and technology evaluation into a single, more prominent office to expand GAO's support to lawmakers on cutting-edge topics, such as artificial intelligence, regenerative medicine, 5G wireless communication, and quantum computing.

We are implementing a number of steps that take into account unique requirements of technology assessments and related S&T work in order to meet the needs of Members of Congress and their staff. As we build on our existing capabilities and grow the new STAA team, we will focus on the following areas to continue and further enhance this line of work:

- development of new product types and formats to ensure clear and concise communication on technical topics with quick turnaround;
- development of new methods and standards that are appropriate to TAs and separate from those covering our audit work;
- designation of staff whose primary focus will be technology assessments and technical assistance;
- engagement with external experts and advisory boards, as appropriate; and
- development of policy options to provide Members and their staff with a broader base of information for decision-making.

Moreover, with our plans to add staff to the new STAA team and to our Information Technology and Cybersecurity team in the coming year, we will expand our capacity for the science and technology and IT work we already deliver for Congress.

**3. What type of work products are produced by GAO's technology assessment group?**

This group produces technology assessments, which are a separate product line that provides insight and foresight to Congress by explaining a specific technology's policy implications and its potential effects on government and society. They issue reports, testimonies, and briefings and provide technical assistance externally. Internally, they also support other

teams on science and technology related issues through advice, analysis, and drafting portions of reports.

The work includes reports on 1) technology assessment, which provide insight and foresight to Congress by explaining a specific technology's policy implications and its potential effects on government and society; 2) technology readiness assessments that assess whether an agency is able to meet the challenges of acquisition management; and 3) evaluations of federal technology and science programs.

This group also works closely with our Information Technology and Cybersecurity Team, which evaluates complex and growing cyber security risks, including efforts to protect cyber critical infrastructure and data, privacy, and personally identifiable information. As we expand STAA, we plan also to produce technology-based innovations to assist with the oversight and evaluation of federal programs.

***Cannon House Office Building Renovation***

GAO has been involved in monitoring the progress of the Cannon renovation from a management and cost perspective.

**4. What have GAO's observations been to date?**

The project is divided into 5 phases: Phase 0 involved building utilities, Phase 1 was construction of the building's west side bordering New Jersey Avenue; Phase 2 is the construction of the North Wing (Independence Ave); Phase 3 is construction of the side bordering First Street; and Phase 4 is construction boarding C Street. In January 2019, work shifted as scheduled from Phase 1 to Phase 2 of the project.

However, the Architect of the Capital (AOC) has reported that the project is experiencing cost pressures that may affect AOC's ability to complete the full scope of work within the $752.7 million budget. According to AOC, factors contributing to these cost pressures include prospective and unresolved contractor claims on Phase 1; a greater-than-planned cost to award Phase 2; and greater-than-expected preliminary estimates for completing Phases 3 and 4. AOC anticipates reassessing the project budget in the coming weeks, enabling a more accurate assessment of the financial health of the project. We would note that GAO has reported in the past that periodic reassessment of a project's costs, including cost and schedule risk assessments, is a best practice. Although GAO has not audited the renovation, the project is experiencing cost pressures that may make it difficult to complete the entire project scope within the current budget.

5. **Any lessons from phase 0 or phase 1 of the project that should be applied for future phases?**

Due to a number of issues, the AOC was challenged to complete the Phase 1 construction work before the start of the new Congress. A number of punch-list items remain to be completed. Because the work in Phases 2, 3, and 4 largely repeats the work performed in Phase 1, AOC is in a good position to benefit from lessons learned. For example, AOC has

already integrated the changes from unforeseen conditions encountered in Phase 1 into the design documents for the project's latter phases.

Further, AOC expects that the review of contractor submittals—documents that detail the type of materials to be used in construction— will proceed much faster in the remaining phases since the materials are largely expected to be the same ones it approved in Phase 1.

### *High-Risk Areas*

**As you know, the GAO issues biennial updates to your high-risk report to focus attention on government operations that are highly vulnerable to fraud, waste, abuse and mismanagement or need transformation.**

**6. Please give us some examples of high-risk problems.**

GAO's 2019 High-Risk list covers a wide range of issues, some of which are government-wide and some that reside in a single agency. Our most recent report, issued on March 6, 2019, discussed 35 high-risk areas. We identified a number of areas that need especially focused executive and congressional attention, including:

- **Ensuring the Cybersecurity of the Nation**: Federal agencies and other entities need to take urgent actions to implement a comprehensive cybersecurity strategy, perform effective oversight, secure federal systems, and protect cyber critical infrastructure, privacy, and sensitive data.

- **Resolving the Federal Role in Housing Finance**: Congress should consider establishing objectives for the future federal role in housing finance and establishing a transition plan that enables Fannie Mae and Freddie Mac—to exit federal conservatorship. Additionally, housing and regulatory agencies need to take actions to help manage mortgage-related risk.

- **Pension Benefit Guaranty Corporation Insurance Programs**: The financial stability of the Pension Benefit Guaranty Corporation's (PBGC) single- and multiemployer programs faces many structural challenges that require congressional action.

- **Managing Risks and Improving VA Health Care**: The Department of Veterans Affairs (VA) has taken steps to maintain its leadership commitment and develop its action plan, but still needs to demonstrate capacity and establish metrics to monitor and demonstrate progress addressing VA health care concerns.

- **2020 Decennial Census**: For the 2020 Census, the U.S. Census Bureau (Bureau) plans to implement several innovations, including new IT systems. The challenges associated with successfully implementing these innovations, along with other challenges, puts the Bureau's ability to conduct a cost-effective census at risk.

Beyond these specific high-risk areas, focused attention is needed to address mission-critical skills gaps in 16 high-risk areas, confront three high-risk areas concerning health care (Medicare and Medicaid) and tax law enforcement that include billions of dollars in improper payments each year, and focus on a yawning tax gap.

**7. Do you see any high-risk areas within the Legislative Branch?**

GAO's high-risk program focuses on executive branch operations and programs, but one area that would likely have broad applicability to legislative branch as well is cybersecurity.

**8. What have been some benefits from this?**

Financial benefits to the federal government due to progress in addressing high-risk areas over the past 13 years (fiscal year 2006 through fiscal year 2018) totaled nearly $350 billion or an average of about $27 billion per year. In fiscal year 2018, financial benefits were the highest we ever reported at nearly $47 billion.

There are many other program and operations improvements due to congressional and executive branch progress in addressing high-risk areas. As illustrative examples:

- Congress took action through the Disaster Recovery Reform Act of 2018 to improve state and local resilience to disasters by increasing the amount of funding available for pre-disaster hazard mitigation and increasing state and local adoption and enforcement of the latest building codes.

- The Indian Health Services developed specific standards for patient wait times and developed a plan and timeline for implementing an agency-wide standard for patient wait times.

Additionally, over the last 13 fiscal years, we have taken 26 areas off the high-risk list in total, including two in 2019, as discussed in our response to the next question.

**9. What have been the most recent changes to the high-risk list?**

For 2019, we removed two areas from the High-Risk List because they met all of GAO's five criteria for removal.[2] The first area, Department of Defense (DOD) Supply Chain Management, made progress on seven actions and outcomes related to monitoring and demonstrated progress that GAO recommended for improving supply chain management.

For example, DOD improved the visibility of physical inventories, receipt processing, cargo tracking, and unit moves. Improvements in asset visibility have saved millions of dollars and allow DOD to better meet mission needs by providing assets where and when needed.

[2] The five criteria from GAO's High-Risk List are: leadership commitment, capacity (i.e., people and resources), action plan, monitoring, and demonstrated progress.

The second area, Mitigating Gaps in Weather Satellite Data, made significant progress in establishing and implementing plans to mitigate potential gaps. For example, the National Oceanic and Atmospheric Administration successfully launched a satellite, now called NOAA-20, in November 2017. NOAA-20 is operational and provides advanced weather data and forecasts. DOD developed plans and has taken actions to address gaps in weather data through its plans to launch the Weather System Follow-on–Microwave satellite in 2022.

There are two new areas on the High-Risk List since 2017. Added in 2018 outside of GAO's biennial high-risk update cycle, the Government-Wide Personnel Security Clearance Process faces significant challenges related to processing clearances in a timely fashion, measuring investigation quality, and ensuring information technology security. The second area, added in 2019, is Department of Veterans Affairs (VA) Acquisition Management. VA has one of the most significant acquisition functions in the federal government, both in obligations and number of contract actions. We identified seven contracting challenges for VA, such as outdated acquisition regulations and policies, lack of an effective medical supplies procurement strategy, and inadequate acquisition training.

Overall, 24 high-risk areas have either met or partially met all five criteria for removal from the list; 20 of these areas fully met at least one criterion. Ten high-risk areas have neither met nor partially met one or more criteria. Where there has been improvement in high-risk areas, congressional actions have been critical in spurring progress in addition to actions by executive agencies.

WEDNESDAY, FEBRUARY 27, 2019.

# GOVERNMENT PUBLISHING OFFICE

## WITNESS

**HERBERT H. JACKSON, JR., ACTING DEPUTY DIRECTOR, U.S. GOVERNMENT PUBLISHING OFFICE**

### OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. We are now ready to begin our second hearing of the morning where we will hear from the Government Publishing Office about the budget request. Until 5 years ago, this organization was known as the Government Printing Office, reflecting its historic mission of communicating information through the printed word. As technology for disseminating information has changed from ink on paper to digital media and online access, GPO's role has changed as well and, hence, the name change.

There will be a continuing role for printed material in the conduct of government business, and GPO will therefore be doing printing for a long time to come. But GPO is now distributing more and more information by digital means, such as through its upgraded and steadily growing website now called govinfo.

Whatever the format, GPO's fundamental function is making information about the operations of government, particularly the Congress, readily available to the public. That is a crucial function in a democracy.

GPO's appropriations request for 2020 is $117 million, the same as its appropriation for 2019, and substantially less than it received 10 years ago. This is a case where technological advances have produced real cost savings as typesetting and printing processes have become more efficient, and as the rise of electronic documents have greatly reduced the volume of printed material produced.

Here to tell us about GPO's budget request and its work is Herb Jackson, the acting deputy director. Mr. Jackson is representing GPO today because the position of GPO director is currently vacant. He has more than three decades of experience at GPO, including service in various management, procurement and administrative positions.

Before we hear from Mr. Jackson, I will yield to our ranking member, Ms. Herrera Beutler.

### OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

I want to say welcome to Mr. Jackson, who is both acting deputy director and chief administrative officer at the GPO; GPO's important mission of keeping us informed, keeping America informed

really. And you do that by providing permanent access to the Federal Government information at no charge to the public through your Federal Depository Library Program, which partners with over 1,140 libraries nationwide and govinfo. They produce and distribute products for services for all three branches of the Federal Government, including U.S. Passports, which I did not realize, and official publications of Congress and the White House. And you operate distribution centers to fill orders for government publications.

I would like to recognize the Government Publishing Office for receiving your 22nd consecutive clean audit opinion, that is no small feat, and made possible in large part by the outstanding work of GPO's finance team, which is under the leadership of Bill.

Boesch. The current acting CFO, who has been a dedicated public servant at GPO for a very long time. Thank you, Mr. Chairman. I look forward to hearing GPO's testimony.

Mr. RYAN. Thank you.

The floor is yours, sir.

TESTIMONY OF HERBERT JACKSON, JR.

Mr. JACKSON. Thank you, Mr. Chairman.

Chairman Ryan, Ranking Member Herrera Beutler, and members of this subcommittee, thank you for inviting me here today to discuss GPO's appropriations request for fiscal year 2020.

With me at the table today are Lyle Green, who is our managing director for GPO's official journals of government; Bill Boesch, who you have met, who is our acting chief financial officer; and Ric Davis, who is our acting chief of staff and chief technology officer.

I have been at the GPO for 38 years and have served since July of last year as the acting deputy director. It is these gentlemen, along with John Crawford, seated behind me, who will form the nucleus of GPO's leadership following my pending retirement on March 31 of this year.

Mr. RYAN. What?

Mr. JACKSON. I can think of no finer team of professionals to lead GPO while we await the confirmation of a new agency director. I am confident that the GPO will be in good hands.

As you know, 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: 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 were named until December 2014, 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. However, for the past quarter century, 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 employ.

Today, for the House and Senate, we produce congressional documents, the daily Congressional Record, bills, reports, hearings, committee prints, and other documents in digital and print, providing official information to 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 cost of GPO's operations. Computerized typesetting, for example, and related technologies have cut the cost of congressional printing by more than 73 percent since 1980. In addition to reducing the cost of disseminating congressional products and other government information, digitization has dramatically expanded our ability to provide public access to these important materials. Last year, our online services provided access to more than 2.5 million items. The service averaged more than 31 million document retrievals a month.

It has also enabled us to scale down our workforce. Today, the GPO employs approximately 1,690 men and women across the country, compared to over 6,400 men and women that the agency employed when I first started in 1980. I am very proud that we were able to achieve this streamlining through natural attrition and by dramatically enhancing our productivity through diligent management and prudent investments in information technology.

As a result, our total appropriations request of $117 million for fiscal year 2020 is the same as last year's request, and is tied for the lowest overall number in the past 16 years. That request consists of three distinct component accounts. Our congressional publishing account, where we are requesting $79 million for fiscal 2020. Funding for this account has been flat since fiscal year 2014. For the public information programs of the superintendent of documents, we are asking for $31,296,000, to expand our efforts to bring more digital products into the Federal Depository Library Program, which averages approximately three libraries per congressional district nationwide. Our business operations revolving fund account, we are seeking $6,704,000, to continue development of our online system called govinfo and to pay for necessary cybersecurity measures.

The investments that this committee—this subcommittee has made in govinfo are paying rich dividends for the American people. Just this past year, we were able to retire our older website called FDsys as the more modern and dynamic govinfo was brought fully online. Less than 1 month after FDsys was officially retired, govinfo recorded a significant accomplishment by securing ISO trustworthy digital repository certification, becoming the first organization in the United States and just the second organization in the entire world to achieve this distinction.

We also enjoyed several other milestones this year, which marked the tenth anniversary of our secure production facility in Stennis, Mississippi. And GPO has produced more than 21 million secure identification credentials for the Department of Homeland Security and other Federal agencies.

As someone who has worked at the GPO for many years, I have witnessed, as you might imagine, a remarkable transition into the digital age. And I am extremely proud to report, as you have indicated, that once again for the 22nd consecutive year, GPO has earned a clean or unmodified opinion on its finances by the independent outside auditors who perform our annual audit. And as

you have stated already, that is attributed directly to the work that Bill Boesch and his team does.

Before I conclude, Mr. Chairman, I want to say what an honor it has been for me to work at GPO alongside such committed public servants like those joining me here at the table, those seated behind me, those located at our headquarters office in D.C., those in our regional offices, and those in our other facilities across the country.

For 38 years, I have been proud to serve with some of the most dedicated employees in the Federal Government. Regardless of the demands of the legislative schedule and regardless of the conditions under which they have to work, whether there is inclement weather or a government shutdown, the men and women of the GPO will be there to support you in carrying out your mission.

So, Mr. Chairman and Ranking Member Herrera Beutler and other members of the committee, thank you for inviting me to testify today, and I am happy to answer your questions at this time.

[The prepared statement of Herbert H. Jackson, Jr. follows:]

**HERBERT H. JACKSON, JR**
*Acting Deputy Director*
*U. S. Government Publishing Office*

# Prepared Statement before the Subcommittee on Legislative Branch Committee on Appropriations U.S. House of Representatives

---

On GPO's Appropriations Request For FY 2020

---

February 27, 2019
11:00 a.m.
Room HT-2, The Capitol

GPO

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

Keeping America Informed | OFFICIAL | DIGITAL | SECURE
**www.gpo.gov | facebook.com/USGPO | twitter.com/usgpo**

Mr. Chairman, Ranking Member Herrera Beutler, and Members of the Subcommittee, I am pleased to present the appropriations request for the U.S. Government Publishing Office (GPO) for FY 2020.

## THE U.S. GOVERNMENT PUBLISHING OFFICE

The U.S. Government Publishing Office (GPO), a legislative branch agency, 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. As of September 30, 2018, GPO employed 1,737 staff.

Along with sales of publications in digital and tangible formats to the public, we support openness and transparency in Government by providing permanent public access to Federal Government information at no charge through **govinfo (www.govinfo.gov)**, the successor system to the Federal Digital System (FDsys), which was retired in December 2018. Today, GPO makes more than 2.5 million Federal titles available from our servers and through links to other agencies and institutions, and **govinfo**, together with its predecessor site FDsys, averaged approximately 31 million retrievals per month in FY 2018. GPO also provides public access to Government information through partnerships with 1,133 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**, we communicate with the public routinely via Facebook **facebook.com/USGPO**, Twitter **twitter.com/USGPO**, YouTube **youtube.com/user/gpoprinter**, Instagram **instagram.com/usgpo**, LinkedIn **linkedin.com/company/u.s.-government-printing-office**, and Pinterest **pinterest.com/usgpo/**.

**History** From the Mayflower Compact to the Declaration of Independence and the papers leading to the creation and ratification of the Constitution, America is a nation based on documents, and our governmental tradition since then has reflected that fact. Article I, section 5 of the Constitution requires that "each House shall keep a journal of its proceedings and from time to time publish the same," 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 our 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 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 continued growth in the provision of and access to digital formats.

## GPO AND CONGRESS

For the Clerk of the House, the Secretary of the Senate, and the committees of the House and the Senate, GPO publishes the documents and publications required by the legislative and oversight processes of Congress in digital and tangible formats. This includes the daily *Congressional Record*, bills, reports, legislative calendars, hearings, committee prints, and documents, as well as stationery, franked envelopes, memorials and condolence books, programs and invitations, phone books, and the other products needed to conduct the business of Congress. We 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 datasets 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 datasets we create are made available to provide access to congressional publications in digital formats as well as to support their production in tangible formats.

GPO's congressional information datasets also form the building blocks of other information systems supporting Congress. For example, they are provided 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. GPO also works with the Library to make House and Senate bill summary and status information in XML bulk data format on **govinfo**.

In addition, GPO works with the Library on a variety of digital projects supporting Congress to make congressional information more widely available, including the digitization of historical issues of the *Congressional Record*. In 2018, GPO completed the project to digitize the *Congressional Record* back to the first issue from March 4, 1873, which opens with a proclamation by President Ulysses S. Grant formally convening a special session of the United States Senate. That issue, and every subsequent issue, is now available free of charge to the public on GPO's **govinfo** website. With the completion of this important digitization project, GPO has now moved on to the digitization of other historical congressional documents, beginning with hearings.

**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 $285.4 million. By comparison, our approved funding for FY 2019 was $79.0 million, a reduction of more than 73% in constant dollar terms.

Since 2010, we have achieved a 26% 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 2018, we had 1,737 employees on board, representing a reduction of 4,713, 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.

In FY 2018, GPO was proud to complete a project, undertaken in collaboration with Office of the Federal Register (OFR) to digitize and make available every issue of the *Federal Register*, dating back to its inception in 1936, for free on GPO's **govinfo** website. This exercise required the digitization of more than 14,587 individual issues containing more than two million pages. The first issue of the *Federal Register*, dated March 16, 1936, featured an executive order of President Franklin Delano Roosevelt that expanded the boundaries of a bird refuge in South Carolina.

GPO's partnership with the National Archives and Records Administration (NARA) was further expanded in FY 2018, with the completion of construction of an approximately 25,000 square foot space within GPO's Building A to serve as Phase I of NARA's Center for Legislative Archives. NARA is expected to begin moving its legislative archives material into the facility in early 2019, and GPO will continue to work with NARA on the development of Phase II, which will provide additional archival space within GPO's Building D. This work follows GPO's successful renovation of 17,000 square feet of space on the seventh floor of GPO's Building A to house the OFR and the Office of Government Information Services (OGIS).

Another promising potential collaboration for GPO is its recent work with the Architect of the Capitol (AOC) and the Library of Congress' National Library Service for the Blind and Physically Handicapped (NLS) to determine if space within GPO's main facilities can be renovated to provide high-quality DC office space for the NLS. A study was just completed to assess the feasibility of such a collaboration, and conversations between the three agencies are ongoing. GPO holds the NLS and its personnel in high regard and is committed to doing all it can to support this prospective partnership.

**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. This work is administered through both our central office and regional offices throughout the country. In FY 2018, this work was valued at approximately $375.7 million, and represented 84,111 orders. More than 10,000 individual firms are registered to do business with GPO, the vast majority of whom are small businesses averaging 20 employees per firm. Contracts are awarded on a purely competitive basis; there are no set-asides or preferences in contracting other than what is specified in law and regulation, including a Buy American requirement. 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 U.S. Department of State. At one time no more than a conventionally printed document, the U.S. passport since 2005 has incorporated a digital chip and antenna array capable of carrying biometric identification data. With other security printing features, this document - which GPO produces in Washington, DC, as well as at a secure remote facility in Mississippi - is now the most secure identification credential obtainable. In FY 2018 GPO produced 16 million passports for the State Department, and has produced a total of more than 166 million passports the past 11 years. In FY 2020 and FY 2021, GPO will continue to make investments needed to support the State Department's next generation passport program.

This past year also marked the 10th anniversary of GPO's production of secure identification cards for Federal agencies. Since 2008, GPO has served as an integrator of secure identification smart cards to support the credentialing requirements of Federal agencies and other Government entities. To date, GPO has produced more than 21 million secure credential cards across 11 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). In addition, GPO produces the 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), **govinfo**, Publications Information Sales, Agency Distribution Services, 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 libraries in turn make them available to the public at no charge while providing additional assistance to depository library users.

The FDLP today serves millions of Americans through a network of 1,133 public, academic, law, and other libraries located across the Nation, averaging nearly three per congressional district. In FY 2018, four libraries joined the FDLP: the College of Staten Island Library in New York, the Miles City Public Library in Montana, the Pope County Library in Arkansas, and the Loudon County Public Library in Virginia.

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 **govinfo** along with other digital resources. The growing reliance on digital content was underscored by the first digital-only Federal depository library designation in 2014.

**govinfo** Under the provisions of Public Law 103-40, GPO has been providing online public access to Congressional and Federal agency publications since 1994, 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 or FDsys. In early 2016, GPO unveiled the next generation of our public access system with the introduction of **govinfo**. Rolled out initially as a Beta, **govinfo** improved upon FDsys by providing a modern website that is aligned with the needs of today's Government information users for quick and effective online access across a variety of platforms.

Following a period of iterative development and testing, the **govinfo** website was moved out of Beta in December 2017. Throughout 2018, the FDsys and **govinfo** websites ran in parallel while GPO worked with key stakeholders to ensure a smooth transition to **govinfo**. In December 2018, the FDsys website was retired and replaced by the **govinfo** website. The **govinfo** website features a mobile-friendly design, current and historical content collections from all three branches, enhanced search and intuitive browse, linked related documents, curated feature articles, quick and easy social sharing, developer tools such as XML bulk data and a public API, expanded help information, support for redirects from millions of legacy FDsys links, and additional enhancements based on stakeholder feedback.

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 2018, **govinfo** grew to make more than 2.5 million titles from the legislative, executive, and judicial branches available online from our servers and through links to other agencies and institutions, and **govinfo** averaged approximately 31 million retrievals per month.

GPO has continually added content to **govinfo** to provide increased public access to Government information. In FY 2018, notable new content included completing the digitized volumes of the bound *Congressional Record* back to 1873, completing the digitized issues of the Federal Register back to 1936, adding the digitized volumes of Kappler's *Indian Affairs: Laws and Treaties*, and making various Panama Canal related publications available on **govinfo**. An initial set of Statute Compilations, the *Asian and Pacific Islander Americans in Congress, 1900-2017* eBook, and a new series of *Precedents of the U.S. House of Representatives* were also added to **govinfo** in FY 2018 along with numerous other Federal publications.

During FY 2018, the **govinfo** repository underwent an audit for certification as a Trustworthy Digital Repository in compliance with International Organization for Standardization (ISO) 16363. In December 2018, GPO made history by becoming the first organization in the United States and second organization in the world to achieve the highest global standard of excellence for digital repositories. GPO's **govinfo** was evaluated against 109 criteria covering all aspects of a digital repository including organizational infrastructure, digital object management, and infrastructure and security risk management. Certification provides assurance to GPO stakeholders that **govinfo** is a standards-compliant digital archive in which Government information is preserved, accessible, and usable now and into the future.

In support of the Legislative Branch Bulk Data Task Force, throughout FY 2018, GPO worked with the Clerk of the House and the Secretary of the Senate on initiatives to convert legacy file formats into United States Legislative Markup (USLM) XML. In early FY 2019, the first project was completed with the release of a subset of enrolled bills, public and private laws, and Statutes at Large in Beta USLM XML on **govinfo**. USLM offers a standard XML schema to promote interoperability among documents as they flow through the legislative and regulatory processes. USLM also promotes international interoperability with documents produced by governments world-wide.

GPO has also continued to invest in the IT infrastructure supporting GPO's digital information system. This includes bandwidth, storage, and servers needed for Production, COOP, Test, and Development environments.

**Publication and Information Sales Program** Along with the FDLP and our online dissemination system, which are no-fee public access programs, GPO also provides access to official Federal information through public sales featuring secure ordering through an online bookstore (**bookstore.gpo.gov**), a bookstore at GPO headquarters in Washington, DC, and partnerships with the private sector that offer Federal publications as eBooks. As a one-stop shop for eBook design, conversion, and dissemination, our presence in the eBook market continues to grow. We now have agreements with Apple iTunes, Google Play, Barnes & Noble, OverDrive, Zinio, EBSCO, ProQuest and other online vendors to make popular Government titles such as *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.

**Agency Distribution Services (ADS) Program** GPO operates two distribution facilities which are strategically located in Laurel, MD and Pueblo, CO. Through these facilities, GPO administers distribution programs for the information products of other Federal agencies. Today, over 55 Federal agencies utilize the comprehensive services provided through the Pueblo and Laurel facilities, which together offer more than 160,000 square feet of climate-controlled distribution, storage, and fulfillment space.

Among the services provided through GPO's ADS program are website hosting, consulting services, fulfillment and distribution, address validation services, call center operations, and printing optimization, just to name of few. These services are all designed to help

Federal agencies achieve savings in the distribution of their information products. The ADS program experienced significant growth in FY 2018, with revenues climbing to nearly $13 million, up from $9.2 million in FY 2017. Similarly, the total copies of agency materials distributed through the ADS program increased to 69.2 million in FY 2018 – an 11 million increase over the 58 million copies distributed in FY 2017.

**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 2018, we had 9,828 likes on Facebook and 9,500 Twitter followers. On Instagram we had 819 followers and 1,699 posts and posted our first-ever Instagram Story. By the end of 2018, 1,100 people were subscribed to our YouTube channel, which has nearly 265,000 views across our 78 videos. On Pinterest, we had 899 followers pinning on 22 boards of Federal Government information. We had 3,498 followers on LinkedIn. Our blog, *Government Book Talk*, focuses on increasing the awareness of new and classic Federal publications through reviews and discussions.

## GPO FINANCES

**Business Operations Revolving Fund** All GPO activities are financed through our Business Operations Revolving Fund, established by section 309 of Title 44, U.S.C. This business-like fund is used to pay all of our costs in performing congressional and agency publishing, information product procurement, and 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. Congress has also, in years past, appropriated funds directly to the Business Operations Revolving Fund in support of specific capital investments. In recent years such appropriations have been provided in support of information technology and cybersecurity investments.

**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 2018, the audit concluded with GPO earning an unmodified, or clean, opinion on its finances, the 22nd consecutive year GPO has earned such an audit result.

**FY 2018 Financial Results** Revenue totaled $874.5 million and resulted in a net income of $20.4 million, 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 $119.5 million (including funds from the Congressional Publishing and Public Information Programs appropriations, along with appropriations to the Business Operations Revolving Fund), or about 13.7% of total revenue. All other GPO activities, including in-plant publishing (which includes the production of passports), procured work, sales of publications, agency distribution services, and all administrative support functions, were financed through the Business Operations Revolving Fund by revenues generated by payments from agencies and sales to the public.

## FY 2020 APPROPRIATIONS REQUEST

GPO is requesting a total of $117,000,000 for FY 2020. This is the same level of funding GPO requested in FY 2019, and the same amount appropriated in FY 2019. Through FY 2019, total GPO appropriations have declined by 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 in recent years to hold the line on the level of new funding we request.

**Total Appropriations to GPO**
**FY 2010-2019 and FY 2020 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 |
| 2020 | 117,000,000 (Requested) |

Our FY 2020 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** GPO is requesting $79,000,000 for this account. This is the same amount requested in GPO's FY 2019 budget submission for the Congressional Publishing account, and the same amount Congress appropriated in FY 2019.

Overall, the annual appropriations for Congressional Publishing been flat since FY 2014 and 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 2020 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 |
| 2020 | $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.

In GPO's FY 2019 budget submission for the Congressional Publishing account, a non-recurring amount of $3.7 million was included to fund the production of the 2018 Edition of the *U.S. Code*, which is carried out every 6 years in accordance with law. While the FY 2020 request for the Congressional Publishing account excludes this item, all other congressional activity in 2020 is expected to exceed the FY 2019 level by $2.8 million. In addition, price-level and wage increases (if implemented), are expected to increase expenses to the Congressional Publishing account by an additional $3.4 million. In order to accommodate these increases and hold the FY 2020 request for the Congressional Publishing account to $79,000,000, GPO plans to use about $2.0 million of prior-year transfers in GPO's Revolving Fund to support its Congressional Publishing work in FY 2020.

As shown on page D-4 of our budget justification for FY 2020, the unexpended 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 2020, so that appropriation requirements can remain stable. The balance of these funds is earmarked for several ongoing and future projects, including 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 used in the preparation of congressional documents for digital and print access, and other congressional information projects as indicated on page F-6. Those initiatives, which include anticipated projects in support of the Legislative XML Working Group and Bulk Data Task Force, including the Documents in USLM Projects and USLM Project for Statute Compilations, are further described on page F-7.

**Public Information Programs of the Superintendent of Documents** GPO is requesting $31,296,000 for this account, which is a reduction of $704,000 from the amount GPO requested, and Congress appropriated, in FY 2019. This account pays for the cost of providing Federal Government publications in digital and tangible formats to 1,133 Federal depository libraries nationwide, cataloging and indexing, the distribution of documents to recipients designated by law, and international exchange distribution.

This appropriation request represents a nearly 24% reduction from the amounts appropriated in FY 2010. This reduction has been made possible by 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 2010-2019 and FY 2020 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 |
| 2020 | 31,296,000 |

The funding we are requesting for FY 2020 will cover mandatory pay and related cost increases, and support GPO's efforts to maintain a 100 full-time-equivalent (FTE) workforce to support the Superintendent of Documents' Public Information Programs.

Last year, GPO's FY 2019 budget request for $32,000,000 to support the Public Information Programs account included funding to enable an increase of 11 FTE positions to achieve a 100-FTE level. GPO had requested this staffing level increase in order to handle significant increases in program activities dealing with historic document digitization and collection management, web harvesting, inventory, cataloging, and preservation of tangible collections in FDLP libraries. GPO continues to work toward that goal and the funding requested in FY 2020 would support that level of staffing.

A significant difference between GPO's FY 2020 and FY 2019 requests for the Public Information Programs account is that in FY 2019 GPO had to budget for a non-recurring $2.0 million cost to support the production of the 2018 Edition of *U.S. Code*, which is required by statute to be carried out every 6 years. Without the need to provide for that cost in FY 2020, GPO has been able to request $31,296,000 for the Public Information Programs account. This figure represents a net reduction of $704,000 from GPO's FY 2019 request, even though GPO estimates that mandatory pay and related increases of approximately $882,000 and price-level increases of $414,000 for this account in FY 2020.

GPO plans to utilize carry-over balances from funds transferred to the Business Operations Revolving Fund to support high-priority information services and products funded by this account as indicated on page F-6, including the collection preservation of new and historic documents and continued development of **govinfo** content and capabilities.

**Business Operations Revolving Fund** GPO is requesting $6,704,000 for this account, to remain available until expended, to support continued investment in information technology and cybersecurity projects. This compares with the $6,000,000 GPO requested, and Congress appropriated, for these same purposes in FY 2019. 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 website and its successor govinfo, which have expanded public access to congressional and other Government information products in digital formats while decreasing the costs of distributing traditional print formats. They have also included efforts to harden and secure GPO's IT infrastructure from persistent external cybersecurity threats.

**Appropriations to the Business Operations Revolving Fund**
**FY 2010-2019 and Requested for FY 2020**

| 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 |
| 2020 | 6,704,000 (Requested) |

### Govinfo Projects for FY 2020 - $5,704,000

- **General System and Collection Development ($4,400,000) –** 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 ($1,304,000) –** Infrastructure for the hardware, storage, and environments to manage system performance as **govinfo** content and usage continues to grow.

### Cybersecurity Projects FY 2020- $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, Ranking Member Herrera Beutler, and Members of the Subcommittee, before concluding I want to express our deep appreciation for the support you gave our FY 2019 appropriations request, and your continuing interest in the important work performed by dedicated employees of the Government Publishing Office.

This completes my prepared statement and I will do my best to answer any questions you may have.

Mr. RYAN. Thank you, Mr. Jackson. Appreciate your years of service, and congratulations on your retirement. I am sure you have a calendar up in your office with a red pen——

Mr. JACKSON. Yes, sir.

Mr. RYAN. I am sure that is exciting. Thank you.

Ms. Herrera Beutler, any questions?

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

This past year—so we talked a little bit about some of the accomplishments, and I too want to commend you on your years of service. Must feel good to be almost done, right?

Mr. JACKSON. Yes, ma'am.

Ms. HERRERA BEUTLER. I wanted to bring up a couple of areas where I see that there could be improvement and ask you about it.

Mr. JACKSON. Yes, ma'am.

CYBERSECURITY

Ms. HERRERA BEUTLER. The first one has to do with cybersecurity. So February 4 of this year an article was published on nextgov.com, titled "GPO Has No Disaster Recovery Plan for Its Tech, Watchdog Says." And obviously, we just finished a hearing about the need for a taxpayer watchdog.

The article goes on to summarize some of the IT findings outside auditors KPMG observed. And it goes on to say that the number of IT issues were first identified a number of them in 2011, including GPO's unpreparedness and emergency planning and for IT—in terms of access control.

So it is now 2019, and I want to understand why these issues haven't been resolved, and give you a chance to speak.

Mr. JACKSON. I will start and then I will ask our chief technology officer to chime in.

The issues have been resolved, and the account management procedures will be provided to the IG by the 15th of March of this year. GPO is now tracking separate accounts, so accounts can be closed as soon as they are reported. For example, HR accounts when employees leave, one of the citings was that there was no way of knowing that that employee left because their information was still in the system. There is a new tracking system, I understand, now that is in place that will help alleviate that issue.

Another automated control is now to place—automatically disable inactive accounts, so that when people leave and the account, for example, has not been used for a number of days or so, it will automatically disable.

Ric, do you want to add to that?

Mr. DAVIS. Thank you, Herb.

As Herb mentioned, I am the chief technology officer at GPO. The IT infrastructure falls under our chief information officer. We recently brought on board a chief information officer in the past year or so, who by the way has a very, very strong background in IT security, which is helping us tremendously.

To add to what Herb mentioned about access controls which are being addressed, I also want to note that there is an IT contingency plan that is being developed by our new CIO that will be completed by the 15th. But prior to that, there are detailed procedures that

have been in operation apart from a plan that guides us on failover to a COOP site as well as security measures.

So while I believe that report was very factually accurate to a degree, I think it left out some details about procedural controls that are in place. We do monthly testing, we do failover and failback, and we do a lot of tabletop exercises as well. In addition, we do a lot of COOP activities also with congressional offices that have been performed successfully. So we can definitely do things better in this regard, but I think we are doing some things very well right now.

Ms. HERRERA BEUTLER. I think that was part of my concern was the need for a carefully documented contingency plan. The contingency plan I think is the bigger issue. Yes, I also think making sure that you are closing accounts and revoking security clearances so that former employees have access on the outside. So I think that is critical.

Mr. DAVIS. Yes ma'am.

Ms. HERRERA BEUTLER. But I will look forward to seeing that March 15 contingency plan.

Mr. JACKSON. Yes. And we can make sure that you get a copy of that contingency plan as soon as it is released.

Ms. HERRERA BEUTLER. That would be great.

Mr. JACKSON. Ric and I met recently with the CIO, and he assured us that we would have that plan then, and we will make certain that you get it.

CENSUS CONTRACT

Ms. HERRERA BEUTLER. One more question. In the last year, GPO had entered into a contract to procure printing contracts for the Census with a company who went bankrupt, forcing the government to spend $5 million to end a contract, so that we could move on to a more financially stable vendor.

I just want to hear what the learning curve was, what plans are in place that can help avoid a $5 million problem.

Mr. JACKSON. That $5.5 million settlement was an agreement between Justice, Census, and the vendor to get the vendor out of that contract.

Yes, there were a number of things that should have happened that possibly didn't happen. One, we could have done a better job with what we would call a preaward survey in terms of looking at the financials of that particular company. The company was doing business for GPO and was successful in all of its dealings with us. However, when it came time for this particular award, some of those things were not fact checked. What we have done——

Ms. HERRERA BEUTLER. Meaning someone who was in the process of overseeing the account, letting the award, didn't do their due diligence?

Mr. JACKSON. The due diligence was not done.

Ms. HERRERA BEUTLER. And double-check the financials of someone.

Mr. JACKSON. Exactly, correct. But there are some other things that I think are prudent to this as well to ensure that that doesn't happen again. One, we have revised our contract review board policies in terms of contracts of this magnitude need to go through a

certain process of review so that there will be a senior person that reviews those contracts, that legal will have a review of those contracts prior to an award being made.

Since that time, once we terminated that contract or the contract was terminated, we began to——

Mr. RYAN. Go ahead, finish up.

Mr. JACKSON. What we did was we took the time to work with Census. We let a new contract, award has been made of the new contract, and RR Donnelley is working well with us now.

Ms. HERRERA BEUTLER. Good. Thank you, Mr. Chairman.

Mr. RYAN. Thank you. We are going to be adhering to the 5-minute rule too, so, Mr. Case, you are up.

FUNDING SOURCES AND PUBLIC USAGE

Mr. CASE. A couple of questions all going back to the general theme of general public usage of GPO, what are the trend lines on general public usage. So to get to that, I am trying to track the money here. So you have got this appropriation accounting for somewhere around 13 percent, which is to Congress, of your total budget. So if you were to look at your total budget, that usage comes from obviously Congress, you have general public usage of your publications and you have agencies of government. I mean, do you have a figure of that total budget, how much of that is spent on actual agencies versus direct congressional usage, congressional needs versus how much is the general public out there actually, accessing?

Mr. JACKSON. Bill was saying that that is about 86 percent. Approximately 14 percent of our revenues are appropriated. The 86 percent that Bill is referencing is earned from reimbursable work for agencies and sales to the public.

Mr. BOESCH. That 86 percent is used for the purchased printing that we buy on behalf of the executive agencies and also for the sale of passports and other smart card type documents, 86 percent of our revenue approximately.

Mr. CASE. Okay. That is bigger than I thought. So the general public usage is 86 percent. But that includes passports also, right? So that is huge, right? I mean, most people have to get a passport—or half of the people get a passport.

Okay. What about just general public access to your digital product, to your publications? What are the trend lines in terms of the general public usage? Let's say a standard citizen out there that wants to know something, and they know to go to your site and they know to access it; what is happening there? Is the trend line up, down? What are you doing to facilitate it?

Mr. JACKSON. You are referencing govinfo, our system of record?

Mr. CASE. Yes.

Mr. JACKSON. Yes. Ric, do you want to take it?

Mr. DAVIS. So I have had the good fortune of being around since we originally launched GPO access back in 1993, so I have seen GPO access transform to the Federal Digital System to now govinfo. So we started out literally making three government publications available online, and now we have hundreds and hundreds in different collections. We are averaging, as Herb mentioned,

about 31 million retrievals of information a month. Those are not hits; those are actually downloads of discrete units of content.

Mr. CASE. How does that measure in terms of the trend line over time? Is it going up or down?

Mr. DAVIS. It is going up significantly.

Mr. CASE. People are getting to it and they are accessing it?

Mr. DAVIS. People are getting to it. And our goal right now is to add more content, particularly more historical content. So we have tons of day-forward information but working through the superintendent of documents and making use of that salaries and expenses appropriation. We are also working with Congress as well as library partners to digitize more historical content and enhance that collection.

Mr. CASE. Okay. And then does the congressional appropriation itself, which is what we are talking about today, does that—do you allocate that in your own internal purposes? Do you allocate that to general public usage versus congressional usage? Do you slice it that way? Or is that just all Congress?

Mr. BOESCH. The information that we publish on behalf of the Congress is funded by the congressional appropriation, and then the data will be transferred over. For example, the library programs will ride the congressional work and then the S and E appropriation or the public information program appropriation will reimburse the revolving fund for that. So Congress is only paying for Congress', and other users pay a different way, either through the appropriation or through purchases of books through our sales program.

Mr. CASE. Okay. I guess my conclusion from the answers is that if you distinguish between Congress' needs for itself and the general public, that the appropriation we are talking about today stays with Congress, that is level funded, but in terms of your additional funding, your general public usage is going up. Is that right?

Mr. DAVIS. Yes.

Mr. JACKSON. Yes.

Mr. CASE. Thanks. Because he has got the gavel and he is going down.

Mr. RYAN. I don't even have to hit it.

Mr. Newhouse.

CENSUS CONTRACT

Mr. NEWHOUSE. Thank you, Mr. Chairman.

And welcome to all of you, and I appreciate you coming here. It is always interesting to learn more about all of the different facets of the Federal Government and their responsibilities, and the things that we provide for not only Congress, but for the general public. So thank you for coming and sharing with us.

I guess—a couple of things, it is a two-edged sword. I want to compliment you. In your written testimony, you talk about the partnership that you have with a lot of small businesses around the country, 10,000 different that you contract with to produce a lot of the material that you are responsible for. You know, those are small businesses in all of our districts, or at least in a lot of them, I guess. So I appreciate that very much. I think that speaks probably to the efficiency of how you have been managing the GPO,

as does some of the numbers that you were talking about, Mr. Jackson, I can't remember specifically, but your budget's been going down due to efficiencies and a lot of different things driving that, so kudos to you for that.

But one of the things that Ms. Herrera Beutler brought up was this contract issue for the Census. So I just wanted to, I guess, hear a little bit more about that. Sorry to draw attention to that, but does that put into jeopardy your clean audit, the 23rd one may be at risk because of that? Just give me a little more confidence that when you have 10,000 different agreements with vendors around the country, how something this major could happen.

Mr. JACKSON. Yes. Thank you. No, that does not put in jeopardy our audit. In fact, I have asked the IG, our GPO IG, to continue auditing or investigating that particular procurement. So they are still looking at what went wrong there and ways in which it can be improved, and I expect to get that report hopefully before I leave.

We have been working very closely with Census since this has—well, all the time, but especially since this occurred. I met, during the shutdown, with the principals at Census and with the new vendor to ensure that everyone was on the same page and everyone was comfortable. They—the new vendor, which is RR Donnelley, have been working on this contract. They have already made at least one deliverable. And we have every confidence, both Census and GPO, that there is not going to be any further issues with the Census contract.

The other piece that you raised in terms of the ways in which we will make certain that this doesn't arise again. I think the protocols that we are putting in place, the SOPs have been developed, the new contract review board directives that we are putting in place for all of our contracts, not just on the printing side but even on the regular procurement side, we are doing this to ensure that we don't have a glitch like that. This one happened, but it has not affected the way in which we continue to do business and we continue to make certain that our contracts are awarded promptly, timely, and efficiently.

Mr. NEWHOUSE. It has not.

Mr. JACKSON. It has not, no, sir.

Mr. NEWHOUSE. It should, shouldn't it? There should be lessons learned here.

Mr. JACKSON. There are several lessons learned. One is that we should never think that a junior person, I will use that term, should not have some type of oversight of contracts. Two, legal should be involved in looking at awards of contracts prior to them being made. Our general counsel's office has worked very diligently, both the general counsel at Census, Commerce, and GPO, have worked very closely to ensure that this current contract works and that there were no glitches as we saw in the first one.

Mr. NEWHOUSE. Okay. I appreciate that. And I suppose a clean audit is measuring different performance levels?

Mr. JACKSON. They are, but they did look at it, and they do look at the contract vehicles there.

Mr. NEWHOUSE. Okay. I appreciate that. And thanks.

Mr. JACKSON. We can also make certain that once the IG has completed their audit of that procurement, that you guys get a copy of that so that you see what their findings were as well.

Mr. NEWHOUSE. That would be helpful. Appreciate that. And again, thank you for coming here. I appreciate the enlightenment.

Mr. RYAN. Great. Thank you. Thank you so much, Mr. Jackson, and your team. We have a retirement gift for you, and that is we are going to end this committee hearing right now.

Mr. JACKSON. Thank you, Mr. Chairman. Now I can breathe.

Mr. RYAN. Exactly. Maybe they can take you out to lunch or something.

On behalf of the committee, thank you for your years of service. We may not see you, enjoy your retirement. We will be in touch. And thank you. We may have a few questions we may submit for the record.

Mr. JACKSON. Thank you very much.

[The following questions were submitted to be answered for the record:]

House Subcommittee on Legislative Branch Appropriations
Hearing on the Government Publishing Office Fiscal Year 2020 Budget Request
February 27, 2019

Questions for the Hearing Record
**Submitted by Chairman Tim Ryan**

1. Technological change has both reduced the number of workers needed by GPO and changed the kinds of skills required.

How has GPO handled this process? Have you been able to reduce the size of the workforce largely through attrition, or have layoffs been needed? Does GPO give its workers opportunities to be trained in new printing technologies or in skills needed for the digital preparation and dissemination of publications?

Do you anticipate further reductions in GPO's workforce?

**Answer:**

Using our strategic plan as our guiding document, GPO conducts frequent workforce planning sessions, the last planning session was in September 2018, to review and update our organizational structure to ensure our workforce is rightsized and has the technical and technological skills to carry out GPO's mission and vision. Over the past decade, this forward planning has enabled GPO to reduce the number of workers entirely through attrition and it is our intention to continue to do so for as long as possible.

GPO has a robust digital skills development program for blue-collar and white-collar employees that covers skills from basic to advanced digital literacy, ePublishing, metalanguage, and metadata storage. We have also established several digital skill certification programs aligned with industry standards. This is the third year we have offered the enhanced curriculum and the demand is still strong. We also partner with vendors when purchasing new equipment or software applications to provide new user training to the team members impacted by the changes.

We do not anticipate further reductions in GPO's workforce at this time. However, in case it is required we have a contingency plan to reduce the workforce up to 15% through attrition.

2. a. How does the number of copies of key congressional documents (such as the Congressional Record, the House of Representatives Calendar, and introduced bills) typically printed in the past year compare to the number of copies typically printed ten and twenty years earlier?

**Answer:**

The number of copies of key congressional documents has decreased significantly over the past 20 years. GPO printed a total of 9,013 copies of the Congressional Record in 1999, 4,288 copies in 2009, and currently we print 1,714 copies.

GPO printed a total of 2,193 copies of the House of Representatives Calendar in 2008 and we currently print 841 copies. GPO printed a total of 450 copies of House introduced bills in 2008 and we currently print 140 copies.

2. b. How does GPO determine the number of copies of Congressional documents that it prints?

**Answer:**

GPO works with the Clerk of the House and Secretary of the Senate to adjust quantities of congressional bills, committee reports, and congressional documents every six months.

3. a. What does it mean to be a Federal Depository Library in the digital age? Is helping people locate and use material that GPO makes available on line becoming an increasingly important role for these libraries?

**Answer:**

The purpose of Federal depository libraries has always been, and remains today, to provide access to and assistance with using the Federal Government's information. Federal depository libraries serve their users with information in a variety of formats. The digital age, however, brought a paradigm shift to the Federal Depository Library Program (FDLP), whereby depository libraries are more reliant upon GPO to manage the digital content and to provide services and tools that help them find the content to meet their users' needs. At the same time, most of our Federal depository libraries are maintaining historical collections of printed and other tangible publications. This means that to administer the Information Dissemination Programs of the Superintendent of Documents, Library Services and Content Management (LSCM) must assist libraries with preserving historical collections, and also increase activities to discover newly-published digital content and provide permanent public access to this content.

FDLP Libraries face some of the same problems in the digital age as they did when they were managing large collections of tangible publications. The Federal Government is the largest publisher in the world, and it is a daunting task to try to keep up-to-date with what is being published on a daily basis. FDLP libraries may not have to handle and process tangible publications, but they still have to find resources and information that their patrons and communities need.

GPO's Superintendent of Documents organization has several long-term goals and initiatives to help staff in the FDLP keep up-to-date with what the Government is publishing and where to find it.

**FDLP Academy:** To meet the challenge of keeping the FDLP libraries up-to-date on newly-published Government information and program operations, LSCM started the FDLP Academy in 2014. The FDLP Academy provides free webinars and training for FDLP staff and the public. Webinars come for a variety of sources. They may be conducted by Federal agency personnel, by Federal depository library staff, or by LSCM staff. In FY18, LSCM hosted over 85 webinars which were viewed by over 10,000 registrants.

GPO also hosts in-person and virtual conferences twice a year, which provide a forum for information exchange with the FDLP and the library community, with participation from Federal agencies, the Library of Congress, and others.

**Working with Agencies and Libraries:** We continue to work directly with Federal agencies to find new and fugitive published content. All of this information can be accessed through the Catalog of U.S. Government Publications (CGP), (https://catalog.gpo.gov).

GPO has begun to collaborate on key projects with Library of Congress and others to undertake digitization of key Government publications for permanent public access. This helps libraries find more digital content for their users.

To get the word out, we also create FDLP News Alerts, social media and blog content, targeted emails, and listserv postings to notify members of the FDLP community when new and important information is being published.

3. b. What steps is GPO taking, and what further steps is GPO planning or recommending, to modernize the role of the depository libraries and improve public access to government information?

**Answer**:

In February 2016, GPO's Office of the Superintendent of Documents released the "National Plan for Access to U.S. Government Information." It is a framework for a user-centric service approach to permanent public access to our Government's information when and where it is needed. Of the 48 action items in the National Plan, 81% have been operationalized or are in progress.

GPO does not have a library collection of public information from which to work. GPO views the collections held in Federal depository libraries as a geographically-dispersed National Collection of U.S. Government Information for which it has lifecycle management responsibility. It's important to have digital content available; it is equally important that historical tangible documents in FDLP library collections is inventoried, cataloged, and preserved.

To help modernize the FDLP and increase access to Government information, GPO's LSCM is working on lifecycle management with the National Plan as a road map:

- **Digital depository libraries.** Currently there are about 20 depository libraries that do not receive shipments of tangible publications from GPO, rather, they provide access to online content. We expect this number to increase.
- **Digital deposit for the FDLP.** There are some depository libraries that have expressed interest in receiving files of digital content from GPO. LSCM is now investigating what library needs are relating to the receipt of digital files.
- **Relations with Federal agencies.** In 2018, the Superintendent of Documents released a study "Disseminating and Preserving Digital Public Information Products Created by the U.S. Federal Government: A Case Study Report." It was learned that most Federal agencies didn't realize they were required to inform GPO about their digital information products; they thought 44 USC §§1902-1903 only applied to tangible publications. Follow-up to this study will be increased outreach to agencies to ensure that they are aware of FDLP requirements which will increase content for the FDLP.
- **Library Services and Systems.** There have been technological advancements in library systems since LSCM procured an Integrated Library System (ILS) in 2004. LSCM is deploying a suite of systems and services to modernize the way that it integrates technology with process to better serve the libraries in the FDLP and support the Cataloging and Indexing Program.
- **Trustworthy Digital Repository (TDR).** In December 2018, GPO's **govinfo** received certification as a trustworthy digital repository under the ISO 16363 international standard - the first institution in the U.S. and the second in the world to receive such certification. TDR certification is an outward sign that the Government information held in the repository will be preserved, accessible, and usable into the future.

- **Regional Depository Libraries.** While regional depository libraries are authorized to discard materials under certain circumstances, there could be savings of GPO appropriations and library resources if regional depository libraries could select "online" content as an option along with other formats. Presently, 44 USC §1912 states "regional depositories, shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries." LSCM would like to be able to allow regionals to "select" online content from the beginning.
- **Increasing Current Processes.** More digital content means larger collections. GPO must refine its current processes. This means more web harvesting, more digitization, more cataloging, and more content ingested into **govinfo.** LSCM will continue to analyze, improve existing processes and workflows and create new ones to increase work efficiency and high quality work.
- **Preservation of Tangible Historical Collections.** The tangible collections held in depository libraries are valuable information assets that must be preserved. While some libraries have preservation and conservation offices to handle Government publications, not all do. LSCM is in the process of developing pilot projects to test workflows and procedures for providing preservation support services to libraries.
- **Partnerships and Collaborative Efforts.** To further enhance access to Government information, LSCM will continue to enter into partnerships and collaborative efforts such as those with the Library of Congress, Federal depository libraries, and Federal interagency organizations like CENDI and the Federal Web Archiving Working Group.

3. c. Are some Federal Depository Libraries leaving the program? How many have left over the past year and over the past five years?

**Answer:**

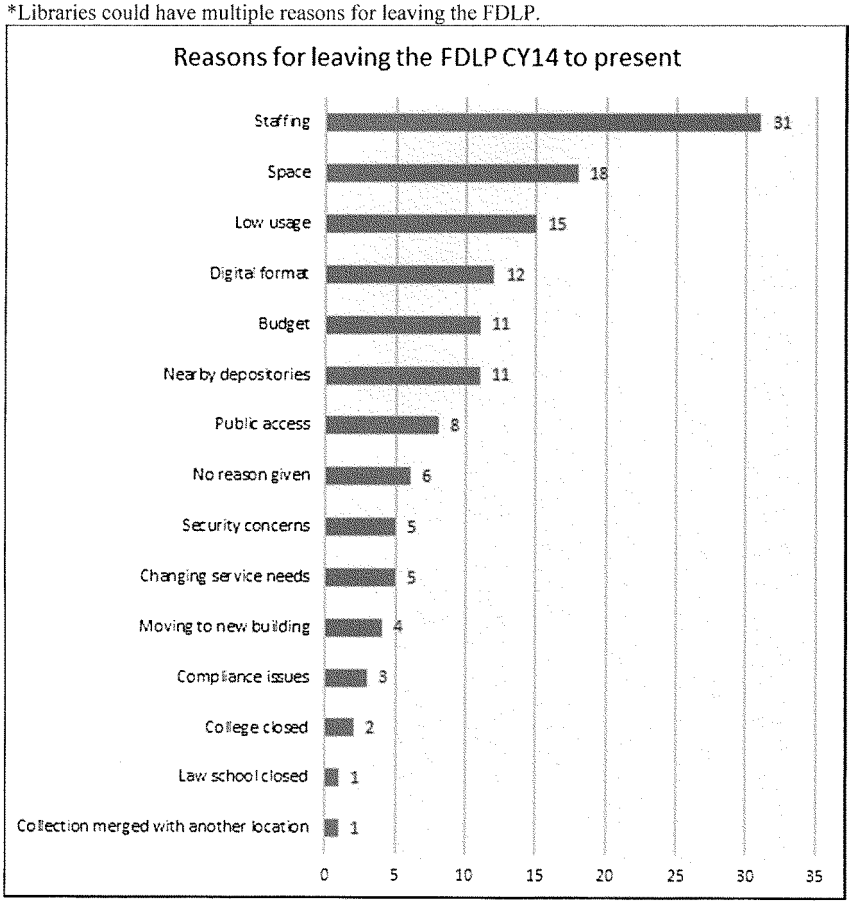
Yes, some libraries are leaving the Federal Depository Library Program. As well, we have had libraries join the program too. To date there are 1,132 active libraries in the FDLP. LSCM continuously monitors and identifies FDLP vacancies in Congressional districts. In addition, LSCM actively recruits new depository libraries and works with Congressional offices and staff to fill vacancies and bring new libraries into the FDLP.

**Number of libraries leaving the FDLP by CY:**

| | |
|---|---|
| **2019** | 2 |
| **2018** | 15 |
| **2017** | 7 |
| **2016** | 13 |
| **2015** | 13 |
| **2014** | 16 |

**Reasons for leaving the FDLP*:**

*Libraries could have multiple reasons for leaving the FDLP.




**Numbers of libraries joining the FDLP by CY:**

| | |
|---|---|
| 2018 | 3 |
| 2017 | 2 |
| 2016 | 2 |
| 2015 | 2 |
| 2014 | 3 |

3. d. In addition to the Depository Libraries, does GPO also work with other libraries to make its digital services more accessible and more widely used in their communities?

**Answer:**

Yes, working collaboratively with the library community and national library organizations is fundamental to the mission of the FDLP and the Public Information Programs of the Superintendent of Documents.

**Collaboration with Library of Congress:** Since 1976, LSCM and the Superintendent of Documents organization have been active participants in cooperative projects where national and international libraries share cataloging. GPO is a leading contributor of cataloging records in OCLC's WorldCat, a union catalog of the collections of 72,000 libraries in 170 countries. LSCM continues as an active participant in the Program for Cooperative Cataloging, a Library of Congress program to ensure that cataloging and metadata created for publications follows international standards and is of the highest quality. Access to this metadata is through the Catalog of U.S. Government Publications (CGP) and is shared with libraries or other interested parties for free through a GitHub public site.

GPO is involved in many digitization efforts. Recently, GPO worked jointly with the Library of Congress on the Bound Congressional Record (CR) digitization project, in which the Library digitized the entire collection of the Bound CR, and GPO created the metadata for each of the volumes and ingested this content into **govinfo**. We are currently working collaboratively with both the Congressional Research Service (CRS) and the Law Library of Congress on cataloging and digitization projects.

**National Libraries and Federal Agencies:** In addition, we work on projects and have partnerships with National libraries to ensure that U.S. Government digital content is available to FDLP libraries and the public. A good example of this is our participation with the Federal Web Archiving Working Group, which includes NARA, GPO, Library of Congress, Smithsonian, the National Transportation Library, and others who work jointly to ensure that all .gov and .mil content on agency websites is harvested and captured for long–term access. Access to this information can be found on the FDLP Web Archive, (https://archive-it.org/home/FDLPwebarchive).

LSCM also works with agencies to ensure their tangible and digital content is included in the FDLP. LSCM worked jointly with the Office of the Federal Register to digitize the entire run of the Daily Federal Register and make this digital content available on **govinfo**.

**FDLP Libraries and Other Library Organizations:** FDLP libraries are also digital content providers. Content they digitize is ingested into **govinfo,** which provides greater access to these unique and historic collections that were previously only available within the library walls.

We are also a contributing member of Digital Public Library of America (DPLA), submitting metadata for digital U.S. Government content through the DPLA web portal. The web portal provides access to public domain and openly-licensed content held by the United States' archives, libraries, museums, and other cultural heritage institutions.

LSCM works is the Civics Renewal Network. This network increases the quality of civics education in our Nation's schools and improves accessibility to high-quality, no-cost learning materials. Through the Civics Renewal Network website, teachers can find and link to GPO's **govinfo** and Ben's Guide to the U.S. Government, and Congressional documents such as How Our Laws Are Made, Our American Government, and the Constitution of the United States Annotated.

LSCM exhibits at meetings and conferences of the American Library Association, the American Association of Law Libraries, the Public Library Association, the National Council for the Social Studies, and others. LSCM personnel often speak during programs at conferences about our work, services, and tools.

4. While digital technology has been tremendously helpful in making information more widely and easily available, it also might carry some disadvantages, especially in the long term. Today we would have no trouble reading a book or pamphlet printed by GPO 100 years ago. But will it be just as easy 100 years from now for people to read digital material produced today? Unlike ink and paper, digital materials are linked to particular hardware and software, which tend to change over time.

Does GPO try to take issues like these into consideration, as it moves more of the documents of government from tangible print into digital formats? Are there strategies for ensuring that digital materials remain useable many years from now?

**Answer:**

One of the goals in GPO's FY18-22 Strategic Plan is to enhance access to Federal Government information. In pursuit of our vision of an informed nation, GPO continues to provide authentic, published government information to the public through a variety of print and digital technology vehicles, both efficiently and securely. Our mission of Keeping America Informed has not wavered in our more than 150 years; what has changed is the range of formats and channels through which stakeholders expect to receive information. One strategy to achieve this goal is to ensure the security, authenticity, and accessibility of the nation's publications for future generations.

Under the provisions of Public Law 103-40, GPO has been providing online public access to Congressional and Federal agency publications since 1994, 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 or FDsys. In 2016, GPO unveiled the next generation of our system of online access with the introduction of **govinfo**. GPO's **govinfo** improved upon FDsys by providing a modern website which aligns with the needs of today's Government information users for ease of access across a variety of platforms.

In addition to being a world-class public website, **govinfo** is also a content management system and a standards-compliant preservation repository that securely controls digital content throughout its lifecycle to ensure integrity and authenticity as hardware and software change over time.

During FY 2018, GPO's **govinfo** system underwent an audit by the Primary Trustworthy Digital Repository Authorization Body Ltd. for certification as a Trustworthy Digital Repository in compliance with ISO/IEC 16363:2012 Space Data and Information Transfer Systems – Audit and certification of trustworthy digital repositories. ISO 16363 is the officially recognized international standard for evaluating digital repositories for trustworthiness against 109 criteria which cover all aspects of a digital repository including organizational infrastructure, digital object management, and infrastructure and security risk management.

On December 28, 2018, GPO made history by becoming the first organization in the United States and second organization in the world to achieve the highest global standard of excellence for digital repositories. The standard achieved by GPO outlines the expectations for digital repositories to be

certified as "trustworthy," meaning that they are implementing digital preservation strategies and practices to ensure long-term preservation of and access to digital information. Certification under ISO 16363 provides assurance to GPO stakeholders that **govinfo** is a standards-compliant digital repository in which Government information will be preserved, accessible, and usable into the long-term future.

5. A number of congressional offices are involved with preparing, distributing, using, and storing congressional documents: the Legislative Counsels, who draft legislation; GPO, which prints it; the Clerk of the House and Secretary of the Senate, who handle it as it moves through the legislative process; the Library of Congress, which makes it available on its "Congress.gov" internet site, and many others.

I know that all these organizations talk to each other, and try to collaborate regarding software, formats, etc. Have we achieved a truly seamless process yet? Is everybody now using fully interchangeable systems, software, and formats? Or is there still work to be done in this area?

**Answer:**

The foundation for many of today's successes is rooted in two directives from 1996 and 2012, respectively. A 1996 directive from the Committee on House Administration and the Committee on Senate Rules and Administration to the Clerk of the House and the Secretary of the Senate established a common data standard for the exchange of legislative information among legislative branch organizations (2 U.S.C. 181). House Report 112-511 that accompanied H.R. 5882 the Legislative Branch Appropriations Act of 2013, directed the establishment of the Bulk Data Task Force to examine the increased dissemination of congressional information via bulk data download by non-governmental groups to support openness and transparency in the legislative process.

Through the Bulk Data Task Force, and in coordination with the Legislative Extensible Markup Language (XML) Working Group, GPO and its legislative data partners support the work of Congress by leading initiatives to create, compose, transform, exchange, publish, and disseminate legislative documents in machine-readable formats, such as XML, including projects to expand the use of the United States Legislative Markup (USLM) schema within the legislative branch. While this collaboration has yielded many successes and laid the foundation for future initiatives, there is still work to be done to achieve the vision of a seamless process for the creation, management, and exchange of machine-readable legislative information throughout its legislative-branch lifecycle and ultimate dissemination the public through websites like GPO's govinfo.gov and the Library's congress.gov.

6. With modern printing technology and reduced volume of printing, space is presumably being freed up in GPO's buildings for other uses. How is that excess space being used, such as by leasing to federal agencies or others? How much space is currently vacant and what are the plans for its use?

**Answer:**

GPO has taken prudent measures to consolidate its business operations and increase opportunities to lease space to other government agencies. Leases are part of the GPO's long-standing space sharing program, whereby GPO leases space at economical rates to outside agencies, and uses the income to offset GPO building costs, thereby helping to control costs that would otherwise have to be collected through rates charged for printing and other publishing work to Congress, Federal agencies, and sales to the public.

- GPO leases predominantly to the Legislative Branch (including units of the Architect of the Capitol, the US Capitol Police, the Senate Sergeant at Arms, and the US Commission on International Religious Freedom, plus the Office of the Federal Register and the Office of Government Information Services, both of which are units of the National Archives and Records Agency (NARA)). Currently, GPO leases approximately 115,000 square feet of space to these agencies which generates $2.8 million dollars of annual revenue.
- GPO is working with NARA on a project to increase its legislative archive space by an additional 24,000 square feet on the 3rd floor of GPO's Building D. This project is in the pre-design phase but is expected to move to the full design phase by April 30, 2019.
- GPO is awaiting confirmation on a proposal to move the National Library Service (NLS) Books for the Blind and Physically Handicapped to the 4th and 5th floors of GPO's Building A. If approved, this project will increase GPO's leased footprint by 53,000 square feet.
- In summary, GPO leases 115,000 square feet of office/storage space with an additional 24,000 square feet upon completion of NARAs legislative archive space in Building D, 3rd Floor. If the NLS moves to GPO, the leased space footprint will increase by 53,000 and total more than 192,000 square feet.

If the NLS moves to GPO, there will be no more than 455 square feet of office space available and 1,282 square feet of storage space available. Additional space may be available through future office and manufacturing renovations. It is difficult to estimate the amount of space at this time.

7. What is the current status of the Composition Systems Replacement project? When is the new system expected to be operational?

**Answer:**

The CSR project is a critical investment for GPO and one for which we are grateful to have Congress' support. It is designed to replace GPO's aging and proprietary MicroComp system to improve the efficiency of composing congressional documents with an Extensible Markup Language (XML) -based automated composition system. This will lead to increased efficiencies in how machine-readable legislative documents are composed, published, and made available to the public.

At the current time, we are nearing completion on developing the capability to compose the 2018 main edition of the United States Code through CSR, which we expect to do in mid-2019. Once that initiative is complete, GPO plans to move CSR into production in the coming years based on publication type, beginning with the U.S. Code and daily House and Senate Calendars, and continuing with Congressional Bills, Resolutions, and Amendments, Public and Private Laws, Statutes at Large, the Congressional Record, and the Federal Register.

After several years of intensive development, the CSR system is on the cusp of being deployed in the service of GPO's Congressional Publishing work.

Leg Branch QFR
Rep. C.A. Dutch Ruppersberger
GPO Hearing
February 27, 2019

Federal agencies should always consider investing in modern technology when making procurement and supply chain decisions, especially when such an investment will improve efficiency, yield greater savings to the taxpayer, and improve services to customers. Often, it is the federal agencies themselves that have the best understanding of what systems and suppliers are able to fulfill their needs. However, it is my understanding that the GPO has a history of reversing these decisions, because an agency's understanding of its own printing and paper needs conflict with what GPO perceives them to be. I also understand that GPO is not required to make any justification for why it denies these requests; this interference leads to important investments being delayed or abandoned and creates unnecessary inter-agency confusion.

As a rule, should not GPO adopt a "hands off' approach in regard to other agencies printing and paper supplier decisions when those decisions decrease costs and increase efficiency? Do you agree that GPO should be required to provide timely justification for when it intervenes in other agencies? How many times has GPO reversed procurement and supply chain decisions by other agencies in the past 5 years?

**Answer:**

GPO agrees that strategic investments in critical new technologies can help achieve great savings and promote efficiencies throughout the Federal Government, and has a long history of looking at how we can incorporate new technologies to better serve the American people. One dramatic example is how, with this Subcommittee's support, GPO has been able to dramatically expand the access to important public documents while substantially reducing print production costs over the years.

In 1994, GPO was printing nearly 20,000 daily copies of the *Congressional Record* and had just begun the process of developing its first website, *GPO Access*, to post the *Record* online. Today, we need only print less than a tenth that number because our new state-of-the-art public website **govinfo,** which makes more than 2.5 million Federal titles available for free to the American people, and averages 31 million retrievals a month, posts the daily *Congressional Record* as soon its completed each morning.

And that same philosophy has extended to the print procurement services that GPO provides to its Federal agency partners. Today, GPO's Customer Services business unit provides a comprehensive suite of procurement services to its agency partners. More than 10,000 individual private-sector firms (many of whom are small businesses) from across the country that possess a broad range of competencies and capabilities are registered to do business with us. In FY 2018 the value of that work, which is competitively bid to ensure the best possible value for the American people, was approximately $375.7 million.

In working with our Federal agency partners, GPO seeks to find creative solutions tailored to meet their needs -- consistent with industry best practices and Federal procurement law -- and GPO strives to ensure that Federal agencies have access to the most promising new technologies emerging from the private sector. In fact, to better serve our Federal agency partners, GPO is currently developing a Print Procurement Modernization System, which will improve the efficiencies we can achieve in contract administration.

GPO is authorized to provide such services to Federal agencies under Section 501 of Title 44 of the U.S. Code, which, with specific exemptions, directs Federal agencies to employ GPO services in the procurement of print and related services. GPO's print procurement program is subject to the Printing Procurement Regulation which proscribes the rules under which GPO performs these functions, and is designed to ensure full and open competition for Federal print procurement work. In addition, the Government Printing and Binding Regulations published by the Joint Committee on Printing and the Government Paper Specification Standards further optimize the value of Federal expenditures for such work.

From time to time, Federal customers request that GPO contract with specific vendors when administering a procurement. Under our governing regulations, GPO can only accommodate such requests when they contain sufficient facts and rationale to justify the use of one source. Specifically, in order to permit GPO to pursue such a sole-source contract, the requesting agency must provide a credible written justification that includes relevant market research, identification of the statutory authority, or any other facts supporting the use of a noncompetitive process. Otherwise, GPO is required to conduct its procurements using full and open competition.

**Government Publishing Office – February 27, 2019**
**Questions for the Record**
**From Ranking Member Herrera Beutler**

**Budget/Finances:**

Your request for FY2020 is the same as last year, $117 million.

- Since a majority of us are new to the Subcommittee, how are you able to sustain an operation at relatively the same level since 2013?
- Do you foresee GPO being able to continue to accomplish its mission while operating at flat funding levels? If not, why?
- Although GPO receives their appropriated dollars in the Legislative Branch appropriations bill, which was not directly impacted by the government shutdown, it's my understanding GPO relies in part on receipts from other Government agencies.
- Is GPO's financial position secure?
    - o How did the shutdown impact those receipts?
    - o How does that impact your budget?
- Is GPO's financial position secure?

**Answer:**

GPO's overall request for Fiscal Year 2020 is the same as our approved appropriation for FY 2019. The appropriations to GPO have been essentially the same since FY 2016. A brief summary of GPO's FY 2020 appropriations request is provided below, followed by responses to the specific questions posed above.

**GPO Appropriations by Account, FY 2016 – FY 2020**

| | Congressional Publishing | Public Information Programs | Business Operations Revolving Fund | Total GPO |
|---|---|---|---|---|
| FY 2016 | $79,736,000 | $30,500,000 | $6,832,000 | $117,068,000 |
| FY 2017 | 79,736,000 | 29,500,000 | 7,832,000 | 117,068,000 |
| FY 2018 | 79,528,000 | 29,000,000 | 8,540,000 | 117,068,000 |
| FY 2019 | 79,000,000 | 32,000,000 | 6,000,000 | 117,000,000 |
| **FY 2020 Request** | **79,000,000** | **31,296,000** | **6,704,000** | **117,000,000** |

**Congressional Publishing.** This account pays for the costs of publishing congressional documents - bills, reports, hearings, the *Congressional Record,* and other publications - in digital and tangible formats.

GPO's appropriation for FY 2019 included a non-recurring amount of about $3.8 million for the 2018 edition of the *U. S. Code* (published every six years). The FY 2020 request excludes this line item, but all other congressional activity in 2020 is expected to exceed the FY 2019 level by $2.4 million. In addition,

price-level and wage increases would increase expenses to the 2020 appropriation by $3.0 million. GPO plans is to use about $1.6 million of prior-year transfers available in GPO's Revolving Fund to hold the appropriation request at $79,000,000.

**Public Information Programs of the Superintendent of Documents.** This account pays for the salaries and expenses incurred in providing Federal government publications in digital and tangible formats to 1,133 Federal depository libraries nationwide, cataloging and indexing, the distribution of documents to recipients designated by law, and international exchange distribution.

This appropriation in FY 2019 included a non-recurring amount of $2.0 million for the 2018 edition of the *U.S. Code*. The FY 2020 request excludes this line item. The net $704,000 decrease is comprised of: the *U.S. Code* reduction, a mandatory pay and related increases of about $882,000, and price-level increases of $414,000. Prior-year funds are not expected to be needed to fund FY 2020 activity in the account.

**Business Operations Revolving Fund.** GPO is requesting $6,704,000 for information technology development, including $5,704,000 for **govinfo** system infrastructure and collection development, and $1,000,000 for essential cybersecurity projects. In the prior year, GPO received $6,000,000 for this account for **govinfo** infrastructure and development ($5,000,000) and projects to upgrade GPO cybersecurity ($1,000,000).

- Since a majority of us are new to the Subcommittee, how are you able to sustain an operation at relatively the same level since 2013?

**Answer:**

GPO operations are primarily funded by the business-like Business Operations Revolving Fund that is reimbursed for customer orders from all branches of the Federal government. Receipts from customer agencies are used to pay operating expenses (employee salaries and printing purchases from commercial sources constituting the greatest expense categories) and to invest in new equipment and technology. All together these receipts account for approximately 85% of GPO's revenues, while approximately 14% of Agency funding is provided through the appropriations GPO requests each year.

The Business Operations Revolving Fund's financial position and funding streams are secure. In recent years, GPO has invested in efficient equipment, reduced its workforce, made space available to other agencies, and exercised fiscal restraint in meeting the requirements of Congress and other Federal customers.

The continued evolution of information publishing from paper to digital is expected to present both opportunities and risks for GPO in the future. In the coming years, GPO will continue to size the Agency to meet evolving customer agency requirements, and to adopt new, more efficient technologies. To remain on sound financial footing, GPO must stay focused on and keep pace with customer requirements, maintain effective internal controls, and make sound investments for the future in support of our strategic goals.

- Do you foresee GPO being able to continue to accomplish its mission while operating at flat funding levels? If not, why?

**Answer:**

Yes. The attached table shows FY 2018 sources of funding for GPO operations. The table shows that the majority ($747.3 million of $874.5 million, or 85%) of GPO's Business Operations Revolving Fund revenue is from Executive branch agencies. [Agency publishing and secure documents programs comprising the largest sources of product revenue.] Only about 14% of GPO's is from the appropriations that GPO is requesting. If a shortfall in either or both appropriations were to occur, the Business Operations Revolving Fund would act as a temporary funding source, until funds are available. If the hypothetical shortfall was caused by a permanent change, GPO would build the estimate into its appropriation request in the next appropriation cycle.

GPO

| | | Revenue Source (000's) | | | | |
|---|---|---|---|---|---|---|
| | | Appropriation | | Business Operations Revolving Fund | | |
| | FY 2018 Revenue | Cong Pub. | S&E | Exec. Branch Agency* | Rev. Fund Appropr. | Sales to Public |
| PLANT OPERATIONS | $ 119,807 | $ 63,639 | - | $ 56,168 | - | - |
| OFFICIAL JOURNALS OF GOVERNMENT | 14,710 | 14,710 | - | - | - | - |
| SECURITY & INTELLIGENT DOCS | 308,311 | - | - | 308,311 | - | - |
| CUSTOMER SERVICES | 375,676 | - | - | 375,676 | - | - |
| SALES & DISTRIBUTIONS | 16,981 | - | - | 12,478 | - | $ 4,503 |
| PUBLIC INFORMATION PROGRAMS | 30,180 | - | $ 30,180 | - | - | - |
| OTHER OPERATIONS** | 18,662 | 65 | - | 4,488 | 12,678 | 1,431 |
| ELIMINATIONS | (9,859) | - | - | (9,859) | - | - |
| TOTAL GPO (after eliminations) | $ 874,468 | $ 78,414 | $ 30,180 | $ 747,262 | $ 12,678 | $ 5,934 |

*Executive Branch Agency includes sales between GPO business units and accruals for unbilled work.
** Other Operations - Ex. Br. Agency includes lease revenue and transferred funds for NARA/CLA
Other Operations - Rev. Fund includes revenue from direct Revolving Fund approps., and revenue from transferred CP and S&E appropriations.
Other Operations - Sales to Public includes pay parking, recycling proceeds, other misc.

- Although GPO receives their appropriated dollars in the Legislative Branch appropriations bill, which was not directly impacted by the government shutdown, it's my understanding GPO relies in part on receipts from other Government agencies.
    - o How did the shutdown impact those receipts?
    - o How does that impact your budget?
    - o Is GPO's financial position secure?

**Answer:**

The GPO remained open during the recent shutdown, as noted. We continued to publish, produce, and distribute for Congress and funded Federal customers. There was a downturn in requisitions for some Executive branch customer agencies during the shutdown, but our Customer Services Business Unit has received much of those backlogged requisitions in recent weeks.

As mentioned above, the Business Operations Revolving Fund's financial position and funding streams are secure. To ensure financial security, GPO has pursued investments in efficient equipment and workforce reductions through attrition in recent years. GPO has also sought to earn revenues by making space available to other Federal agencies for lease, and exercised fiscal restraint in meeting the requirements of Congress and other Federal customers.

**EEO Issues:**

As you know, workplace harassment is a major concern of this Congress.

- What steps does GPO take to ensure a safe and welcoming environment for all its employees?
- Does GPO engage employees in regular workplace rights training?

**Answer:**

The United States Government Publishing Office (GPO) anti-harassment policy (GPO Directive 650.19) is distributed to all employees annually and is available online. This policy is intended to notify GPO employees of the GPO's prohibition against discriminatory harassment in the workplace. Additionally, this policy identifies responsibilities for preventing and remedying discriminatory harassment and ensures that a prompt, thorough, impartial and appropriate inquiry is conducted when harassment allegation is raised.

Moreover, GPO Directive 650.14a ensures compliance by the GPO with Section 703 of Title VII of the Civil Rights Act of 1964, as amended, and 29 CFR Part 1604.11 of the Equal Employment Opportunity Commission's guidelines on discrimination because of sex. This Directive defines conduct which constitutes sexual harassment, expressly prohibits such conduct as an unlawful discriminatory employment practice, and informs employees of their rights and responsibilities with regard to claims of sexual harassment in the workplace.

Whenever an investigation is necessary, the investigative summary is prepared promptly after completion of the investigation and submitted to the Director of EEO and the supervisor who would be responsible for taking disciplinary action against the alleged harasser, if the allegation is substantiated.

With regard to GPO's engagement to its employees in regular training, YES, all GPO employees are required to attend anti-harassment training biennially and GPO employees were trained in 2018. In addition, this training is also required for new hires, and is offered every quarter.

**Leasing:**

In recent years, GPO has entered leasing arrangements with other Federal agencies to provide space in its Washington, DC Headquarters. Most recently, the National Archives' Center for Legislative Archives moved in and the FY 2018 Consolidated Appropriations Act contained language that directed the Architect of the Capitol, the National Library Service (NLS) Books for the Blind and Physically Handicapped to study the feasibility of moving the NLS into GPO's facilities.

- Can you please update on us the status of the National Archives and the NLS projects?

**Answer:**

**National Archives Center for Legislative Archives (CLA):** The goal of this project is to provide sufficient space for housing NARA's current collection of congressional legislative archives dating to the First Congress, with enough room to expand the collection for another 50 years. GPO supported this project in two phases.

- The first phase involved the renovation of 24,500 square feet of GPO's space to serve as a secure archival repository featuring light, temperature, and humidity controls, equipped with a specialized facility (SCIF). This space is located in GPO's Building A, 3rd floor. GPO completed construction of the first phase in January 31, 2019. NARA accepted the new space on February 15, 2019 and initiated its move into the facility.
- The second phase involves the development of an archival facility within 24,000 square feet on the third floor of GPO's building D in Washington, D.C. GPO and NARA are jointly working on the Memorandum of Agreement that will govern the design and construction of the new facility. GPO expects to bring the Memorandum of Agreement to the Joint Committee on Printing by April 30, 2019 for their approval. By NARA estimates, this archival space is sufficient for the next 50 years.
- Architectural and Engineering design will proceed immediately thereafter and has an expected duration of 9-12 months. Construction would not begin before FY2021. It appears the timeline should meet NARA's projected archiving space requirements.

**National Library Service for the Blind and Physically Handicapped**: The FY2018 Consolidated Appropriations Act (PL 115-41) directed the Architect of the Capitol (AOC) and the National Library Service (NLS) for the Blind and Physically Handicapped to study the feasibility of moving the NLS into GPO's facilities. The AOC completed the feasibility study in November 2018 and determined that the space would support NLS' requirements. Since then, the GPO staff has been in consultation with AOC staff regarding the development of a statement of work for the Architectural and Engineering Design of the proposed space.

**Govinfo:**

In January of this year, GPO announced that govinfo had secured trusted digital repository (TOR) certification (ISO 16363) becoming the first organization in the United States to earn this accreditation.

- In layman's terms, what is the significance of this designation and what does it mean for govinfo and GPO moving forward?
- Additionally, GPO completed the transition from FDsys to govinfo recently. Were there any unexpected challenges or lessons to be learned from that experience?

**Answer:**

*ISO 16363 Trustworthy Digital Repository Certification*

Certification under an international standard demonstrates GPO's expertise and commitment to provide access to official Federal Government information now and into the future. In addition to maintaining this prestigious certification through yearly surveillance audits and recertification every three years, GPO plans to share its knowledge of digital preservation with other organizations that are responsible for preserving America's wealth of digital information. As the first organization in the United States and

second organization in the world to be certified as an ISO Trustworthy Digital Repository, GPO is well poised to do so.

*Transition from FDsys to **govinfo***

There were no unexpected challenges in the transition from GPO's Federal Digital System to **govinfo**, but we want to recognize the work of our legislative data partners including the House, the Senate, and the Library of Congress. GPO worked closely with our partners to ensure their readiness as we retired the Federal Digital System and transitioned to **govinfo**. For example, GPO worked closely with the Library of Congress to ensure there was no interruption in the legislative data flow of bills, laws, and the Congressional Record from GPO's Federal Digital System, and now from **govinfo**, to the Library's Congress.gov website.

**Inspector General:**

GPO is currently operating with an acting Inspector General.

- Are efforts underway to hire a permanent replacement for Ms. Melinda Miguel who left the agency in January of 2019?
- What is the status of those efforts?

**Answer:**

GPO is pleased to inform the Committee that GPO has offered the permanent Inspector General position to Michael P. Leary, who has accepted and is scheduled to begin service at GPO on April 14, 2019. Mr. Leary currently serves as an executive manager within the Senior National Intelligence Service at the Office of the Director of National Intelligence (ODNI). At present he is working on detail at the Council for Inspectors General on Integrity and Efficiency (CIGIE).

GPO is grateful for the assistance of our Acting Inspector General James Ives and his immediate predecessor Melinda Miguel as we conducted the search to fill the vacancy brought about by Ms. Miguel's departure. Both were exceptionally gracious with their time and counsel as GPO pursued the hiring process. With Mr. Leary's acceptance of this important position, GPO is sure to have a capable and committed public servant running its Inspector General's office in the years ahead.

**Cybersecurity:**

In recent years, GPO has requested and received dedicated appropriations to address Advanced Persistent Threats to its information technology infrastructure.

- How is GPO meeting its cybersecurity needs and what challenges does GPO face in protecting its IT infrastructure and systems?

**Answer:**

GPO has used the appropriations to enhance its IT security technologies and processes to improve cybersecurity controls, both preventative and detective. These controls will enable GPO to keep pace with the constantly evolving and increasingly sophisticated threats posed by malign cyber actors. These

malicious cyber actors range from cybercriminals, hacktivists (such as the Anonymous black hat hacker group, for example), nation-state actors, and potential insider threat actors.

Enhanced technical tools have allowed GPO to better protect and defend GPO IT systems and data across a broader spectrum of GPO IT systems and threat vectors. Recent examples of this are: 1) larger amounts of network data traffic, across more of the GPO network, stored and analyzed; 2) systems implemented to permit improved wireless intrusion monitoring and prevention; 3) the implementation of next-generation firewalls and advanced malware protection; and 4) systems implemented to provide better controls and monitoring, including two-factor (hardware token) authentication, for privileged accounts with powerful access used to administer GPO IT systems, to name but a few.

Challenges for GPO in this arena include the increasingly shorter time frames from when software flaws are announced to when remediation and/or protections must be installed, tested and deployed (due to increasingly automated exploitation capabilities over the Internet by attackers). Other challenges include the increasing complexity of operating and layering security and protective technologies, and determining how seemingly disparate threats and intrusion attempts may be tied together.

Realizing that the nature of the attacks and threats are constantly changing and evolving, protection and defense technologies and processes must be adaptable too, which is another area of emphasis for GPO. These challenges affect many organizations as well, but represent focus areas for GPO for remaining vigilant and in improving cybersecurity operations and risk management.

**Digital Transformation/Workforce:**

GPO's transition from a paper-based to digital publishing operation is well established.

- How is GPO helping to enhance the skill-sets of its employees to meet new challenges posed by the transition?
- Does GPO engage in workforce training?

**Answer:**

GPO has a robust digital skills development program for blue-collar and white-collar employees that covers skills from basic to advanced digital literacy, ePublishing, metalanguage, and metadata storage. We have also established several digital skill certification programs aligned with industry standards. This is the third year we have offered the enhanced curriculum and the demand is still strong. We also partner with vendors when purchasing new equipment or software applications to provide new user training to the team members impacted by the changes.

For example, GPO is upgrading its Micro Composition software application from C++ to XML. As part of the upgrade we have developed a plan to conduct in-house training for the 200 system users.

GPO also offers professional and leadership development programs, such as:

- Business Analysis Training and Certification from Duke University;
- Project Management Training and Certification from Duke University;
- Lean Six Sigma Training and Certification from Duke University, and
- Our award winning Leadership Evaluation and Development (LEAD) Program.

GPO is committed to providing our employees with a broad range of workforce training opportunities. In total, during fiscal year 2018, GPO offered 120 courses with 796 employees taking a class. In addition, GPO employees attended 446 external training opportunities.

**Safety:**

- How is the agency doing in its efforts to reduce workplace accidents to a minimum and provide a safe workplace environment for all its workers?

**Answer:**

Following several years of significant accident reduction, FY18 saw a significant increase in accidents, mostly occurring in the Press Division. GPO responded to the uptick by instituting monthly safety briefings for the Production Areas (Press, Bindery and SID), along with quarterly safety meetings with management to address recent mishap specifics. It appears this correction has been effective. As of today, GPO has had only 14 OSHA-recordable injuries (injuries requiring more than first aid) and has an accident rate of 1.78. This is a significant improvement from the 30 OSHA-recordable accidents we had by this time last year. This equates to a 53% reduction in accidents from last year.

Current safety efforts include:

- Annual and spot safety assessments to identify and track hazards, including those at regional offices
- Monthly safety training to Production and Facilities workers to increase safety awareness
- Safety class attendance and unsafe behaviors now included in employee performance goals
- Constant improvement through Labor-Management Safety Committee and Business Unit Safety Committees
- Continual asbestos and lead abatement with ever improving methods
- Significantly improved fall protection and respiratory protection programs with the addition of state of the art equipment
- Revised several safety directives
- Funding in FY2020 is necessary to continually address the GPO Safety Branch identified Top 10 GPO Hazards.

THURSDAY, MARCH 7, 2019.

# LIBRARY OF CONGRESS

**WITNESSES**

**CARLA HAYDEN, LIBRARIAN OF CONGRESS**

**MARY B. MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE**

**KARYN TEMPLE, ACTING REGISTER OF COPYRIGHTS, U.S. COPYRIGHT OFFICE**

## OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. All right. We are going to call this hearing to order, the House Appropriations Subcommittee on the Legislative Branch hearing on the fiscal year 2020 budget request of the Library of Congress.

Welcome.

The Library is an incredible national and international asset. It is the largest library in the world, with more than 168 million items in its collections. In addition to books, there are maps, films, photographs, musical recordings, the collected papers of historical figures, repositories of oral histories, and more.

While the Library's buildings are here in Washington, an important part of its work is making its collections and resources available nationwide and beyond. The Library now has numerous collections available in digital form through the internet as well as programs for schools and other libraries. And its Congress.gov website is a preeminent source of public information about legislation in Congress.

The Library carries out several other very important missions. One is the U.S. Copyright Office, performing a service vital to creative efforts in literature, music, the arts, and science.

Another is the Congressional Research Service, an indispensable source of accurate, neutral, and timely information for congressional Members, committees, and staff, with much of that information now being made available to the general public as well.

There is also the unique program of the National Library Service for the Blind and Physically Handicapped, which provides books and periodicals in audio and Braille form to almost half a million people throughout Nation.

The Library's request is for a net appropriation of $747 million, an increase of $51 million, or 7 percent, above the current year. That increase covers things like needed fixes to the Library's IT systems, improvements to the legislative information systems for Congress and the public, a strategy to better exhibit the Library's treasures to visitors, and some interesting new technology to make the written word more readily accessible to people who are blind. We will take a close look at the request and see what can be done.

I also bumped into former Chairman Yoder this morning, and he wanted me to pass along his regards to you. He is doing well, and I think he misses being a part of how special this committee is.

So now I would like to introduce our principal witness today. She is, of course, Dr. Carla Hayden, the 14th Librarian of Congress. Dr. Hayden came to the Library of Congress in 2016 from the Enoch Pratt Free Library in Baltimore, where she was CEO. She has also held a number of other positions in public libraries throughout her career, a career which started as a children's librarian in Chicago.

Dr. Hayden is joined at the witness table by Mark Sweeney, the Principal Deputy Librarian. I understand a number of other senior officers of the Library are here as well and available to help answer any questions.

Did we check if we are violating any fire codes with all the staff that has attended?

But before we hear from Dr. Hayden, I will yield to our distinguished ranking member, Ms. Herrera Beutler, for her opening remarks.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And welcome, Dr. Hayden and Principal Deputy Librarian Sweeney. Thanks for coming.

The Library of Congress, as was mentioned, is a national treasure that hosts millions of in-person visitors each year and even more visitors on the Library's ever-expanding internet presence, which is pretty exciting.

Its impact can be felt beyond its facilities here in DC, and the Library's online resources and educational programs reach schools and libraries in my home district of southwest Washington, which is almost as far as you can get. I guess Hawaii, probably, always gets to claim a little farther. It is the repository of our Nation's history, and it is our obligation to preserve and expand the collection for future generations.

So I would also like to mention the importance of the Native American special collections and how important your role in collecting and preserving the history, stories, and songs of Native Americans is to Tribes and, really, for all the rest of us. Your collaboration with the Smithsonian's National Museum of American Indians has made possible significant gains in a traditionally under-represented area.

So, before I conclude my remarks, I would like to extend an invitation for you to visit my district. We would love to have you out and see the impact of the Library in our region. And I look forward to your testimony and learning more about the Library of Congress.

I yield back.

Mr. RYAN. Dr. Hayden.

OPENING STATEMENT OF DR. CARLA HAYDEN

Dr. HAYDEN. Thank you, Chairman Ryan and Ranking Member Herrera Beutler and members of the subcommittee. This is a won-

derful opportunity to provide testimony in support of the Library's fiscal year 2020 budget.

And in my third year as Librarian, I am very encouraged by the advancements we have made in sharing more of the Library's extraordinary collections and our staff's expertise with their commitment to public service.

Last year, the Library welcomed nearly 1.9 million in-person visitors; the Congressional Research Service provided custom services to 100 percent of the Senate and House Member offices and standing committees; more than 450,000 claims were registered by the U.S. Copyright Office and nearly 10 million preservation actions were performed on the physical collections; over 20.9 million copies of Braille and recorded books and magazines were circulated; and the Library responded to over 1 million reference requests from Congress, the public, and other Federal agencies. And the Library's website, including LOC.gov, Congress.gov, Copyright.gov, and the CRS site, among others, received 110 million visitors and 503.1 million page views. Quite a lot.

So I would like to start by expressing my gratitude to Congress for supporting our efforts. And I greatly appreciate the support you have given us for the high-priority needs, like CRS staffing, restoration of the copyright examiner workforce, support for the increased costs of hosting the Legislative Branch Financial Management System, and librarians and archivists to address a processing backlog in our special collections.

We have also been able to have support for our library's collection storage modules, particularly at Fort Meade, as part of the Architect of Capitol's budget.

And, today, discussing the fiscal year 2020 budget, we are focusing on the fact that in the past year we have completed organizational changes that have streamlined functions and support a more user-centered direction. Our strategic plan is in effect, and we are going with a user-focused direction in all of our units.

The largest part of the Library that Mr. Sweeney is directly involved in has now become the Library Collections and Services Group that serves the Law Library, the National Library for the Blind and Physically Handicapped, and Library Services, the largest group.

IT centralization, with significant, significant congressional support, is in its final phase, with staff and funding transfers from CRS, Copyright, to the Office of the Chief Information Officer, Mr. Bud Barton.

The strategic plan that was launched in October had four strategic goals: expand access, expand our services, optimize our resources, and measure our impact.

Our first digital strategy, which complemented the strategic plan, was recently released and is featured on the cover—and we are very proud of this—of American Libraries. For the first time in many years, the Library of Congress is on the cover for our new digital strategy.

Mr. RYAN. No picture of you on the cover there?

Ms. HAYDEN. No, but our staff members are in here. It is really wonderful.

And so, the fiscal 2020 budget, approximately $803 million, represents a 6.8-percent increase over the Library's fiscal 2019 enacted appropriation. It does include $26 million in mandatory pay and price increases.

And the balance of the increase represents critical program investments necessary to fulfill the Library's role and move forward. The two top goals in the new strategic plan—expand access and enhance services—aim to make these collections, these unique collections, and the experts and services available to them move forward.

And so we are very pleased to be able to give what is a first look into a major part of our focus, in terms of enhancing the visitor experience in our flagship building, the Thomas Jefferson Building. We recently provided a first look into the visitor experience plan. And we have visuals here today. We are very pleased that the appropriation in fiscal year 2019 to have a $2 million master plan has allowed us to be able to present these concepts:

One, an enhanced orientation experience going into the Thomas Jefferson Building that will include looking at the Thomas Jefferson collection and then being able to be inspired, as you are in that area, to look up into the Main Reading Room.

Also, a treasures gallery, where, for the first time, the Library will be able to showcase the wonderful collections on a rotating basis. And, as was mentioned, I am a former children's librarian, and one aspect is the youth center and the possibility of inspiring young people to be more hands-on with technology.

The information technology requests continue on the network modernization begun in fiscal 2019 by supporting hybrid hosting, a wireless network that is more robust, and enhanced network capacity.

We also have funding for Congress.gov, the official website for legislative data. And that will support Congress's requests for more functionality and responsiveness of that very important technology.

And so our requests in this year advance our strategic goals, continue on the modernization efforts, and we are very pleased to be able to present specifics about the request today.

I look forward to questions and would be glad to discuss.

[The prepared statements of Dr. Carla Hayden, Dr. Mary Mazanec and Ms. Karyn Temple follow:]

**Statement of Carla Hayden**
**The Librarian of Congress**

**Before the**
**Subcommittee on the Legislative Branch**
**Committee on Appropriations**
**U.S. House of Representatives**
**Fiscal 2020 Budget Request**

**March 7, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for the opportunity to provide testimony in support of the Library's fiscal 2020 budget.

Now in my third year as Librarian of Congress, I am encouraged by the advancements we have made in sharing more of the Library's extraordinary collections and our staff's expertise and commitment to public service. Today, the Library holds nearly 170 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 1.9 million in-person visitors. The Congressional Research Service (CRS) provided custom services to 100 percent of Senate and House member offices and standing committees. More than 450 thousand claims were registered by the U.S. Copyright Office. Nearly 10 million preservation actions were performed on the physical collections; over 20.9 million copies of braille and recorded books and magazines were circulated to more than 470,000 blind and physically handicapped accounts; and the Library responded to over 1 million reference requests from the Congress, the public, and other federal agencies. The Library's web sites, including loc.gov, congress.gov, copyright.gov, and the CRS site, among others, received 110 million visitors and 503.1 million page views.

Over the past year, we have moved forward in significant ways to increase access to the Congress's library. We created a Digital Strategy Office within the Office of the Chief Information Officer to partner with service units to incubate innovative digital projects. The new office has already launched a successful crowdsourcing project, "By the People," which allows public contributions to and interactions with the digital collections in new ways while at the same time helping the Library make data more discoverable. A new, state-of-the-art case was installed to conserve and securely display the treasured Gutenberg Bible. CRS launched its new website, crsreports.congress.gov, to provide the public with access to non-confidential research products produced by CRS for the Congress. The Law Library digitized 23,522 pages of National Transportation Safety Board case findings to be available in fiscal 2019. New

collections have been made available online, among them the papers of President Theodore Roosevelt and Benjamin Franklin.

I would like to express my sincere gratitude for the outstanding support that this committee and the entire Congress gives to the Library. In particular, I appreciate the support you have provided us for our fiscal 2019 requests to meet high-priority needs such as strengthening CRS staffing in high demand areas, restoration of the Copyright examiner workforce, support for the increased hosting costs of the Legislative Branch Financial Management System, librarians and archivists to address the backlog in processing the special collections, and much more.

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 extraordinary 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 2020 which continues and expands necessary modernization initiatives to include optimization efforts.

In October, we launched the Fiscal 2019-2023 Strategic Plan with four strategic goals: Expand access, expand services, optimize resources, and measure impact. Our direction forward calls for a decisive shift to become more user centered, digitally enabled, and data driven. The first Digital Strategy, which complements the Fiscal 2019-2023 Strategic Plan, was recently released to provide a bold vision to guide the Library's digital transformation over the next five years.

We completed organizational changes that streamline functions and support the user centered direction. The former National and International Outreach service unit was reconstituted as two units, the Center for Learning, Literacy and Engagement and the Center for Exhibits and Interpretation, both with dynamic new directors. Whereas National and International Outreach was itself a service unit, the centers are located organizationally under the Office of the Librarian so that they are able to pull resources together from across the Library. The largest part of the Library was also realigned to become the Library Collections and Services Group, which now includes the Law Library, Library Services, and the National Library for the Blind and Physically Handicapped (NLS). All of these changes directly support public engagement with the Library's resources and services.

With significant congressional support, IT centralization is in its final phase with staff and funding transfers from CRS, Copyright, and NLS to the Office of the Chief Information Officer (OCIO). The Copyright Office is aggressively pursuing comprehensive modernization of its IT systems. With a solid, stabilized IT infrastructure close to realization, the Library is transitioning through the data center initiative from its restricted legacy hosting facility on Capitol Hill to a hybrid hosting infrastructure with enhanced security that is capable of accommodating greatly increased digital engagement.

I am confident that we have a strong organizational structure and a robust strategic planning process internally in place to lead the Library into the future. I now 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 2020 budget request is for approximately $803 million, which represents a 6.8 percent increase over the Library's fiscal 2019 enacted appropriation. This request includes $26 million in mandatory pay and price level increases. 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.

The top two goals in the new strategic plan, expanded access and enhanced services, aim to make the Library's unique collections, experts, and services available when, where, and how users need them.

Bringing the nation's collections and history out of the vaults and into public spaces through a public/private partnership to create the Visitor Experience remains a key avenue to greater access for all who visit. Over the past year we accelerated our planning for an enhanced visitor experience in the Thomas Jefferson Building. As part of the Master Plan, the Library is developing a resource plan to serve as the roadmap for a private fundraising initiative. A request for the design, fabrication and installation of a Treasures Exhibit Gallery, a Youth Center and Lab spaces, and staffing for three years will begin to realize the promise of the Visitor Experience initiative, elevating it to a level unmatched among peer institutions in Washington, D.C.

Since my confirmation, my goal as Librarian has been to expand users' access to the Library both on site and online. When it comes to our onsite efforts, my top priority is to help visitors become lifelong users. In early 2018, I presented to the Congress an opportunity to enhance the visitor experience of the Thomas Jefferson Building.

I appreciate that Congress committed to a public-private partnership to provide $60 million for this project – $40 million in appropriated funds to be matched by $20 million in private funds raised by the Library. The Library of Congress Madison Council Chairman has offered to lead private fundraising for the Visitor Experience. The Library has received $11 million in verbal commitments and is working with a contractor to develop a capital campaign to raise the rest. I am grateful as well for congressional approval of $10 million in fiscal 2018, $2 million of which was to be used immediately to contract with a professional firm to create a Master Plan from the design concepts shared with the Congress.

We recently provided Congress a first "look in" to the Master Plan, which confirms that the Library can accomplish broadly within the $60 million budget what we envisioned during the design concept phase last year. We anticipate revitalizing exhibit spaces, creating an activities

area for youth, and having a welcoming orientation space where constituents and visitors will see Jefferson's Library as the foundation of the Library, and look up through an oculus to the magnificent Main Reading Room.

The majority of changes entail movement and deconstruction of 25-year-old exhibit cases and related materials and installation of new state of the art, secure and climate-controlled glass and steel exhibit cases. We have confirmed that building modifications for the oculus constitute light construction. We appreciate that from the inception of the project, both the Architect of the Capitol and U.S. Capitol Police have provided advice, feedback, and recommendations as we contemplated options with our professional design firm.

As this is your Library, we want your constituents and visitors to have a better experience. With so many visiting school groups, we want them to leave more knowledgeable about the history of our country, have a better understanding of democracy in action, appreciate what it means to be a good citizen, and know the origins of the Library which is also the Congress' story. We also want visitors to leave motivated to learn more about our country and its cultural patrimony. I look forward to continuing to keep you informed about our progress on this project to showcase the unparalleled nature of the Library's collection.

We are also seeking to enhance user access online through funding for congress.gov, the official web site for legislative data, to support high-priority, congressionally requested enhancements such as a mobile app, continuous development of the system, and the full retirement of the legacy Legislative Information System. Funding to support modernization of the NLS braille and talking books programs through digital delivery to braille eReaders, and by creating a cloud-based, scalable infrastructure for internet delivery of talking and braille books, will position NLS to serve a far larger patron base.

The Library's third strategic goal, optimize resources, expands modernization to encompass strengthening of our internal capacity and infrastructure in several critical areas. Our request to optimize the policies, processes, tools, and staff capacity and capability of the Financial Services Directorate (FSD) is vital to the Library. FSD needs a modernized skill base in data analytics, internal controls, budget, policy, and financial reporting to meet financial management methods and requirements that are continually evolving, integrating, and expanding. Because FSD's non-pay resources support the highly visible, mission-critical Legislative Branch Financial Management System, FSD has been challenged to fund needed improvements and acquire a new set of capabilities for the future as systems are modernized, processes are further automated, and the work shifts from transactional to analytical. FSD must also reconstitute the corporate knowledge that has been or shortly will be lost to retirement.

Information technology optimization requests continue the network modernization begun in fiscal year 2018 by supporting operation and sustainment activities including hybrid hosting, a robust user wireless network, a staff wireless capability to the Library's campus network

leveraging state-of-the-industry infrastructure to facilitate improved collaboration, and an enhanced metropolitan area network and wide area network capabilities. The request also provides the Library with a more secure operating environment using the Zero Trust Security model and establishes a Virtual Network Operations Center that will allow 24/7/365 monitoring. Optimization is also necessary to automate and streamline the manual process the Library currently uses to perform personnel security functions, and to implement Enterprise Customer Relationship Management (CRM), an approach to managing an organization's interaction with current and future customers with a focus on improving business relationships.

Our fourth and final strategic goal, measure impact, uses data to measure the Library's impact on the world around us and share a powerful story. Our request establishes a robust data and analytics capability, through a centralized data analytics group, with processes, methodologies, and subject matter expertise needed to consistently and strategically identify, capture, analyze, and make decisions on data from its users' needs and quality of experiences, in alignment with the Library's new strategic plan.

In closing, modernization and optimization – not only of IT systems, but of the experience visitors have when they come to the Library, the competencies needed in a modernized, more automated environment, braille and talking book delivery mechanisms, and capacity in data and analytics – are critical to moving the Library forward into the future. The fiscal 2020 budget request furthers the modernization efforts of recent budget requests and targets critical workforce needs.

Chairman Ryan, Ranking Member Herrera Beutler, 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 2020 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**
**March 7, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee,

Thank you for the opportunity to present the fiscal 2020 budget request for the Congressional Research Service (CRS). At the outset, I would like to thank the Committee for your support of our fiscal 2019 request. The additional funds you generously provided have enabled CRS to strengthen the research and analytical capacity, which is so critical to our ability to provide Congress with exceptional service. In addition, we continue to make progress in our efforts to modernize CRS's IT systems. As I have noted in the past, this upgrade of our IT infrastructure is an important component in the Service's ongoing efforts to keep pace with the demands of an ever-evolving congressional client. I am also pleased to report that we are ahead of schedule with respect to the public release of non-confidential written products via Congress.gov.

In addition to outlining CRS's budget requirements for the coming year, my goal with today's testimony is to highlight some of the more noteworthy support the Service has provided to Congress during a very busy legislative session and to bring you up-to-date with respect to a number of important initiatives that we have undertaken over the past fiscal year.

## SERVICE TO CONGRESS

Serving Congress remains at the core of the Library's mission and CRS plays a critical role in this effort. CRS is proud to serve as Congress's research and analytical arm and embraces its mission: to provide Congress "the highest quality of research, analysis, information, and confidential consultation, to support the exercise of its legislative, representational, and oversight duties." In fiscal 2018, CRS supported Members, committees, and staff in fulfillment of each of their important responsibilities with a broad range of timely assistance, which utilized a variety of formats that best met Congress's needs. CRS experts provided more than 62,000 custom products and services, including confidential memoranda; in-person, telephone, and email consultation; congressional testimony; background products; and other miscellaneous services. The Service produced and maintained approximately 9,000 general distribution products and hosted more than 8,600 congressional participants at its seminars, institutes, and training programs. Between its customized product and service offerings, general

distribution products, seminars and 24/7 online presence, CRS continues to interact, in some way, with virtually all Member and committee offices.
The Service provides expertise in every area of interest to Congress: American law, domestic policy, foreign affairs, government, and science and industry. For example, in fiscal 2018, CRS experts worked closely with lawmakers as they considered legislation to reauthorize the farm bill, the Higher Education Act, the Pandemic and All-Hazards Preparedness Reauthorization Act, and the Federal Aviation Administration Reauthorization Act. In addition, CRS assisted Members in addressing a variety of issues, such as the confirmation of a new Supreme Court justice, federal emergency-management challenges brought on by multiple natural disasters, and the growing opioid crisis. The Service provided analysis in foreign affairs matters, such as Russia and sanctions policy, North Korea, nuclear and ballistic missile threats, the Iran nuclear agreement, and the U.S. decision to withdraw from it, and a long list of other critical issues. Experts also provided guidance on the legislative process, administrative rulemaking, and the annual appropriations bills. In addition, CRS offered a robust roster of training for congressional staff.

In cooperation with the House, CRS hosted the New Member Seminar from January 4 to 7, 2019 in Williamsburg, Virginia. Seventy Members of Congress attended this policy orientation, which provided critical information and training on legislative and budget process, as well as objective overviews of policy issues such as health care, defense, immigration, cybersecurity, transportation, and global challenges. The seminar also introduced Members of Congress to Library and CRS services that will support their legislative, oversight and representational activities.

**STRATEGIC INITIATIVES**

CRS continuously examines its organizational enterprise to ensure it is properly aligned to meet Congress's needs. In fiscal 2018, the Service engaged in strategic and directional planning in coordination with the Library. The CRS directional plan was informed by insightful feedback from congressional users of the Service. In addition, input for the directional plan was solicited from both managers and staff in a variety of venues including: senior management and first-line supervisor meetings, working groups, brown bag lunch dialogues, all-staff meetings, and focus group sessions. The resulting directional plan supports the implementation of the goals and objectives identified in the Library's strategic plan for 2019-2023. The following initiatives illustrate some of the strategic efforts of the Service in 2018:

*Public release of CRS Products:* Notably this past year, the Consolidated Appropriations Act, 2018 directed the Librarian of Congress, in consultation with the CRS Director, to establish and maintain a public website containing CRS reports. At our last hearing, I reported that CRS started work right away to implement the directive. This early planning enabled the Library to meet the statutory deadline, on Sept. 18, 2018, and launch the public website with over 600 reports, which are now accessible to the public at crsreports.congress.gov. Today, more than

2100 reports are available on the public site, a number that grows steadily as more products are added.

*Integrated Research Information System (IRIS):* With the initial year of funding provided in the Consolidated Appropriations Act, 2018, CRS, in collaboration with the Office of the Chief Information Officer (OCIO), made progress in the effort to modernize its information technology systems. IRIS will provide an environment that will support CRS's work for Congress in four key areas: information research, policy and data analysis, content creation, and product delivery. The new system will improve efficiency and foster innovation in CRS operations, while continuing to protect the security and confidentiality of congressional data. CRS continues to engage stakeholders through an iterative series of development and implementation phases.

*Knowledge Management:* CRS embarked on a knowledge management initiative in fiscal 2018. Activities included the development of the CRS Research Portal, which consolidated research materials and documented best practices used by analysts to respond to selected policy issues. By the end of the fiscal year, 18 research sites containing approximately 20,000 documents were added to the portal. Other activities included digitization of critical or one-of-a-kind materials.

The Service also continued initiatives in the areas of human resources management, policies and guidelines, and communications. These efforts have continued in fiscal 2019.

## FISCAL 2020 BUDGET REQUEST AND PRIORITIES

The CRS budget request for fiscal 2020 is 121.57 million dollars, a decrease of 4.1 million dollars (or -3.3 percent) from the amount budgeted for fiscal 2019. Almost 85 percent of the requested amount would be dedicated to staff pay and benefits. The requested decrease takes into account a proposed transfer of 8.76 million dollars of appropriated funds from CRS to OCIO to centralize IT operations and personnel within the Library. CRS is requesting no additional funding beyond that which is necessary to cover mandatory pay and price level cost increases.

Now, and moving forward, CRS's priority is to provide objective, nonpartisan, authoritative information and analysis that effectively meets the needs of Congress. As those needs evolve over time, CRS must necessarily adjust the way it executes its mission to ensure continued superior service. Rapid advances in digital technology, coupled with an increasingly diverse and tech-savvy Congress require CRS to adapt its products, services, and operational capabilities to meet the demand for more enhanced and accessible offerings.

Looking forward to fiscal 2020 and beyond, CRS will continue to focus on its goals and priority initiatives to enhance and expand the accessibility of its products and services, and to optimize the use of the Service's resources. CRS will meet the next milestones in modernizing its IT infrastructure as it enters the operational phase of an upgraded content management system and launches new authoring and publishing tools and processes as part of the IRIS project.

Continued progress on this initiative will enable CRS to better meet Congress' expectations for exceptional products and services.

Additionally, CRS will continue to strengthen its research and analytical capabilities to ensure that it is best positioned to provide the requisite mix of skills and expertise across the breadth of public policy areas that Congress will confront in the coming years. With Congress's generous support for this effort in the fiscal 2019 budget, CRS has successfully addressed coverage gaps in a number of the policy areas targeted in its fiscal 2019 request. In fiscal 2020, the Service will continue to bolster its workforce with recruitment of additional expertise and identify areas of potential need as part of its ongoing assessment of resources in light of the changing congressional agenda.

## CONCLUSION

On behalf of my colleagues at CRS, I would like to express my appreciation to the Committee for its continued support. The Service appreciates its role as Congress's trusted resource and is committed to providing exceptional research, analysis, and information to meet the needs of every Member and committee. Your steadfast support of CRS's mission has enabled the Service to fulfill this commitment through recent periods of fiscal constraint. As we begin this 116th Congress, CRS looks forward to the Committee's input as we seek to improve products and services and strengthen operational capabilities in our ongoing effort to be Congress's foremost resource for public policy research and analysis.

**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**
**March 7, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee,

Thank you for the opportunity to submit the United States Copyright Office's fiscal 2020 budget request.

Copyright has been an integral part of the economic and cultural strength of this country since its founding, with the very first article of the U.S. Constitution recognizing the benefits of "promot[ing] the progress of science and useful arts, by securing for limited times to authors ... the exclusive right to their respective writings."[1] Since then, the U.S. copyright framework has provided a balanced set of protections and exceptions to facilitate the country's economic and cultural growth, resulting in an extremely diverse cultural heritage and flourishing creative and technology sectors for the benefit of the American people. Indeed, the Supreme Court has correctly described copyright as the very "engine of free expression."[2] In 2017, the core copyright industries added more than $1.3 trillion to the U.S. GDP, accounted for 6.85% of the U.S. economy, and employed 3.85% of the U.S. workforce.[3] These impressive contributions are made by individual creators and businesses working in a wide variety of fields, including software, movies, music, books and journals, visual arts, and more.

The Copyright Office plays a critical role in this ecosystem. The Office promotes creativity and free expression by administering the nation's copyright laws and by providing impartial, expert advice on copyright law and policy, for the benefit of all. A key component of the Office's work is to examine claims for copyright to determine whether to register them, and to record changes in ownership in those claims. In fiscal year 2018, the Office received over 540,000 new claims for copyright, registered 560,000 claims covering millions of works, and recorded over 21,000 documents regarding copyright ownership. This represents a tremendous public record of the

---

[1] U.S. CONST. art. I, § 8, cl. 8.

[2] *Harper & Row Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 558 (1985).

[3] INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2018 REPORT at 3 (2018).

nation's creativity that enables copyright owners to pursue claims in court and provides the public with new access to ownership information.

Registration and recordation are, however, just two of the Copyright Office's important duties. The Office also has a central role in administering statutory licenses to use certain copyrighted works, managing over a billion dollars in royalties in fiscal year 2018 alone. The Office continues to provide key support to the public on copyright issues, handling almost 200,000 public inquiries by phone, email, and in person. And the Office continues to handle the Copyright Act's mandatory deposit requirement that provides the Library of Congress with an impressive number of published works for its collection, which in fiscal 2018 included more than 735,000 published works worth over $47.5 million.

The Copyright Office also serves as a primary advisor to Congress, with a longstanding history of providing expert analysis on all copyright policy matters since its creation.[4] In 2018, the Copyright Office continued this work by providing extensive assistance on copyright legislation, including the landmark Orrin G. Hatch-Bob Goodlatte Music Modernization Act and the Marrakesh Treaty Implementation Act. The Office's important work on the Music Modernization Act was lauded by Congress, which emphasized that the Office "has the knowledge and expertise regarding music licensing through its past rulemakings and recent assistance to the Committee during the drafting of this legislation"[5] to lead the historic law's subsequent implementation. The Office also advised on a variety of other copyright matters, including by providing a detailed analysis on the legal landscape of copyright as it relates to visual artists[6] and continuing policy studies on the section 512 notice-and-takedown regime and moral rights.

The Copyright Office also is charged with a number of additional legal and regulatory responsibilities. For example, in 2018, the Office continued to focus on streamlining registration practices to make the process more efficient, closing several rulemaking proceedings, resulting in a number of updated regulations regarding filing fees, deposit requirements, and registration policies. The Office also issued its recommendations for the seventh triennial section 1201 rulemaking process, which provides exemptions to the law's prohibitions on anticircumvention of certain technological protection measures. The recommendations, which were based on the

---

[4] *See, e.g.*, H.R. REP. NO. 105-796, at 77–78 (1998) (Conf. Rep.) (directing the Office to continue its "longstanding role as advisor to Congress" by, among other things, providing "testimony [on] pending legislation," conducting "studies [that] have often included specific policy recommendations," and responding to "specific requests by Committees for studies and recommendations on subjects within the Copyright Office's area of competence").

[5] H.R. REP NO. 115-651, at 14 (2018).

[6] *See* Letter from Acting Register Karyn Temple to Senate Judiciary Committee and House Judiciary Committee re: Copyright and Visual Works: The Legal Landscape of Opportunities and Challenges (Jan. 18, 2019).

Office's updated and streamlined process, were widely praised in diverse areas of the copyright community. And the Office worked with the executive branch and the courts on a number of high-profile matters, including several Supreme Court litigations and international treaties.

At the same time, the Copyright Office has dedicated significant resources and attention to modernization. As part of these efforts, the Office is undertaking a comprehensive review of its technology and business processes to develop the copyright infrastructure system that the public deserves. Based on 2017's *Modified U.S. Copyright Office Provisional IT Modernization Plan: Analysis of Shared Services, Support Requirements, and Modernization Efforts ("Modified IT Plan")*,[7] the Office created the Copyright Modernization Office ("CMO"), which is tasked with closely analyzing the Office's modernization needs. The Office also worked with the Library of Congress' Office of the Chief Information Office ("OCIO") to begin the process of identifying both internal and external goals for a new system, and how to best move forward. For example, in 2018 the Office and the OCIO began joint design work to create unified public interfaces for the Office's forthcoming modernized applications (in conjunction with internal analysis of business requirements for potential substantive regulatory or practice changes). To help the public understand the process and planned timeline, the Office established a dedicated webpage and initiated a bimonthly webinar series to inform the public and highlight progress; staff members also conducted a number of presentations. While still at the beginning stages of modernization, the Office is excited to continue this essential work.

The Copyright Office is honored to serve the country and the copyright ecosystem. Building on almost 150 years of experience, the Office is dedicated to advancing the "engine of free expression" and working with the public and other governmental actors. The Office is grateful for this opportunity to present a budget request that would enable this important work to continue in fiscal year 2020.

## FUNDING AND OVERALL FISCAL YEAR 2020 BUDGET REQUEST

The Copyright Office greatly appreciates the Committee's support in fiscal 2019 for its priority initiatives, which include fulfilling the *Modified IT Plan* goals, providing the public with online access to historical copyright records, and reducing registration and recordation processing times. Those initiatives are now fully underway, and the Office is pleased to report on a number of accomplishments as part of this fiscal year 2020 budget request. As the fiscal 2019 enacted budgets included recurring annual funding for several of these initiatives, the Copyright Office fiscal 2020 request includes only the mandatory pay-related and price level adjustments necessary to maintain the same level of funding support to continue the progress underway. The request also includes a funding transfer request, which will provide the OCIO

[7] U.S. COPYRIGHT OFFICE, MODIFIED U.S. COPYRIGHT OFFICE PROVISIONAL IT MODERNIZATION PLAN: ANALYSIS OF SHARED SERVICES, SUPPORT REQUIREMENTS, AND MODERNIZATION EFFORTS (2017), https://www.copyright.gov/reports/itplan/modified-modernization-plan.pdf.

with funding to support IT resources transferred from the Copyright Office to the OCIO as part of the Library's shared IT services initiatives.

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 50% 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 2020, the Copyright Office requests a combined total of $92.9 million in funding and 429 FTEs, of which $49.7 million would be funded through offsetting collections of fees collected in fiscal year 2020 and in prior years.

The Office's fiscal year 2020 requests are:

- *Basic Budget*: $85.1 million and 400 FTEs. The request includes mandatory pay-related and price level increases of $2.3 million. The request also includes a transfer of $2.7 million to fund the Library's OCIO for IT resources transferred to them as part of the Library's shared services initiatives, and a reduction in the amount of $0.3 million for non-recurring costs associated with the Office's warehouse inventory. The fiscal 2020 budget request requests funding for its Basic Budget from $43.2 million in offsetting fee collections (51%) and $41.9 million (49%) in appropriated dollars.

- *Licensing Division Budget*: $5.95 million and 23 FTEs, all of which is funded via fees and royalties. The requested increase includes mandatory pay-related and price level increases of $0.2 million.

- *Copyright Royalty Judges Budget*: $1.9 million and six FTEs, with $0.07 million to support mandatory pay-related and price level increases. $0.5 million (for non-personnel-related expenses) of the total request is offset by royalties. The remainder, $1.4 million in appropriated dollars, is to cover the personnel-related expenses of the judges and their staff.

## FOCUS OF FISCAL 2020 ACTIVITIES

The Copyright Office's fiscal 2020 funding request provides resources necessary to continue the progress already started towards the Office's strategic goals, which include: (1) modernization of the Office's IT systems and applications, including the Office's historical records initiative, and (2) modernization of the Office's business environment and practices so that the Office's core registration and recordation services are delivered as efficiently as possible.

Copyright IT Modernization

Modernization of the Copyright Office's aging information technology systems and applications continues to be the Office's top priority. With the five-year recurring funding provided in fiscal 2019 through the support of the Committee, the Office and the Library's OCIO have engaged in extensive collaboration on development of the Office's envisioned Enterprise Copyright System ("ECS"), which will integrate data across the Office's core services for registration, recordation, and statutory licensing.

The Copyright Office wants to assure the Committee that it has taken seriously the request to investigate innovative contracting methods, including possible no-cost contracting solutions for modernization. The Office coordinated with the OCIO, issuing a public Request for Information ("RFI") in May 2018 that asked for comments on creative solutions, including possible no-cost options, for the development of a next-generation ECS. To further facilitate efforts to reduce risk associated with IT contracts for a project of this scope, the Office consulted with the General Services Administration ("GSA") 18F, the office within GSA that provides expertise to federal agencies in planning successful IT projects. 18F provided the Office with input on the RFI, best practices in contracting for agile projects, and on the Copyright Office's preparedness for facilitating agile teaming. As a follow-on to the RFI and the 18F engagement, the Office and the OCIO are currently working with GSA to leverage their IT contracting experts for future modernization contracting activities, and plan to have GSA coordinate new public requests for proposals for the development of the ECS.

Against this backdrop, and with the Committee's support, the Office has made important progress on modernization activities. Following is a summary of successes already achieved and progress underway:

*Public Outreach*
The Copyright Office recognizes the interest and investment that the copyright community has in the success of the Office's IT modernization, and the Office is committed to a robust program of communication, outreach, and transparent reporting for the Office's modernization activities.

Beginning in fiscal 2018 and continuing into fiscal 2019, the Office conducted extensive public outreach with the OCIO and a digital User Interface/User Experience (UI/UX) contractor to begin to design the public interfaces relating to recordation functions and registration

applications within the ECS. The Office visited four cities (Washington, D.C., New York, Los Angeles, and Nashville), conducting sixty-eight in-depth interviews with copyright registration and recordation applicants and other public stakeholders to gain an understanding of end-user needs for the registration and recordation systems. The Office also conducted an extensive online survey, receiving over 10,000 responses. Using this public feedback, the UI/UX contractor developed preliminary wireframes of the new systems that will allow the Office to conduct ongoing user testing and further refine the user interfaces.

The Office established a dedicated public webpage for modernization efforts located at copyright.gov/copyright-modernization/. Modernization activities have been chronicled on the *Copyright: Creativity at Work* blog and the newly-established CMO established a public email address (askcmo@copyright.gov) for modernization questions. Senior Office staff also gave numerous presentations highlighting ongoing modernization efforts, including at annual meetings of the American Intellectual Property Law Association ("AIPLA") and Copyright Society of the USA ("CSUSA"), and Office staff highlighted modernization efforts at a variety of other speaking engagements. In 2019, the Office will expand its outreach efforts to ensure the public is informed and engaged in these processes, including with the newly-launched bimonthly webinar series featuring highlights of modernization.

Additionally, the Office issued a notice of inquiry asking how to improve regulations and practices related to the registration of copyright claims in the digital age. To develop modern registration policies, the Office sought public input on three areas of reform: (1) the administration and substance of the application for registration, (2) the utility of the public record, and (3) the deposit requirements for registration. The Office received comments in January 2019 and is reviewing them to assist in the modernization process

*Recordation Automation*

Even before fiscal year 2019, Copyright Office staff had begun work to re-engineer its antiquated, paper-based document recordation system. Development is now underway on a new automated recordation system that will completely overhaul the current time-consuming, manual recordation of documents. In collaboration with OCIO, the Office provided business-based objectives for an OCIO development contract to deliver a "minimally viable product" ("MVP") of the recordation application in fiscal 2020. This MVP is intended to provide early delivery of functionality with minimal features, an agile development technique to allow for continuous user testing and feedback.

*Historical Records Initiative*

The historical records initiative is an IT modernization effort that was separately funded with 5-year recurring authority. The goal of the historical records project is to take all of the Office's historical records of copyright and make them digitally available to the public. This includes all USCO public records 1870–1977 public records that are not available online and the public records that are already available online (post-1977 records), but need a more robust search and retrieval interface. The primary digitization efforts are aligned with results of the Office's

recently completed industry analysis, a study conducted to ensure the Office's efforts are efficient and in line with best practices. Recent successes include the public release of a Virtual Card Catalog ("VCC") Proof of Concept, which provides the public with searchable images of the Office's registration card catalog. As of February 2019, the VCC included 17.5 million registration card images from 1955–1977, which can be filtered by the optical character recognition ("OCR") text on the cards and can be browsed by index, time period, and the drawer labels. The public feedback has been overwhelmingly favorable and the Office is planning an additional release to include 99.9% of the physical card catalog, which will cover over 25,000 drawers and 41.6 million images.

*Data Management*

IT Modernization also encompasses data management, and the Copyright Office began work on its data management plan in fiscal 2018. The plan will serve all in the copyright community—from creators to users and the public at large—allowing them to reap additional benefits from Office data and information that will be authoritative, easily found, well described, high quality, secured, and managed across the entire enterprise. Ultimately this project will provide for a federated search and Business Intelligence reporting technology to allow users to search across registration, recordation, and licensing databases, and to facilitate improved chain-of-title sequencing that can connect registrations to records of assignments and transfers or other documents.

*Modernization of Copyright Office Business Practices*

With the funds provided for additional registration specialists in fiscal years 2018 and 2019, the Office has been able to clear a significant number of pending registration applications. In fiscal 2018, the volume of workable claims, i.e., claims not requiring applicant action or awaiting the associated copyright deposit, were reduced by almost 1,900 claims per week compared to reductions of only 130 claims per week in fiscal 2017. The Office is continuing to focus on process improvements by including modernization of copyright regulations and practices in the Office's ongoing business process reengineering analysis.

The Office's modernization initiative is about more than just technology—it also encompasses Office organization and people. In fiscal 2018, the Office engaged the Office of Personnel Management's Human Resources Solutions ("OPM") to begin assessing the Office's organization and structural needs for modernization. That work is ongoing, and the Office intends to use the resulting analysis to better structure the Office to meet the evolving needs of a modernized copyright system.

## PENDING CHANGES TO THE COPYRIGHT OFFICE FEE STRUCTURE

When proposing a balance of user fees and taxpayer funded monies to support its operations, the Copyright Office gives careful consideration not only to the public benefits of the national copyright system, but also to the impact of user fees on a copyright system that is dependent on voluntary copyright registration and recordation. To ensure that the Office's fees are "fair and equitable and give due consideration to the objectives of the copyright system,"[8] the Office conducts regular studies of its operating costs and fee structure. For the most recent study, completed in fiscal 2018, the Office engaged an outside consulting firm to comprehensively assess the internal drivers of the Office's costs as well as external factors, such as an assessment of economic trends that affect stakeholder value, statutory restrictions, and policy goals. The Office released the study in May 2018, along with a Notice of Proposed Rulemaking, giving public notice of the Office's proposed fee schedule changes.

The Copyright Office received a significant number of public comments regarding the Notice, and is currently reviewing those comments in anticipation of finalizing a new fee structure in fiscal 2019.

## MORE FLEXIBLE FEE AUTHORITY

The Copyright Office would also benefit significantly from greater flexibility in the use of prior-year unobligated fee balances. This 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, once authorized, the Office anticipates including in a future budget request a change in 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 Copyright Office appreciates the Committee's continued support of the Copyright Office's efforts to modernize both its technology and services, and to the operation of the copyright system overall.

[8] 17 U.S.C. § 708(b)(4).

Mr. RYAN. Great.
Ms. Herrera Beutler.
Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

SURPLUS BOOK PROGRAM

There is a lot we could talk about. There were a couple of things, the visitor experience alone, I am sure, we could spend most of the hearing on. But I would like to ask about a couple of programs that aren't as well known that I think they are really a way to get the Library, library services, out into the hinterlands of the Republic, such as the Surplus Book Program.

And this is something I wasn't aware of this until this last year and had the privilege of delivering a box of surplus books to Centralia Christian School in my district. And it was so awesome. Books in libraries and schools are the first things to go, with regard to budgeting, and those get cut back. And you walk into some of those libraries, and you think, "My, there's not a lot here to excite and inform."

And I think electronics can be an amazing tool. I use my Kindle; I read off that. But the ability to hold a book, to look at the pictures, to take the time it takes to read or be read to, in terms of attention and processing, you can't trade that.

So I would love—just for the record, for other members present, what is the Library doing to further promote the program? Maybe explain it a little bit and what is available. And how can we make this program better to ensure more schools and libraries can benefit? Because you have the books. How do we get them out?

Dr. HAYDEN. I was very pleased that you mentioned the delight of the school that received the materials. Because they are brand-new books; they are not used books of any sort. They are available through the process of selection for the Library of Congress, from deposits from the copyright program.

And so you have that opportunity to have brand-new books that are available for schools, for libraries, and especially if there are any extreme circumstances, tornadoes, things that destroy a library or materials.

And so, with the program, we are making sure, for instance, that all new Members of Congress and their staff members are very aware of the program and that, in our listing of services to Congress, we list and highlight the Surplus Books Program.

I have been able to go to certain States where those presentations are made, and it is very heartening. And so we want people to know that we are going to try to maintain that interaction with, as you say, locations that are more remote.

And that is one of the things in terms of our strategic plan and reaching out and using technology. And so we will be doing more with the webcasts of authors that are here, that we will be able to—we have tested that out, and we can have interaction with the young people in your State, and they can interact with a famous author right here.

Ms. HERRERA BEUTLER. Oh, great.

Dr. HAYDEN. We also are doing more to strengthen our resources for teachers so they can download curricular activities very easily. We have been told that we have to remember that all teachers

don't have color printers at home, they have limited time. So we are really trying to strengthen what resources we have electronically that teachers can use, librarians can use.

TRAVELING EXHIBITS

And, also, traveling exhibits. As we expand the visitor experience in the Thomas Jefferson Building, we are looking at a traveling exhibit component and even possibly bringing back the 18-wheeler truck——

Ms. HERRERA BEUTLER. Oh, yes.

Dr. HAYDEN [continuing]. Hopefully three, one on each coast and one in the middle, to travel to locations and actually bring the Library to communities.

Ms. HERRERA BEUTLER. That is great.

Dr. HAYDEN. So outreach has been a major focus, and it means a lot.

Ms. HERRERA BEUTLER. I think that is great.

Mr. RYAN. Fantastic.

I know—and we have talked about this, and Chairman Yoder and I talked about it again this morning, about the enhancing the visitors' experience initiative, which is an initiative I have been very interested in and very supportive of.

And I would note, for my colleagues who are new to the subcommittee, we provided an initial $10 million for the initiative——

Dr. HAYDEN. Yes.

Mr. RYAN [continuing]. In 2018, $2 million for the strategic plan, and the—or the planning and design. And the remaining $8 million was fenced until initial design work and budget estimates are completed and approved, and we look forward to getting that information this summer.

VISITOR EXPERIENCE

We will need to wait for the plans in the budget, but I think it is very likely the subcommittee will be providing additional funding for the visitors' experience initiative. And, needless to say, the timing and amounts will depend on the plans and cost estimates and also will have to be balanced with other competing high priorities that this committee has to look at and within the Library.

In the meantime, let me invite you to describe some of the exciting projects you are envisioning. For example, what sorts of things would be displayed in the new exhibit areas? How would that differ from current exhibits at the Library? And I am anxious to hear about the youth center too and your vision for the youth center.

Dr. HAYDEN. We are very appreciative of being able to have a master plan. We have worked very closely from the very beginning with the Architect of the Capitol and also the U.S. Capitol Police, because you are bringing more people in in different ways, security issues.

So those two entities but particularly the Architect of the Capitol has been involved in selecting a design firm, Pure+Applied, that has conducted over 75 interviews with all types of stakeholders, particularly Congress, conducted research briefs, best practices. We had people coming in from all over the world, really, talking about how they display their collections.

And so, in looking at what would be possible in retaining the historic and beautiful nature of this building, the flagship building, the Thomas Jefferson Building, 1897 building, it was found that there are four entrances right now that people enter the building. The bulk of the people, 60 percent of that 1.6 million that come into that building are coming from the Capitol Visitor Center. That is remarkable. That was one of the best things that could have happened to that building. And 20 percent of the visitors that are coming in total are under the age of 18.

So we had all of that information. What we found is that people were not aware of what the Library of Congress does or could be or that it had a Surplus Book Program or Veterans History or all the treasures that it had. They didn't know how it came to be.

And so, now, the first concept is to have an orientation experience, that there would be two ways into the building initially, the Capitol Visitor Center and the carriage entrance, the ground entrance. And people would come in together, and they would look down a pretty interesting hallway that would let people know that famous authors like David McCullough and Doris Kearns Goodwin and Alex Haley had used the Library of Congress. And we will have quotes for them, coming in.

And they will see at the end—and there is a circular area there that is actually right under the Main Reading Room——

Mr. RYAN. I did not see those pictures up there, and I am like, why is she looking out the window? Because the Library—you are the Librarian of Congress. You should at least know where it is, right?

Dr. HAYDEN. Well, it is sort of an oculus.

Mr. RYAN. I got you. Okay.

Dr. HAYDEN. We are going to talk about an oculus too, which is also round.

So they are going to look down a hallway, if you can imagine it, and they will see a circle that will have the reinstalled Thomas Jefferson collection that currently is on the second floor in a kind of corner and you really have to be motivated to go see it. That is the foundation of the Library.

And so you will be surrounded by Thomas Jefferson's library. And then you will look up into an orientation oculus. And I must say, we have been very—we love saying "oculus."

Mr. RYAN. Yeah.

Ms. HERRERA BEUTLER. Did anybody know what the word meant?

Dr. HAYDEN. We looked it up.

Mr. RYAN. I was going to wait until after the committee hearing to look it up, but——

Dr. HAYDEN. Right. And it is view. And it is the idea of a look in and a look up.

Because what we found in the research, and we really responded to that, is that people—initial thoughts of letting people look into that magnificent reading room, we were going to see if we could let them step in. But we heard, and the feeling was very strong, that that might disturb researchers. It really might be too intrusive.

And so the idea of still giving people an opportunity to look up and be inspired, especially young people. Because you start at a

reader's card at 16, so you can't use that room until you are 16. But to look up into the reading room.

And then you can go to a treasures gallery; I mentioned that earlier. The first time that the Library has a true treasures gallery that will rotate some of the collections, the types of collections. Some things will be there forever. The Gutenberg Bible will come—but if you make a return visit, you will see different things from the collections.

VISITOR EXPERIENCE—YOUTH CENTER

And then the youth center. And, yes, we have talked about that, how do we inspire young people. We are concentrating on the ages 7 and up, because that is an age where they are very interested in nonfiction and facts. And in that area—that is on the carriage level—you will have learning labs and ways for young people to interact with our collections in a more meaningful way.

And so we are very excited about what types of things could happen in these learning labs. We have an extensive map collection, and young people would be able to create their own GIS systems using technology.

We will be using technology quite a bit in each of the areas. For instance, in the treasures gallery, there will be a tabletop unit, that if you are visiting from Washington State, you see the map of the United States, you will push that, and the Library's resources about your State will come up.

You also will be able to take—and Mr. Bud Barton is here, so if I get too technologically astray, he will help me with that. But you will have a device—if you have a device, you will be able to put it there and download some of the materials to take with you.

And the whole idea is to turn those visitors into users, so that they know about what the Library has for them. And when they return home, they will be very aware.

So it is very exciting, because the Congress's support of the master plan has been critical for us to have the expertise and the time to do the research. And so they have also given us a comprehensive view of other things in the future that could be built onto these efforts as well.

Mr. RYAN. Yeah. Terrific. Terrific.

Mr. Newhouse.

Oh, Mr. Case. I am sorry.

Mr. CASE. Thank you.

First of all, I am not sure whether to declare a conflict here, since I am the proud son of a children's librarian. Suzanne Case got a master's in library science from the University of Hawaii and went on to a career in children's libraries after she had seven kids. So now I get to say she's part of the congressional record, so thank you for that.

FTE, STAFF RESOURCES AND RETENTION

Let me just talk about your people a bit, your staff resources. How many total in all of the Library of Congress? Or if you want to talk FTEs, that is fine.

Dr. HAYDEN. FTEs are very good. I mentioned Library Services has the bulk of the staffing, and I am just turning to the exact numbers. It is 3,301.

Mr. CASE. All services, right?

Dr. HAYDEN. All services.

Mr. CASE. Okay.

Dr. HAYDEN. That includes Copyright, CRS, National Library for the Blind and Physically Handicapped, and Library Services. All support——

Mr. CASE. Has that been pretty—I am sorry.

Dr. HAYDEN. It has been pretty stable. However, there were significant—and Mark Sweeney, a 30-year veteran of the Library, can talk about some of the declines in staffing that happened, I believe it was in the early 1990s. So I will let Mark take over that one.

Mr. SWEENEY. Well, we have been very fortunate in the last couple of Congresses to increase the staff expertise in the Congressional Research Service—those are both Temporary NTEs as well as permanent full-time positions—and reconstituting in the Copyright Office the examiners, which are so important to clearing our registration backlog.

And then, within Library Services, this year we will be hiring additional staff to work through a backlog of primary special collection material.

But the overall staff level, about 3,400 altogether.

Mr. CASE. And has that been pretty stable for 10 years or so?

Mr. SWEENEY. Recently upticked a little bit.

Mr. CASE. Okay.

Mr. SWEENEY. When I first came onboard at the Library of Congress 30 years ago, we had almost 5,000 employees. So we are considerably smaller. But, of course, technology has enabled us to extend our reach, you know, nationally and internationally.

Mr. CASE. What is your retention rate? Pretty high? People come and stay?

Dr. HAYDEN. Yes.

Mr. SWEENEY. Yes, we average about 200 retirements per year.

Mr. RYAN. Look. Look all around. Look at all these people.

Mr. CASE. I was noticing that.

Dr. HAYDEN. And I have to jump in. There is one—the average tenure is 25 to 30 years. And we have working staff members who have been at the Library 50 years. And so, very long tenure.

And one of our concerns, in particular, with certain areas, for instance, the request this year for financial services and to backfill retirements in that area is critical, because it is changing over.

Mr. CASE. Yeah, that was kind of my next question, was, are there pockets where you——

Dr. HAYDEN. Yes.

STAFF RECRUITING

Mr. CASE [continuing]. Are having difficulty recruiting? Or do people just want to work here and they will work here regardless?

I mean, the private sector is pretty tight right now. You have some pretty highly specialized areas——

Dr. HAYDEN. Yes.

Mr. CASE [continuing]. Where you are really depending on a high level of expertise, which is sought after in the private sector. Financial services is one; IT is another. Are you able to recruit now fairly easily? Or are you having, trouble in some areas that you foresee a need for down the road?

Dr. HAYDEN. The difficulties or challenges might be more in having the positions to recruit people into. We are an attractive—and Mr. Barton might want to just—I think he can verify this. In terms of the IT component, we are an interesting entity to work with for IT specialists and people. We have a number—and that digital strategy. A lot of the people who were featured in that article are coming into the Library because we have interesting challenges. And sometimes that helps balance out, and they have more freedom to design and work with—so in recruiting in IT, we have been fortunate in that.

The financial services is just starting to show its impact, and that is where we have the request this year for being able to recruit in that area. That is where—we are really concerned about that. We want to maintain our unqualified audit record. And with some strategic retirements in the last year, in fact, we know that we have to be able to be competitive in——

Mr. CASE. And are you able to be competitive, given that this is a government salary as opposed to a private-sector salary in these areas?

Dr. HAYDEN. I think that we are very aware of the competition, and so we present our positions in a very interesting way. We are very——

Mr. CASE. You are good at marketing. Is that what you are saying?

Dr. HAYDEN. We present the opportunities for people, because this is the world's largest library. And we talk a lot about how different this is. And a certain type of person might be interested in that.

So we are aware that we are competing, but we are trying to——

Mr. CASE. Okay. Thank you very much.

Dr. HAYDEN [continuing]. Get in there.

Mr. RYAN. Thank you, Mr. Case.

Mr. Newhouse, hate to interrupt you, but it is your turn.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Dr. Hayden, welcome. And welcome to all of your folks here this morning. You guys are always so gracious to us when we come to the Library or ask for assistance, so it is good for us to be able to reciprocate the hospitality. So thank you for being here.

And I have to tell you, almost every visitor that comes to Washington, D.C., I tell them they have to go to the Library of Congress. The Jefferson Building is the most beautiful building in the city, as far as I am concerned. So I just wanted to get that on the record too, Mr. Case.

VISITOR EXPERIENCE—QUANTITY OF IN PERSON VISITS

I would agree with you that all of these things that you are planning in the strategic plan are going to be tremendous additions to the Library to really open it up to people and really explain what is available there.

I think you said—you keep statistics like baseball does. You have all these things, which is great. But I think you said 1.9 million in-person visits——

Dr. HAYDEN. Yes.

Mr. NEWHOUSE [continuing]. Last year?

Dr. HAYDEN. And 1.6 million actually are going to that Thomas Jefferson Building.

Mr. NEWHOUSE. Is that right? Wow.

Dr. HAYDEN. That is the bulk of the——

Mr. NEWHOUSE. Busy place.

Dr. HAYDEN [continuing]. In-person visits, are in that Jefferson building.

Mr. NEWHOUSE. That is just tremendous. It really is.

But coming from the hinterland, like Ms. Herrera Beutler mentioned, that leaves 330-some-million people that didn't come.

We talked about this when you came to visit me in my office, and I just wanted to give you an opportunity to help to expound on some of your plans to bring the Library to the country. Because a lot of people aren't going to be able to come to Washington, D.C.——

Dr. HAYDEN. Right.

Mr. NEWHOUSE [continuing]. Or if they do, it may be only once, and they won't be able to spend the time it really takes to see what is available there.

So I love the idea of your 18-wheelers and——

Dr. HAYDEN. Yes. The Library has them.

Mr. NEWHOUSE [continuing]. That kind of stuff, but there are just so many important things available at the Library that Americans should be aware of, and we would like to share them with as many as people as possible.

So could you talk about how your strategic plan will address that and how we can help?

STRATEGIC PLAN—EXPANDING ACCESSIBILITY

Dr. HAYDEN. One of the main ways, in terms of expanding the access and enhancing our services, is to use technology effectively. And so making sure that we digitize as many of our special collections as possible and make them available online. We have the papers of 23 Presidents, going back from George Washington to Coolidge. We just digitized the papers of Theodore Roosevelt and also Rosa Parks.

And so we are looking at and prioritizing in the staffing—and we want to use this opportunity to thank Congress for the 40 FTEs that we received last year to process these special collections and make them available online. That is one of the main ways that we can let people have access to the physical collections remotely.

Also, being able to put things like our photography collection—we have Dorothea Lange, and we have all of these wonderful—and be able to download, as well, visual displays that could be put into rec centers or community centers that will be similar to what the Smithsonian does with their SITES program, their traveling program.

Our special services Veterans History, we have already made quite a few contacts with veterans history agencies or veterans affairs agencies. And we are actually visiting States and districts to help local communities with oral histories of veterans, and we will be expanding that. So we physically go out to communities and help and train volunteers with that.

We mentioned our teaching with primary resources. We have grants that we bring teachers in from all over the country and then have them go back and be part of that.

We are networking with the library associations, the State libraries of each State. And we are revitalizing the Center for the Book that is in each of the States, working with the humanities councils to do more outreach in that sense.

The main thing that we are also doing is to tell more people about us, what we do, and that marketing that we mentioned, doing more of that and being very strategic about that as well.

So there are all types of cooperative programs and services. Our audio-visual and sound recording, we just had a program where we are putting up what is called a movie screening room of non-copyrighted films that are available online as well.

And we are doing so much to advertise the National Library for the Blind and Physically Handicapped. We just had a public relations campaign, and we have seen an increase already in the number of people who are aware of that service. And there are television and radio commercials that talk about NLS——

Mr. NEWHOUSE. Oh, is that right?

Dr. HAYDEN [continuing]. And the intergenerational.

So any way that we can physically visit as well as that we can use technology has been very effective.

Mr. NEWHOUSE. I think one of my constituents, a teacher from West Valley High School, at least from the school district, participated in your summer teacher institute——

Dr. HAYDEN. Yes.

Mr. NEWHOUSE [continuing]. Which is—I think that is what you referenced in——

Dr. HAYDEN. Yes.

Mr. NEWHOUSE [continuing]. One of your programs, which is a great way to allow teachers to know what is available. And you are continuing to expand that?

Dr. HAYDEN. Yes. And we use private funding for that and grantmaking for that——

Mr. NEWHOUSE. Oh.

Dr. HAYDEN [continuing]. And that also helps.

We also have literacy awards that we give to organizations throughout the country. And we bring them in, and they are awarded for their efforts here in D.C., and they get to visit. So being able to fund people to come here, too, and experience it has been something that has been very helpful.

Mr. NEWHOUSE. And I should say, her name was Barbara Kipperman, and she learned a lot about how to share what is available here. So it is a very worthwhile program.

Dr. HAYDEN. Well, getting the word out is one of the things. Most people don't even know.

Mr. NEWHOUSE. I am probably over my time, but——

Mr. RYAN. Go ahead.

LIBRARY CAPITOL CAMPUS BUILDINGS

Mr. NEWHOUSE. I should know this, but I think I do, the only physical presence that we really have of the Library of Congress is here in Washington, D.C.? As far as——

Dr. HAYDEN. Actually——

Mr. NEWHOUSE. Or not? Is there more——

Dr. HAYDEN [continuing]. No.

Mr. NEWHOUSE. Okay. Okay.

Dr. HAYDEN. And there is physical presence in terms of operations, and then there is the public——

Mr. NEWHOUSE. Well, that is what I mean, the public part.

Dr. HAYDEN. So there are three buildings here: Thomas Jefferson; the Adams Building, 1938; and then the Madison Building that has, for instance, the Manuscript Division and Prints and Photographs.

Mr. NEWHOUSE. Which was very interesting to tour, by the way.

Dr. HAYDEN. Very interesting. And the music department——

Mr. NEWHOUSE. In someone's office, if I recall.

Dr. HAYDEN. That is something else.

And then the Adams Building, the science and technology collections are there.

And so those three buildings for the campus.

The Taylor Street location for the National Library for the Blind, we really would like to have it here, closer to the main campus.

Mr. NEWHOUSE. It is in D.C. somewhere?

Dr. HAYDEN. It is on Taylor Street. It is a rental property, renting for 50 years, in fact. So we really have been working to see if we can get that service closer to the main campus.

And then there is the David Packard Center for Motion Picture and Audio——

Mr. NEWHOUSE. Oh, right. Right.

Dr. HAYDEN [continuing]. In Culpeper, Virginia. And that is a magnificent facility with a movie theater, with a pipe organ, and all of that, and they show films. However, it is somewhat remote for people. That is why we want to have a presence here as well. In terms of the treasures that we have, we want to let people know about those.

So those are the three. And then we have overseas offices, but they are more operational, collecting materials. So they are not public facilities.

Mr. NEWHOUSE. And no other public facilities throughout the country either?

Dr. HAYDEN. No. No.

Mr. NEWHOUSE. Yeah. Well, thank you very much again for being here.

Dr. HAYDEN. But the 18-wheelers.

Mr. NEWHOUSE. Yeah.

Mr. RYAN. Ms. Clark.

Ms. CLARK. Thank you.

I now have to recognize my mother, since Congressman Case recognized his mother, Judith Clark. She was a school librarian and then our town librarian.

And I remember going with her as she was taking courses at Southern New England University for her MLS, which not only made me an advocate for libraries but also for childcare for our students. While fascinating to her, not a place a 5-year-old found particularly great.

But she also, in Connecticut, was one of the first adopters of computerized systems in our town. She was very cutting-edge for someone who had only used a typewriter for most of her life.

VETERANS HISTORY PROJECT

And we have had some issues out of our district office with our veterans, who very much want their history to be part of the incredible veterans history project that you run. But having to submit a hard copy by fax or by DVD that has to be done by FedEx because it gets ruined under the Postal Service is very cumbersome. And our veterans outreach staffer has had veterans say they are just not going to participate, it is too hard.

Does the funding allow you in this budget to create the ability to have digital uploads from our veterans?

Dr. HAYDEN. As part of our IT modernization, that is one area where we have already been able to look at a pilot project for using mobile devices. And now we are in the process of developing the requirements for how that would work. We have heard that quite a bit, in terms of being able to have that capacity. So that is one of the projects that we are really focusing on.

And then, also, I mentioned earlier that the staff will go out to districts, as well, and might be able to facilitate that type of local taping and help with those types of things. So I would like to follow up with you on that——

Ms. CLARK. Okay. That would be terrific.

Dr. HAYDEN [continuing]. Because I think we could do more immediately to help with that.

But you should know that the prototype was actually a gift-in-kind from women who were children of veterans and really wanted to donate in that way. They were software engineers. So it was very helpful for us to be able to have that to know what would be required.

But that is the next step. We have to modernize that.

Ms. CLARK. And do you have the funding within this budget to take that step, or would that be——

Dr. HAYDEN. Part of the funding would be in terms of what the IT modernization plans would be and what we were doing. So that is one of the projects that they will be looking at.

Ms. CLARK. Great.

Now, from my staff here in Washington——

Dr. HAYDEN. Ah.

CONGRESS.GOV

Ms. CLARK [continuing]. Lots of anxiety about LIS going away, because of the ability to get more information than is available on

Congress.gov—cosponsors, bill text, et cetera—and really the speed that you are able to get information——

Dr. HAYDEN. Yes.

Ms. CLARK [continuing]. From LIS. So if you could tell me a little bit—and I am sorry I missed the beginning of this——

Dr. HAYDEN. That is all right.

Ms. CLARK [continuing]. If this is repeating your——

Ms. HERRERA BEUTLER. No, I didn't know that.

Ms. CLARK [continuing]. Repeating your testimony, but there is anxiety that the more modern, faster system is being retired and the clunkier Congress.gov is being preserved, and how are we going to blend the best features.

Dr. HAYDEN. Now, we do have a request for that, specifically——

Ms. CLARK. All right.

Dr. HAYDEN [continuing]. In this year, to speed up the improvements to Congress.gov. And Mary Mazanec is here, and Bud Barton, to talk about some of the specifics.

But we will make sure that Congress.gov has enhanced functionality as we move forward. And that is the part that we are really very aware of, and also the speed in terms of how things are authenticated.

Ms. CLARK. Yeah.

CONGRESS.GOV—LIS RETIREMENT

Dr. HAYDEN. That is where Congress.gov has more authentication.

And the legacy system, LIS, about 20 years old, and so it was a very specific system, and now we have merged something that was called Thomas that was the public-facing government information source into Congress.gov.

So I hope that people—and we will be doing more to work with staff to reassure them that Congress.gov——

Ms. CLARK. I appreciate that.

Dr. HAYDEN. And I will have Mary Mazanec come up in just a little bit, but on her way up—

Ms. CLARK. Yeah, because it is $3.6 million in this budget——

Dr. HAYDEN. Right. And that is——

Ms. CLARK [continuing]. But the retirement is looking at this summer for LIS?

Dr. HAYDEN. Yes. And so, with that, just to reassure you that we will be making sure that that functionality and increased functionality will be part. So, in terms of the request, it is people and, actually, technology——

Ms. CLARK. Great.

Dr. HAYDEN [continuing]. For people, in fact.

And let me introduce Bud Barton, our Chief Information Officer, for their technical——

Mr. BARTON. We will also be able to respond to some of your technical concerns, but thank you for this question.

Obviously, we don't want to retire LIS before you, the congressional user, is comfortable with Congress.gov.

And as Dr. Hayden said, LIS is a legacy system. It was created over 20 years ago over several years. And it is highly customized,

driven by the needs of Congress. But it is more and more difficult to maintain.

Congress.gov is actually a newer system, and it leverages the advancements in technology to present the information. And there are two parts to it; there is the public face of Congress.gov and the congressional face.

CRS works in partnership with the Office of the Chief Information Officer—and also Law Library has a piece of this; they deal with the public face—to build out Congress.gov. And there is a lot of effort to gather input from the congressional user so that, as we design and develop Congress.gov, it meets your needs.

CRS also provides support to the congressional user on a daily basis. We take in questions; we respond to concerns. We are also helping—well, we do provide some of the content. We do the bill summaries. We also have hired people to work with OCIO to define the requirements and to make sure that they are incorporated.

As Dr. Hayden mentioned on another topic, CRS will be doing a lot of outreach. We already have started providing written materials, doing trainings, and actually making sure that the congressional user is comfortable with the new website.

Ms. CLARK. Great.

Dr. HAYDEN. And I think I mentioned that it——

Mr. RYAN. Do you want to——

Dr. HAYDEN. Yeah, Bud. Bernard, Bud Barton, who has——

Mr. RYAN. Yeah. You are on the record five times. You need to come up here and——

Dr. HAYDEN. Well, and I just have to say, as he comes up, Mr. Barton has led the information technology modernization effort of the Library. The GAO reports 27 of the 31 public recommendations have been closed and implemented, with the remaining 4 at GAO to be reviewed. The progress has been substantial. And he has had to help with CRS, Copyright, NLS, and Library Services. So I will put that on the record.

### CONGRESS.GOV—CONGRESSIONAL REASSURANCE

Mr. BARTON. Great. Thank you for the opportunity to address this question.

I would like to reinforce that the job of the CIO at the Library is to make sure that the Library efficiently and effectively uses technology. Our number-one commitment is to Congress, and my number-one commitment on the retirement of LIS and integrating into Congress.gov is we will not be turning off LIS until we have the equivalent functionality in Congress.gov.

We have worked very closely with many Members' staff on both the House and the Senate side to make sure that, as concerns are raised, we address them as best we can, realizing that a lot of the modernization requirements are not driven by the Library but by advances in technology.

Some of the data sources that we receive the content from that goes into Congress.gov—GPO, both the House and the Senate—they are modernizing their systems at the same time, and LIS, in its current form, is unable to take advantage of those new data streams. So we have to do the move in order to make sure that we can keep current with the data that is available to show to your

constituents and to congressional Members about what is available for your use.

So my commitment is we will not be turning off LIS until we have equivalent functionality within Congress.gov.

Where we maybe could use some help is making sure that staff is aware that we are doing this effort. We have some communications that should be going out to each of the staff offices showing, you know, what our desired turnover period is, asking for input on any issues.

As Mary Mazanec mentioned, we are dealing with questions every day on, you know, how do we get this particular text updated; this isn't showing up in Congress.gov. And a lot of that has to do with these changes in how data is being routed for publication.

So we are committed to making sure that Congress has the data that they need and committed to making sure that we provide the education necessary or training necessary to show people, here is the functionality that you are used to in LIS; here is how you get to that in Congress.gov.

So I want to reassure everyone, we are not going to be turning off LIS until you have equivalent functionality in Congress.gov.

Mr. RYAN. We have that on the record.

Ms. CLARK. That is great. Thank you so much.

Mr. RYAN. Let me just say thank you to, I mean, your entire staff, Dr. Hayden. So often, we take for granted, as we move around and do our thing here and go meeting to meeting to meeting, we sometimes forget to say thank you to the people who make all of this possible for us and our staffs. So we want to just say thank you. Very much appreciated by all of us, as you could tell from Ms. Clark's question. You know, something you are doing behind the scenes, and nobody really knows who Bud is, but now—until now.

Dr. HAYDEN. They do now.

Mr. RYAN. We may start calling every employee behind the scenes "Bud."

But we appreciate it. And thank you for all your hard work. I am sure it is a big challenge, so thank you.

Mr. BARTON. Thank you.

NATIONAL LIBRARY SERVICES

Mr. RYAN. I have just a couple questions. And I would like to actually ask about the National Library Service for the Blind and Physically Handicapped. So could we get Karen Keninger, Director of the National Library Service, to come up?

Dr. HAYDEN. Yes. And we are very pleased to be able to talk about also the use of technology in advancing those services.

Mr. RYAN. Yeah. Yeah.

Dr. HAYDEN. The e-reader project, the fact that we are looking at moving to a digital platform for delivering talking books and that. And so Karen has been working very diligently on that.

NLS E-READER REQUEST

Mr. RYAN. Karen, thank you. First, thank you for coming up.

The budget request is $2.375 million to support purchase of Braille e-readers for users of the NLS system. And I understand these e-readers are a new-generation technology that can greatly improve delivery and reading of books in Braille. Can you explain what these new e-readers do and how they would be used in your program?

Ms. KENINGER. Certainly.

The Braille e-reader is a device that allows you to take a digital Braille file that is a small ASCII-type file and it will convert that file, similar to what you do with a computer—like, the screen looks at an ASCII code and it gives you an ″A.″ This would look at the ASCII code and give you a Braille ″A″ in pins that—I actually have one right here—that pop up and down so that it changes the display.

Braille is a six-dot system, there are six dots per cell. These little pins, they just pop up and down. And they change this way. And you can read on them.

So we have a digital Braille program already, in terms of making our Braille available for download from the internet for anyone who actually owns a digital device, but a lot of the people that we serve aren't able to purchase them and so aren't able to take advantage of that.

The advantages are significant in terms of cost for production of hard-copy Braille as well as for the shipping and maintenance of the collections and the bulk that the actual individual user has to address. You know, a good-sized Braille book might be six or eight volumes that take up that much shelf space.

So the advantages of going to a fully digital Braille program by purchasing these devices over a number of years will allow us, in time, to have a lot more content available and also a much more modern way of reading and using Braille.

Mr. RYAN. How many will this purchase? Do you know?

Ms. KENINGER. That——

Mr. RYAN. The $2.375 million.

Ms. KENINGER. I'm not 100 percent sure, but I think probably about 3,500. We are in the process of negotiating the final contract, and I am not quite sure what the price is going to be. But I think that is a good estimate.

NLS BRAILLE & AUDIO READING BY DOWNLOAD (BARD) REQUEST

Mr. RYAN. Tell them the chairman of the committee is very cheap and he better give you a good deal on them, right?

The budget also requests $5 million for replacing a website called BARD with a more modern and usable system. Can you tell us what BARD does, why it needs fixing, and what the benefits of the upgrade would be?

Ms. KENINGER. Yes. BARD is a legacy system which was intended as a download system so that people could download both digital Braille and digital talking books. And it has been in place for about 10 years. It is not scalable. It can serve maybe 50,000 people right now, which is about what it is serving, and the need to expand it so that we can serve a lot more people is why we need to rebuild it.

The architecture of it needs to be changed so that it is scalable, because we are anticipating that the population that we serve is going to increase as we ease access to people with other types of disabilities, such as reading disabilities, dyslexia, and that sort of thing. And in order to do that, we have to be able——

Mr. RYAN. Cool.

Ms. KENINGER [continuing]. To serve them. And, at this point in time, BARD is not sufficient to serve an expanded patron base, and that is the primary reason that we need to expand it.

Mr. RYAN. How many people use it now?

Ms. KENINGER. About 50,000.

Mr. RYAN. And you think it will go to what?

Ms. KENINGER. Oh, a million.

Mr. RYAN. Oh, wow.

Ms. KENINGER. I mean, that is the capacity that we are looking for.

Mr. RYAN. Yeah. That is significant.

Ms. KENINGER. Because it will be scalable. It is cloud-based and scalable, so it will be able to go up and down with the needs.

Mr. RYAN. Uh-huh. And is there a marketing plan attached to this once you get it cranked up?

Ms. KENINGER. Yes. We are——

Mr. RYAN. It sounds like it, if you are going to go from 50,000 to a million.

Ms. KENINGER. Yes, certainly. We will be changing—we are anticipating, anyway, that we will be changing as we are requesting to change the legislation that is our funding legislation and also the certification requirements. And then we will market that to the education community and to other communities that have people that would be eligible to use the systems.

Mr. RYAN. Uh-huh.

I think you mentioned it in your testimony, Dr. Hayden, about this particular program. How many—was it 20 million that you said, people accessing the services for the blind?

Dr. HAYDEN. We had so many statistics——

Mr. RYAN. You had so many numbers in there.

Dr. HAYDEN [continuing]. We were very pleased. The circulation is about—that was the circulation of the materials.

And about, Karen, 450,000——

Ms. KENINGER. At this point, yes, about 450,000.

Dr. HAYDEN [continuing]. People that are subscribing to the——

NLS—NETWORK OUTREACH

Mr. RYAN. Let me ask this. How many blind people are there in the United States? Do we know?

Ms. KENINGER. Maybe 10 million.

Mr. RYAN. Ten million?

Ms. KENINGER. That is blind and visually impaired. I think the blindness number is maybe 2 million, and the visually impaired number—these are hard numbers to get hold of, but the estimate is somewhere in that range.

Mr. RYAN. Uh-huh. And the goal, obviously, is to try to get as many engaged as possible.

Ms. KENINGER. Yes.

Mr. RYAN. And so what are the networks you use to reach out? You mentioned the education network. Like, when you are reaching out and marketing the BARD program, what are the other networks you will interface with to try to connect to that population?

Ms. KENINGER. There are disability organizations that serve people with dyslexia and other reading disabilities. And we will certainly reach out to those organizations as well, those networks.

But the primary network for people, especially people with reading disabilities, actually is the education system, because that is where the reading disabilities are diagnosed and that is where people are aware of this need.

There are adults with dyslexia, obviously, and, aside from the disability organizations, there is not a way to identify them readily. But we are working right now with the Gallup organization to try to find better ways to identify them and to get a better handle on that. We actually have a contract that we are working on right now to gather that sort of information.

And we will also be reaching out just to the general public through digital advertising, and right now we are also doing television and radio advertising, just reaching out.

Mr. RYAN. Uh-huh. Great. Well, terrific. Well, thank you. This is really exciting.

Ms. KENINGER. Thank you.

Mr. RYAN. This is the exciting part.

Dr. HAYDEN. And another example of the use of technology to enhance services that we already have.

Mr. RYAN. Yeah.

Ms. KENINGER. Exactly.

Mr. RYAN. If you have any questions about this, just ask Bud, okay?

Ms. KENINGER. Bud is onboard with us.

Mr. RYAN. Okay.

Dr. HAYDEN. He is part. And that is the behind the scenes.

Mr. RYAN. Mr. Newhouse.

Mr. NEWHOUSE. Just real quickly, Mr. Chairman, if we could get a demonstration of the device that Karen had, that would be very interesting.

Mr. RYAN. Yeah.

Dr. HAYDEN. We could. We could do that today, actually, if we have time afterwards, because it is very——

Mr. RYAN. Okay. Yeah. That would be great.

Dr. HAYDEN. So you have veterans, NLS, government information, digitizing collections. Technology is really—that infrastructure is really important to us.

Mr. RYAN. Yeah. Great.

Well, thank you to—Ms. Herrera Beutler, any questions?

Thank you. We appreciate it.

Dr. HAYDEN. Oh, thank you.

Mr. RYAN. We are excited for everything that is happening, and I look forward to having further conversations with you.

Dr. HAYDEN. Thank you. We appreciate it.

Mr. RYAN. All right. Thank you, Dr. Hayden. Thank you.

[The following questions were submitted to be answered for the record:]

House Appropriations Subcommittee on the Legislative Branch
Hearing on the FY 2020 Budget Request for the Library of Congress
March 7, 2019

Questions for the Hearing Record
Submitted by Chairman Tim Ryan

## CRS STAFFING

*Question*: The Congressional Research Service (CRS) is a vital resource for Congress. When we are looking for objective, reliable, and relevant information CRS is one of the best places to turn to.

Earlier this decade the CRS appropriation was cut, resulting in a reduction in the size of the CRS staff, loss of expertise in many fields, and a reduced capacity to respond to congressional requests.

a. Where does CRS stand now in terms of staff? Please provide staffing totals (both yearly FTE and end-of-year staffing levels) for FY 2010, FY 2018, the projection for FY 2019 and the request for FY 2020.

b. Does CRS believe it still has important gaps in subject matter expertise that need to be addressed?

Response: As of March 15th, 2019, CRS has a cumulative 587 FTE. We expect to rollover into fiscal 2020 with approximately 612 FTE onboard.

- In fiscal 2010, the CRS appropriation supported a cumulative 674 FTE. CRS rolled over into fiscal 2011 with 664 FTE onboard.
- In fiscal 2018, the CRS had a cumulative 563 FTE. This was exclusive of 43 FTE re-assigned as part of IT centralization, payroll costs for whom were paid through an Interagency Agreement (IAA) (non-personal account) for 3/4 of the year. CRS rolled over into fiscal 2019 with 575 FTE onboard.

CRS reviews its research capacity requirements on a routine basis to ensure staffing is aligned to current and emerging needs of Congress. As requirements change and gaps are identified, CRS addresses the needs through different strategies, some of which are internal and others that may require a program request. Our current hiring plans are designed to ensure CRS has the subject matter expertise to meet Congress' current and emerging needs. For fiscal 2020, CRS is not requesting additional resources other than mandatory pay and price level increases.

## PUBLIC ACCESS TO CRS REPORTS

*Question*: Last year, after several years of deliberation, Congress directed CRS to make its non-confidential research products available to the general public (via a Library of Congress website). The requests from the public that led to that decision demonstrates the high regard in which CRS and its work are held.

I have several questions about progress in making CRS reports public.

a. I understand that CRS has concentrated first on the basic "R series" of CRS reports. Has CRS finished posting all existing reports in this series on the public website, and if not when does it expect to be finished?

b. Has CRS begun adding other products, such as the "Legal Sidebar", "In Focus" and "Insight" reports to the website and if not when does it expect to begin that process?

c. When does CRS expect to be finished adding all eligible existing material to the website—that is, with the only thing left to do being adding new reports as they are published?

Response: All "R series" reports available on CRS.gov will be available on the public website, Congress.gov, by March 31, 2019.

The Library began adding the additional products such as "Legal Sidebar", "In Focus", and "Insight", to the public website in March.

Consistent with the statutory direction given by Congress, all eligible products available on the CRS.gov website will be available on the public website by September 30, 2019.

## BACKLOG IN PROCESSING ITEMS ACQUIRED

*Question*: One of the Library's central missions is caring for its collections and making them available to researchers and other users. I understand there's a backlog of books, documents, and other materials that have been acquired by the Library but are awaiting processing. In last year's hearing, we were told that there were something like 28 million unprocessed items in the Library's collections.

a. What does it mean for an item to be in arrears for processing?

b. What are the most recent numbers of unprocessed items, by category? How do those numbers compare to five and ten years earlier?

c. Do you consider this to be a serious problem?

d. What steps are being taken to reduce the backlog? Does the Library have the resources it needs in this area?

Response: Currently, the Library's arrearage is limited to collection materials in manuscript, moving image, music, sound recording, and pictorial material formats.

Arrearages are items that have been in an in-process state for longer than a reasonable amount of time, or which are not expected to be processed within the foreseeable future. Processing includes physical preparation, bibliographic access, inventory control, and/or other treatment required to make an item accessible for public use; "reasonable" time will vary according to the item's format, the extent of processing required, available staff, and other factors. This definition acknowledges that arrearage materials include two groups: (1) those which are in a processing stream with measurable throughput times, and (2) other items for which no processing timeline has been established because of special relief agreements, assignment to dark archives, or embargoes.

In fiscal 2018, the Library's unprocessed arrearage count was 27.3 million special format collections items (about 18.8 million manuscript items; 5 million pictorial material items; 2 million music items; 1 million sound recording items, and 548,000 moving image items). The total number of items in arrearage in fiscal 2018 reflects an increase of 57% over the last ten years (from 17.4 million items in fiscal 2008), and an increase of 27% over the last five years (from 21.4 million items in fiscal 2013).

Processing serves to "make visible" and protect the valuable, fragile materials added to the collections and includes physical preparation, bibliographic access, inventory control, and/or other treatment required to make an item accessible for public use. Collection materials in an unprocessed state pose significant challenges to researchers, staff, and the materials themselves. The creation of bibliographic metadata and finding aids is necessary for researchers and staff to be able to discover the full scope of materials relevant to a specific topic, as well as details of the intellectual content and physical location of collection items. Preservation assessment and the re-housing and stabilization of items serves to physically safeguard the materials and protect them from bending, folding, tearing, and crumpling. The inventory of items done throughout the process is a valuable step for safeguarding against collections loss or theft.

Library staff regularly assess, prioritize and process collection items and have taken steps to address the backlog, including developing and executing mitigation plans. Funding received in fiscal 2019 for the Focused Special Formats Collections Arrearage Reduction programmatic increase request provides significant new support for this work by providing resources to hire 40 staff across 7 divisions, and support processing, supply, and inventory contracts. Assuming collection growth rates remain constant, these resources will allow these divisions to increase special collections processing capacity overall to more than 3 million items per year, reducing the arrearage by about 750,000 items per year, and by fiscal year 2028 reducing the arrearage total to 10% of the overall collection.

## IT MODERNIZATION

*Question*: I understand that the Library is working to address a number of audit recommendations from the Inspector General and the Government Accountability Office regarding its Information Technology systems. What is the status of these efforts? How many audit recommendations have been successfully addressed and how many remain to be completed? What's the anticipated schedule for finishing remaining items?

Response: With their 2015 review of the Library, GAO made a total of 105 recommendations to improve technology management and operation, 31 public and 74 nonpublic. To date, the Library has fully implemented 97 of those recommendations – 27 public and 70 nonpublic. The Library has submitted initial evidence for the remaining 8 recommendations – 4 public and 4 nonpublic – to GAO and is working closely with them to ensure that all recommendations are fully met. We expect to have all 105 recommendations implemented by the end of fiscal 2019.

In the same time period, the Library has worked to address 158 recommendations made by the Office of the Inspector General (OIG) to improve Library information technology, 48 public and 110 nonpublic. To date, the Library has fully implemented and closed 113 of those recommendations, 40 public and 73 nonpublic. The Library is actively working to close the 45 open recommendations – 8 public and 37 nonpublic; and initial evidence has been submitted on 18 of those recommendations. The Library's estimated timeframe for completing all of these open recommendations is the end of fiscal 2021. Please note however, that OIG regularly reviews the Library's IT planning and operations, and additional recommendations can be made at any time.

COPYRIGHT BACKLOG

*Question*: What is the status of efforts to reduce backlogs and processing times for registrations and other copyright-related services? What steps are being taken and how much progress has been made?

Response:

Registration.

The Office has focused efforts on reducing its backlogs and processing times for several years. The Office began requesting additional resources to improve registration processing time in 2015, including requests for thirty-seven new examiners between fiscal 2015 and fiscal 2017. And, in the past two budget cycles, the Office requested additional examiner resources (fifteen examiners in fiscal year 2018 and fifteen examiners in fiscal year 2019). Registration staff now stand at the highest-level since 2010.

Moreover, the Office has launched several important initiatives to modernize its work flow and processes, in order to continue to reduce processing times. For example, the Office conducted a comprehensive review of older applications (those pending more than one year) to determine the basis for the processing delay and to follow up with applicants if the Office still required further information to determine whether to register a work. To date, the Office has reduced the number of these older claims by 74%. Additionally, the Office has explored a number of other ways to improve efficiency and processing times:

- In 2017, the Office assembled a working group to review pendency times that included representatives from throughout the Office to develop recommendations for improvements.
- In 2017, the Office also engaged the Smithsonian Organization and Audience Research ("SOAR") to review registration workflow and processes and provide recommendations.
- In 2018, the Office formally reevaluated its training program for onboarding new registration examiners, to identify ways to more quickly complete training. This evaluation included a working group with a cross-section of staff from each division of the Registration Program who identified efficiencies to shorten the previous year-long training program to six months, enabling examiners to more quickly begin fully participating in the application review process.
- At the same time, the Office enhanced training initiatives to address more complex issues so that less correspondence with applicants is required.
- While the fiscal year 2018 examiners were being trained and the fiscal year 2019 examiners are being hired, the Office has also used overtime to increase productivity.

These important steps have yielded a significant positive effect on the Office's processing times and number of pending claims. In the past year, the Office reduced its workable claims by 46%, and has seen a sharp drop in the processing time for pending registration applications. The Office also continued to focus on streamlining registration practices to make the process more efficient, and in the past two years alone has initiated or closed seventeen (17) rulemakings to modernize its regulatory practices, resulting in updated regulations regarding filing fees, deposit requirements, and registration policies. Rulemakings on topics as diverse as short online literary works and architectural works are pending public comment.

The Office will be re-calculating its processing times at the end of March and expects to report continuing decreases. This trend will steadily continue as the Registration Program achieves sufficient examiner staffing levels. The Office will continue to improve efficiency while maintaining the quality of the examination function.

While the Office has continued to make progress on reducing the backlog and pendency times, wholesale reductions of the type expected by Congress are currently hampered by the constraints imposed by the

current electronic registration system. The Office looks forward to the increased efficiencies that are expected to be realized following the deployment of the next-generation registration system currently under design, which the Library OCIO has indicated will occur in 2024. Following a short transition period, the Office expects the new system to provide significant benefits in terms of processing time and backlog.

Recordation.

With respect to recordation, the Copyright Office has taken a number of steps to reduce recordation processing times. With a limited budget to hire staff, the Recordation Office has used creative ways to address processing gaps and is employing a variety of methods such as overtime, credit hours, and workload management changes. As a result, the Office continues to see a reduction in overall processing times. Specifically, the time to process recordation filings has been reduced from a high of sixteen (16) months at the start of fiscal 2018 to the current nine (9) months for basic filings and five (5) months for Notices of Terminations. This processing time reflects filings that have little correspondence required with the remitter. Recordation processing timeframes can be found on the webpage: https://www.copyright.gov/recordation/.

As part of the U.S. Copyright Office fiscal 2019 budget program changes, the Copyright Office requested $1.1 million in funding to bring on board additional temporary staff to aggressively reduce recordation processing times. This budget request included temporary staff for two (2) years (i.e., 2019 and 2020), and was done to ensure the current backlog of recordation filings would be greatly reduced before transitioning from the current paper-based system to the new modernized recordation system. Having additional staff will provide the extra support necessary to drawdown the current backlog even more, as well as free up some permanent staff to address startup transition activities that might otherwise cause processing times to increase. Once the new recordation system is fully in place, the Office anticipates a much shorter turn-around time for processing recordation filings.

On-going funding to keep the new recordation system current and allow for system modifications under a continual process improvement model will be critical moving forward into the future. Having in place additional temporary staff until the current manual paper recordation process is completely replaced will ensure that the Copyright Office can meet our goal of reducing any leftover backlog quickly once the new recordation system is fully in operation.

As with registration, however, wholesale reductions of the type expected by Congress are currently hampered by the constraints imposed by the paper-based recordation process. In light of these constraints, the Office began development of a digital recordation system ahead of development activities for registration. The Office expects to gain significant efficiencies following the deployment of the electronic recordation system. The electronic system is currently under development. Following a short transition period, the Office expects the new electronic system to provide significant benefits in terms of processing time and backlog.

House Appropriations Subcommittee on the Legislative Branch
Hearing on the FY 2020 Budget Request for the Library of Congress
March 7, 2019

Questions for the Hearing Record
Submitted by Ranking Member Herrera Beutler

## VISITOR EXPERIENCE

*Question*: Your vision for the *Visitor Experience* project at the Thomas Jefferson Building is an exciting idea that has the potential to completely revolutionize the experience for those who visit the Library of Congress.

The funding strategy for the project is a private-public partnership with the total estimated cost of $60 million. We have appropriated $10 million in fiscal year 2018 and you are requesting another $10 million for fiscal year 2020. There is also a plan to raise $20 million in private funds.

- As someone who takes their children to the Library often, can you please share with us how this project will enhance visits by children?
- Will this impact the already existing children's reading room?
- Please tell us how fundraising efforts are going? Has there been any commitment of private funds towards this project?
- If so, are there any dependencies attached by the donors?

Response: The new orientation "oculus" will provide children with an exciting way to see the Main Reading Room (from underneath it) and learn more about what goes on at the Library. When walking through our changing Library Treasures vaults, children will be able to get up close to amazing and intriguing Library collections which will rotate throughout the years. The new youth center will excite children (primarily 7 and above) through experiences with history, civics, and literature where they can engage with the library's collections, experts, tools and technology (like GIS mapping tools, film editing equipment). Young people and their adults may visit and experience daily activities in the center or attend special workshops and imaginative programs. Teens may take part in apprenticeships or volunteer in the center. There will be opportunities to meet inspiring people who work at the Library or who are connected with it - expanding young people's vision of possible careers. They may encounter authors, historians, film makers, curators, musicians, preservation experts and scientists, librarians, graphic designers, and possibly Congressional Representatives. This will be a place for young people to imagine and write the next chapter of our nation's history, get it copyrighted, and years later, bring their children to see it housed in the Library's collections

There will be an impact on the existing reading room. As part of the project, aspects of the children's reading room will be moved, reimagined and incorporated into the new youth center. The new center will offer access to and experiences with collections beyond books – music, comic books, films, etc.

The Library has $11,000,000 in verbal commitments to date and is currently developing a fundraising campaign with an outside fundraising consultant. To be successful in private fund raising, potential donors are looking for a tangible show of support from Congress. We are actively cultivating Donor interest, but they want to see that the Congress is also a partner in this initiative.

DISTRICT INTERACTION

*Question*: The Veterans History Project (VHP) of the American Folk Life Center coordinates at a national level the collection of video and audio recordings of personal histories and testimonials of American war veterans to preserve the stories of this Nation's war veterans so that generations of future Americans can witness first-hand accounts of the sacrifice so many made.

I am told the Library's Veterans History Project has 1,450 oral histories from veterans and their families from Washington State alone.

- Please tell us about what types of advertising/outreach you do for this program to let Veterans know about it?
- Do you partner with groups like the American Legion or VFW?
- What kind of interaction does the Library of Congress have with state and local libraries or schools regarding this effort?
- Are there any other programs within the Library you may share with us that touch people outside of the District of Columbia?

Response: We would like to thank the Committee Members for your support through various means: conducting interviews yourself to ensure the voices of our Nation's veterans are heard and preserved, and amplifying the message through your channels. There are 1,450 first-person narratives from Washington State, and over 110,000 nationally. First-person narratives are comprised of either audio or video oral histories and original materials such as photographs, letters and journals that help share a veteran's experience arc.

Individuals acting independently or with organizations across the nation give generously of their time and attention to listen and record for future listeners, the first-hand experiences of our veterans. In the last year the Library received over 4,400 VHP collections. Over 4,200 were voluntarily donated from individuals and organizations.

Twice annually the Veterans History Project (VHP) conducts a National Radio media tour, spotlighting veterans which inspires participation locally across the country. The most recent tour reached 6.5 million media impressions nationally. Additionally VHP has a social media presence through Facebook and a Blog, "Folklife Today."

A dedicated VHP staff of five also works directly with organizations, schools, universities and colleges, community groups, and individuals across the country providing the tools needed both to participate and help spread the word about the importance of VHP.

VHP staff leverage relationships with other Federal entities such as the House Administration's Wounded Warriors Fellows Project, US Department of Veterans Affairs, the National Endowment for the Humanities, the Department of Health and Human Services and the National Museum of the American Indian. The latter collaboration resulted in nearly a 30% increase of Native/American Indian collections over the last year. To grow awareness of both VHP participation and use of the existing collections, staff participate in events such as the National Native Veterans Gathering in Illinois, the Annual Meetings of the Gold Star Wives and Mothers, and National Student Veterans Association (SVA).

This is an effective approach. Last July, VHP facilitated large workshop and day-of-interviewing event hosted in Parris Island, South Carolina. VHP staff collaborated with the Student Veterans Association, the Parris Island Museum, The Technical College of the Low Country, and the Colonial Dames. It was supported by Members of the South Carolina Congressional Delegation. Over 300 people were involved.

A standout partnership has been the House Administration's Wounded Warrior Fellows Project. Refined and expanded in the past year, it boosted VHP efforts in several districts across the country, and through

those efforts, connected constituents directly to the Library. Building on relationships with the Fellows created during monthly training sessions at the Library, VHP staff continued engagement with the Fellows at their District Offices. In 2018, a new series of VHP workshops were held within three districts in Washington State, reaching new populations including high school students.

As a national effort, collaboration with Veteran Service Organizations has been crucial. Groups like the American Legion, Veterans of Foreign Wars, the Vietnam Veterans Association, the Red Cross, and Retired Senior Volunteers are particularly helpful on the local post and chapter level. There are 45 affiliated Red Cross Chapters participating in VHP across the country. Five Washington State chapters have donated over 215 interviews. There are 46 American Legion posts, and 58 Veterans of Foreign War posts that participate in VHP.

The community based nature of the Project, inspiring individuals and groups to reach out to the veterans in their lives and communities, and to gather their stories for inclusion in this important national memory bank, has made local and state libraries an integral part of VHPs success for almost 20 years, along with high schools, community colleges and universities. The University of Florida, Clemson University, the University of Connecticut, the Maine School of Journalism, Columbia College Tennessee, University of Missouri, Columbia College Chicago, Central Wyoming College and many others across the country engage with VHP through curriculum, extra-curricular and service learning activities.

## OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

*Question*: In the fiscal year 2018 Omnibus the Office of Congressional Workplace Rights jurisdiction was expanded to include the Library of Congress.

- Are you in contact with that office to be proactive in reducing the number of claims filed?
- What does the Library have in place as far as training for employees?

Response: Yes, with the new changes to the law, the Library plans to work closely with OCWR on training and other initiatives to resolve issues at the lowest possible level and increase workplace satisfaction. For example, the Library has already had several discussions with OCWR about training, including how to make training on the new OCWR process effective for Library staff. We look forward to working with OCWR in the coming months.

The Library's EEO Office works to ensure that the training the Library offers is current and reflects best practices. The Library offers a variety of EEO training, including unconscious bias, anti-discrimination and anti-harassment. All Library staff are required to take Sexual Harassment Prevention for Federal Employees training. In addition to the mandatory harassment training, supervisors and managers are also required to take Equal Employment Opportunity training. The Library's EEO Office offers in person EEO Briefings for supervisors and managers and anti-harassment training, both for supervisors and managers, as well as for staff, twice quarterly and on demand. Unconscious Bias training is offered on demand to service units and smaller office groups. The curriculum is continuously updated. The last update was in fiscal year 2018, which included revisions to the Library's anti-harassment training to include bystander intervention awareness.

NATIONAL LIBRARY SERVICE/BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

*Question*: In 2016 Congress authorized the National Library Service to provide eReaders for electronic braille. This is a free service to people with temporary or permanent low vision, blindness, or a physical disability that prevents them from reading or holding printed books. Since that time NLS has had a pilot program to determine the specific type of eReader technology that would be best to invest in.

Your budget request includes $2.4 million for Books for the Blind and Physically Handicapped to support the purchase of both braille eReaders and Talking Book machines.

- Please update us on your findings from the pilot program that was just concluded and what type of technology you are investing in?
- What is the total number of devices this initial amount will support in FY2020?
- Beyond FY2020, what is the total amount you plan to spend on the program and total number of devices you plan to purchase?

Response: Since Congress authorized the National Library Service (NLS) to provide readers for electronic braille in 2016 (P.L. 114-219), the Library and NLS have been excited about bringing this technology to NLS patrons. During calendar years 2017 and 2018, there was a limited but successful pilot program of electronic braille machines during which NLS learned that machine specifications, capabilities, and then-technical deficiencies given electronic braille machines are considered an emerging technology. Based upon this pilot, a contract for eReaders was awarded in September, 2018, but was terminated for convenience due to a contract protest over contract anomalies. The contract was re-bid in January of this year and solicitations are currently being evaluated by the NLS Evaluation Team. An award is expected to be issued by the end of March, 2019. With this award, NLS remains committed to providing to its patrons the most user-friendly and reliable machine at the most cost-effective price.

This is a very rough approximation since the contract has not been awarded, NLS projects its $2.375 million request for the electronic readers in fiscal 2020 to purchase approximately 3,500 eReaders. This allocation will build upon prior development, quality control, and pilot testing work done in fiscal years 2019 and 2020 utilizing fiscal 2018 and fiscal 2019 base funds. Thus, this $2.375 million request will position NLS to dramatically scale up its eReader services to constituents eagerly awaiting them.

Given the expected fluctuations in market prices, it is difficult to estimate the total number of electronic braille machines to be purchased beyond fiscal 2020. However, NLS plans to purchase an additional 8,000-10,000 eReaders for its expanding patron base.

With additional funding in fiscal 2022-2024, NLS plans to purchase new talking book machines to replace machines that have reached and surpassed their life expectancy. At a roughly estimated $275 per unit cost, NLS will be able to purchase approximately 15,000 talking book machines.

*Question*: Last year, funding was provided to evaluate the Government Publishing Office (GPO) as a potential new location for the National Library Services.

- What is the status of that evaluation?
- What is the desired outcome from this relocation?

Response: Last May, the Architect of the Capitol (AOC) retained HGA Mid-Atlantic, Inc. to perform a feasibility study of the Government Publishing Office (GPO) supporting the relocation of the National Library Service. The evaluation "included adaptation of previously prepared NLS area requirements, limited site survey of the GPO Building to assess conditions in and systems serving the area of the building designated by AOC as a potential location for NLS, development and presentation of diagrammatic concepts for NLS, and preparation of draft and final reports documenting the work." This study has been completed and was submitted to the Architect of the Capitol and the Library of Congress last October (Study Report: National Library Service Relocation Study, Library of Congress, Washington, DC, Architect of the Capitol, AOC PN LC18007, HGA PN 3199-002-21, Draft Study, dated October 24, 2018). It concluded that GPO could meet the requirements of serving NLS and that the cost of the renovation to the space would be approximately $21.3 million, excluding moving costs. Including those and other transitional costs puts the approximate cost of the move at $25 million (this cost does not include the estimated $2.66 million annual rental fee upon occupancy).

The desired outcome of any NLS move and relocation is to better serve the congressionally-mandated patrons NLS has been faithfully and diligently serving since 1931. Proximity to the Capitol Campus and the Library provide numerous benefits to NLS. First, it sends a clear symbolic and practical statement to all visually impaired Americans, and to all Americans in general, that blind, visually impaired, and reading disabled individuals are important and valued, and are better served by having access to the Library of Congress. Second, relocation allows for better IT, workforce, and workflow synergy with other units of the Library, primarily the Office of the Chief Information Officer (OCIO), which is especially important as NLS, over the next five to ten years, dramatically and comprehensively moves into a digital, wireless, and cloud-based future state. OCIO is vital to these efforts. Lastly, proximity ends the less-than-desirable occupancy status in the Taylor St. structure. Paying a significant and always increasing rent for the last fifty-one years for a dilapidating structure has not been ideal. Moreover, the commute is an hour trip each way for staff to participate in meetings on the Capitol campus.

The Library and AOC have also looked at the location 501 1st street as a potential location for NLS. Located a few blocks from the Library, this very close proximity would allow for significantly enhanced collaborations; for an enhanced workforce continuity as NLS would now truly feel a part of the core Library; achieve greater cost savings with the absence of rental costs, thus allowing for greater utilization of NLS budgetary resources for core NLS services; and, would allow blind, visually impaired, and reading disabled Americans to now holistically experience their Library and NLS services in one much easier-to-navigate environment.

The desired outcome for the relocation of NLS is to serve the thousands of Americans who need specialized talking and braille books and magazines.

NLS and the Library will adhere to whatever Congress deems best as it deliberates over the entire utility of the Capitol Campus and its stakeholder component parts and services. Thus, as the feasibility evaluation found, GPO does meet these key needs in whole or in part.

TUESDAY, MARCH 12, 2019.

# U.S. HOUSE OF REPRESENTATIVES

**WITNESSES**

**HON. CHERYL L. JOHNSON, CLERK OF THE HOUSE**
**HON. PAUL D. IRVING, SERGEANT AT ARMS**
**HON. PHILIP G. KIKO, CHIEF ADMINISTRATIVE OFFICER**

## OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. I call the committee to order.

Good morning. Today, we gather to discuss the fiscal year 2020 budget request for the House of Representatives.

To begin, I would like to welcome the officers and officials of the House to our subcommittee hearing.

Testifying before us are the Honorable Cheryl Johnson, our new Clerk of the House; the Honorable Paul Irving, Sergeant at Arms; and the Honorable Phil Kiko, Chief Administrative Officer.

Ms. Johnson, welcome back to the House, and congratulations on your new assignment.

Ms. JOHNSON. Thank you.

Mr. RYAN. We are very excited to have you.

Ms. Johnson, you have joined a talented team of officers and officials that work hard each day to ensure we have the tools we need to legislate. These incredible teams provide unmatched support in providing safety, security, administrative/technical consulting, and legislative solutions to all Members and their staff.

Congratulations again, and I look forward to working with you during this legislative year.

Before we start with the testimonies, I would like to take time to thank all the officers, officials, and their staffs for the extraordinary work over the past year and especially during the massive transition to the 116th Congress.

The transition of a Congress affects everyone in the House. Each transition brings its own unique challenges, and even more so when there is a change in majority. This transition was one of the largest, and I applaud each of your teams' efforts in making the 116th congressional transition seamless, quick, and manageable, even if it maybe didn't seem seamless, quick, and manageable to you. Just as long as it looks that way on the outside, I guess, is all that matters. So thank you for your hard work.

Now, let's get started with the work of this subcommittee. The fiscal year 2020 budget request for the House of Representatives is $1.4 billion. This request will allow us Members an opportunity to retain and hire the best and brightest. The work we do here is important, and it requires a certain set of skills to negotiate legislation that will move our country forward.

This request also includes funding that will help us to maintain and grow our physical and cybersecurity postures, two areas that remain a top priority for this committee. Later this morning, we will hear from the Capitol Police.

Lastly, this request includes funding for the newly established Offices of Diversity and Inclusion and Whistleblower Ombudsman.

Overall, this request stands to provide Members and committees the resources necessary for us to represent our constituents by effecting policy and implementing laws that will address our country's critical needs.

With that in mind, I look forward to each of your testimonies today.

At this time, I will yield to my colleague, Ranking Member Jamie Herrera Beutler.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

Welcome, Cheryl Johnson, the Clerk of the House.

Ms. JOHNSON. Thank you.

Ms. HERRERA BEUTLER. Congratulations on your new position. And I appreciate you taking the time—I know we didn't get to connect last week, but for reaching out to come in. I understand this isn't your first stint in public service. In fact, you have served in a number of different roles. But we welcome you here in this role.

And welcome back, Paul Irving, Sergeant at Arms. I didn't have the pleasure of connecting with you. Would love to do that.

And, Chief Administrative Officer, Mr. Kiko, nice to see you again.

The fiscal year 2020 budget request for the House agencies is $1.356 billion, which is $123 million over the current enacted levels. And this is the largest request for the House since I got here, actually, in 2011—not 17 years ago.

I like to give him a hard time.

Mr. RYAN. Here we go.

Ms. HERRERA BEUTLER. Because someday someone is going to do it to me, right?

Mr. RYAN. That is true.

Ms. HERRERA BEUTLER. So what goes around comes around.

Much of the work each of your offices do on a daily basis is obviously behind the scenes, but collectively you are truly responsible for keeping this place running, including the IT network—which is never sexy, but it is so important—that allows us to communicate, and the financial systems that pay our bills and meet our payroll, and the voting system that helps us authenticate the legislative process. Without the services of the House officers, we would not carry out our constitutional duties as Members of Congress.

So, with that, I look forward to hearing from each of you, and I yield back the balance of my time.

CHAIRMAN OUTLINES PROCEEDINGS

Mr. RYAN. Thank you.

Without objection, each of your written testimonies will be made part of the record. I ask each of you—the Clerk, the Sergeant at

Arms, and the Chief Administrative Officer—to summarize your remarks and highlight your efforts of the past year to the committee.

After opening statements, we will move to the question-and-answer period. During the questions and answers, we will, for this hearing, adhere to the 5-minute rule.

Ms. Johnson, we will start with you.

## TESTIMONY OF CHERYL L. JOHNSON

Ms. JOHNSON. Good morning, Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee. Thank you for this opportunity. On behalf of the Office of the Clerk, we appreciate your continued support.

The Clerk's Office is a nonpartisan organization that provides the procedural support necessary for the orderly conduct of the official business of the House and its Members and Committees. Thanks to your support, our office can keep House operations running at the highest standards.

### CLERK PROJECTS AND PROGRAMS

I will begin with an overview of what we do.

The Clerk's Office supports the legislative process, from introduction to engrossment and presentment. Bill Clerks process all introduced bills and resolutions. Tally Clerks record all floor votes. And Journal Clerks produce the constitutionally mandated *Journal of the House of Representatives* and handle Presidential messages.

When bills and resolutions pass the House, Enrolling Clerks prepare the official text for transmission to the Senate or White House. Along with announcing pending business on the floor, Reading Clerks convey bills and messages to the Senate or White House.

We are hard at work whenever the House is in session, day or night. Our role extends beyond the House floor. We support Committees and Members' offices.

And in January, recognizing the importance of sharing our institutional knowledge, we worked with the Parliamentarian's Office and the Congressional Staff Academy to hold three training sessions for all Committee Clerks. Topics included the new Truth-in-Testimony form, which we prepared at the direction of this Subcommittee; filing Committee reports; submitting remarks to the Congressional Record; and Records Management. These sessions will continue during the year.

Our Office of Official Reporters provides reporting services for all Committee markups, hearings, and depositions, as well as for many investigative interviews. These services remain subject to increased demand as a result of expanded deposition authority and oversight needs.

The Office of House Employment Counsel provides House employing offices with legal counsel and training on employment matters, including anti-discrimination and anti-harassment laws, family and medical leave, fair labor standards, workplace safety, and other matters arising under the Congressional Accountability Act and related reform measures.

We also manage Congressional offices that become vacant. We work with remaining staff to continue the office operations, oversee district office leases, and provide constituent services until a successor is elected.

And as detailed in my written submission, we perform many other services.

CLERK FISCAL YEAR 2020 BUDGET REQUEST

For Fiscal Year 2020, we respectfully request $32.8 million to carry out our existing and new responsibilities to the House.

Much of what is new in our request would support non-personnel items, primarily mandatory equipment replacement and a modernization of the Legislative Information Management System, also known as LIMS.

LIMS is a critical part of the flow of legislative information. In a very real sense, it is what enables the House Committees and Members to conduct legislative business and allows the public to follow that business. LIMS gathers bill information, floor activity, Member and Committee information, and executive communications from the House and the Senate; then distributes that information to the Government Publishing Office, the Library of Congress, Members, Committees, House offices, and the public.

As always, the accuracy and reliability of our data is a high priority. We would greatly appreciate your investment in this critical project, which I believe strongly would enhance the functioning and transparency of the House.

Mr. Chairman, Ranking Member Herrera Beutler, and Subcommittee Members, in my few short weeks, I have gained immeasurable respect for the more than 200 employees who make up the Office of the Clerk, many of them carrying out duties that are required by the Constitution. Together, we support this institution that we are privileged to serve.

Again, I thank you for your support, and I look forward to any questions.

[The prepared statement and biography of the Hon. Cheryl L. Johnson follow:]

CLERK | UNITED STATES HOUSE *of* REPRESENTATIVES

# STATEMENT BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE LEGISLATIVE BRANCH ON THE OFFICE OF THE CLERK, FY2020

THE HONORABLE CHERYL L. JOHNSON

MARCH 12, 2019

Chairman Ryan and Ranking Member Herrera Beutler, 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 delivery of enrolled bills to the White House for presentment to the President, our office is integral to the legislative process. 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 and continually seek 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 on the House Floor*, at https://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 (GPO), 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.

## Support for the 116th Congress

On November 14, 2018, the Clerk, Deputy Clerk, and Senior Advisor to the Clerk welcomed Members-elect to the Capitol during New Member Orientation in the House Chamber. During the session, they provided an introduction to Office of the Clerk services, the EVS, and rostrum staff. On January 3, 2019, the Clerk led the Opening Day activities in the Chamber through the election of the new Speaker. In preparation for the new Congress, Clerk staff updated the EVS and all other systems as well as House Floor materials, including Roll Call books, *House Journal* files, and manual tally sheets. The Office also worked with Secretaries of State and other state election officials to review all Certificates of Election.

## 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.

In recent 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 officer or Department is required to make to Congress. Most recently, we collaborated with the Library of Congress to make the Executive Communications and Requirements data sets available on 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, following a directive in the Committee report accompanying the fiscal 2019 Legislative Branch Appropriations bill, researched language for a standardized electronic Truth in Testimony Form. With the help of the Committee on House Administration, our office held information sessions with Committee staff to solicit ideas and incorporate feedback. The Office finalized the form, received approval for its use in the 116th Congress, and made it available on HouseNet.

The Clerk's Office develops and maintains the Committee Repository website at https://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.

As part of the Office of the Clerk's ongoing efforts to improve communications and strengthen relationships with the House staff we serve, our staff collaborated with the Parliamentarian's Office, the Congressional Research Service, and the Congressional Staff Academy to host a briefing in January for majority and minority Committee clerks. The briefing provided new and veteran clerks with the tools and information they need to do their jobs in the 116th Congress and included sessions on the legislative process, administrative services and resources, and technical training. Session topics included

- Filing Committee reports
- Completing the new Truth in Testimony Form
- Submitting remarks for the *Congressional Record*
- Archiving Committee records
- Reporting Committee actions to appear on Congress.gov
- Updating the Committee Repository

We plan to continue our training offerings throughout the year.

## 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 Clerk's Office worked with the Architect of the Capitol to design, produce, and install a permanent display of current women Member photographs in the Lindy Boggs Room. The Office also created a digital photographic display of all former women Members. These installations replaced 20 individual frames and several print posters, which hung in the space for more than 15 years, and allow for quick updates in the future to accommodate the growing number of women Members.

The House Library provides research services for legislative staff of Members and Committees. The Library offers an online portal at https://library.house.gov/site with comprehensive guides to legislative research topics and regular training with our Congressional Staff Academy partners.

The Office of House Employment Counsel provides House employing offices with legal counsel and training on employment matters, including anti-discrimination/anti-harassment laws, family and medical leave, disabilities law, fair labor standards requirements, workplace safety, and other issues arising under the Congressional Accountability Act (CAA) and recent amendments to the statute and related reform measures.

### 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 two vacant offices to date this Congress.

### Website Redesign

The Clerk's Office will soon release the Beta version of our new redesigned website 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 several features, including a public vote search page, updated Member and Committee profiles, and a new video streaming site (https://live.house.gov) that includes the ability to rewind the live feed and search closed-captioned text. The Clerk's Office also released an Alpha version of a new internal video clipping tool (http://floorclips.house.gov). The last major piece of the Clerk website redesign is a new site search tool, which is expected to be ready in June 2019.

## ARCHIVES, ART, AND HISTORY OF THE HOUSE

The Office of Art and Archives within the Clerk's Office cares for 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 the House's records, art, and history.

### Archives

The Clerk's Office preserves 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 https://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 special and select Committees.

During 2018 the Clerk chaired two meetings of the Advisory Committee on the Records of Congress. The Office of Art and Archives and the Office of Communications worked with the Senate and the National Archives and Records Administration (NARA) to publish the *Sixth Report* of the Advisory Committee on the Records of Congress. The mandated report details many Committee efforts from January 2013 through December 2018, including new storage spaces for congressional records at GPO buildings; preservation of Committee hearing videos, social media, and Member office correspondence management systems data; progress on the project to refine descriptions of congressional records; and advances in digital curation.

## Art and History

The curatorial staff of the Clerk's Office preserves the historical art and artifacts in the House collection and makes them accessible to the public. Our History, Art & Archives website at https://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. With sections on the Institution, People, Exhibitions and Publications, Collections, Oral History, Education, and Records and Research, the website offers a broad selection of material about the history and collections of the House and is a tremendous resource for the public and educators. In addition to its public outreach efforts and ongoing work with the permanent collections, the curatorial staff also manages several exhibitions throughout the House. We look forward to the opening of a significant new exhibition, with permanent displays of objects of interest to Members, staff, and constituents, in the Cannon basement rotunda, which is a major hub of the House campus. 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 of Art and Archives and the Historian also participated in meetings and working groups with congressional partners to develop content for the upcoming redesign of exhibits

in the Capitol Visitor Center's galleries. We anticipate our involvement in the redesign efforts to continue through 2020.

The Historian published a book and an e-book edition of *Asian and Pacific Islander Americans in Congress, 1900–2017,* which completes the series of books about Congress that already included *Women in Congress, Black Americans in Congress,* and *Hispanic Americans in Congress.* The Office of the Historian collaborated with the Office of the Clerk to write, edit, and produce the 50-page booklet *The People's House: A Guide to Its History, Spaces, and Traditions.* The publication introduces readers to Opening Day ceremonies; Floor proceedings; Capitol rooms and House Office Buildings; art and artifacts in the House Chamber; and Leadership offices, political parties, and Officers. The Historian plans to make the content publically available on the History, Art & Archives website.

## PUBLIC DISCLOSURE SERVICES

By law and under 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, GPO, Botanic Gardens, and the 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 percent of filings in 2013 to 87 percent in 2018.

### 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 (LDA). We make these filings available online in a searchable, sortable, and downloadable format. 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.

### Franking

The Clerk's Office worked with the Franking Commission and the House Information Resources group from the Office of the Chief Administrative Officer to install a dedicated computer kiosk in the Legislative Resource Center to help make franking filings available to the public electronically.

## BUDGET REQUEST FOR FISCAL YEAR 2020

We appreciate the Subcommittee's ongoing support for the operations of the Office of the Clerk. For the upcoming fiscal year, we respectfully request $32,826,000 to carry out our existing and new responsibilities to the House. The request is $4,520,000 above the FY2019 enacted funding level provided in the Consolidated Appropriations Act of 2019. Of that request, $29,706,000 is in annual funding. The increase will be used to fund four new requested positions, three for technology support and one to facilitate House employing office compliance with workplace rights issues following the recent amendments to the CAA and associated reform measures; training fees associated with the diverse professional specialty areas of legislative and technical support staff throughout the Clerk's organization; and the replacement of desktop telephones necessitated by a phase-out of our current phones in FY2020.

In addition, our No-Year Funding request is for $3,120,000. These funds will be expended under the nonpersonnel funding category to support the Legislative Information Management System (LIMS) modernization and redevelopment project. LIMS is a critical part of the flow of legislative information. It brings in bill information, Floor activity, Member and Committee information, and Executive Communications from the House and Senate and distributes that information to GPO, the Library of Congress, Members, Committees, House Officers, and the public.

During our internal budget formulation process for FY2020, 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.

## Justice Against Corruption on K Street Act of 2018

The Clerk's Office is implementing the Justice Against Corruption on K Street Act of 2018 passed on December 20, 2018, and signed into law by the President. The "JACK" Act became effective on January 3, 2019, and amends the LDA by requiring all registrations (form LD-1) and quarterly reports (form LD-2) filed after January 3, 2019, to include

> "for any listed lobbyist who was convicted in a Federal or State court of an offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury, or money laundering, the date of the conviction and a description of the offense."

This project was unplanned and has required us to reallocate resources to complete the work. The Clerk and the Secretary of the Senate have notified registrants that our offices are developing the technical changes necessary on the two relevant forms to meet this reporting requirement. We will have those changes, with additional guidance, available as soon as possible and will notify filers when the updates are available in the system. If the statutory timelines require them to file a registration or quarterly report before the amended forms are available, we have advised them to do so, and, if necessary, amend the filing to include the relevant information when it is possible to do so. Below are the project deliverables and estimated timeframes:

- February 8, 2019: Define additional fields, schema, and modified XML (complete)
- March 8, 2019: Complete updates to LD-1/LD-2 and data import modules and begin testing
- March 31, 2019: Complete updated forms and move to production
- May 2019: Complete new search/download site

## Comparative Print Project

After the successful completion of Phase 1 of the Comparative Print project at the end of 2017, the Clerk's Office has continued to work with the Office of the Legislative Counsel and the Law Revision Counsel on the planning and development of subsequent phases.

In August 2018, the Clerk's Office awarded the contract for Phases 2 and 3 of the Comparative Print project. Phase 2 is anticipated to last from August 2018 to August 2019 with the following deliverables:

- Develop and build the backend framework to include security, user management, document repository, and document transformation—in progress, first quarter 2019

- Build natural language processor (NLP) to interpret amendatory language —initial design complete (fourth quarter 2018), in progress, first/second quarter 2019
- Implement base set of amendatory language and automated execution to create a stand-alone document that meets the provisions of clause 12(a) of House Rule XXI—second quarter 2019
- Implement an editor for those cases in which user intervention is needed—second/third quarter 2019
- Continuously improve the comparison document in HTML and PDF that meets the provisions of clause 12(b) of House Rule XXI—second/third quarter 2019
- Improve billcompare.house.gov user interface—second/third quarter 2019
- Develop outputs in HTML, PDF, and XML—second/third quarter 2019.

Phase 2 of the project is on track and we are holding weekly status meetings with the vendor. We expect Phase 3 of the project to begin later this year and anticipate it will last from August 2019 to August 2020. Below are the deliverables for Phase 3:

- Continue to build and refine NLP engine and implement an extended set of amendatory language—first/second quarter 2019
- Refine Phase 2 functionality: automation, editor, transformations, and user interface—third quarter 2020
- Migrate the current Amendment Impact Program (AIP) to the Posey Technology—fourth quarter 2019
- Deploy to larger user base—second quarter 2020
- Develop outputs in HTML, PDF, and XML—third quarter 2020.

## Consensus Calendar

Section 102, Subsection (r), of H.Res. 6 provides for a Consensus Calendar in the 116th Congress House Rules and mandates that the Speaker must designate, and the House must consider, at least one measure on the Consensus Calendar during any week in which the House convenes (except before March 1 at the beginning of a Congress and after September 30 at the end of a Congress). This subsection also provides that to be eligible for placement on the Consensus Calendar a measure must accumulate 290 cosponsors and must not have been reported by its primary Committee of jurisdiction. When this cosponsorship threshold is reached the sponsor of the measure may, while the House is in session, submit to the Clerk a written motion to place the measure on the Consensus Calendar. If these conditions have been met, the Clerk will note the motion's submission in the *Congressional Record* of that day and enter the motion on a comprehensive list of Consensus Calendar Motions, which will be available on the Clerk's website. After a measure has maintained at least 290 cosponsors for a cumulative period of 25

legislative days after the presentation of the motion, the measure will be placed on the Consensus Calendar, where it will remain until it is considered in the House or reported by the primary Committee. The Clerk's Office is working on a process that will ensure it meets the Consensus Calendar requirements.

### *Biographical Directory of the U.S. Congress*

We continued to redevelop the *Biographical Directory of the U.S. Congress* (BioGuide) website (http://bioguide.congress.gov). Upgrades include a robust search engine, responsive user interfaces, and a content management system that will enable House and Senate Historians to enter more extensive profile data and collaborate seamlessly. The Clerk's Office expects to launch the Alpha version of the website during the first half of 2019.

## Legislative Information Management System (LIMS) Modernization and Redevelopment

The requested increase in No-Year money will fund the next phase of the multi-year redevelopment and modernization plan of the House Legislative Information Management System (LIMS). LIMS is integral to the House's legislative operations, but the system was built more than 30 years ago and operates with an outdated programming language on a legacy platform from the mainframe era. The platform has undergone multiple migrations and currently runs in the Linux environment. However, the legacy codebase has not been upgraded and poses significant challenges moving forward. The cost and technological risk of continuing on this legacy platform are very high as finding skilled developers who can work on legacy platforms is difficult and maintenance and changes to the current system demand significant resources.

The migration of LIMS to a new modern technology will allow the application to be more flexible, extensible, robust and secure, and ultimately enable it to better meet the House's needs. This phase of the modernization project will comprise LIMS data modeling, backend development, Floor Action Reporting System (FARS), Committee Action Reporting System (CARS), Executive Action Reporting System (EARS), Reports Due to Congress, Senate Action Reporting System (SARS), and Quality Assurance Testing.

## Electronic Voting System

The EVS has three main components: the EVS Server, vote stations, and the display subsystems, which include the summary displays (updated in 2009) and the main displays (updated in 2010). We completed the vote station in August 2018. We are planning to upgrade the Venus Display Servers (part of the display system) and replace all the work stations on the House Floor

during the August 2019 District Work Period. We will continue to perform routine maintenance as needed.

We have also begun discussions with our vendor to develop a plan for ongoing support of the House Floor displays. When the summary displays (2009) and main displays (2010) were installed we anticipated a 100,000-hours or 10-year lifespan. We are not close to the 100,000 hours, but we are approaching the 10 years, so we want to plan for potential power supply and fan replacements.

## Increased Storage for Congressional Records

The Center for Legislative Archives, part of NARA, maintains, preserves, and provides public access to archived House records pursuant to House Rules. In 2017 we secured storage space in two GPO buildings near the Capitol and obtained funding for the conversion of the first building, which we expect to occupy early in 2019. In 2018 we obtained funding for the conversion of the second building. With this additional space, the Center will have sufficient capacity to store House and Senate documents for decades to come.

## High-Speed 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. In December we completed the purchase and installation of a new high-production black and white printer, which increases printing speeds by 22 percent over the previous printer and includes a booklet maker. The new printer ensures that the Legislative Resource Center can continue to support legislative activities that require daily high-volume print jobs, such as House Committee hearings, bills, and reports, quickly and reliably. The Clerk's Office has also initiated a project to replace its older color printer this year to improve our production quality and speed.

## 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 has been pushed back because of the addition of unforeseen 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 FY2020 requested personnel funding includes three newly created positions for Legislative Computer Systems, which are needed to meet increasing transparency, efficiency, LIMS, and cybersecurity project requests. The other position is in the Office of House Employment Counsel to support compliance with recent amendments to the CAA and related workplace rights reform measures.

Our goal is to keep exceptional employees motivated by strengthening their current skills and helping them acquire new ones. 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 have also begun to implement a cloud-based performance review system that will allow us to standardize evaluation criteria, goal-setting, and feedback across the Clerk's organization. We are currently testing the system and plan to provide user training during the second quarter of 2019.

## 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 team provides staff and equipment to preserve, relocate, and store historical artwork located in construction areas. As the Cannon Renewal Project progressed from Phase 1 to Phase 2, the Office of the Clerk continued to move operations, personnel, and materials to new locations while maintaining continuity of services. In December 2018, the Legislative Resource Center's Public Information, Requisitions and Document Production, and Executive Communications subdivisions and several House Library staffers moved to their new office locations in the Cannon building.

## Turner Redstone Data Center

The Clerk's Office postponed our initial plans to migrate to the new Turner Redstone Data Center in December 2018 because of changing legislative priorities and problems at the current Alternate Computing Facility backup site. We have rescheduled our migration for April 2019.

Thank you again for your continued support and for the opportunity to testify.

CLERK UNITED STATES HOUSE of REPRESENTATIVES

## BIOGRAPHY OF THE HONORABLE CHERYL L. JOHNSON

### Clerk of the U.S. House of Representatives

Cheryl L. Johnson was sworn in as Clerk of the U.S. House of Representatives for the 116th Congress by Speaker Nancy Pelosi on February 25, 2019. Ms. Johnson is the 36th individual to serve as Clerk.

Before becoming Clerk, Ms. Johnson worked for nearly 20 years in the House followed by 10 years at the Smithsonian Institution. Most recently, Ms. Johnson served as Director of the Smithsonian's Office of Government Relations. In that role, she worked with Smithsonian leadership and the Board of Regents to build and maintain strong relationships with Congress, specifically with the congressional committees with jurisdiction over Smithsonian programs and appropriations. She also developed strategic legislative objectives, policies, and funding opportunities for the Smithsonian.

In her time on Capitol Hill, Ms. Johnson was the Chief Education and Investigative Counsel for the House Committee on Education and the Workforce, where she served as a principal policy advisor and spokesperson for the Committee. Ms. Johnson also served as Director and Counsel for the Committee on House Administration's Subcommittee on Libraries and Memorials. In this capacity, she worked with the Subcommittee chair to exercise oversight and legislative responsibility over the Library of Congress and the Smithsonian.

Ms. Johnson earned her bachelor's degree in journalism and mass communication from the University of Iowa and her law degree from Howard University. She is also a graduate of the senior management program at Harvard University's John F. Kennedy School of Government. Born in New Orleans, she lives with her husband and son in Chevy Chase, Maryland.

Mr. RYAN. Thank you for your testimony.
Mr. Irving.

## TESTIMONY OF PAUL D. IRVING

Mr. IRVING. Good morning, Chairman Ryan, Ranking Member Herrera Beutler, and members of the committee. I appreciate the opportunity to present the Office of the Sergeant at Arms' budget request for fiscal year 2020.

It is an honor and a privilege to serve this institution, and I look forward to working with the committee as the year progresses.

Although I submitted my full testimony for the record, I would like to briefly highlight and update the committee on a few initiatives that are either in place or in a planned implementation phase before I mention my fiscal year 2020 request.

### SERGEANT AT ARMS PROJECTS AND PROGRAMS

The Sergeant at Arms, in conjunction with the Capitol Police, has enhanced security services, to include screening prior to entry of our buildings, developed an enhanced security focus to assist Members in this increased threat environment, expanded security services in district offices and district-based events, and moving the Capitol complex closer to 100-percent screening by bringing all of the buildings into the secure perimeter.

As I have noted, many Members receive threats and direction of interest communications that raise concerns for them, their families, and their staff. In light of these threats and concerning communications, my office interfaces with Members' offices seeking security coordination for off-campus events in the Washington, D.C., area, in their districts, or elsewhere across the country.

My office works with the Capitol Police to provide a level of protective support that is based on threat intelligence and proactive criteria which may form the basis of an enhanced level of support. Protective services can range from security awareness briefings in the Member's district, to a request to local law enforcement to support a public appearance by the Member, or additional assistance in the Member's district by the Capitol Police.

With regard to district office security, my office continues to build upon the success of our District Office Security Program that was launched in the summer of 2017. Since its inception, the program has assisted 375 district offices with the installation of intrusion-detection security alarms, cameras, panic buttons, and coordinated local law enforcement support of nearly 450 public events and townhalls across the country. We have documented almost 13,000 outreach interactions with Member offices.

Focusing on the Capitol complex here in Washington, D.C., we are working toward the implementation of House garage security to ensure full screening into the House office buildings and in line with the Capitol and Senate office buildings.

### SERGEANT AT ARMS FISCAL YEAR 2020 BUDGET REQUEST

Focusing on my fiscal year 2020 budget request, in addition to my request for items required at the start of any new Congress, my

largest increase is a request for funding for the Joint Audible Warning System.

This is a shared effort with the Capitol Police, Architect of the Capitol, and the Senate Sergeant at Arms to replace the aging wireless emergency annunciator system introduced as a temporary measure following the events of 9/11. The system components of these pager-like devices, located in all D.C. offices, are beyond their end-of-life dates. Battery components are no longer produced, and systems support by the vendor is limited.

Seventeen years after implementation, the funding requested will help procure a new, separate, non-cell-tower-based system for emergency notifications throughout the House and replace the system components, including 2,500-plus devices currently in every office, meeting room, hearing room, and work area on the House side of the Capitol and House office buildings, to ensure that emergency voice notifications are transmitted via secure radiofrequency to all offices and meeting spaces throughout the campus.

As I have noted, my additional funding requests are more fully contained in my extended testimony, such as an increase in FTE to better serve those we support in the House, as well as support for the 2020 nominating conventions, replacement of GSA-rated safes for Members to store classified and sensitive information, and Member and spouse identification pins and congressional license plates for the 117th Congress.

I can assure the committee that my fiscal year 2020 budget request has been prepared in the spirit of zero-based budgeting without jeopardizing mission-critical services provided to the House community.

Thank you once again for the opportunity to appear before the committee. I am so appreciative of the committee's unyielding support and partnership as we strive to maintain the delicate balance between strong security and free and open access to the Capitol complex. And I will be happy to answer any questions you may have.

[The prepared statement and biography of the Hon. Paul D. Irving follow:]

**Office of the Sergeant at Arms**
**Fiscal Year 2020 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 Ryan, Ranking Member Herrera Beutler, and Members of the Committee. I appreciate the opportunity to present the Office of the Sergeant at Arms budget request for fiscal year 2020. It is an honor and a privilege to serve this institution, and I look forward to continuing to partner with the Committee as this year progresses.

Since 1789, the daily responsibilities and expectations of the Sergeant at Arms have changed significantly. Within the last few years, the Sergeant at Arms Office has reexamined the security needs of the institution and transformed its mission, response and character. Members of Congress now receive an unprecedented number of threats and threatening communications, which mandate a proactive approach to our security posture.

I would like to highlight and update the Committee on a few initiatives that are either in place or in a planned implementation phase, before I mention our FY20 requests.

The Sergeant at Arms, in conjunction with the Capitol Police, has enhanced security services to include screening prior to entry of our buildings, developed an enhanced security focus to assist Members in this increased threat environment, expanded security services into District offices and District–based events, and is moving the Capitol complex closer to 100% screening by bringing the House Office Buildings into the secure perimeter.

Screening of visitors outside our buildings is designed to identify and mitigate threats before they reach the interior of our buildings. Physical security planning for the Capitol complex starts with pre-screeners at the outer perimeter and moves inward. In response to global terrorist threats, we have significantly enhanced the K-9 teams and officer pre-screeners outside the building entrances. I am working with the Architect of the Capitol on the planned Capitol South Door Screening Kiosk to move visitor screening outside the Capitol and into

an appropriately sized screening kiosk adjacent to the Capitol. Not only will this kiosk ensure that all visitors are screened outside the Capitol building, it will also provide the thousands of visitors to the House Chamber an indoor waiting area that will greatly enhance their experience. The ongoing design phase is a collaboration among the Architect of the Capitol, the Sergeant at Arms office, and the Capitol Police, and I am grateful for the Committee's support in securing funding for this phase.

Many Members receive threats and direction of interest communications that raise concerns for the Members, their families, and staff, but do not equate to the requirement of a Capitol Police protective detail. The number of threatening communications has increased three-fold over the past few years. In light of this increase, my office interfaces with Members' offices seeking security coordination for off-campus events in the Washington, DC area or elsewhere across the country. Upon receiving a request for law enforcement support, the Sergeant at Arms will request the Capitol Police conduct a security survey and/or risk assessment to determine what protective services are needed and if those services will be provided by Capitol Police and/or cooperating federal, state and local law enforcement partners. Furthermore, I have tasked my office to provide a level of protective support that is based on a proactive set of criteria which forms the basis of an enhanced level of support, such as an increased public profile on social media platforms. Protective services can range from a notification to local law enforcement, to additional assistance to the Member's District Office staff, to a Capitol Police deployment.

The Office of the Sergeant at Arms continues to build upon the success of our District Office Security Program that was launched in the summer of 2017. Since its inception, the program has assisted 375 district offices with the installation of intrusion detection security alarms, cameras and panic buttons. In addition, my office continues to pay for security upgrades at one district office per Member and pays for the alarm system monitoring fees for multiple offices.

The District Security Service Center serves as a "one stop shop" for all district security matters. Last year, the Service Center coordinated local law enforcement support of nearly 450 public events and town halls across the country. Since its inception, the Service Center has documented nearly 13,000 outreach interactions with Members and their offices. While

many of these interactions are at the request of the Member, the Service Center is also proactive in its outreach. For example, we performed outreach following an active shooter incident in Thousand Oaks, California; the synagogue shooting in Pittsburgh, Pennsylvania; the series of package bombs in and around Austin, Texas; and most recently, the active shooter incident in Aroura, Illinois this past February. This outreach ensures all staff are accounted for, provides guidance on protective actions, and disseminates pertinent contact information should any security related questions or concerns arise. The Service Center team also proactively reaches out to district offices to educate staff on security related information that is available to them. For example, this past year we reached out to each Member office that had not previously utilized our program to coordinate law enforcement support for public events. We recently launched two online webinars, one for active shooter training and one for safe mail handling procedures. As offices continue to receive suspicious and/or threatening mail, we increased our allotment of mail hoods by 10% to support additional interest in the program and replace damaged/aging units.

Our largest Capitol Complex security initiative is the Garage Security Enhancement Project, which will bring 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. The Office of the Sergeant at Arms continues to work with the Architect of the Capitol and the Capitol Police to implement screening in the House garages, so that all personnel entering the House Office Buildings from within the garages will be screened as those entering the buildings from the street. This will ensure the same level of screening whether using the pedestrian entrances or the garages to all House (and Senate) Office Buildings, or using the pedestrian entrances to the Capitol. The addition of the garage screening will eventually allow Members and staff to move from the House Office Buildings to the Capitol without additional interior magnetometer screening in the Rayburn and Cannon tunnels. I will continue to work with the Capitol Police and the Architect of the Capitol to minimize the inconvenience and impact of this project on Members, staff, and others who work in the House Office Buildings.

I am very proud of the work that has gone into these initiatives and the services my team provides to the House community.

In addition to these important projects, I would like to present the Sergeant at Arms FY20 requests.

For FY20, I am requesting funding for the Joint Audible Warning System, or JAWS. This is a shared effort with the Senate Sergeant at Arms, Architect of the Capitol, and Capitol Police to replace the aging wireless emergency annunciator system. The existing wireless annunciator system was introduced as a temporary measure following the events of 9/11. The system components of these pager-like devices (located in all DC offices) are beyond their end-of-life dates, the technology is old, battery components are no longer produced, and system support by the vendor is limited. Seventeen years after implementation, the funding requested will help procure a new joint system, with encrypted transmission capabilities, and new devices for all offices in the House. It is critical for us to replace the system components, including the 2,500(plus) devices currently in every office, every hearing room, meeting room, and work area in the House-side of the Capitol, Capitol Visitor Center, and all five House Office Buildings.

With the new JAWS system, emergency voice notifications will be sent via secure radio frequency to all offices and meeting spaces throughout the campus. This radio frequency system will not rely on cell towers or IP-based networks and will provide a separate and critical system that will work in parallel with the other systems in place, to provide critical life-safety information to everyone in the House. Importantly, the encryption capability will help ensure messages are sent from trusted, authorized officials to verified devices.

The JAWS effort, in conjunction with other existing notification capabilities – the Joint Emergency Mass Notification System (or House Alert currently available on desktops and cellphones) and the Public Address System (the loud speaker system in office hallways) – will provide notification resiliency. Collectively, they will use multiple delivery methods - including email systems, cell towers, network systems, and soon radio frequencies - to send emergency messages to Members and staff.

Another important initiative for our office is the Safe Program. In 2017, the Committee on House Administration mandated a House-wide move of the management of GSA-approved safes from the Office of the Chief Administrative Officer to the Office of the Sergeant at

Arms. This program includes the secure management, storage, training, and record keeping for close to 300 GSA-approved safes used in Member and Committee offices in the House. Our office has inventoried and created a secure database to track and monitor the GSA-approved safes currently in use. Over half of these safes still utilize an analog combination lock, which has proven to be difficult to open and unreliable over time. For FY20, I am requesting funding to purchase new safes, with digital combination locks that adhere to the U.S. Government's highest security standard, to protect classified information in Member and Committee offices in the House Office Buildings.

Employees of the Sergeant at Arms Office are our strongest assets. For FY20, I am requesting funding for eight new FTE for five Sergeant at Arms divisions.

Within the Division of Police Services and Law Enforcement, the additional FTE in my request will collaborate with the Capitol Police and – as I mentioned earlier in my testimony – support new security response needs identified by my office and the Capitol Police. This FTE will assist in reviewing security data related to the Capitol campus and provide coverage and liaison for special events such as Joint Addresses, CODELs, Field Hearings, trainings and Member outreach programs.

Within the Emergency Management Division, the FTE will provide the staffing needed for the increasing requirements to support emergency preparedness, operations, and planning efforts. The additional FTEs will help ensure each Member and Committee office is provided with focused emergency preparedness services, so the House is postured to respond to emergencies to ensure critical services and functions are continued under any circumstance.

Within the Division of Protocol and Chamber Operations, the FTE will supplement House Floor and Gallery operations. Chamber Support staff provide check in and escort visitors to the House Floor and Galleries. Last year, the division accommodated over 390,000 visitors to the House Gallery and more than 35,000 guests to the Floor for Member and staff-led tours.

Within the Information Technology Division, the FTE will assist with the growing responsibilities of the division, will better manage web content to provide special events and delivery information to the House campus more efficiently and accurately, help integrate the

ID Badging and Parking Security systems with the new House identity access management hub, and assist with the content support of JEMNS and potentially JAWS.

Finally, in the Sergeant at Arms Immediate Office, one additional FTE will provide operational and administrative support for a growing Sergeant at Arms staff and House community. This FTE will assist in such tasks as coordinating catering and deliveries per Members' offices and clearing vehicles to the House Office Buildings for military liaisons.

Non-personnel expenses for FY20 will continue to support travel, including Sergeant at Arms approved Capitol Police advance and support of overseas Leadership CODELs, other large scale off-campus events attended by Members of Congress, and the 2020 Presidential Nominating Conventions. Funding will continue to provide critical job-specific training for Sergeant at Arms staff in the areas of project management, physical protection systems, and customer service. Telecommunications funding will support cell phone, air cards and wireless service for all divisions of the Sergeant at Arms. Printing funding will support general printing needs and 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, parking security uniforms, staff parking permits, and 117$^{th}$ Congress Member and Spouse identification pins and license plates. Finally, general equipment funding is requested for the lifecycle replacement of PCs, software systems, laptops, wireless devices, cellphones, and desktop phones.

The FY20 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. To fund ongoing efforts, the Office of the Sergeant at Arms requests $23,720,292 for fiscal year 2020. This includes $13,450,292 for personnel expenses to fund the 155 authorized FTE plus 8 new FTE, as well as $10,270,000 for non-personnel items.

Thank you once again for the opportunity to appear before the Committee. I am so appreciative 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 am happy to answer any questions you may have.

**PAUL D. IRVING**
**SERGEANT AT ARMS**
**UNITED STATES HOUSE OF REPRESENTATIVES**

The Honorable Paul D. Irving was sworn in as Sergeant at Arms of the U.S. House of Representatives on January 17, 2012, during the 2nd session of the 112th Congress. He is the thirty-sixth person to hold this post since the House of Representatives first met in New York City in 1789. Prior to this, Mr. Irving was an Assistant Director of the U.S. Secret Service from 2001 to 2008, serving as a Special Agent with the Secret Service for 25 years.

As an elected officer of the House of Representatives, the Sergeant at Arms is the chief law enforcement and protocol officer of the House of Representatives, and is responsible for maintaining order on the House side of the United States Capitol complex. The Sergeant at Arms reviews and implements all issues relating to the safety and security of Members of Congress and the Capitol complex. Duties include emergency management and continuity of government operations for the House, the issuance, administration and verification of House staff security clearances and proper handling of classified materials, as well as overseeing the House floor and galleries, the House Appointments Desk, the House garages and parking lots, and administering all staff identification badges. Mr. Irving serves as a member of the U.S. Capitol Police Board, responsible for policy oversight over the Capitol Police Force, and is the chairman of this Board in alternating years. He also serves as a member of the Congressional Accessibility Services Board.

Paul Irving was born August 21, 1957, in Tampa, Florida. He received a Bachelor of Science degree in Justice from American University in Washington, D.C. in 1979, and a Juris Doctorate from Whittier Law School in Los Angeles, California in 1981.

Mr. Irving began his law enforcement career in 1980 as a clerk for the Federal Bureau of Investigation in Los Angeles, California, and was appointed a Special Agent at the Secret Service's Los Angeles Field Office in 1983. After assignments in the forgery, counterfeit and protective intelligence squads, he was transferred to Washington, D.C., where he served as the head legal instructor for constitutional law, statutory authority and criminal procedure at the Secret Service Training Academy. He was then assigned to the Presidential Protective Division at the White House during the administrations of George H.W. Bush and William Jefferson Clinton, where he rose to a supervisory position.

Subsequent to his White House duty, Mr. Irving served as Deputy Assistant Director for Congressional Affairs, Assistant Director for Government and Public Affairs, Assistant Director for Homeland Security, and Assistant Director for Administration. During his tenure as Assistant Director for Government and Public Affairs in 2002, Mr. Irving was detailed in a core leadership role to the Office of Management and Budget Transition Planning Office, which created the Department of Homeland Security, the largest government reorganization since the Department of Defense in 1947. As Assistant Director for Government and Public Affairs, he was responsible for all interaction between the Secret Service and Members of Congress, as well as all statutory authorization and budget appropriation requests to Congress. As Assistant Director for Administration, Mr. Irving was responsible for the Secret Service strategic plan, all financial and administrative functions of the $1.6 billion Secret Service budget, 6,800 personnel and 130 field offices worldwide.

Mr. Irving is the recipient of numerous awards and commendations during his distinguished Secret Service career, among them the Senior Executive Service Presidential Rank Award for Meritorious Service, and the Presidential Rank Award for Distinguished Service in the Senior Executive Service. He has been a member of the California State Bar since 1982, the U.S. District Court for the Central District of California, the U.S. Court of Appeals for the Ninth Circuit, the District of Columbia Bar and the Supreme Court Bar.

Mr. RYAN. Thank you, Mr. Irving. We appreciate your leadership. Last but certainly not least, Mr. Phil Kiko.

TESTIMONY OF PHIL G. KIKO

Mr. KIKO. Good morning. I want to thank each of you for this opportunity to present the CAO's fiscal year 2020 budget request.

The CAO is the largest House-specific organization, with over 700 employees who provide a broad spectrum of services. Our employees assist offices with purchasing, voucher processing, logistics and asset management, technical support, payroll and benefits, wellness, childcare, confidential employee assistance, and legal representation.

CHIEF ADMINISTRATIVE OFFICER PROJECTS AND PROGRAMS

The CAO has recently taken on new service responsibilities, such as administering in-person workplace rights education for an estimated 16,000 individuals and standing up the new Office of Employee Advocacy.

With the Chair's support and guidance, we have launched a House-wide wellness program that provides proven offerings such as mindfulness and stress management for our hardworking employees. We have also started preparations to conduct a comprehensive compensation analysis that will include diversity data and better inform House employment decisions.

CHIEF ADMINISTRATIVE OFFICER STRATEGIC PLAN

In my written testimony, I go into great detail explaining the CAO's implementation of its strategic plan, specifically the progress made with respect to our customer, process, stewardship, and employee goals. For me, the strategic plan is essentially a wellness program for the CAO the services it provides, new and old.

To provide exceptional services, the services themselves must be closely examined, reevaluated, and revamped. We needed to put a process in place to look inward in order to improve the services we provide. Investing in our workforce is critical to the CAO's success.

We still have a ways to go with regards to implementing the strategic plan. Some Members and staff have indicated that they have experienced improvements, through customer feedback that we have received. I certainly hope that people here have seen that as well. We are changing the way we approach service delivery, adding greater emphasis to customer feedback and greater consideration to this unique environment.

For example, we launched a totally revamped training program for House staff through the new Congressional Staff Academy. Training offerings include course on appropriations law, official committee clerk training, House financial systems, and leadership training for Chiefs and District Directors.

We have responded to the overwhelming demand for food service improvement. We recently opened a new &pizza and regularly host multiple pop-up restaurants around campus. Au Bon Pain is opening up at the end of this month, and we have two additional branded sites we will open on campus the Tuesday after Labor Day.

HOUSE INFORMATION TECHNOLOGY AND CYBER DEFENSES

The CAO is modernizing, actively migrating House-wide applications to the cloud, expanding internet bandwidth, and improving data connections for D.C. and district offices, while exploring ways to improve and modernize constituent engagement platforms to meet the 21st-Century means of communication.

Last but not least, there is the paramount responsibility of protecting the House against malicious actors constantly seeking to gain access to House data. Every month, the CAO blocks an estimated 1.6 billion unauthorized scans, probes, and connections, including 300 million to 500 million cyber attacks, and an average of 12.6 million questionable emails to thwart phishing attacks.

In 2018, our cybersecurity office deployed nearly 615,000 patches and 3,000 malicious indicators to over 16,000 network-connected devices. Investments in our IT infrastructure and cybersecurity amount for nearly 60 percent of the CAO's budget increase.

Just 2 months ago, in January, we witnessed a mass attack against the German Parliament, the second one in the past 2 years. And with respect to Australia's Parliament this year, investigators are looking into a massive, likely state-sponsored attack. It is the cybersecurity threats that keep me awake at night.

If you haven't already, I encourage each member of the Subcommittee to visit the House's Cybersecurity Operations Center. I think you would learn a lot. I think it would be very beneficial.

The continued implementation of our strategic plan, the hopefully noticeable service improvements and rollout of new services, and, of course, information technology and cyber defense remain our top priorities.

CHIEF ADMINISTRATIVE OFFICER FISCAL YEAR 2020 BUDGET REQUEST

In fact, if you exclude the requested increases associated with mandatory initiatives, like Workplace Rights and Responsibilities Education, the Office of Employee Advocacy, anticipated COLAs and longevities, and critical information technology and cyber infrastructure investment, the CAO's request for fiscal year 2020 is less than a half-percent over the fiscal year 2019 enacted funding level.

Of course, we realize we are competing with other offices and the Committee hasn't received a mark. We would appreciate your consideration, and we will move forward with whatever amount we get.

The CAO will continue to strive for perfection. Nothing less will do.

Thank you very much.

[The prepared statement and biography of the Hon. Phil G. Kiko follow:]

**Statement of**
**The Honorable Philip G. Kiko**
**Chief Administrative Officer**
**United States House of Representatives**
**Before the**
**The House Appropriations Subcommittee on the Legislative Branch**

**March 2019**

$16,541,000 of the requested increase is for non-personnel expenditures, including funding to support enhanced cybersecurity programs, the migration of House applications to the Cloud, technology recapitalization, annual maintenance and licensing contracts for the House, contractor support, the mandatory annual House-wide Workplace Rights and Responsibilities Education, new online management software for the Congressional Staff Academy, and a broad spectrum of CAO employee training ranging from technology support to life safety.

$2,004,000 of the requested increase is for personnel to support the FY19 annualized and FY20 prorated cost of living adjustments, longevity salary adjustments, and overtime for CAO employees. This net increase includes the transfer of the House's Business Continuity and Disaster Recovery personnel costs to properly align its costs with its operational impact within the House.

If you exclude the cost increases associated with mandatory initiatives such as Workplace Rights and Responsibilities Education, the Office of Employee Advocacy, anticipated employee cost of living adjustments, longevities and overtime, and the critical information technology and cybersecurity infrastructure investments, the CAO's FY20 request is less than half a percent over the FY19 enacted funding level.

The CAO's nearly 700 employees fulfill the organization's mission to serve Members and their staff – here in the nation's capital and across the country – by providing administrative, technical, and operational solutions so that they can perform their constitutional duties. We offer a diverse array of services delivered by a diverse, talented pool of employees.

As we continue to operationalize our Strategic Plan, we realize our vision to be an essential resource for every Member of the People's House through outstanding customer service delivered by exceptional employees. Significant progress has been made in the way we do business, but more can and will be done. It is my hope that the service improvements are apparent to the Members and their staff.

The priorities outlined in this testimony and the budget request for FY20 are intended to ensure the organization continues to advance its objective to provide the best possible customer service to the House community.

Again, thank you for the opportunity to testify and for the Subcommittee's continued support for the CAO.

## Strategic Plan

Delivering world class service was an integral component of the CAO's commitment to Congress when it was established in 1995. Renewing that commitment has been the overarching goal of the organization's Strategic Plan.

$16,541,000 of the requested increase is for non-personnel expenditures, including funding to support enhanced cybersecurity programs, the migration of House applications to the Cloud, technology recapitalization, annual maintenance and licensing contracts for the House, contractor support, the mandatory annual House-wide Workplace Rights and Responsibilities Education, new online management software for the Congressional Staff Academy, and a broad spectrum of CAO employee training ranging from technology support to life safety.

$2,004,000 of the requested increase is for personnel to support the FY19 annualized and FY20 prorated cost of living adjustments, longevity salary adjustments, and overtime for CAO employees. This net increase includes the transfer of the House's Business Continuity and Disaster Recovery personnel costs to properly align its costs with its operational impact within the House.

If you exclude the cost increases associated with mandatory initiatives such as Workplace Rights and Responsibilities Education, the Office of Employee Advocacy, anticipated employee cost of living adjustments, longevities and overtime, and the critical information technology and cybersecurity infrastructure investments, the CAO's FY20 request is less than half a percent over the FY19 enacted funding level.

The CAO's nearly 700 employees fulfill the organization's mission to serve Members and their staff – here in the nation's capital and across the country – by providing administrative, technical, and operational solutions so that they can perform their constitutional duties. We offer a diverse array of services delivered by a diverse, talented pool of employees.

As we continue to operationalize our Strategic Plan, we realize our vision to be an essential resource for every Member of the People's House through outstanding customer service delivered by exceptional employees. Significant progress has been made in the way we do business, but more can and will be done. It is my hope that the service improvements are apparent to the Members and their staff.

The priorities outlined in this testimony and the budget request for FY20 are intended to ensure the organization continues to advance its objective to provide the best possible customer service to the House community.

Again, thank you for the opportunity to testify and for the Subcommittee's continued support for the CAO.

## Strategic Plan

Delivering world class service was an integral component of the CAO's commitment to Congress when it was established in 1995. Renewing that commitment has been the overarching goal of the organization's Strategic Plan.

Initiated in the fall of 2016, the CAO's Strategic Plan was developed by a cross-functional strategy team and defined the CAO's mission and laid out specific service-oriented objectives for goals that focused on **customers, process, stewardship,** and **employees**.

After the Plan was finalized in early 2017, the CAO quickly moved to operationalize it. The organization brought together an array of service providers who gathered feedback from the House community, closely examined service delivery models, and identified ways to improve and modernize its services.

Over the past two years, the implementation of the Plan has prompted significant changes to the CAO's business model and, in turn, what the CAO hopes are recognizable improvements to the services it provides.

**Customers**
The CAO has set out to understand how the House community interacts with our services and improve our customer offerings, experiences, and satisfaction.

As reported last spring, implementing objectives under its customer goal led to the creation of an entirely new business unit dedicated to delivering exceptional customer service – the Customer Experience Center (CEC). The CEC is comprised of existing, revamped, and new capabilities focused on services provided to Members and their staff. It now includes streamlined creation and delivery of digital media, graphic art, and videography products under its House Creative Services division. Its new Congressional Staff Academy is delivering professional development curriculum requested by House offices. And its new, expanded Customer Advocate program is helping offices navigate and acquire the services they need.

To achieve its customer objectives, the CAO adopted practices common within the private sector to measure customer satisfaction by deploying point-of-service surveys. The surveys replace a hodgepodge of surveys previously and inconsistently deployed by the organization. The new survey tool, launched in March of 2017, initially covered six transactional services provided by CAO employees. Today, it surveys recipients of 33 services and has gathered 12,101 survey responses with an average satisfaction rate of over 96 percent. Survey feedback – good and bad – has prompted process improvements in CAO service delivery. Escalation processes are now in place to respond to any actionable feedback, and supervisors are assigned to resolve any challenges in service delivery. The CAO is currently implementing a new, in-house survey tool that will expand its survey capabilities to include more transactional services and consultative services.

**Process**
A primary process goal for the CAO is to modernize its services and increase service use through greater consistency and accuracy.

In August 2018, the revamped Communications and Marketing division within the CEC condensed a list of 150 services provided by the CAO, identified by CAO employees, to a simplified working list of 31 primary services better understood by the CAO's customers – Member, Leadership, and Committee offices. This working list of primary services helps employees understand and communicate the full scope of CAO offerings as seen through their customers' eyes.

To improve how we communicate and market our primary services, the Communications and Marketing team also launched new CAO-wide branding standards to ensure all new or modified services are properly branded and easily accessible. For example, services should consistently be referred to by the name customers associate them with and be accessible through known access points like HouseNet, MyServiceRequests, First Call, or the Technology Service Desk.

As part of an analysis of its internal operations, the CAO found that greater collaboration between its service providers is required to improve efficiency and reduce duplicative efforts and their associated costs. To facilitate greater collaboration, the CAO initiated its Cross-Functional Collaboration Program in the summer of 2018. The Program brings together every service division involved in each of the CAO's primary services to examine every step taken to fulfill that service. With that information, the Program then identifies opportunities to expedite service fulfillment and eliminate customer pain points. For example, the Cross-Functional Collaboration Program closely examined the CAO's fulfillment of special event service requests submitted to its First Call center. The examination discovered that for any given event, approximately 14 teams execute 50 activities with 34 decision points using 4 House systems and 6 forms. The examination identified 12 customer pain points and 14 ideas to improve and streamline the process.

The Program is on track to convene the corresponding business units to examine at least half of the CAO's primary services by the end of 2019.

In 2018, the CAO also established an organization-wide governance framework that promotes transparent and informed decision making and has resulted in greater collaboration between business units from the inception of a new or modified service.

**Stewardship**
The CAO's stewardship goal is to safeguard and optimize the use of House resources.

To fulfill its stewardship objectives, the CAO continues to implement the actionable recommendations provided by an independent firm in September 2017 following its comprehensive review of the CAO's financial services. The recommendations included actions be taken to improve overall accuracy, accountability, and customer engagement services. Implementing the recommendations has prompted new, expanded leadership within the CAO's Office of Finance; a restructuring of the Office of Financial Counseling; a reorganization of the Office of Budget, Planning, and Analysis; and the development of financial policies and procedures that codify best practices, legal requirements, and industry standards to be upheld by all Finance staff.

Operationalizing the process objectives in its Strategic Plan also required the CAO to prioritize the use of its finite resources based on risks posed to the House and spurred the creation of its new Office of Risk Management. The new business unit absorbed the CAO's Internal Control Program and Audit Liaison and Remediation programs. It also provided for the development and implementation of Enterprise Risk Management and Compliance Programs. The implementation of Enterprise Risk Management provides management with risk-based data to inform decisions and provide the capability to target resources to the areas of highest risk, ensuring the CAO's mission and objectives are met.

**Employees**
CAO employees are more than just a commodity for the House. They play an integral role to House operations and are part of the House community. They are comprised of individuals with diverse skillsets, including cybersecurity engineers, accountants, and tradespeople. Similar to employees in Member, Committee, and Leadership offices, they require investments in their development.

Since the implementation of its Plan, major strides have been taken to improve the organization's talent framework, its performance and feedback processes, and its workforce optimization efforts.

In 2018, the organization implemented a new talent framework that includes improvements to its recruiting and hiring processes. These include increased consultative discussions with hiring managers to ensure recruitment strategies are tailored to meet their specific needs. In 2018, the CAO also started a two-year effort to design and deploy a set of strategic human capital activities. Currently underway, these efforts include the development of new competency models, updated position descriptions, new candidate assessment tools, and the deployment of career development and mentor programs. Each of these initiatives will benefit current and future CAO employees by providing a more clearly defined roadmap for developing their career.

The CAO is also making an investment in the development of its employees. For example, the CAO launched a manager training series called *Empower Hour* and an organizational communication series for non-managerial CAO staff. These series were respectively attended by hundreds of employees during the 115$^{th}$ Congress.

Another important employee initiative is the CAO Speaker Series. The Series was created last Congress to provide an opportunity for CAO staff to come together and hear from a variety of Members, House staff, and other prominent individuals on topics ranging from professional development to the institutional development of the House of Representatives. The CAO launched the Series to create more engagement and collaboration among CAO staff and the institution they serve and to give staff the opportunity to share ideas and foster discussion around new and innovative ideas for the organization.

To accomplish its performance objective, in 2018, the CAO fully deployed its new employee performance management program that includes mid-year and new hire evaluations. The revamped evaluations are customized to each employee's individual performance goals and gauge the employee's performance as it relates to the CAO's organizational goals established in the Strategic Plan.

These noted talent framework and performance accomplishments align with and support the CAO's workforce optimization objectives. The CAO is also making progress on its workforce planning activities. Starting in early 2019, the CAO began taking a structured and risk-based process to identify the criticality of vacancies across the organization. The organization's workforce optimization activities will focus more specifically on the knowledge, skills, and abilities needed to successfully achieve its mission.

## Cybersecurity, Technology Support, and Modernization

**Cybersecurity**
Malicious actors use multiple evolving forms of cyberattacks in attempts to gain access to the House network. In just one month, the CAO blocks an estimated 1.6 billion unauthorized scans, probes, and connections aimed at the House and an average of 12.6 million questionable emails to thwart phishing attacks from reaching intended targets. In 2018, it deployed nearly 615,000 patches and 3,000 malicious indicators to over 16,000 network-connected devices across the country to counter known cybersecurity threats.

The House is undoubtedly a target of private and state-sponsored criminal cyber activity, and maintaining a strong cyber defense program is a paramount responsibility for the CAO. As stated in the CAO's FY19 testimony, the cost of protecting the House network will always increase year over year. FY20 is no exception. However, House cybersecurity enhancements are well worth the investment as the consequences of falling behind and failing to protect Members' data are incalculable.

Of the total $18,545,000 requested increase for FY20, $11,081,000, or 59.8 percent, is for House Information Resources (HIR) and dedicated to multiple initiatives, many of which will strengthen the House's cyber defense posture.

In 2018, the CAO maintained a strong cybersecurity posture through system compliance monitoring, enhanced Dark Web threat intelligence monitoring capabilities, and improved mobile platform security for smartphones and tablets connected to the House network. The Office of Cybersecurity also continues to share threat intelligence with other Legislative Branch agencies, Executive Branch agencies, and our international allies.

To improve cybersecurity awareness and maintain vigilance among all House network users, the CAO continues to conduct its annual system penetration testing and a

quarterly phishing campaign in addition to the required annual cybersecurity awareness training.

In August 2018, the CAO deployed a new cloud firewall to better protect and secure House websites hosted at our cloud service provider. The new firewall provides an additional layer of security between cybercriminals and House websites hosted in the cloud. The CAO is also deploying enhanced cloud security capabilities that will identify unauthorized or rogue cloud services connected to the House network and assist the CAO in its review of cloud services for use by the House community.

To enhance secure access to House data via smartphones and tablets, HIR deployed a new identity management service software. The software utilizes multifactor authentication and allows users to access their files through mobile single sign-on security features with biometric sign-on capabilities. The new software was successfully rolled out to CAO employees and select users in November 2018 and provides them remote mobile access to their files from Box and OneDrive cloud storage applications. House-wide deployment of the new mobile access software is slated for mid-2019. Once fully deployed to network-connected mobile devices, the software and its multifactor authentication capabilities will be deployed to network-connected desktops, which will ultimately eliminate the requirement for entering passwords during network login.

With the continued support of this Subcommittee, the CAO will continue to enhance its cyber defense capabilities to match evolving threats.

**Controls Over Privileged Access to the House Network & House Information Security Policies**
Enhanced cyber defense technologies are vital to safeguarding the House network. However, these efforts must be reinforced by strong controls over access to the network and House Information Security Policies.

To strengthen controls over network access, the CAO developed standards intended to protect the financial and IT integrity of the House through new controls over privileged access to the House network as well as access controls over House financial systems. The standards limit the number of individuals with privileged access to the House network, require individuals undergo background checks prior to being granted privileged access, and centralize the authorization processes within the CAO.

To reinforce these new standards and other vital information security protocols, HIR regularly reviews and revises the House Information Security Policies.

**Migration of House-wide Applications to the Cloud**
House-wide cloud applications increase operational efficiency and workflow through expanded self-service IT solutions and improved service delivery speeds. Their House-wide deployment also saves offices money. With those benefits in mind, the CAO is constantly working to vet and deploy cloud applications to the House. There

are currently multiple popular cloud services approved and in use by the House community, including Box, Dropbox, LinkedIn Learning, SurveyMonkey, and EventBrite.

The CAO is rapidly expanding access to Microsoft Office 365. Approximately 7,200 individuals at the House are now actively 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. The CAO is also working to standardize the House onto a single licensed cloud version of Microsoft Office that will enhance network security and supportability, yielding cost savings for the House.

To improve the registration experience for employee training and enhance the House's tracking capabilities, the CAO is implementing a cloud-based learning management system.

The House Web Services team, which has developed two-thirds of House.gov websites, is migrating the House's public facing websites to the cloud to ensure resiliency and to provide a seamless development environment. Cloud hosting also provides greater access to the latest hardware, timely security patching and updating of software, and around-the-clock monitoring of the sites and infrastructure allowing House Web Services staff to focus more on customer-oriented development needs instead of routine maintenance and backend processes. Additionally, the cloud provides robust resiliency across multiple data centers – ensuring the websites are always available.

To date, House Web Services has migrated and is currently hosting all new freshman Member websites, House.gov, and a number of other websites on the cloud. Its goal is to have all CAO-hosted sites migrated to the cloud by July 2019.

**Technology Recapitalization**
As the House continues to increase its reliance on cloud applications, which optimize services, it must reduce its reliance on legacy technologies through recapitalization. Specifically, the House must look to offset IT hardware, software, and maintenance contracts at existing data centers. Though there will be a need to operate House data centers for the foreseeable future, the CAO can certainly cut back on the House's use of them and the associated costs, which are significant. With the uptick in cloud services, the CAO is actively working on a recapitalization plan for the House to scale down resources at existing data centers as appropriate.

**Internet Bandwidth & Data Upgrades for D.C. & District Offices**
Increased reliance on cloud-based applications and the internet in general also requires the CAO to make increasing bandwidth and improving data connections a priority – especially for district offices. In August 2018, the CAO upgraded its internet circuits from two gigabits to three gigabits at each of its internet border routers. The upgrade of the circuits increased House internet bandwidth by 50 percent for D.C. and district offices.

Since the beginning of the 115th Congress, the CAO has been actively engaged to equip all the freshman district offices with Voice over Internet Protocol (VoIP) phone service. VoIP connections yield higher-quality data and voice connections, greater functionality, and cost savings. To date, 270 district offices are now either on the VoIP platform or are in the process of migrating over to the platform. During the 116th Congressional Transition, the CAO continued its effort to connect all freshman offices to Broadband and VoIP platforms and is now focused on expanding VoIP to the remaining district offices.

Also, during the 115th Congress, all 441 district office data connections were migrated to broadband technology. This new service allowed for faster interaction with the CAO services located on the D.C. campus, faster downloads of larger files, and improved video teleconferencing. On average, district offices experience increased speeds up to five times faster on downloads and two to three times faster on uploads. The migration to broadband not only enhanced the performance for district office staff, but garnered annual savings of more than $2 million.

With the $2 million in savings realized from the district office upgrades, the CAO invested in network and security infrastructure at a West Coast data center that will provide all West Coast district offices with the ability to access the internet locally. Under the current architecture, all West Coast district office data connections must travel across the U.S. in secure encrypted tunnels to D.C. to access the internet. Expected to be completed by April 2019, the new architecture will deliver enhanced connectivity for all district offices located on the West Coast. Offices in Hawaii, Alaska, and American Samoa will also experience increased speeds when this initiative is complete.

**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, the CAO created a dedicated Identity Governance and Administration organization in January 2018.

In May 2018, Identity Governance and Administration developed and deployed a new identity hub that integrates with My PayLinks and, as it continues to mature, will integrate with other House applications and identity sources starting with the House Sergeant at Arms' badging system. The goal is to create one system whereby the onboarding process for new hires include adding information into the identity hub that triggers workflows to other CAO departments and House offices responsible for various aspects of the onboarding process such as badging and 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 House systems.

**Simplified Online Access to House Systems & Services**
To simplify and streamline access to the House's financial systems regularly utilized by Member, Leadership, and Committee offices to manage their respective office budgets, the CAO launched the new Financial Systems Portal in 2018. In addition to streamlining access to financial systems, the portal provides a quick overview of each office's finances and an enhanced user experience similar to modern online banking systems.

Additionally, to help offices quickly obtain the services they need, the CAO has continued to expand its online self-service tool – MyServiceRequests – that now includes 127 services. Since its creation, the self-service tool has grown in popularity with the number of monthly requests increasing from 350 in 2014 to 2,368 by the end of 2018.

## Expanded Customer Services

The organization has also enhanced many of its more day-to-day support services provided to the House community to help Members and their staff effectively perform their jobs in an environment that promotes greater work-life balance and overall wellness.

**Customer Advocates**
Since its launch in September 2017, the CAO's Customer Advocate program has expanded from two Advocates serving approximately 100 Member offices to five Advocates serving all 441 Member, Delegate, and Resident Commissioner offices. Working hand-in-hand with First Call, the Customer Advocates connect their assigned House offices with the CAO's technical, administrative, and operational experts and help facilitate and triage CAO services on their behalf. Since its inception, the Advocate program has been well received. They have helped offices navigate the CAO's broad spectrum of services and were especially instrumental in facilitating the transition process for freshman offices during the transition to the 116th Congress, participating in 95 Member-elect briefings.

Customer Advocates have also traveled to Members' district offices to ensure that they are aware of the CAO services available to them and to gather feedback on ways the CAO can better meet their needs. Since the program started, Customer Advocates have visited district office staff from 44 congressional offices representing California, Illinois, Kentucky, Maryland, Ohio, Pennsylvania, and Virginia. Of the 44 visits, 14 were with freshman offices of the 116th Congress and focused on district office setup and the availability of CAO services. The goal is to have Advocates visiting district offices in their assigned regions on a reoccurring basis.

**House Creative Services**
To streamline access to its popular photography and graphic services and bring them into the 21st Century, the CAO merged the two divisions and added videography capabilities, to create House Creative Services – a one-stop shop for Member office digital and creative service needs. In July 2018, House Creative Services began beta testing the new House Creative Services online platform. The new platform, expected to be fully operational in the 116th Congress, enables offices to access, manage, and edit their photos and graphic designs and order prints online. During the 115th Congress, House Creative Services received and processed nearly 22,000 work orders. It also expanded its catalogue of services to include new products such as motion graphics and canvas prints.

**Congressional Staff Academy**
The new Congressional Staff Academy is delivering professional development curriculum specifically requested by Member, Committee, and Leadership offices to help employees best perform their job responsibilities. Unlike the former learning center, which didn't focus enough on professional development offerings for congressional staff, the Academy includes courses that help staff perform their duties, such as courses on appropriations law, official committee clerk procedures, House financial systems, and leadership training. For example, to support the mandatory House-wide transition to electronic voucher submissions in October 2018, the Academy launched new financial systems training courses with subject matter expert instructors and an on-demand, online course. Within two months, the Academy trained over 200 House employees on the new voucher submission requirements.

In February 2019, the Academy launched a new leadership series available in person or via webinar that has already been well received by Chiefs of Staff and District Directors. Using feedback collected through surveys, focus groups, and one-on-one interviews, the Academy is currently creating courses specifically requested by House offices focused on congressional communications, legislative processes, and D.C. and district office administration.

The Academy is also preparing to roll out House-wide access to LinkedIn Learning, an industry leading library with thousands of online on-demand courses covering a broad spectrum of technical and developmental skillsets.

As mentioned above, the Academy is improving the registration experience for employee training with the implementation of a cloud-based learning management system. Once fully operational, the platform will replace the existing three platforms in use and create a one-stop shop where employees can register for in-person courses, take online courses, and track their course completion status.

**Food Services**
To make sure Members, staff, and visitors have a variety of quality food options on campus the CAO has taken a multipronged approach to food service delivery, which

includes gathering community feedback, increasing branded food options, and implementing quality control oversight.

In January 2018, the CAO surveyed the House community on food services. The survey received an impressive 2,431 responses that indicated a strong desire for both cafeteria and branded food options. To that end, the CAO has worked to bring more branded options to the House such as D.C.-based &pizza, which opened in the Rayburn House Office Building in February. A Steak 'n Shake is also coming soon to Rayburn, and au bon pain is slated to open in the Cannon House Office Building this spring. These branded options are in addition to the popular Dunkin' Donuts, Baskin Robbins, and Subway options on campus and new pop-ups like Mission BBQ, and Hissho Sushi.

Since opening, these branded options have been well received. In fact, &pizza sold nearly 8,000 pizzas in its first month.

To ensure quality food offerings are provided in cafeterias by the House food vendor, the CAO conducts vigorous oversight and contract enforcement. This includes inspections and surveillance, tracking vendor performance, and regular meetings with the vendor's management team.

Provided that Members and staff often work long hours and rely on the on-campus food options, the CAO understands the importance of delivering a quality array of food options and will continue to make food services a priority.

**Member Constituent Communications & Mailing Services**
Whether it's social media, phone calls, email, letters, or townhalls, Members employ all means possible to communicate with their constituents and keep them informed. These efforts demand significant time and resources. In turn, constituents are increasingly employing the same methods to contact their representatives about pressing issues. In fact, the volume of inbound constituent communications has increased substantially over the past two years, making it difficult for offices to receive, process, and respond to communications in a timely fashion.

Facilitating Member-to-constituent and constituent-to-Member communications is one of the CAO's primary services that has been and remains one of its top priorities.

To advance technical engagement capabilities, the CAO launched an analysis of constituent engagement platforms utilized by House offices, including Correspondence Management Systems (CMS). More specifically, it has employed a leading independent technology consultant to conduct a three-phased assessment to identify the current challenges around constituent engagement, conduct market research for technology solutions to address those challenges, and develop a modernization roadmap that will serve as a playbook for attaining improved engagement platforms.

The assessment will evaluate the feasibility of expanding the use of more modern engagement capabilities such as live chat and chatbots, process automation, machine

learning and artificial intelligence, and constituent satisfaction analysis. The assessment began in late-2018 and is expected to be complete by mid-2019.

The CAO is also working with existing CMS providers to integrate their correspondence platforms with the House's telecommunications and voicemail systems, reducing an office's need to manually enter caller data into CMS platforms.

To improve its constituent mailing services, the CAO consolidated all House mail-related operations under the CEC that were previously under three separate CAO divisions – Logistics & Support, Finance, and Acquisitions. These include postal address reconciliation services, D.C. and district office billing, and mail vendor contract management. Consolidating these operations and moving them under the CEC has yielded process improvements and more direct office feedback. For example, in February 2018, the CAO's Mailing Services team worked with the U.S. Postal Service (USPS) to introduce the use of its Informed Delivery Program – a service that delivers constituents daily email previews of their USPS mail. It also established a House-wide account for its Informed Visibility Program in March 2018, allowing offices to enhance constituents' daily email previews with weblinks to their official House.gov sites and/or social media sites.

To expedite compliance to the monthly district office outbound mail reporting requirements, the CAO developed an online reporting system that launched in October 2018 and improves the reporting process for offices.

During the 115th Congress, the CAO's Mailing Services team reviewed nearly 250 million addresses for House offices and made corrections to nearly 60 million records, saving offices over $17 million in postage and $18 million in production costs. It has over 380 offices participating in the digital mail program and oversees the House mail screening processes that intake an estimated 12 million pieces of mail and 2 million packages annually and successfully intercepted the first of multiple potentially lethal pipe bombs sent to elected officials in October 2018.

**Employee Wellness Program**
To empower House staff with the resources they need to cope with the demanding pace of life and work on Capitol Hill, at the direction of the Subcommittee, the CAO launched a comprehensive House-wide wellness program. The first step entailed identifying an experienced program manager to convene and lead an advisory committee comprised of Legislative Branch professionals with knowledge of the House's unique environment and needs.

The program officially kicked off October 2018 with the launch of wellnesscenter.house.gov, a website designed to keep House staff informed of wellness topics and services ranging from mindfulness, nutrition, fitness, general health, and stress management.

The program is expected to expand its services in 2019 with a dedicated storefront and satellite locations in each House office building, newsletters, in-person and online courses for D.C. and district staff, and individual and group consultative services. As part of the wellness program, the CAO recently acquired a contract with LifeCare, a company providing work-life services for House staff. LifeCare provides personal guidance and support to assist House staff through major life events and common, stress-inducing challenges such as finding child care options, matching elderly parents with housing options, and assisting in college and financial aid planning. Additional platforms that deliver wellness coaching and health assessments will also be rolled out in 2019 along with special health and wellbeing events.

**Employee Advocacy**
To fulfill the House's desire that employees have access to legal counsel and representation in matters covered by the Congressional Accountability Act (CAA), the CAO established the Office of Employee Advocacy in compliance with H. Res. 724, passed by the House in February 2018. In September 2018, the CAO hired a Director for the Office of Employee Advocacy (OOEA) and moved expeditiously to outfit the office with necessary legal and clerical staff. The newly formed OOEA and HIR proactively developed information security protocols to facilitate the confidentiality of employee information. Further, the CAO employed a broad and strategic communications marketing campaign to inform the House Leadership, other service providers, and employees about the OOEA's services.

In October 2018, the office started assisting House employees in all CAA employee rights matters, which have included legal consultation and legal representation in diverse discrimination, harassment, retaliation, reasonable accommodation, and family leave matters. The OOEA has also served employees by collaborating with Human Resources and other House offices to inform the House community of the availability of legal and other resources for employee claims.

**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. To accommodate more House families, with the support of the Subcommittee, the CAO worked with the Architect of the Capitol and other Legislative Branch stakeholders to expand the Center's capacity and relocate a portion of its operations to the O'Neill House Office Building.

In January 2019, the Center's capacity more than doubled to 160 children, and all waitlisted preschoolers and House toddlers on the original waitlist were offered slots. Wait times for parents of children of all ages seeking admission were also significantly reduced. Once all O'Neill construction and expansion operations are completed and the Center has moved its entire operations to O'Neill, the Center will triple in size for a total capacity of 232 children. The expansion has provided the Center with an opportunity to build upon its success as a program accredited by the National Association for the

Education of Young Children. Specifically, the expansion has prompted operational changes at the Center, including changes in administrative and faculty structure, classroom structure, the effective implementation of age-specific curriculum, oversight of the Center's health and sanitization policies, and admissions policies and procedures.

**Workplace Rights and Responsibilities**
To help Members and staff comply with the Workplace Rights and Responsibilities training requirements prescribed in H. Res. 630, the CAO worked expeditiously to procure a vendor with the capability and expertise to develop and implement custom, in-person education courses for the entire House community based in Washington, D.C., and across the nation. Between January and March of 2018, the CAO solicited and vetted vendors from across the country and was ready to deploy custom training in April. The custom 90-minute education courses began on April 30, 2018, and included more than 400 live sessions in Washington, D.C., and over 200 across the United States. By the end of the Second Session of the 115th Congress, the CAO executed training for approximately 16,000 individuals.

The training is a good start, but it must be continuously improved to meet the unique needs of Members and staff. The CAO is currently working with the Committee on House Administration to identify any necessary changes to the program's curriculum and/or delivery to be implemented in 2019 and beyond.

**Compensation Survey**
In accordance with the FY19 Legislative Branch Appropriations report requirement to publish a House compensation analysis, the CAO developed and is deploying a statement of work to identify a capable contractor through a competitive selection process. The CAO is on track to deliver the analysis to the Committee on Appropriations by the mandated September 21, 2019, deadline. As required, the report will include a comparative analysis of the salaries and benefits of House, Executive Branch, and private sector employees. The selected contractor will also be required to identify compensation disparities that may exist between individuals from different ethnic and racial groups and working under different employing authorities with similar job responsibilities.

## Other Major Ongoing Initiatives

**Transition**
Every two years, the CAO partners with the Committee on House Administration, the Clerk of the House, the House Sergeant at Arms, the Architect of the Capitol, and additional House stakeholders to ensure a smooth and successful transition to a new Congress. The transition to the 116th Congress built on this history of cooperation. From office moves, to website development, to onboarding new employees, CAO business units played an important role in the transition.

Representatives from a variety of CAO offices, including the new CAO Customer Advocates, participated in briefings to help departing Members wind down their

operations and close their offices and help newly elected Members get their offices up and running. Working together, the CAO's technology and logistics divisions facilitated D.C. and district office moves and/or setups for returning and new Members as well as Committee and Leadership offices.

To support the 116th Transition, to date, the CAO:

- Facilitated 278 Member office moves
- Created 91 new Member websites
- Coordinated modifications to and/or modified over 30 Committee sites and 9 Leadership sites due to leadership changes
- Completed over 56,000 payroll actions
- Reviewed and approved approximately 775 district office leases

**Cannon Renewal**

CAO business units continue to support the Cannon Renewal Project now in its second phase. To support phase one of the Project, the CAO's Modular Furniture and Transition team designed and outfitted 31 Member offices, 2 Committee offices, the Clerk's Legislative Resource Center and office spaces, the Office of the Attending Physician's Health Unit, the ID office, conference rooms, and other ancillary spaces occupied by an estimated 1,500 employees. Additionally, the team partnered with the Architect of the Capitol to host three "sneak peek" sessions for Member offices with Cannon offices to view the furniture layouts and answer questions. HIR also supported the first phase by installing the network and telecommunications infrastructure, including the installation of 414 VoIP phones.

To support the second phase of the Cannon refurbishment, Modular Furniture staff reached out to all affected offices to provide guidance and assistance on the upcoming mandatory move processes. HIR is also working with the Architect of the Capitol on network and telecommunications infrastructure design. Lessons learned from phase one of the Project have yielded improvements to phase two coordination and communication between the CAO and Architect of the Capitol. For example, the placement of various building fixtures will be relocated to better align with furniture plans.

**Financial Services**

The CAO's Finance division continues to implement the actionable recommendations to improve accuracy, accountability, consistency, and customer engagement provided by an independent firm in September 2017. For instance, it is working on the ongoing development of its internal policies and procedures and using in-house knowledge management technology for CAO employees to establish and share precedents and resolution experiences. The knowledge management initiative will aid in standardizing activities using the appropriate process, procedure, and policy documents. In addition, organizational insights will be preserved.

In October 2018, the CAO modernized the House's voucher submission process, transitioning to a completely digital submission process so offices can submit vouchers

from anywhere at any time. Converting to digital submissions also increases voucher tracking capabilities and reduces the unnecessary use of staff resources and paper. The new digital process, which also allows CAO employees to accept and process vouchers from any location, promotes continuity of operations during emergencies or inclement weather events.

The Office of Finance is also working to implement the use of electronic signatures that will allow Members and staff to electronically complete, sign, and securely submit required financial forms. This modernization effort will save time and resources.

At the beginning of the 116th Congress, the CAO completed a successful transition to a new House Finance Card Program, which impacted all existing and prospective House Travel Card and Purchase Card cardholders and their financial administrators. The transition required negotiating a new credit card contract and issuing more than 1,000 new cards and account numbers. It also presented an opportunity for the CAO to improve internal House Finance Card Program policies, card issuance and payment processes, and training and certification requirements. For example, under the new payment process, all card transactions now load directly into the House's financial system so offices can create vouchers with just a few clicks, eliminating both time intensive data entry and potential human error.

To increase understanding of the House's financial policies, processes, and its systems of record, the Committee on House Administration instructed the CAO to establish a House financial services curriculum for designated financial points of contact who are authorized to access the House financial systems and submit and/or approve financial actions. Working with the new Congressional Staff Academy, the Office of Finance has developed a two-part course to be delivered in person and online that will cover House policies pertaining to the use of official resources and mandatory financial procedures. It also includes in-depth, interactive systems training.

**Wounded Warrior Fellowship Program**
The House's Wounded Warrior Fellowship Program provides paid, two-year fellowships for wounded and/or disabled veterans to work for Congress. In 2018, the Program was expanded by the Subcommittee to accommodate 110 offices seeking participating fellows – more than doubling the size of the Program. The expansion is helping the CAO meet the increasing demand for fellows, illustrated by the Program's waitlist averaging over 100 House offices despite the expansion. Fellows are currently placed in 55 House offices and the additional 55 positions are in varying stages of recruitment with 15 fellows expected to be onboarded in House offices before the end of May 2019.

Part of the CAO's expansion efforts included a robust education campaign to generate greater awareness of the Program and its benefits among Member offices. As a result, in 2019, the Program will realize record levels of office participation and diversity. Moreover, fellows will work in offices in more ethnically, culturally, socio-economically, and geographically diverse congressional districts.

Working closely with the CAO's new Congressional Staff Academy, the Program continues to improve professional development opportunities for participating fellows to develop and strengthen their transferrable skills. For example, in 2018, it launched a four-day orientation program for new fellows. Located in Washington, D.C., the orientation includes briefings from various Executive Branch agencies, all branches of the military, the American Folklife Center, and the Congressional Research Service. This year, the orientation will be expanded to a fifth day, further enhancing the skills new fellows need so they may contribute more quickly in their respective offices.

To date, more than 250 fellows have participated in the Program, and more than 50 alumni of the Program have been permanently hired by House offices.

**Asset Management**

House offices collectively have over 60,000 accountable assets, approximately 1,500 of which are considered capitalized and valued over $25,000 each. The CAO is responsible for tracking each of these assets. However, the autonomous nature of House office operations and equipment purchasing processes complicates CAO efforts to track, transfer, and dispose of House equipment, and deficiencies associated with asset management have been highlighted by House auditors dating back to FY13.

To address the identified deficiencies, the CAO has undertaken several initiatives to yield immediate process and accountability improvements and facilitate a phased approach to develop and expand its asset management practices to the entire House. Immediate improvements include the implementation of a more stringent review policy for the disposal of assets, the standardization of asset tagging and tag placement to inventoried items, and the deployment of network discovery technology that detects approximately 22,000 active computer assets on a daily basis. The CAO is also actively working to improve House office inventory education and awareness through the creation of management guides, customized training, increased hands-on assistance through its Customer Advocates, and greater access to real-time office inventory data.

The FY17 House financial audit acknowledged the corrective actions taken in response to the House's previously reported internal control deficiencies and highlighted efforts underway to mature inventory policies and procedures, expand inventory processes to include capitalized property, and develop a risk-based approach to identifying inventory items and reviewing processes. With the continued development and implementation of the CAO's asset management objectives, the CAO is confident that the external auditors will identify continued improvement in the FY18 audit.

The CAO's long-term asset management goals were established using the results of a comprehensive, independent gap analysis completed in April 2018. The analysis entailed a thorough review of House practices, audit findings, and industry best practices. It included recommendations to improve the effectiveness of end-to-end inventory processes performed by the CAO and establish clear program goals and tools to measure success. Per the recommendations, the CAO began with internal changes to its practices and plans to systematically expand the practices to other House offices

as necessary. The CAO is also exploring House-wide expansion of centralized receiving, developing a risk-based approach to defining and tracking assets, and further improving access to inventory information and support. Implementation of the recommendations is underway and slated to last through FY21.

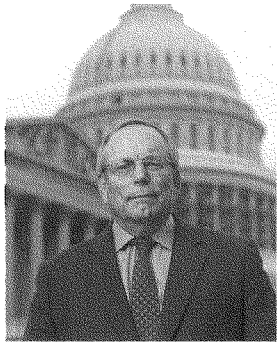
**Conclusory Statement**
**Philip G. Kiko**
**Chief Administrative Officer**

Since I last testified, the CAO has made significant progress with the initiatives and projects it prioritized for FY19, especially the implementation of its customer-focused Strategic Plan. Implementing the plan and its objectives has forced the organization to step back and reevaluate the services it provides, look at them through our customers' eyes, and determine the best way to deliver them. It has also spurred the creation of entirely new services and two new business units within the CAO.

2018 was a productive year for the CAO and its dedicated employees, and 2019 has great potential.

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.

# *Philip G. Kiko*



Philip G. Kiko was sworn in as the Chief Administrative Officer of the U.S. House of Representatives on August 1, 2016, during the second session of the 114th Congress. He is the eighth person to serve as CAO since the position was created in 1995.

As CAO, Mr. Kiko is responsible for the information technology, financial, logistic, human resources, and procurement services provided to Members and their staff.

During the 115th Congress, Mr. Kiko spearheaded strategic initiatives that were designed to improve House operations, accountability, and the CAO's customer services. As CAO, Mr. Kiko has had a particular focus on improving the efficiency and accuracy of House services.

Answering an early call to public service, Mr. Kiko has a long record of House and government service, first working as a Legislative Director and Chief of Staff in a personal office of a Member.

In the mid '80s and early '90s, Mr. Kiko worked in the Executive Branch at the Department of Education doing civil rights enforcement. He also held various positions in the Department of Interior where his responsibilities included the oversight of its administrative and fiduciary functions and appellate administrative law cases. The foundation for his next endeavor in 1995 was laid when he returned to the Hill as Associate Administrator of Procurement and Purchasing at the newly formed CAO.

After establishing and implementing the CAO's procurement policies and functions, Mr. Kiko served as Staff Director and General Counsel for three House committees, including the Committee on House Administration, which is responsible for overseeing House operations, including those carried out by the CAO.

Mr. Kiko also served as Of Counsel at the Washington, D.C., office of the Milwaukee-based law firm Foley & Lardner and Vice Chairman of the Smith-Free Group.

Mr. Kiko is originally from Canton, Ohio, and graduated from Mount Union College in Alliance, Ohio. He is a graduate of George Mason University School of Law and is a Member of the D.C. Bar, the Virginia State Bar, and the United States Court of Appeals for both the Federal Circuit and the D.C. circuit.

Mr. Kiko is married with four children and several grandchildren and lives with his wife in Virginia.

Mr. RYAN. We will begin the question-and-answer session.

Ms. Herrera Beutler.

WOUNDED WARRIOR PROGRAM

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

A couple questions, and I might skip around a little bit.

I will start with you, Mr. Kiko. The Wounded Warrior Program.

Mr. KIKO. Yes.

Ms. HERRERA BEUTLER. So it is one of the House's, I would say, most supported initiatives. In fact, we had a fellow who participated in the program last year who has now moved on to my staff full-time.

And I believe, last year, the subcommittee directed you to report back on any recommendations to improve the program, and I just want to know if there were any improvements or anything new that you have discovered.

Mr. KIKO. We have been very aggressively attempting to match up wounded warriors with Member offices. We are at an all-time high of 55.

Ms. HERRERA BEUTLER. We had tried for one, and the first time I got one was last year——

Mr. KIKO. Okay.

Ms. HERRERA BEUTLER [continuing]. And it has been amazing.

Mr. KIKO. Good.

Ms. HERRERA BEUTLER. So I think that is probably a result of your aggressiveness.

Mr. KIKO. There is a process to get wounded warriors, and we are aggressively pushing that process internally. And there is room for more, so my only suggestion is continue to have Members request, and we will comply.

LONGWORTH CAFETERIA ACCESSIBILITY

Ms. HERRERA BEUTLER. Skipping over to a totally different subject the Longworth cafeteria.

Mr. KIKO. Yes.

Ms. HERRERA BEUTLER. I just wanted to bring this to your attention. I had a fellow colleague who mentioned it. And as you are thinking about some of these other stations, there is at least one place where you can order a sandwich, you go do it on a computer, and then you go get in line.

I wanted to hear what you have to address customers who are visually impaired or who are in wheelchairs. Because there is no interaction with an employee when you order.

Mr. KIKO. I think that is a very good point, and we will make sure that we will look into that. I know there are a lot of disabled individuals that come up here, and I know that with regards to people in wheelchairs we have in the cafeterias. But I will look into that a little bit more—especially the visually impaired.

Ms. HERRERA BEUTLER. This is where you can only order using a computer.

Mr. KIKO. Right.

I think it is, when you walk in, you can punch in your order.

Ms. HERRERA BEUTLER. This one was brought to me by one of my colleagues, but I have been there when it was the sandwich line.

It is, like, you have to go order online, and I made the mistake of getting in line, and that was a big problem.

Mr. KIKO. I will check it out. I will follow up, seriously.

Ms. HERRERA BEUTLER. But, as you start thinking about people advocacy groups come here all the time.

Mr. KIKO. Right.

DISTRICT OFFICE SECURITY

Ms. HERRERA BEUTLER. And then I wanted to quickly, Mr. Irving, discuss district office security. I know there are a number of programs that you are expanding.

What do you offer for public events for Members at home, in their home districts? What can they avail themselves of? So not necessarily just securing the physical location of the district office and the mail.

Mr. IRVING. We coordinate very closely with all law enforcement coordinators and ask each office, each district office, to appoint a law enforcement coordinator to monitor and coordinate security in the Member's district. And we do this as a force multiplier because we don't have, you know, the Capitol Police or staff to go to every district office.

Ms. HERRERA BEUTLER. Yes.

Mr. IRVING. And we provide every law enforcement coordinator with a booklet with information on—we provide security awareness briefings. We provide templates on how to set up district events.

And we do ask—if there is assistance required, we will actually send people out. But we do usually leverage local law enforcement and ask the law enforcement coordinator at the district office to work with local law enforcement to set up those events without us flying out. But, again, if we need to fly out, we will certainly do so to provide assistance.

Ms. HERRERA BEUTLER. And I assume you have a program for outreaching to all the new Members who are unaware of where to start on all this?

Mr. IRVING. Yes. We have a very, very active outreach.

Ms. HERRERA BEUTLER. Good.

Mr. IRVING. And almost every new Member now has a law enforcement coordinator.

Ms. HERRERA BEUTLER. Great.

Mr. IRVING. A lot of communication between our District Security Service Center and those new Members.

GARGE SECURITY UPGRADES

Ms. HERRERA BEUTLER. I have just enough time to ask about garage security. The security renovation—the renovation wasn't a result of your security request. Are you doing the security upgrades because the renovation is happening?

Mr. IRVING. They are really happening——

Ms. HERRERA BEUTLER. I am trying to understand the genesis.

Mr. IRVING. Okay. The genesis was, right after I arrived, I wanted to address a vulnerability that had been——

Ms. HERRERA BEUTLER. Yes. A very big one.

Mr. IRVING [continuing]. Identified was the garages. So I strove to implement security in the House garages so that everyone in the House office buildings had gone through security screening.

It just so happened that, as I was in discussion with leadership and with the Architect of the Capitol on the project, they said, we are undergoing—or we will be undergoing a garage rehabilitation program in the Rayburn garage.

And I said, you know what, that is great. Because to add security screening vestibules, it would be nice if we actually built the vestibules out and the screening centers out a little bit to provide and better accommodate the screening equipment——

Ms. HERRERA BEUTLER. Versus retrofit. You are able——

Mr. IRVING. Right.

Ms. HERRERA BEUTLER [continuing]. To build in what you need.

Mr. IRVING. So the timing turned out to be perfect.

Ms. HERRERA BEUTLER. Okay.

Mr. IRVING. And we are now in the process of working very closely with the Architect and with the Capitol Police. For the Architect, it is an infrastructure issue of building out and adding certain things. For the Capitol Police, it was a manpower issue. So——

Ms. HERRERA BEUTLER. That was my next question.

Mr. IRVING. Well, we have it all worked—since we have been working this since 2013-2014 timeframe to build up Capitol Police manpower to be able to staff all of the additional——

Ms. HERRERA BEUTLER. Got it.

Mr. IRVING [continuing]. Screening areas and working with the Architect——

Ms. HERRERA BEUTLER. Got it.

Mr. IRVING [continuing]. So that, as they build out and rehabilitate the Rayburn garage, we do both and they fall in line.

And we are on track to implement garage security this year, later part of this year.

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

Mr. RYAN. Great.

Mr. Ruppersberger.

## HOUSE SERVICES FOR PEOPLE WITH DISABILITIES

Mr. RUPPERSBERGER. Sure.

Well, first thing, I think you all do a good job, and we know you are going to do a good job. That is easy.

In my former job, I was a county executive to about 800,000 people, so I love coming back on this committee and seeing all the things you have to do. And I really think, with all the missions that you have, you have done a great job. And you are responsive; you are dealing with issues. And, plus, you have, at least the House side, 435 Members that are always looking at you and having issues.

I want to bring up an issue that we had in our office, only—and we have resolved it now, but I want to bring it up so we can make sure that it doesn't happen again and we can set a system.

I have a new staffer who has a rare disease, and so we worked to address her disability issue to provide parking and other accommodations. This was pretty challenging. When we asked for help, we got a lot of pushback.

And the pushback on parking, you know, they were asking all sorts of inappropriate questions. You know, they were not very—they were not service-friendly. We got bounced around to different contacts on a continued basis. And, eventually, we were able finally to resolve it, but it took a long time. And it was pretty frustrating for her, it was embarrassing for her.

And what I would think is that maybe we could have a little bit of training or a point person, We have more people that have disabilities. We need to really have a point person who can get involved and not have to go through all the issues.

Look, parking is a tough area to manage. Everybody wants parking; they come in and out. But when you have a legitimate issue—and if you need doctors' reports, that is fine. Then we will get them and whatever.

But I think we should develop a point person to make sure that we could work this through and find out a way. It took a long while and a lot of anxiety, and, you know, it was really not the best service we could offer.

So I am just throwing that out, and any comments about it?

Mr. KIKO. I do believe that responsibilities for a disabled person is diffuse. Somebody has this part, somebody has that part, somebody has that part. I do think that somebody in the House of Representatives, whether it is in the CAO or somewhere else, should be able to figure it out and pass on the person and then to make sure there is followup, to make sure whatever issues there are with the Member's office should be followed up on.

Mr. RUPPERSBERGER. Yes.

Mr. KIKO. I am supportive of this.

Mr. RUPPERSBERGER. Well, I just think we need a contact person that has a little bit of training to deal with that.

Mr. KIKO. Yes.

Mr. RUPPERSBERGER. That is all. And we have resolved the issues, but it took a while.

Mr. KIKO. Right.

HOUSE CYBERSECURITY STATUS

Mr. RUPPERSBERGER. Now, let's get back to the area of cybersecurity. It is probably, other than nuclear weapons, the most serious issue.

You said what keeps you up at night? Cybersecurity?

Mr. KIKO. Yes.

Mr. RUPPERSBERGER. Yeah. How about spicy Mexican food? Does that——

Mr. KIKO. Sir, it depends how old it is.

Mr. RUPPERSBERGER. We have a dot-gov that, in my opinion—and I do a lot in the area. I represent NSA, and I was on Intelligence.

Mr. KIKO. Right.

Mr. RUPPERSBERGER. Our dot-gov still has a lot of issues that we have to deal with.

Are we starting to coordinate our dot-gov a lot better than we were, say, a year or two ago? Can you explain where we are on our cybersecurity issues?

Mr. KIKO. Well, I think that——

Mr. RUPPERSBERGER. I know that is a broad question.

Mr. KIKO. All I would say is that in the last 2 to 3 years there has been a heavy emphasis on upgrading our cybersecurity capabilities. And it is always this conflict between security and Members wanting to use devices and those kinds of thing however they want to use them.

So we have been gradually making that better. And, internally, are doing a lot of things to clear out a path.

CYBERSECURITY COORDINATION

Mr. RUPPERSBERGER. What I am saying, you have all these different areas and departments and whatever, and you have one person in charge who might be more technically advanced than someone else. Are we starting to coordinate that, the whole dot-gov? And are we getting advice from other agencies, NSA?

Homeland Security, as an example, has a tremendous mission.

Mr. KIKO. No,

Mr. RUPPERSBERGER. That is what I am talking about. Where are we? Because we were really in bad shape years ago. Now, have we started to improve? What are we doing about that? Do we have a contact person who is going to be coordinating it who has the expertise?

And where are we getting our people, too, who have the expertise? Because everybody wants to hire them now too.

Mr. KIKO. Well, I know that Paul will have some comments on that too. But we have periodic meetings with people from NSA, the DOD, the Department of Homeland Security. They are very involved in, even on our public networks, looking at things and making us aware of intelligence.

The House of Representatives participates in Cyber Guard, which is a red/blue exercise where you are being attacked——

Mr. RUPPERSBERGER. Yeah.

Mr. KIKO. We have participated in that.

We actually have relationships with foreign legislatures like Great Britain, Australia, New Zealand and European countries on cyber issues.

And we share a lot of information with the Sergeant at Arms, and they share information with us.

HOUSE CYBERSECURITY MANAGEMENT

Mr. RUPPERSBERGER. I am looking at it from the management perspective. Who is the contact? Who is in charge of this?

Mr. KIKO. We have a CISO. We have a Chief Information Security Office. Catherine Szpindor is here, and she is the head of it.

Mr. RUPPERSBERGER. Great.

Mr. KIKO. And that is what it is. And it is fairly rigorous.

Mr. RUPPERSBERGER. And there are a lot of challenges there, and——

Mr. KIKO. There are.

Mr. RUPPERSBERGER [continuing]. It is changing all the time, there is no question.

Do you have anything to say, Paul?

Mr. IRVING. I was just going to echo, I think that Phil's team does a great job. They work very closely with law enforcement,

with FBI, Secret Service, DHS, and others that are sort of the cutting edge of a lot of the cyber issues.

So I will just echo that I think his team does a great job. And I leverage my law enforcement contacts, as well, to assist. But I think they are doing about as good a job as they can based on the incoming threats.

Mr. RUPPERSBERGER. I am getting the hook.

Mr. RYAN. The gentleman's time has expired.

The gentleman from Hawaii, Mr. Case.

HOUSE CYBERSECURITY STATUS (CONTINUED)

Mr. CASE. First of all, I echo all the comments to all three of you to thank you for your service. I have told you in my office, the quieter you are, the better the job is, the more likely we are to underappreciate you. So this subcommittee is one place where we get to say that very directly, so thank you so much for all the work.

You know, I would like to follow up on my colleague's questions about cybersecurity, because, that was a lot of zeros in terms of the number of attacks and kind of, like, along the lines of a Federal budget, which is starting to be real big, stuff. I actually had to look it up and see what was beyond a trillion, and it is quadrillion. I forgot that, but, you know, we are getting into that range.

You have a huge problem. I assume it is still accelerating very rapidly. I mean, is the trend still upwards in terms of the number of attacks? You know, this is across the board, but I assume it is true with us as well, right?

Mr. KIKO. It is the number of attacks, and it is also the sophistication of the attacks. People now have algorithms, you know. And it is not just the number, but it is the intensity, which is part of the number, but it is also how sophisticated the attacks are. And many of the attacks are from nation-states.

Mr. CASE. Well, that is my next question, because you can say that without qualification, that you believe some of those attacks are nation-state——

Mr. KIKO. Yes.

Mr. CASE [continuing]. Sponsored or -directed or actual nation-state attacks?

Mr. KIKO. Yes.

Mr. CASE. Okay. And those, obviously, are coordinated with the rest of our government, right?

Mr. KIKO. Yeah, we do that. And part of our defense mechanisms is just trying to figure out if they are from nation-states or from hacktivists or whatever. But we are on that, yes.

And we coordinate, like I was just saying, with a lot of government agencies that help us to identify things too, in advance. We don't want to be 2 weeks, 3 weeks late with something happening. We want to have real-time information.

CYBERSECURITY BUDGET REQUEST AND OUTYEAR PLANS

Mr. CASE. Now, knowing that this is obviously an incredibly serious issue, as we saw with Australia, and knowing that they are accelerating, knowing that the sophistication is increasing, a very direct question is: Do you think you have the adequate funding to

maximize the protections that we need? What is behind your specific funding request in this department, in this area?

Mr. KIKO. Well, we are requesting $11 million for HIR, House Information Resources. Most of that is related to cybersecurity. A specific amount, $2.9 million, is for the specific Office of Cybersecurity to increase contractors, and those kinds of things, so we have the most up-to-date people and resources.

And then, also, the other part of our request, while it is for House-wide kinds of issues, it is to move into the cloud. If we move into the cloud, then that is a lot more secure than not moving into the cloud. And you can also have a lot more security enhancements go right away to Members. Because a lot of times we see malware and then we have to do a patch on somebody's computer. And you want to have that done real-time.

So we believe that the request that we have is adequate, but I am not going to say we couldn't use more. But I think we are just not throwing money at it. Part of the issue is how we use computers and software and hardware and devices on campus as well.

Mr. CASE. Is your funding request based on—I assume it is based on some kind of a master plan for how to fully protect the Legislative Branch from cyber attacks?

Mr. KIKO. Yes.

Mr. CASE. And so you have a plan, and you have very specific priorities in that plan. And those priorities are priced out. And are all of those priorities priced out in your budget?

Mr. KIKO. Well, in our plan—and it is not a plan just for this year, but for the next 3 or 4 years. So we do have a plan, and I don't know if it is totally priced out yet because the threat changes. But we do have a plan, correct.

Mr. CASE. As you understand it today, looking out into the future, this appropriation request reflects your plan priorities?

Mr. KIKO. That is correct.

Mr. CASE. Okay. So you haven't somehow censored what you are asking for based on an expectation or anything else. I mean, this is what you think we need to get the job done.

Mr. KIKO. Right. And I had lengthy internal meetings on this, and this is what people recommended to me. And I accepted those recommendations. These are the professionals in this area and this is what they thought they needed, so this is why the request was put forward.

I didn't say, no, I only want this kind of increase or that kind of increase. I said, tell me what you need.

## CYBERSECURITY IN OTHER NATIONS

Mr. CASE. Yes. Thank you.

So I think you said you are in touch with other parliaments, et cetera, across the world. So, in the case of Australia, which seems to be about the most egregious, direct, good example of what can happen, are there lessons learned there and incorporated into our plan?

Mr. KIKO. Well, they are still trying to assess it. So we have visited Australia and we are in touch with them, but we don't know what the lessoned learned are yet. Because I just checked on this, and this only happened, like, 6 weeks ago, so they are trying to fig-

ure out what happened and how they are going to fix it. And we are still in touch with them on it.

Mr. CASE. Okay.

Mr. KIKO. I do know last year that there was an incident in Great Britain where there was a hack attack. And the fact that they told us the day before that this is happening, we were able to then stop the similar kind of attack that would have happened against the House of Representatives.

Mr. CASE. Okay. Thank you.

Mr. RYAN. Thanks.

Just to follow that line of questioning, do we know who was trying to do this in Great Britain and Australia?

Mr. KIKO. Well, I think in Great Britain——

Mr. RYAN. Was it state-sponsored?

Mr. KIKO. I don't—I am not sure. I don't think it was state-sponsored.

Is that——

Ms. SZPINDOR. I think it was, but I don't think that it has been divulged that much, as to who it is. We have ideas, and we have had some private conversations with them, but——

Mr. KIKO. But it is not——

Ms. SZPINDOR. Public.

Mr. KIKO [continuing]. Clear.

Mr. RYAN. Uh-huh.

Mr. KIKO. I think they—you know, Australia has a pretty good idea that it was state-sponsored, but——

HOUSE CYBERSECURITY STATUS (CONTINUED)

Mr. RYAN. Can you repeat those numbers in your testimony about how often this is happening to the House?

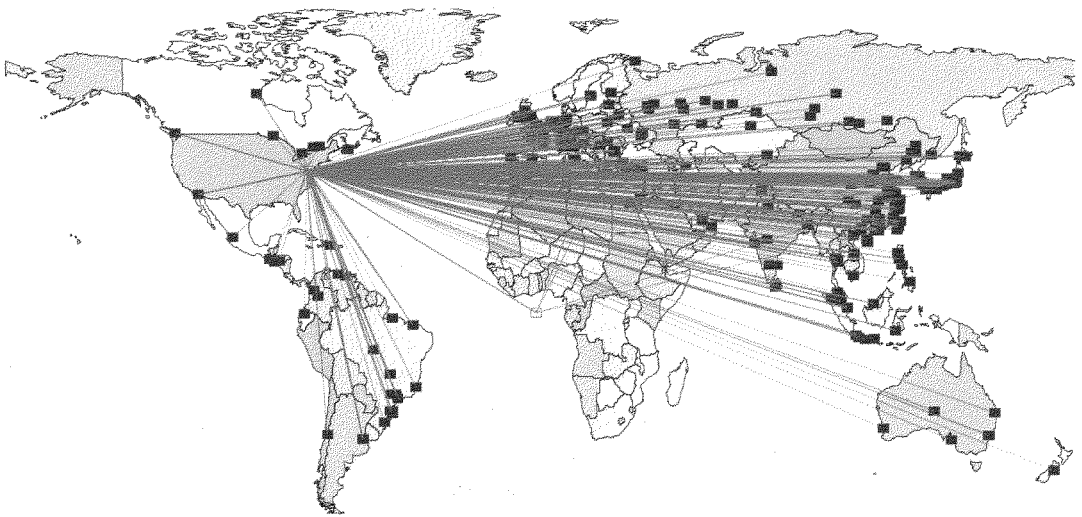
Mr. KIKO. Let's see here.

I would just—because there is so much interest in cyber, why don't we just pass this out too? I am sure you have seen many of these, but this is something we shared at New Member orientation.

[The information follows:]

# 116th Congressional Transition

Attempted Cyber attacks against the House average 300 to 500 million each month



Mr. KIKO. Let me get these numbers. It is 300 million to 500 million cyber attacks each month.

And then we have 1.6 billion unauthorized scans, probes, and connections. So if you are a sophisticated cyber person that is trying to figure out what to do, you first probe, then you scan, and then you try to connect. And so it is a very structured kind of way in which to get in. Sometimes it is brute force, you know, you just go after it with brute force, but sometimes it is a lot more sophisticated.

And then we stopped 12.6 million questionable emails. That is the phishing attempts. That is still the most popular way to get in a network, is through phishing. People answer in an email. But now it is even getting more sophisticated because they copy an email and then they send it, and you are not even sure if it is correct or not.

And we are actually working—because in the Members' offices, there are scheduling people and press people. We are trying to have software that we could develop that is more sophisticated against phishing. We are trying to figure out ways to more comply with the needs of the Members' offices rather than just stopping. You know, you can't see that. We are trying to figure out ways to do that.

Mr. RYAN. Uh-huh.

Mr. KIKO. Does that make sense?

Mr. RYAN. Yeah. No, that makes sense.

One of the things—I just read an article the other day about the Chinese—we don't want to get into a bunch of classified stuff here, but—having the ability to, I guess, access our networks here. And some of the technology we are using—not we, the House, but in the United States—using some of their technology that may open the door for them.

One of the questions I have is with these, the ability for someone to turn on our microphones, turn on our cameras, listen to conversations. Is that something—because, obviously, a lot of this runs through your office as well. Is that something that you are exploring, on technologies that could help through hardware to protect Members' privacy and some of the, you know, discussions that we may be having?

Mr. KIKO. Yeah, we are. We are trying to—I mean, you are thinking about it as an insider kind of threat because of how stuff is used?

Mr. RYAN. Yeah. Just the ability for some nefarious actor to hack into our speakers on our phones, our cameras on our phones.

Mr. KIKO. Well, that is sort of the next wave, what they are looking at now. The cyber threat now is emerging into mobile devices. We also, even up here in the House, we are trying to close off ports in committee hearing rooms so people can't plug in the network when somebody is not here.

But we do have it. It is the future, what you are talking about. And, of course, we are looking at that, and that is part of our plan. We are trying to have a more secure mobile network up here. We are working on that as we speak.

Mr. RYAN. Okay. I appreciate it.

You know, thank you for your leadership on this. I can't imagine dealing with this day-in and day-out. Because we leave this hearing and we try to help you as much as we can and then we go about our business, and you and your team are dealing with this day-in and day-out. So we appreciate it. So thank you for your——

CYBERSECURITY STAFFING AND TRAINING

Mr. KIKO. I just wanted to also say, partially in response to Congressman Ruppersberger's question, we do try to hire the brightest and the best, whether it is contractors or we have people that used to work in the intelligence community, you know. And that is what we try to do.

And we have a lot of people that actually want to work here in the House. They want to protect the House, because they have this sense of duty. And so that is what we are trying to do. I don't think we have had a problem in hiring these kind of people.

And we are constantly trying to stay up to speed, I mean, not be 5 years old in training and everything else. So that is what I would say.

LEGISLATIVE INFORMATION MANAGEMENT SYSTEM

Mr. RYAN. Yeah. I appreciate it.

One last question before we go to the final round. I want to ask Ms. Johnson, for your fiscal year 2020 request, it includes $3 million for Phase 3 of the modernization, which we talked about the other day in my office, for the LIMS system. This is obviously important, critical for legislative operations. It is my understanding the system is about 30 years old and requires redevelopment to be reliable and strong.

Can you discuss the goals of Phase 3? And what is planned to be accomplished in Phase 4 and then Phase 5?

Ms. JOHNSON. Phase 3 would make the system more nimble. LIMS is a repository that is used by both the House and the Senate, and Phase 3 would give us every aspect of a bill, from enrollment to engrossment, and also help with the reporting of the Committee reports, the floor reports, Senate action, as well as executive action. And, as I testified, Phase 3 would cost about $3.1 million for FY2020 and FY2021.

Mr. RYAN. And then how about the projected costs for Phase 4 and 5? Do you have an idea?

Ms. JOHNSON. The continuation of Phase 3 as well as Phases 4 and 5 would be another $3.4 million. The five phases should be completed in 2024. The $3.1 million would be for fiscal years 2020 and 2021. We would not ask for more money until fiscal year 2022. And then Phase 5 would begin in fiscal year 2023 and be completed in fiscal year 2024.

Mr. RYAN. So it would be $3 million for 4 and 5.

Ms. JOHNSON. $3.4 million for the continuation of Phases 3 plus three for 4 and 5. Correct.

Mr. RYAN. Four and 5. Okay.

Ms. JOHNSON. LIMS will cost a total of about $7 million.

Mr. RYAN. Okay.

Ms. JOHNSON. We have already received roughly a half million for Phases 1 and 2. We are asking for $3.1 million this year, fiscal year 2020, and another $3.4 million in 2022, for a total of $7 million.

Mr. RYAN. Okay. Great. Thank you.

We are going to do a little second round, a lightning round with 3-minute time limits.

So, Ms. Herrera Beutler, you good?

Mr. Ruppersberger, do you have any followup questions?

HOUSE CYBERSECURITY STATUS (CONTINUED)

Mr. RUPPERSBERGER. I just want to ask more on the cyber.

It is a massive problem, as we know. Just as an example, China, who probably is the most aggressive with spies and also with what they do in cyber, our Commerce Department estimated that China last year stole from American companies, academia, whatever they wanted, over $600 billion—not million, billion. That is a lot. And, you know, it is something we are going to have to deal with.

And, you know, Russia is as sophisticated as we are, and they want to know what we are thinking and what we are saying and all of that.

So, it is an issue that I think we have to keep talking about. You understand it. You have expertise.

I am surprised you really have kept people, because I know, even, like, at NSA, a lot of our millennials are leaving to go with higher-paid jobs. And, you know, you have a lot of the key people there in the mid-60s. So, you know, that is an issue that we are going to have to really keep focusing on, as far as the employees and the training and that type of thing.

My suggestion, and what you are saying, just keep working what—your networking in law enforcement is really important to keep dealing with this. Because other than nuclear weapons, probably, you know, the most serious thing we are dealing with is cyber attacks. And we have only have one destructive attack in this country, and that is Sony. But once that gets started, it could really be a disaster.

So, you know, I hope—and our committee will stand behind you in whatever you need to do, as long as you are doing it right——

Mr. KIKO. Right.

Mr. RUPPERSBERGER [continuing]. In the cyber field.

Mr. KIKO. Right.

Mr. RUPPERSBERGER. That is all I have.

CHAIRMAN'S CLOSING REMARKS

Mr. RYAN. Thank you.

Just as a wrap, Mr. Kiko, I am looking at all of the cyber attacks, and I am thinking of the House wellness program as a great antidote to, really, some of the pressure and stress. And I want to just take a second to thank you for your leadership and your team that you have developed.

I think my goal in this committee is really for the House, the Congress to be on the cutting edge, as much as we can, on how we

handle ourselves, how we conduct our business, our levels of efficiency, how we treat our employees.

And talking about being able to retain top talent and staff, we have to compete with a lot of these tech companies that are embedding wellness programs within the charters of their organization as a component to being able to compete and think creatively and not be living in a completely high-stress environment.

So I want to say thank you to you and your team. You have put together an amazing operation already in a very, very short period of time with a very, very small budget. And I think it is critically important, so I wanted to just take a minute to thank you and your team for that.

Mr. Irving, thank you. We rely on you a great deal behind the scenes. Although, once or twice a year, you are very famous and in front of 50 million people. You are the most famous guy that nobody knows, you know? But all the travel that Members do, we know you and your team are behind the scenes there. So we want to say thank you to you for everything you do and think about when we are not thinking about it.

And, Ms. Johnson, we are excited to work with you as we move forward here. We know you have a big job. And, as I said the other day, we want to come down and take a look at the operation. And we feel really lucky to have you, and congratulations, and we will just——

Mr. RUPPERSBERGER. And you have a good background.

Mr. RYAN [continuing]. Keep moving on.

Ms. JOHNSON. Thank you.

Mr. RYAN. It is great.

So this committee is adjourned. Thank you.

[Further prepared statements for the record follow:]

# Statement of Michael T. Ptasienski, Inspector General
## Office of Inspector General
## U.S. House of Representatives
## Washington, DC
## March 12, 2019

Before the House Subcommittee on Legislative Branch Appropriations

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, I thank you for this opportunity to highlight the important work of the Office of Inspector General (OIG). The OIG was established in the U.S. House of Representatives (House) by House Resolution 423 *"House Administrative Reform Resolution of 1992"* during the 103rd Congress to conduct periodic audits of the financial and administrative functions of the House and of joint entities. Since the first Inspector General of the House was appointed in November 1993, the OIG has worked closely with House 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) 2020 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. By carefully scrutinizing all aspects of our programs, and by employing a zero-based budgeting methodology, we were able to formulate the OIG's FY2020 budget request with no increase over the FY2019 budget and appropriation. We are proud to underscore that over a 10-year span of time our budget has only increased by 1.5 percent. 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 projected spending.

We are proud to have been able to keep our budget flat 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 contracted subject matter experts sparingly, we do budget a minimal amount for contracting based upon our current or projected work plan and also 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, dedicated professionals, all of whom possess either a bachelor's or advanced degree, one or more relevant professional certifications, and extensive public or private sector work experience. Currently, the OIG has nine ongoing audits and advisories in various stages of completion.

## HIGHLIGHTS OF THE OIG'S WORK DURING THE 115TH CONGRESS

The Office of Inspector General's (OIG) objective, value-added reviews focused on improving the House's financial and asset management, administrative processes, workplace safety and security, the security of House data, and the information technology infrastructure. During the 115th Congress, the OIG issued 22 reports, 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 4 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 FY2017, was published in June 2018. For the 20th consecutive year, the external auditors expressed an unmodified opinion on the House's financial statements for the fiscal year ending September 30, 2017. However, the external auditor reported a repeat significant deficiency relating to the controls over property and equipment. Additionally, a new significant deficiency was reported relating to controls over financial statement presentation and disclosures.

**Performance Auditing Services.** Performance audits evaluate the efficiency and effectiveness of the House administrative functions and the adequacy of internal and management controls over these functions, to include benchmarking policies and procedures against best business practices. During the 115th Congress, we completed audits on the House retirement processes, the Chief Administrative Officer's (CAO) oversight processes for the Master Technology Services contracts, an audit of the House Recording Studio, as well as an evaluation of the consolidated billing and recurring payment processes of the House, and audits of the House Travel Card and Purchase Card programs.

**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 115th Congress, we completed audits on the controls over remote access to the House network, controls over the secure enclave, and on the CAO and Clerk's internal web development processes. In addition to auditing information systems, the OIG continually supports cyber security 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 115th Congress, we completed advisory efforts on the quality assurance processes for payment of vouchers, the House Asset Management program, the CAO's furnishings and logistics processes, the organizational change management in the Peoplesoft 9.2 and Lawson system upgrades, optimizing services performed by the CAO and Architect of the Capitol, and ways to better leverage the House's buying power when purchasing goods and services.

**Investigative Services.** Through the result of audits, advisory activity, or anonymous tips, the OIG, in coordination with the Committee on House Administration, may execute 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 115th Congress, the OIG continued its efforts to increase fraud awareness across the House community.

## FOCUS FOR THE 116TH CONGRESS

A number of important challenges face the House during the 116th 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 re-vamped the audit planning process. This work has helped ensure better communication and coordination with the House Officers and Committee on House Administration and ensures we have a very focused, risk-based audit plan that centers on critical aspects of the House financial operations and asset management, legislative operations, and the security of life and property.

We believe that the OIG's proactive, value-added audit and advisory 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 2020 BUDGET REQUEST

The OIG's FY2020 budget request calls for total funding of $5,019,000. The FY2020 budget request remains flat with our FY2019 request and appropriation. This amount includes $3,849,254 for mandatory items, $1,000 in price level increases, $1,249,746 for program current services and an ($81,000) decrease in program changes.

Our programs' current and continuing services include contract funding for the annual audit of the House financial statements by an external certified public accountant 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 Ryan, I wish to thank you, Ranking Member Herrera Beutler, and the Members of this Subcommittee for the opportunity to present the work of the OIG and its FY2020 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 applicable laws, rules, and 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.

## Biography of the Inspector General
## U.S. House of Representatives
*Michael T. Ptasienski*

Mr. Ptasienski was appointed as the 5th Inspector General of the U.S. House of Representatives on February 15, 2018. Michael previously served in the Office of Inspector General (OIG) of the U.S. House of Representatives (House) as the Deputy Inspector General, Advisory and Administrative Services and as the Director, Management Advisory Services. He has been at the House since 2008.

Prior to joining the House, Michael spent over 15 years working in consulting and management roles in the financial services industry.

Mr. Ptasienski is a Certified Public Accountant (CPA) and Chartered Global Management Accountant (CGMA). In addition, he holds Certified Internal Auditor (CIA), Certified Government Auditing Professional (CGAP), and Certification in Risk Management Assurance (CRMA) credentials from the Institute of Internal Auditors, as well as the Project Management Professional (PMP) designation from the Project Management Institute. Michael is also a Lean Six Sigma Black Belt. He holds a BA in History from Knox College (IL).

STATEMENT OF

RALPH V. SEEP

LAW REVISION COUNSEL OF THE U.S. HOUSE OF REPRESENTATIVES

to the

Subcommittee on Legislative Branch

of the House Committee on Appropriations

---

Mister Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you to present the budget request of the Office of the Law Revision Counsel (Office) for fiscal year 2020. Our Office appreciates the continuing support given to us by the Subcommittee and Congress.

***Budget Request***

For fiscal year 2020, I am requesting $3,419,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs.

**Continuing Operations.**--The amount of $3,419,000 represents a 2.77 percent increase over the amount appropriated by the Consolidated Appropriations Act, 2019, Public Law 115-244. 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 2020 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 the required edits be executed in the Code online 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, cross references appearing in text, 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 work is currently underway to prepare the 2018 full version for publication in 2019 using new XML-based printing software developed by GPO.

### *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 around 40 times during the Second Session of the 115th Congress. Bulk data is made available for download in a variety of formats (XML, XHTML, PDF, and

locator text files) with every update. 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 now being made more frequently to correspond with publication of updates to the Code text. 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 transfer of several 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/reclassification.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.

In the first session of the 116th Congress the Office is updating and resubmitting thirteen bills to the Committee on the Judiciary. The bills were previously submitted to the Committee, but not enacted, in the 115th and prior Congresses. Eight of the bills are codification bills, and the other five are bills to update statutory references. The Office is also working on several new codification projects.

***House Modernization Project***

No additional funding for the House Modernization Project is being requested in the Office's fiscal year 2020 budget, but the work is ongoing. The House Modernization Project was originated in 2012 as 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.

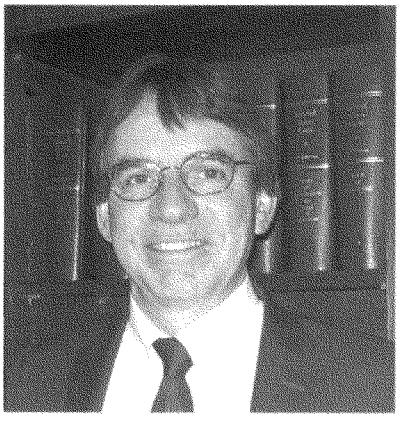
***Website for the United States Code***

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 2020 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.

Ralph Seep serves as the Law Revision Counsel for the United States House of Representatives. He is a graduate of the University of Notre Dame and Duke University School of Law. He spent 15 years with a private company working in a legal editorial capacity with responsibility for various Federal and State legal publications. Mr. Seep has worked in the Office of Law Revision Counsel since 1992. He became the Deputy Law Revision Counsel in September, 2008, and Law Revision Counsel in June, 2011.



**Statement of Douglas N. Letter, General Counsel**
**Office of General Counsel**
**U.S. House of Representatives**
**Before the Legislative Branch Subcommittee**
**of the Committee on Appropriations**
**Regarding Fiscal Year 2020 Budget Request of the Office of General Counsel**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee. Thank you for the opportunity to present and explain the fiscal year 2020 ("FY'20") budget request of the Office of General Counsel ("OGC"). For FY'20, OGC requests $1,518,000 – $1,338,000 for personnel costs and $180,000 for non-personnel costs. OGC's FY'20 budget request represents an increase of $16,000 (1.07%) over OGC's FY'19 enacted funds of $1,502,000. A justification of the requested increase over the amount of FY'19 enacted funds appears below.

**Functions of the Office**

Pursuant to Rule II.8(a) of the Rules of the House of Representatives (116th Cong.), OGC is an 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. OGC functions pursuant to the direction of the Speaker, who, with respect to litigation matters involving the House, consults with 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 responsibilities, OGC defends civil suits; moves to quash or limit subpoenas; represents the House and its Committees in suits for affirmative relief, such as enforcement of House subpoenas; represents the House in defending Acts of Congress 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 from 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, Deputy General Counsel, and five senior attorneys with extensive legal experience, together with three law clerks, and an office administrator.

The requested $16,000 increase in the budget for FY'20 relative to enacted funds for FY'19 is attributable to a $4,000 increase in non-personnel expenditures. The increase reflects additional costs for court document subscriptions that are essential to monitor and litigate cases of significance to the House and its Members, Committees, and Officers.

The FY 2020 budget request also includes funds for meritorious increases required to maintain salary levels sufficient to retain highly qualified attorneys and staff who handle the bulk of OGC's workload.

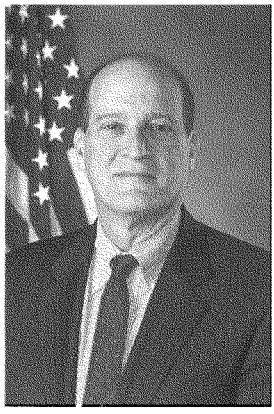
Based on the proposed funding level, OGC expects to be able to continue providing the same level of effective service it currently provides. In past years, expenditures for outside counsel have often necessitated the reprogramming of funds to increase OGC's budget.

There exists a high probability that OGC will be required to undertake significant litigation in the upcoming fiscal year. Such litigation may include cases in which the House authorizes OGC to initiate litigation, intervene or file amicus briefs in pending cases, or seek judicial enforcement of subpoenas issued by various House Committees.

OGC proposes to handle this litigation in several possible ways. First, to the extent practicable, matters will be litigated by OGC attorneys and law clerks. In some circumstances, cases might be handled by OGC attorneys working with private attorneys from law firms or public interest litigation groups. OGC reasonably expects that, where necessary, substantial legal services will be provided to the House by private attorneys on a pro bono basis, meaning that the House will not be billed for these services. However, some matters may require OGC to enter into contracts for paid legal services with private attorneys. In addition, it is possible that OGC will find it necessary to hire at least one more full-time attorney to deal with the expected increased work load.

If it transpires that additional funds are needed for hiring another attorney or paying private counsel, OGC will request such funds as may be necessary at the appropriate time.

I would be happy to respond to any questions the Subcommittee might have. Thank you for your consideration.



**Douglas N. Letter, General Counsel**

Mr. Letter joined the Office as General Counsel in January 2019. In February 2018, after a 40-year career, Mr. Letter retired from the U.S. Department of Justice, where he served as Director of the Civil Division Appellate Staff. During his time at the Department of Justice, he also served as Associate Counsel to President Bill Clinton, as Deputy Associate Attorney General, and as Senior Counselor to Attorney General Eric Holder. Immediately prior to joining the Office of General Counsel, Mr. Letter was a visiting professor and Senior Litigator at the Institute for Constitutional Advocacy and Protection at the Georgetown University Law Center. Mr. Letter has presented over 200 oral arguments, including before the U.S. Supreme Court and various federal appellate and district courts. He received his law degree from the University of California, Berkeley Law School in 1978, and his Bachelor of Arts degree in American history from Columbia University in 1975.

# 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 2020 Appropriations
## March 12, 2019

Mr. Chairman and distinguished Members of the Subcommittee, thank you for the opportunity to present to you the fiscal year 2020 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, established on February 24, 1919, as the Legislative Drafting Service (section 1303 of the Revenue Act of 1918 (Ch. 18, 1141)), continues to fulfill its mission, now 100 years old.

## Mission

The Office advises and assists committees and Members express their legislative policies by preparing bills, resolutions, and amendments that clearly, faithfully, and coherently express these policies (2 U.S.C. 281a). The Office is neutral as to matters of legislative policy. From its beginning the Office has provided legislative drafting assistance to Members representing all political viewpoints while maintaining confidentiality with each. With the support of this Subcommittee, we would like to continue this tradition and improve our ability to provide this important service to the committees and Members of the House.

## Office Budget Request

For fiscal year 2020, I am requesting $11,937,000 for salaries and expenses of the Office of the Legislative Counsel.

# Services

## Drafting

The Office strives 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. The Office seeks, to the extent possible within existing time constraints and scope of work, 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 for this work 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 Statutory Compilations.

During the 115th Congress, the Office prepared the following number of documents:

| | Bills | Amendments | Resolutions | Total |
|---|---|---|---|---|
| Individual requests | 25,484 | 15,776 | 2,282 | 43,542 |
| All versions of requests | 92,260 | 35,065 | 7,319 | 134,644 |

When compared to the 114th Congress, these numbers represent an approximate 10% increase over the numbers of bills, amendments, and resolutions produced during the 114th Congress. For calendar year 2018, the average number of drafts per Member served by the Office was 21. However, the Office generated 146, 141, and 120 drafts for 3 Members, respectively. When all versions of drafts are taken into account, the total versions produced for the top 3 Members is 477, 366, and 356, respectively. The front office intake process received 24,092 discrete client emails during the 115th Congress. These requests do not include emails sent directly to attorneys.

The last bill in the 115th Congress is numbered H.R. 7401, which suggests that approximately 30 percent of the bill drafts the Office prepared were introduced.

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. During the the 115th Congress, the Office prepared 1,038 Ramseyers for reported bills, 86 Rules Committee Prints, and 30 comparison prints in compliance with clause 12a of Rule XXI.

Putting these statistics in any kind of meaningful perspective is difficult because some drafts are mostly formatting while others are complex, requiring months of intensive work by a team of experienced attorneys. As indicated above, each final draft is often preceded by multiple earlier versions, each typically involving a significant investment of time.

Bills and amendments continue to be lengthy and complex. Many are the result of years of work by committees and Members. The Office participated in many areas of work during 2018. Some of these are listed in Appendix II of this document.

## Formatting Requested by Members

Among the duties that are 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. We also do not prepare documents relating to the oversight or constituent services responsibilities of Members.

### 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. There are 16 teams currently, some more formally structured than others. When the workload for a team spikes, attorneys from other teams frequently volunteer to help, especially with amendment requests for the 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 very difficult 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 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, as required by our charter (2 U.S.C. 281b). 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

The Office continues to develop and implement information technology for use by personnel inside the Office as well as by Members, staff, and the public. The Office has an IT team consisting of 3 persons as well as contracts with several vendors for software support and development. Major work is as follows:

- **USLM.**—Since 2011, the Office has been partnering with the Clerk of the House, the Government Publishing Office, and the Law Revision Counsel to update legislative data from a DTD-dependent xml to a USLM Schema xml, allowing for the future development of enhanced legislative drafting and interpretive tools. This project continues the development work with the US Code (Law Revision Counsel), providing enrolled bills, Statutes at Large, and the Code of Federal Regulations in the USLM format, providing Statute Compilations in the USLM format (see below), and in future phases the bills, resolutions, and amendments in the USLM format.
- **Clause 12a Comparative Print tools.**—The Office began partnering with the Clerk of the House in January 2017 in the development and deployment of software tools designed to enable the House to comply with the requirements of clause 12a of House Rule XXI (known as the Posey Rule). Future development of these tools is expected to allow Members and staff to operate them with a high degree of accuracy from a House website.
- **Statute Compilations.**—The Office began partnering in 2018 with the Clerk of the House and GPO in posting Office Statute Compilations in GPO Collections and converting the format of these compilations into the USLM format. This is an ongoing project that is necessary to the development of the Clause 12a Comparative Print tool. It also has a transparency benefit for researching Federal law.
- **Microcomp Replacement.**—The Office uses a XML authoring tool (known as XMetal) to produce draft legislation. Part of this process relies on GPO's Microcomp to print legislative drafts in pdf format for delivery to Members. The Office is participating with GPO in the development of a replacement for Microcomp.
- **Office 365 Development and Deployment.**—The Office is in phase III of a project which has replaced its wiki Intranet with a Sharepoint site and is working with HIR to leverage more of the capacities of Office 365 to enhance Office functions. This project is expected to continue through the 116th Congress. Internally, the Office expects to make business process improvements based in part on management advice obtained through a partnership with the House Inspector General. In addition, the Office is in the early stages of building a Member portal on Sharepoint to replace its Member website.
- **iManage.**—The Office first deployed iManage (its document management system) in 2004 and is updating its functionality to better leverage its capabilities.
- **Office servers and software.**—The Office continues to enhance its hardware and software to provide for better service to Members and to enhance its capacity for continuing operations in light of threat environments to the House of Representatives.

# Personnel

## Staff

Our existing authorized staffing level is 87. As of January 1, 2019, the Office has a staff of 70, allocated as follows:

- 49 attorneys, one of whom is the Legislative Counsel and 6 of whom are in the Office training program.
- 7 clerks and paralegals.
- 5 comparative print and compilations staff.
- 3 information technology personnel.
- 1 office administrator.
- 1 human resources administrator.
- 4 front office support staff.

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. During 2018, the Office onboarded 10 employees, as follows:

- 6 attorneys.
- 2 clerk/paralegals.
- 2 front office staff assistants.

Also as a result of recruiting efforts during 2018, 8 attorneys and 2 summer associates are committed to join the Office in 2019. Finally, in April 2018, the Office established and filled a new position, human resources administrator, to assist with the hiring, onboarding, and training of employees.

## Training

During 2018 no fewer than 20 attorneys served as tutors in the Office's attorney training program, which is approximately 40 percent of the total number of attorneys in the Office (and an even higher percentage if attorneys in tutorial, or otherwise ineligible to tutor, are excluded from that total number). In addition to the tutoring provided for full-time attorneys, the Office hosted 5 summer associates in 2018 (4 of whom will be returning as full-time attorneys in 2019). 9 attorneys assisted in the summer program as mentors.

**Recruitment, Training, and Retention of Attorneys**

Recruiting and retaining well-qualified attorneys is becoming exceptionally difficult. The high salary levels of attorneys in private practice creates 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 the departures of 2 senior attorneys during the 115th Congress. 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 lost 4 junior attorneys in the 116th Congress. 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 predictable raises during an attorney's first 15 years of service, subject to the availability of appropriations.

The complexity of legislation requires years of training new attorneys to become legislative drafters of the high quality to which we always aspire. Training a drafter is a multiyear 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.

Managing the Office is increasingly complex. The Legislative Counsel has relinquished day-to-day drafting responsibilities for this reason. We have 9 senior attorneys in the Office who have been with the Office for more than 20 years: of these, 6 have been with the Office for more than

30 years, and 2 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, the Office needs 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.

There is a similar situation with our clerk-paralegal staff. Our senior clerk-paralegal has more than 30 years of experience, 3 have between 10 and 20 years of experience, 1 has 1 year of experience, and 2 with less than 6 months of experience. We believe that we need to add 3 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 existing Office software systems to better serve our clients, as well as periodic updates for Office 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 informally 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

## I. 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 5 professionals dedicated to preparing the comparative prints required by House Rules and building and maintaining the Statute 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 typeset 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. The Office publishes many of its compilations of major laws 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.

## II. Sampling of Work Performed During 2018

This Appendix contains a list of some of the work performed by the Office during 2018.

- 2018 was a farm bill year, and the Ag team focused much of the year on what was enacted as the Agriculture Improvement Act of 2018, P.L. 115-334.
- Our Appropriations team prepared many bills and amendments throughout the year and especially during the holiday periods of the recent shutdown.
- The Education & Labor team devoted significant time to education matters, including late nights and weekends.
- The Energy & Environment team's many projects include the following:
    - Two titles and additional miscellaneous provisions for America's Water Infrastructure Act, P.L. 115-270, which among other matters culminated several years of work relating to drinking water and hydropower.
    - H.R. 3053, the Nuclear Waste Policy Amendments Act of 2018.
    - The reauthorization of the Brownfields program, which also was the product of multiple years of work and included in the 2018 Consolidated Appropriations Act, P.L. 115-141.
    - Various bills relating to fuels (including nuclear, gas, high-octane, and renewables), fees, energy security (including cybersecurity), hydroelectric projects, and other issues.
    - Bills relating to various emission standards.
- The Financial Services team prepared more than 150 bills reported from the Financial Services Committee, including flood insurance reform and housing finance reform.
- The Foreign Affairs team addressed many matters relating to the Department of State, international security, global health, human trafficking, sanctions relating to specific countries, and appropriations.
- Projects of our General Government team included the following:

- The reauthorization of the Office of National Drug Control Policy (which was passed as part of H.R. 6).
- The Music Modernization Act (H.R. 1551, P.L. 115–264) which, among other things, created a modernized system for music licensing.

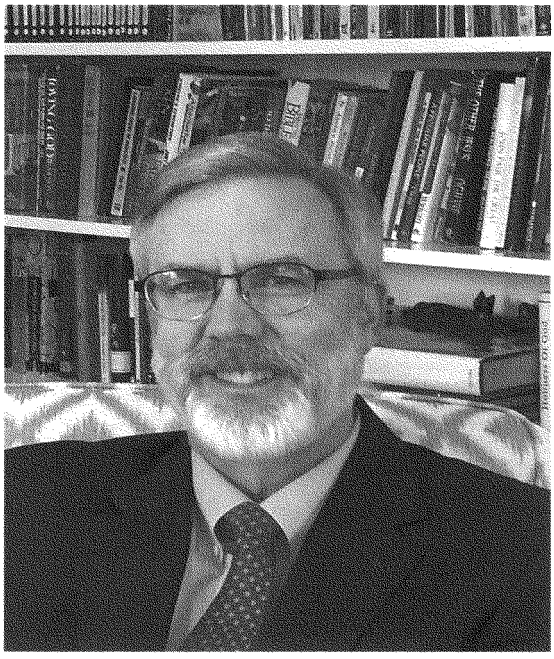
- The work of the Health team spanned topics such as opioids, ACA-related health insurance market stabilization, CHIP reauthorization related projects, projects related to hurricane relief for territories and CHIP funding for territories, health extenders, projects to expand and reform Medicare, and various other Medicare, Medicaid, CHIP, health information, FDA, health insurance, and public health. Among the matters enacted into law (some as part of budget packages) are the following:
  - SUPPORT for Patients and Communities Act (H.R. 6 opioids, comprised of about 60 separate bills) – P.L. 115-271.
  - Improving Access to Maternity Care Act – P.L. 115-320.
  - SOAR to Health and Wellness Act of 2018 – P.L. 115-398.
  - State Offices of Rural Health Reauthorization Act of 2018 – P.L. 115-408.
  - Childhood Cancer Survivorship, Treatment, Access, and Research Act of 2018 – P.L. 115-180.
  - Action for Dental Health Act of 2018 – P.L. 115-302.
  - Congenital Heart Futures Reauthorization Act of 2017 – P.L. 115-342.
  - Traumatic Brain Injury Program Reauthorization Act of 2018 – P.L. 115-377.
  - Preventing Maternal Deaths Act of 2018 – P.L. 115-344.
  - Know the Lowest Price Act of 2018 – P.L. 115-262.
  - Animal Drug and Animal Generic Drug User Fee Amendments of 2018 – P.L. 115-234.
  - Dr. Benjy Frances Brooks Children's Hospital GME Support Reauthorization Act of 2018 – P.L. 115-241.
  - PREEMIE Reauthorization Act of 2018 – P.L. 115-328.
  - Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients – P.L. 115-23.
  - Firefighter Cancer Registry Act of 2018 – P.L. 115-194.
  - National Suicide Hotline Improvement Act of 2018 – P.L. 115-233.
  - Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017 – P.L. 115-176.

- To amend title XIX of the Social Security Act to delay the reduction in Federal medical assistance percentage for Medicaid personal care services furnished without an electronic visit verification system, and for other purposes – P.L. 115-222.
- The Medicaid Extenders Act of 2019 – P.L. 116-3.
- In addition, the following large bills passed the House:
  - Pandemic and All-Hazards Preparedness and Advancing Innovation Act of 2018, H.R. 7328, see also H.R. 6378.
  - Over-the-Counter Monograph Safety, Innovation, and Reform Act of 2018, division B of H.R. 7328, see also H.R. 5333.

- The House team addressed various issues, including rules for the 116th Congress (H. Res. 6), matters affecting public printing and the availability and dissemination of documents of the Federal Government, the Congressional Accountability Act of 1995 Reform Act (P.L. 115-397), matters relating to the Legislative Branch Appropriations Act, 2019, division B of P.L. 115-244, and work on what became H.R. 1 of the 116th Congress.
- Many matters were addressed by the Judiciary team, including bankruptcy, immigration, and border security. Immigration and border security which required a significant amount of drafting, frequently under tight turnaround deadlines.
- Our National Security team prepared—
  - H.R. 5515 (P.L. 115—232) the John S. McCain National Defense Authorization Act for Fiscal Year 2019, the conference report of which was prepared under a significantly compressed schedule. 1,005 amendments were offered during the course of consideration in subcommittee and full committee and on the Floor, a 400% increase from the number prepared for the 2013 NDAA bill. In addition, several reform components of this bill (including recommendations from the 809 Panel) were prepared as well for publication on the Armed Services Committee website.
  - Various projects relating to veterans, including the VA MISSION Act of 2018 (P.L. 115-182), and matters relating to personnel laws, the appeals process, reform of the health care system, and asset and infrastructure review.
  - Various homeland security bills, many of which were enacted into law as standalone measures and many others which were incorporated into other vehicles.
  - Intelligence measures, which advanced but ultimately were not enacted. Various matters, including the Family First Act

(P.L. 115-123), were addressed by the Public Assistance team.

- Matters handled by the Telecom team included the operation of the FCC and the availability of electromagnetic spectrum. See section 511 of division E and division P of the Consolidated Appropriations Act, 2018 (P.L. 115-141).
- The Trade team handled amendments to the Harmonized Tariff Schedule, P.L. 115-239 and the African Growth and Opportunity Act and the Millennium Challenge Act (P.L. 115-167), among other matters.
- Among the matters addressed by the Transportation team are matters including the FAA Reauthorization Act of 2018 (P.L. 115-254), America's Water Infrastructure Act (P.L. 115-270), and matters relating to the Coast Guard, appropriations, and brownfields.



E. Wade Ballou, Jr. was appointed Legislative Counsel of the House of Representatives in July of 2016. He has been with the Office of the Legislative Counsel since 1983 and has worked in many areas of Federal law during his career, including natural resources, Native American issues, veterans, foreign affairs, and intelligence. Beginning in 1996, Wade concentrated in tax and public debt matters prior to being appointed Legislative Counsel.

Wade earned a Bachelor of Science degree and Cooperative Education Certificate in Forestry from Virginia Tech (1980) and Juris Doctor from the University of Virginia (1983). He earned a Graduate Certificate in Spiritual Direction Studies from Washington Theological Union (2013) and a Certificate in Spiritual Formation from the Avila Institute (2018).

Wade has served in several leadership capacities in his church communities. He is an Eagle Scout and served the Falls Church community as Cubmaster of Pack 657 and Scoutmaster of Troop 895.

**United States House of Representatives**
**March 12, 2019 – 10:00am – Hearing**
**Legislative Branch Appropriations Subcommittee**
**Chairman Tim Ryan**

**Questions for the Record – Office of the Clerk**

**Legislative Information Management System (LIMS)**

The Office of the Clerk fiscal year 2020 request includes $3 million dollars for Phase 3 of the modernization of the House Legislative Information Management System (LIMS). This system is important and critical to legislative operations. It is my understanding this system is about 30 years old and requires redevelopment to be a reliable and strong application.

a. Please discuss the goals of Phase 3 and what is planned to be accomplished in Phases 4 and 5?
    a. The $3.12 million requested to fund the first portion of Phase III during FY2020 and FY2021 will provide contractor support to begin the development of the core backend system components. These include creating a user management module, a messaging platform, a workflow engine which is flexible and configuration-based, as well as a user interface stylesheet which will be used throughout the application and application data modeling. In addition, design and development will begin on individual LIMS modules. Phase III will also involve analyzing data migration requirements, moving legacy data to a new platform, and performing quality assurance and testing. The individual LIMS modules will include: Floor Action Reporting System (FARS), Committee Action Reporting System (CARS), Executive Action Reporting System (EARS), Reports Due to Congress, and Senate Action Reports (SARS). We expect to request an additional $1.56 million in FY2022 to complete all of the identified components of Phase III.
b. Do you have an idea of the costs for Phases 4 and 5?
    a. Phases IV and V will each cost $936,000, for a combined total of $1.872 million, which we expect to request in FY2022 and spend in FY2023 and FY2024. Phases IV and V will include execution of data modeling, user acceptance testing, running parallel systems as well as Alpha and Beta systems testing, followed by a full production launch, including taking over the responsibility of the Consensus Calendar which is currently housed within the CAO.

**Training Sessions**

At the beginning of any new Congress and especially when there is a party change, there are many new staff, including on Committees. Please tell the Committee about the importance of training sessions hosted by the Office of the Clerk in coordination with the Congressional Staff Academy and the Parliamentarian to help Committee staff do their jobs?

As a nonpartisan, institutional office, our job is to provide timely, reliable service to help the House, Committees, and Member Offices run efficiently. That means being a good partner with all of those entities, including making sure that when we have information that would help them do their part to keep the House and its components running, we share that information. We are especially vigilant at times when there is significant staff turnover, and things like process can get lost in the press of business. I also want to reiterate that these trainings aren't something we do on our own. We work on them with the Parliamentarian's Office, the Congressional Research Service, and the Congressional Staff Academy. In addition to the topics I noted in my oral testimony, the trainings cover reporting Committee actions to appear on Congress.gov, and updating the Committee Repository.

**United States House of Representatives**
**March 12, 2019 – 10:00am – Hearing**
**Legislative Branch Appropriations Subcommittee**
**Chairman Tim Ryan**

**Questions for the Record – Office of the Sergeant at Arms**

**Annunciators**

The Sergeant at Arms request includes an increase of $2.9 million to support the replacement of annunciators.

a. With the availability of cell phones and other PDA devices, can you explain the continued need for the annunciators?

The annunciators are necessary to ensure verbal emergency notifications reach all areas of the Capitol, CVC, and House Office Buildings. The public address system is primarily in hallways and does not distribute a verbal emergency message to all areas of the campus buildings. Verbal notifications are particularly important to individuals with disabilities, including the visually impaired. Additionally, the annunciator system serves as a redundant device to ensure that effective communication can be maintained when cell phones or network capability is down or overwhelmed, which is likely in the event of an emergency. These risks would directly impact JEMNS (Joint Emergency Mass Notification System), the system that provides emergency notifications using e-mail, text message, desktops, and mobile apps. Therefore, the annunciators serve as the only effective way to ensure every office and area of the Capitol, CVC, and House Office Buildings receive the necessary life safety information.

b. What are the benefits to upgrading this capability?

The requirements for the annunciators included end-to-end encryption, ensuring full control and resilience of the system. The new system will correct significant deficiencies of the existing system, including audibility and clarity. The existing system operates in areas for which it was not originally scoped (such as the Capitol Visitor Center). Additional benefits for the replacement of the annunciators are limited maintenance of the capabilities they provide and lower future maintenance costs. The current annunciators have reached the end of their useful life and replacement parts (including batteries) are no longer manufactured. Attempting to

continue using the current system could prove to be more costly in future years with increased costs and lower reliability.

c. With cost in mind, is it possible to take a staggered approach towards the procurement of these annunciators?

A phased or staggered approach to procurement of the annunciators is not recommended. The existing system and the new system would need to operate simultaneously. This would create significant operational challenges for USCP in their role of disseminating emergency notifications. If required, it would likely result in greater costs to both systems. Additionally, expanding the public address system into all parts of the campus buildings would be prohibitive, requiring a significant investment in infrastructure, and challenging in historic areas.

**External Security Screening**

Included in Mr. Irving's testimony is the need for external security screening. Please explain how this would both increase security as well as how it will enhance the visitor experience?

Providing external security screening can both enhance the visitor experience and increase security. The typical paradigm for security screening involves screening individuals away from the building – as when the individual has reached the building potential ramifications are much greater. Screening individuals away from the building can potentially isolate and minimize any negative consequences.

Screening away from the building would also enhance the visitor experience. When large groups currently approach the Capitol, many individuals have to wait outside, often in inclement weather. The current security screening approach at the South Door of the Capitol has limited throughput and no waiting area. By building external screening, individuals would be able to wait sheltered from inclement weather and clear security screening more quickly and comfortably.

**Police Services**

Please provide specific details to support the increase of $1.2 million within the Police Services program?

The primary cost drivers in the increase in the Police Services program are increased funding for USCP travel overseas accompanying leadership delegations; increased funding for the district office security program, which includes money for the purchase and installation of security system equipment for the next Congressional transition as well as related maintenance and monitoring of these systems; funding

for SAA staff travel to district offices to provide security awareness briefings, outreach to and coordination with Law Enforcement Coordinators, and to validate training on security systems and mail safety hoods.

**Budget**

Please provide the SAA budget by business unit and associated sub-programs. Please include personnel and non-personnel costs per unit. Be sure to include FY18 actuals and unliquidated obligations, FY19 enacted totals, current FY19 operating plan, and FY20 request.

We have included in a separate submission a spreadsheet providing these details.

Overall, the SAA FY19 operating plan allows SAA business units to provide excellent service to the Congressional community. Due to a projected increase in Leadership travel overseas and an increase in SAA staff travel to Member district offices to provide security awareness briefings, we will reallocate funds to cover these costs.

Additionally, we plan to use funds to purchase a supply of mail hoods for a portion of the lifecycle replacement.

Funds will be used for costs associated with the JAWS (Joint Area Warning System) project (for costs not covered in the FY20 budget).

[CLERK'S NOTE.—A detailed spreadsheet is available within the subcommittee files.]

**United States House of Representatives**
**March 12, 2019 – 10:00am – Hearing**
**Legislative Branch Appropriations Subcommittee**
**Chairman Tim Ryan**

**Questions for the Record – Office of the Chief Administrative Officer**

1. **In April 2018, the U.S. Department of Homeland Security confirmed in a response letter to Sen. Ron Wyden (D-OR) that unauthorized cell-site simulators—surveillance tools often called stingrays or IMSI Catchers—are in use throughout Washington, D.C. This was the first acknowledgement by the U.S. government that sensitive political communications were at risk of interception by mobile devices. Are you aware of any past or current uses of unauthorized surveillance technologies on or near the U.S. Capitol Complex?**

   The CAO has not been made aware of any unauthorized cell-site simulators (or IMSI Catchers) being used around the Capitol complex by any intelligence or law enforcement organizations.

   In 2018, in conjunction with the Senate's Chief Information Officer and Chief Information Security Officer, the CAO investigated ways to detect IMSI Catchers. Cybersecurity experts explored technologies and processes to detect rogue cell site simulators, which are mobile and easy to obscure by nefarious actors. Upon review, two conclusions were reached. First, it was determined that the detectors would need to be located outside of the congressional office buildings and around the Capitol to be effective. Second, efforts to track and confiscate a simulator would require U.S. Capitol Police intervention as it is outside of the CAO's jurisdiction to apprehend and detain a potential device owner.

   Though the CAO and Senate cybersecurity experts can and will assist in researching and recommending detection technologies to be employed by law enforcement, U.S. Capitol Police are best equipped to physically track and remove simulators. House and Senate cybersecurity staff have been in contact with both the House and Senate Sergeant at Arms and U.S. Capitol Police and will assist with this effort as appropriate.

2. **In a statement reported by the Associate Press, Sen. Wyden noted that "leaving security to the phone companies has proven to be disastrous." He added that there is "clear evidence that our phone networks are being exploited by foreign governments and hackers." What steps are being taken to meet the unique security needs of Members of Congress and senior staff when using**

**smartphones—at home and abroad—beyond the security provided by phone and tech companies?**

The CAO, through its mobile device management system, applies rules and policies to better control the security of House mobile devices, such as required passcode length, screen lock timeouts, and installation of security tools. The CAO also requires additional mobile security threat tools be installed on all House network-connected mobile devices to alert users and Cybersecurity staff when a device is connected to a questionable Wi-Fi network. The security tools also notify users and CAO Cybersecurity staff when bad or malicious applications are downloaded, or other potentially nefarious activity is detected.

The CAO strongly encourages Members and staff who travel to foreign countries not to use personal or House-issued devices. Instead, they are encouraged to use temporary devices will little information stored on the device. This minimizes the exposure of sensitive information including email, and speech or debate information, or information that can be used for social engineering phishing attacks such as pictures and contacts.

The CAO also suggests turning off any unneeded communications channels such as Bluetooth and Wi-Fi on any device when not absolutely needed. Users should disable microphone or camera access on any application that does not require the features to function properly. These actions reduce the attack vectors that allow adversaries the ability to can gain access to your mobile device.

3. **Members of Congress and senior staff are prime targets for espionage because we have access to sensitive information beyond the knowledge of the public. Nefarious actors can use mobile apps to track location, listen to ambient conversations, surveil text messages and calls, and remotely gain access to a phone's microphone or camera. A meeting, a decision, or a strategy made public could alter financial markets, diplomatic negotiations, or even elections. How can we enhance our cyber/electronic security capabilities to ensure the electronic devices of Members of Congress and senior staff do not become surveillance tools of foreign governments, corporate actors, or hackers? Are you investigating any hardware-based technologies that could mitigate the risk of Members' and staffers' phones being turned into listening devices or having their calls intercepted?**

There are several aspects of mobile phone security, including basic phone settings, software security to prevent message interception, and hardware security to protect access to capabilities such as cameras and microphones.

First, to protect devices, there are simple configurations settings that individuals are encouraged to use. For example, as mentioned above, the CAO suggests turning off

any unneeded communications channels such as Bluetooth and Wi-Fi on any device when not absolutely needed. Users should also disable microphone or camera access on any application that does not require the features to function properly. These actions greatly reduce the attack vectors that adversaries use to gain access to mobile devices.
There are also software applications that help protect devices and their content. For example, WICKR and Signal are recommended software applications used to secure mobile messaging and voice calls. These applications help minimize the "man-in-the-middle" interception of chats, voice, and video calls. In some cases, the applications will support secure group calls, videos, and texts with encryption. Note that the encrypted communications are only supported within the specific applications and that the applications do not encrypt other communication applications like FaceTime and Snapchat. Additionally, all parties will need the application to be able to communicate securely. That means if the individual receiving the communication does not have the security software application(s), the call cannot be encrypted, which poses a challenge. These applications also do not prevent phone hardware features from being turned into surveillance devices.

To protect mobile devices' hardware features, the CAO is investigating Privoro and Vysk's sleeve products that counter surveillance efforts. These protective sleeves, like phone cases, fit very specific phones and have sliding shutters to block camera lenses when they are not in use. They are also equipped with a secondary microphone that routes calls through encrypted connections to block interception. Similar to the security software, use of these sleeves are required by all parties to ensure secure communications, and, currently, they only work with a limited number of devices on the market.

The CAO is piloting these products in the coming weeks as well as examining other products for encrypted calling to House desk phones and the additional infrastructure needed to support this feature.

The CAO continues to review emerging technologies and advanced mobile security capabilities and will work with Member offices to best understand their requirements and the suitability of these products to meet House cybersecurity needs.

4. **With the FY19 bill the Wounded Warrior program was expanded to provide for an additional 25 fellowship positions. The FY20 request includes an increase of $250,000. The Committee asked the CAO to evaluate the current program and provide recommendations on improving our Wounded Warrior Program. Can you summarize those recommendations for the Committee at this time? Also, can you explain how, if funded, the additional $250,000 will be utilized?**

Given the program's success over the years, demand for the program is high. The CAO is actively working to recruit and place new veterans into the Program. The CAO has improved its recruitment efforts and expanded the Program's professional development curriculum for participating Fellows, which now includes a robust four-day orientation. This year, the program will expand its orientation program to five days to better prepare the fellows for service in district offices. Additionally, the CAO is exploring options to rebrand and better publicize the program and the fantastic opportunities it provides for veterans with service-related disabilities.

In addition to those improvements, the CAO believes that there are other ways the program can improve and will work to codify best practices in areas related to Fellow placement and the timing of applicant selections.

The program's administrators generally find the veterans who would benefit the most from the Program's career transition assistance are in Congressional Districts around the country. Our fellowships provide a unique and often life-changing opportunity to veterans in cities like Cheyenne, Maryville, or Woodstock. Notwithstanding the importance of the legislative and oversight activities occurring on Capitol Hill in D.C. offices, the knowledge, skills, and abilities gained by Fellows in the district offices can also afford our veterans with valuable professional experiences.

Veterans in district offices forge partnerships with key stakeholders from local, state, and federal government agencies as well as non-profit organizations. The training and experiences gained by working in the district offices make the veterans from our Program a viable employee in their home area once they complete their fellowship. In fact, over the history of our program, most veterans from district offices have moved into a full-time role in their local community.

Currently there is no time limit as to how long offices have to make a hiring decision. There are offices who may take nine or ten months to make a hiring decision despite receiving a considerable volume of qualified applicants. Limiting the timing of applicant selections would benefit the applicants, the participating office who could use the Fellow's support, and the other Member offices who have expressed interest in the program and are waiting for an opportunity to participate themselves.

Finally, the CAO believes that allowing Members to use their MRA on their office's desired training would help enhance the Fellows' contributions to their respective offices. Currently, Members are at liberty to utilize their MRA to enhance the professional development of their permanent staff. This may include staff attending conferences, forums, seminars, or other training not readily available to House staff. Training not only fosters good moral and job satisfaction but also increases the skill sets for all who participate.

Members recognize the inherent value of their Fellows and are often committed to hiring their Fellows following the completion of their two-year assignment. Accordingly, Members would like to invest in the professional development of their Fellows as if there were their own staff. This has elicited an increase in requests from Members to use their MRA to send their Fellows to seminars, conferences, etc.

As we move into 2019, the WWFP will continue placing a premium on professional development by expanding the orientation program to five days. Additionally, the WWFP is creating an advanced orientation program for seasoned Fellows to enhance their understanding of House operations writ large.

Although the WWFP has an outstanding professional development program, it lacks the ability to target training for the specific needs and interest of a Member office. As such, Members should be authorized to utilize their MRA to send Fellows for training, conferences, or professional development as they deem appropriate.

For clarification, the CAO did not request an increase in FY20 to administer its Wounded Warrior Fellowship Program. The budget request is consistent with the FY19 appropriations.

5. **Please provide the CAO budget by business unit and associated sub-programs. Please include personnel and non-personnel costs per unit. Be sure to include FY18 actuals and unliquidated obligations, FY19 enacted totals and current operating plan, and FY20 budget request.**

A detailed spreadsheet is available within the Subcommittee files.

6. **Regarding the CAO House Information Resources (HIR) FY20 non personnel budget request of $57.4 million. Does HIR have a detailed FY20 project roadmap? If yes, please provide the schedule and associated costs per project. Can you provide this same information for the FY19 projects?**

The table below shows a summary of the House Information Resources (HIR) budget by category for both FY19 (enacted) and FY20 (requested).

| CAO HIR FY19 vs FY20 Budget Summary by Category | | | | |
|---|---|---|---|---|
| **Budget Category** | **FY19** | **% of Budget** | **FY20** | **% of Budget** |
| Personnel Compensation | $ 35,073,000 | 42.4% | $ 35,244,000 | 37.6% |
| Professional Services *(includes HIR Contractor Support)* | $ 19,999,000 | 24.2% | $ 26,012,000 | 27.7% |
| Equipment / Licensing / Hardware / Software / Maintenance | $ 22,409,000 | 27.1% | $ 26,816,000 | 28.6% |
| Rent / Communication / Utilities | $ 4,438,000 | 5.4% | $ 4,562,000 | 4.9% |
| Administrative costs (i.e. training, travel, supplies) | $ 743,000 | 0.9% | $ 1,109,000 | 1.2% |
| **House Information Resources Budget Total:** | **$ 82,662,000** | | **$ 93,743,000** | |

HIR's Equipment/Licensing/Hardware/Software/Maintenance budget category is composed of strategic projects and their associated costs (as outlined in the below chart), as well as all costs for operations and maintenance of the House technology structure. The budget category also encompasses costs for the monitoring and securing of the House network, telecommunications, and internet capabilities. HIR supports and protects these capabilities across all House locations, including 900+ district offices, 1,500+ servers, and 6+ petabytes of storage capacity across multiple data centers. Additionally, HIR secures and maintains an enterprise that encompasses over 27,000 computers and mobile devices and all House-wide software and hardware applications such as systems used to process and track payroll and benefits, financial budget and accounting, and asset management.

The Professional Services category includes 95 HIR contractors in FY19 and 114 in FY20 who provide services related to daily IT operational support and maintenance and cybersecurity monitoring and incident response. Over 50 percent of those contractors directly support current cybersecurity operations.

HIR is committed to the attached strategic projects for FY19 and FY20 that support the 5-year CAO Strategic Technology Plan. Upon request, CAO will provide a detailed briefing or further documentation on any of these projects or the broader technology strategy that the CAO is executing.

E. Wade Ballou, Jr.
Legislative Counsel
U.S. House of Representatives

March 27, 2019

Responses to Questions for the Record (QFRs) from the Subcommittee on the Legislative Branch, Committee on Appropriations

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee: Thank you for inviting me to submit Responses to Questions for the Record to the following observation and questions:

> The Legislative Counsel has been faced with a very heavy workload of drafting requests. The Subcommittee provided additional funding to hire new drafters; however, at the same time, the Office is in the process of losing or has lost several experienced drafters.
>
> a. Are there any particular factors that have contributed to these increased departures?
> b. How long does it take for a new drafter to become a fully functioning drafter?
> c. What does the apprenticeship look like?
> d. Given your workload are there things that can done within the Member offices or Committees to improve the process or is it just a matter of time?

**Response to the general observation.**—The Office of the Legislative Counsel is putting the additional funding provided by the Subcommittee to good use. The Office has made commitments to hire the largest number of new attorneys ever to join our Office and continues to recruit additional attorneys through our active, ongoing recruitment and training program. In years past, the appropriation level has not been sufficient for the Office to recruit this aggressively, so the additional funding has made a significant difference. However, these commitments will not immediately solve the structural internal and external issues the Office faces which cause more experienced attorneys to leave and which therefore undermine the advances made in recruiting new attorneys. Recent personnel changes are as follows:

- For fiscal year 2019, the Office has firm commitments for full time employment of 9 new attorneys, 2 of whom began work during the winter of 2019. Of the remaining 7 new attorneys, 1 is expected to begin work in early July, 5 are expected to begin work in late August or September, and 1 is expected to begin work in early 2020.

HOLC
HOUSE OFFICE OF THE LEGISLATIVE COUNSEL

- During the 115th Congress (covering a portion of fiscal year 2017, fiscal year 2018, and a portion of fiscal year 2019)—
    - 11 attorneys departed. Of those, 5 senior attorneys retired, 1 senior attorney died, 4 junior attorneys left for various reasons, and 1 junior attorney remains in the Office in a non-drafting role.
    - 10 new attorneys joined the Office.

**Question a. Are there any particular factors that have contributed to these increased departures?**
**Response.**—There are various factors contributing to the departures during the 115th Congress.

    - Attorneys hired during the 1970s and 1980s, having completed careers of public service, are retiring for the various reasons anyone retires: Some are taking advantage of their current health status to pursue other interests while others are dealing with illness. Indeed, 2 of our senior attorneys recently died, one in 2014 and another in 2018.
    - At the same time, the pay cap and salary structure is discouraging employment in our Office generally.
        - For senior attorneys with families, reaching the pay cap occurs somewhat simultaneously with the onset of college costs for their children.
        - The high cost of living in the DC metro area, especially for housing, is a disincentive to moving into the area. Indeed, some in the Office have compensated for DC housing costs by living as far out as Baltimore, but at the cost of a significant commute to work.
        - We recently lost a highly regarded candidate who is the parent of small children because he realized that he would not be able to raise a family in the DC area due to the combination of high housing costs and the limited salary range offered by the Office.
- Drafting legislation has its unique stresses and work environment.
    - Everyone who tries drafting must determine whether the Office offers the career for them.
    - Several junior attorneys left to pursue other opportunities, some in non-attorney roles.
    - While everyone comes to the Office with the expectation of unpredictable working hours, many have grown weary of the legislative schedule, with its short turn around deadlines and no-notice demands for night, weekend, and holiday work. Indeed, work during holiday periods has become all too

common, making it difficult or impossible for many of our attorneys to enjoy these periods with their families.

- A heavy workload is of course inevitable, but it can be rewarding if the attorney knows that he or she made a real substantive contribution to the final product. However, more and more often our attorneys spend a lot of time (including late night and weekend and holiday work) on document production and similar matters involving little to no legal analysis or substantive drafting, and are therefore not earning the intrinsic reward of contributing their expertise to the legislative process.
- Leadership does not always provide adequate notice of upcoming projects and deadlines. Leadership also frequently schedules similar matters for nearly simultaneous consideration at both markup and on the floor, with the resulting consequence that our attorneys who handle these matters are expected to be in multiple places at the same time.
- Ongoing, unresolved policy disputes occupy a significant amount of time for several of our teams (especially the teams involved in health care entitlement and immigration), which crowds out the time of these teams to be available to respond to requests in these team areas from individual Members.

**Question b. How long does it take for a new drafter to become a fully functioning drafter?**
**Response.**—The Office commits a lot of time and resources to train new attorneys in the skills necessary to be able to provide the full range of services and depth of drafting experiences and knowledge in the substantive law required to accommodate leadership and committee needs.

**Question c. What does the apprenticeship look like?**
**Response.**—The apprenticeship program of the Office has been streamlined and accelerated. Previously, the program was a 2-year tutorial before the new attorney was assigned to subject areas. In the redesigned process, the new attorney is assigned to a subject matter team at 6 months while still in the formative tutorial and then begins a formal mentorship in the subject areas to which the attorney is assigned. This process is as follows:

- During the first 6 months in the Office, the new attorney receives an individual tutorial through one-on-one training with a more senior attorney. This tutorial is augmented by periodic group classes. During this period, the new attorney learns basic drafting skills.
- For the second 6 months, the new attorney is placed on a team and continues to refine the basic drafting skills in the context of more complex drafting requests and

committee work. The attorney is integrating both with the team and the subject matter of that team.

- At that point, the tutorial aspect of the program is complete and the attorney enters into mentorship with the team. For the next year, the attorney fully integrates with the team and the team's responsibilities.

**Question d. Given your workload are there things that can done within the Member offices or Committees to improve the process or is it just a matter of time?**
**Response**.—Simply waiting for time to address the drafting process, Member expectations, and attorney workload is not a solution. In fact, it will make matters worse. Rather, committees, Members, and our Office must work together to achieve improvements. The solutions are primarily people-based, but improvements in technology can also help.

People-based solutions require the willingness of those concerned to work together (and perhaps across differing roles and offices) to identify and implement improvements.

- In some cases, staff can come to us better prepared by understanding both the problem they want to solve and their proposed solution, including the rules and procedures with which they must work. Along these lines, the Congressional Academy, Rules Committee boot camp, and Congressional Research Service all offer opportunities for gaining knowledge and expertise.
- Staff can also better select when to request our services. The House Rules do not require Members to use our services. Our priority for work is set forth in 2 U.S.C. 281b, with our highest priority being that which is nearest to becoming law (conference and Floor), then committee work, and finally work for individual Members. We draft under the assumption that each draft will become law and we treat it accordingly. However, not every stage of the policy refinement process needs a completed legislative draft to continue the policy discussion.
- The legislative process itself is moving faster than the parts which service it. This is contributing significantly to the stress felt in the many offices providing support to the Members. For example, posting a draft reported bill the day following a markup allows no time for careful preparation of the committee reported bill, including obtaining the technical improvements provided by the Ramseyer process, and occurs before the committee even files its reported bill. Note that this part of the process places a unique burden on the Office because GPO is not able to provide the public print of the legislation at this stage of the process.

Technology can also help with improvements. The Office is actively partnering with the Clerk of the House, GPO, and HIR to harness the power and possibilities of technology.

- Much of the typesetting functions have shifted over the last 30 years from GPO to the Office and the Appropriations Committee. Although this shift took advantage of where legislative work was actually performed, it has meant that the Office has had to assume a role which was never contemplated when the Office was established and which requires the devotion of time and resources which could be better used to carry out the actual mission of the Office. Today, however, technology can address this problem because so much more legislative work occurs in both Member and committee offices using MS Word. If more of that kind of work could directly feed into the legislative data flow, the time and resources the Office devotes to typesetting and document management could be reduced.
- Member, committee, and leadership staff can be given the tools to enable them to perform for themselves those legislative functions that do not require a legal service or advice – from adding cosponsors to preparing 2(f) appropriations amendments to preparing simple amendments, such as amendments to strike, or preparing simple resolutions for the floor (such as the resolutions to appoint Members to committees).
- Other tools have been developed that can improve collaboration on legislative work. The drafting process can be reimagined to more effectively use these tools.

There are also efficiencies to be gained from better communications among all of the players. Committee and leadership staff should involve the Office as early as possible in discussions about the calendar, so that the Office team responsible for a bill can better coordinate its own schedule to ensure that attorneys will be available when needed. Moreover, committee and leadership staff should work with each other to minimize the possibility that legislation involving the same or similar subject matters will be brought up simultaneously on the floor and at markup.

HOUSE OF REPRESENTATIVES
QUESTIONS FOR THE RECORD
RANKING MEMBER HERERRA BEUTLER (WA)

**CLERK**

**Agency Goals:**
I understand the budget justification for your office was being developed prior to you coming on board.

- In your review of the Clerk's budget request, do your priorities align with what is being requested?
    - Yes. I reviewed the request in detail before submitting it officially, and I believe it addresses the areas it should in order for our office to continue to best support the work of the House.
- What areas are going to be of focus to you?
    - I intend to focus on continuing the diverse ongoing activities of the Office of the Clerk as well as various special priorities and points of emphasis that I described in my written submission – always with the highest professionalism.
    - These special projects include, among others, the JACK Act, the comparative print project, the Consensus Calendar, the BioGuide, LIMS (discussed in more detail in response to your other question), the Electronic Voting System, storage for Congressional records, high-speed printing, and the possibility of other lobbying disclosure enhancements. We will also continue to recruit, hire, and support our personnel, work on the migration to the new data center, and, of course, the Cannon renovation.
    - I will also focus on the office's continuing ability to nimbly and successfully to respond to unforeseen contingencies.
- What have your initial observations been of the Clerk's operation?
    - My primary observation is that the more than 200 staff that make up the Office of the Clerk have an unwavering commitment to working hard and with great professionalism to support the mission and goals of the House as an ongoing institution. I am deeply grateful for that commitment, and of course, share it. I will do everything I can to ensure that our staff continue to have a positive work environment that supports them and their professional needs.

**Legislative Information Management System (LIMS):**
You are requesting $3.12 million to fund the next phase of the multi-year modernization plan of the House Legislative Information Management System.

- Can you briefly summarize this project?
  - The multi-year modernization project for the House Legislative Information Management System (LIMS) is one that seeks to build a flexible system that can address every component of a bill's history. The system will be more flexible and create cost savings because the outdated code that supports the system will be updated.
- How many phases are left and what do they entail?
  - We are currently in Phase II using previous no-year funding to cover costs associated with this phase. There are three phases remaining (III, IV, and V). Phase III will be comprised of development of the core backend system components such as creating a user management module, a messaging platform, a workflow engine which is flexible and configuration-based, as well as a user interface stylesheet which will be used throughout the application and application data modeling. In addition, design and development will begin on individual LIMS modules and analyzing data migration requirements, as well as moving legacy data to a new platform and performing quality assurance and testing. The individual LIMS modules will include: Floor Action Reporting System (FARS), Committee Action Reporting System (CARS), Executive Action Reporting System (EARS), Reports Due to Congress, and Senate Action Reports (SARS).
  - Our FY2020 request includes the funding we'd need for both FY2020 and FY2021 for Phase III. We expect to request $3.432 million in FY2022, of which $1.56 million would fund the remainder of Phase III and $1.872 million would fund Phases VI and V. Upon completion of Phase III, we anticipate spending $936,000 in FY2023 and $936,000 in FY2024 for Phases IV and V respectively. Phases IV and V will include data modeling, user acceptance testing, running parallel systems as well as Alpha and Beta systems testing, and then a full production launch, including taking over the responsibility of the Consensus Calendar which is currently housed within the CAO.

**HOUSE OF REPRESENTATIVES**
**QUESTIONS FOR THE RECORD**
**RANKING MEMBER HERRERA BEUTLER (WA)**

**HOUSE SERGEANT AT ARMS**

**District Office Security**
In recent years, your office has increased its focus on security for district offices. For example, your office has made available *mail hoods* so offices can open and screen mail in a safer way, 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.

- Since completing this last Congressional transition what is the status of outreach to the new Members and their participation in the standard security system package for their district office?

  The outreach efforts of our District Security team have resulted in dialog with each new Member office. These efforts began prior to the end of the 115th Congress to ensure timely communication and to ensure our office was engaged as Members sought new office space. All of these efforts are supplemental to the outreach and face to face discussions our team had with each new Member during New Member Orientation.

  As CAO notifies SAA that a new district office lease is signed, SAA proactively contacts the Member office to assist in security decisions for the newly acquired space. This is an ongoing process as new leases are still being finalized for many Members.

  As of today, all but seven freshman Members have made a security decision for at least one district office. Discussions with these remaining seven Members continue as they evaluate their options and determine final lease arrangements.

**Garage Security**
With the renovation of the Rayburn garage a new garage security program is being implemented.

- Please update us on the status of the Garage Security Initiative and what is the timetable for full implementation?

  The Garage Security Program continues to progress and is anticipated to be rolled out in mid-calendar year 2019. The manpower required from USCP is nearing availability and

this office continues to coordinate with the AOC and USCP to install necessary hardware and equipment required for the program. Full rollout of the program will include the start of screening at one (1) location in the Cannon Garage and four (4) locations in the Rayburn Garage.

**Annunciators**
A large part of your increase ($2,995,000) is replacement of annunciators used to provide emergency notifications during emergency events.

- How old are the current annunciators?

  The existing annunciator pagers were purchased in 2008, replacing a prior version of the devices purchased as part of the original installation in 2002-2003.

- Do you feel the technology you are investing in is sufficient to meet the needs of the House?

  Yes. The annunciators serve as the only effective way to ensure every office and area of the Capitol and House Office Buildings receive necessary safety information. This technology will replace an outdated, non-secure emergency notification system with a digital solution that provides greater clarity and audibility of message, encryption for security, and enhanced resilience to ensure emergency messages reach all parts of the Capitol, CVC, and House Office Buildings when required.

- How much are we planning on spending per annunciator?

  HSAA has budgeted approximately $1500 per unit.

- What due diligence was done to ensure that other less costly solutions are not available to us?

  In 2017, HSAA, SSAA, AOC, and USCP began the project to replace the aging annunciator system by conducting market research that examined what products or solutions may fit a base requirement of in-office verbal emergency notification. At the same time, USCP evaluated the option of using existing radio or communications infrastructure to support this project. Due to security vulnerabilities that would be created using existing USCP infrastructure to meet this requirement, this concept was removed from possible options.

  Market research was followed by a Request for Information placed on FedBizOpps (www.fbo.gov and operated by the General Services Administration) to allow companies in the public address/emergency notification industry to provide products, concepts,

and solutions that could possibly meet a wide set of requirements set by the Legislative Branch.

Upon review of the provided responses and obtaining a better understanding of the current state of the marketplace, the project requirements were further refined. A Request for Proposals was released in December 2018. Those proposals are currently under evaluation by the project team.

HOUSE OF REPRESENTATIVES
QUESTIONS FOR THE RECORD
RANKING MEMBER HERERRA BEUTLER (WA)

**CHIEF ADMINISTRATIVE OFFICER (CAO)**

**Wounded Warrior Program:**
The Wounded Warrior Program is one of the House's most supported initiative. In fact, my office had a fellow who participated in the program last year, who has now moved onto my staff full time. Last year, this subcommittee directed you to report back on any recommendations to improve the program.

- What recommendations do you have as a result of that evaluation?
  - Given the program's success over the years, demand for the program is high. The CAO is actively working to recruit and place new veterans into the Program. The CAO has improved its recruitment efforts and expanded the Program's professional development curriculum for participating Fellows, which now includes a robust four-day orientation. This year, the program will expand its orientation program to five days to better prepare the fellows for service in district offices. Additionally, the CAO is exploring options to rebrand and better publicize the program and the fantastic opportunities it provides for veterans with service-related disabilities.

    In addition to those improvements, the CAO believes that there are other ways the program can improve and will work to codify best practices in areas related to Fellow placement and the timing of applicant selections.

    The program's administrators generally find the veterans who would benefit the most from the Program's career transition assistance are in Congressional Districts around the country. Our fellowships provide a unique and often life-changing opportunity to veterans in cities like Cheyenne, Maryville, or Woodstock. Notwithstanding the importance of the legislative and oversight activities occurring on Capitol Hill in D.C. offices, the knowledge, skills, and abilities gained by Fellows in the district offices can also afford our veterans with valuable professional experiences.

Veterans in district offices forge partnerships with key stakeholders from local, state, and federal government agencies as well as non-profit organizations. The training and experiences gained by working in the district offices make the veterans from our Program a viable employee in their home area once they complete their fellowship. In fact, over the history of our program, most veterans from district offices have moved into a full-time role in their local community.

Currently there is no time limit as to how long offices have to make a hiring decision. There are offices who may take nine or ten months to make a hiring decision despite receiving a considerable volume of qualified applicants. Limiting the timing of applicant selections would benefit the applicants, the participating office who could use the Fellow's support, and the other Member offices who have expressed interest in the program and are waiting for an opportunity to participate themselves.

Finally, the CAO believes that allowing Members to use their MRA on their office's desired training would help enhance the Fellows' contributions to their respective offices. Currently, Members are at liberty to utilize their MRA to enhance the professional development of their permanent staff. This may include staff attending conferences, forums, seminars, or other training not readily available to House staff. Training not only fosters good moral and job satisfaction but also increases the skill sets for all who participate.

Members recognize the inherent value of their Fellows and are often committed to hiring their Fellows following the completion of their two-year assignment. Accordingly, Members would like to invest in the professional development of their Fellows as if there were their own staff. This has elicited an increase in requests from Members to use their MRA to send their Fellows to seminars, conferences, etc.

As we move into 2019, the WWFP will continue placing a premium on professional development by expanding the orientation program to five days. Additionally, the WWFP is creating an advanced orientation

program for seasoned Fellows to enhance their understanding of House operations writ large.

Although the WWFP has an outstanding professional development program, it lacks the ability to target training for the specific needs and interest of a Member office. As such, Members should be authorized to utilize their MRA to send Fellows for training, conferences, or professional development as they deem appropriate.

**Anti-Harassment and Discrimination Training:**
It is my understanding that every Member, employee, intern, fellow, and detailee must complete in-person workplace training within 90 days of the start of this Congress and the CAO is tasked with conducting the training. That deadline is early April.

- Has your office made available the training to Members and employees?
  - The Committee on House Administration, which issued the education regulations (Committee Resolution 115-22) as required by H. Res. 630, has been working with the CAO on training requirements since December 2018 and has informed the CAO that there will be new requirements for the 116th Congress. The 90-day completion deadline stipulated in H Res. 630 is not applicable to the first session of the 116th Congress as a simple House Resolution does not bind future Congresses. Furthermore, to improve the delivery and substance of the required education, the Committee on House Administration is seeking modifications to the training prior to its deployment this year. The CAO has developed multiple options to accommodate these requests and has presented the options to the Committee on House Administration for consideration. The CAO's FY20 budget request for training accounts for the enhancements and modifications under consideration.

    Prior to the start of the 116th Congress, the CAO developed a detailed program and was prepared for full deployment of the required Workplace Rights and Responsibilities Education in its current form. The CAO will work expeditiously to deploy the required training once it obtains approval from the Committee on House Administration to proceed as directed by the Committee on House Administration.

- How are you going to be able to do in-person training for over 10,000 employees in less than a month in order to comply with the 90-day requirement?
  - Provided that the Committee on House Administration issues new completion deadlines, the CAO remains confident in our ability to deliver an education program that will serve all House Members and Staff with ample opportunity to meet the requirement, including in-person training.

**Child Care Center:**

As you mention in your testimony, Phase 1 of the new child care center was opened this January.

- While you have physically expanded the facility have you had the opportunity to examine and evaluate the operations of the Center? What changes, if any, have been made to operations?
  - The major operational changes are new positions created for the expansion that ensure continuity in child development and safety and provide improved services for enrolled children and their families. For example, Age-Group Coordinators have been added to the administrative team and are dedicated to each of the three age groups (infant, toddler, and preschool). They provide more oversight and support to the classrooms and spearhead curriculum decisions and enrichment opportunities for each of the age groups. The Nurse position has been added to provide more oversight to health and safety within the Center, and dedicated kitchen staff allow the classroom teachers and the administrators to focus on the children and families.

    As the Center continues to adapt to its new space and prepare for its second expansion, it will continue to engage in an ongoing process of program improvement. That includes collecting data about practices and customer feedback and using that information to create plans for improved operations and enrichment opportunities.

- A major goal of updating the Center is to cut down on the waitlist. How do you plan to ensure the waitlist stays at a manageable level?

- The House Child Care Center (HRCCC) has limited control over the number of families who choose to join the waitlist, and with so many local employees, the Center expects that demand for high quality, affordable child care will continue to be high.

  Prior to the east O'Neill House Office Building expansion, the Center had 70 slots and a waitlist averaging 265 children. Today, it has 160 slots and an average waitlist of 250. However, approximately 75 of the 250 spots are held by families that deferred when offered a spot.

  As a result of the east expansion, wait times have been reduced from approximately three years to approximately 18 months, and all families on the original waitlist with toddlers and preschoolers were offered a spot as were 64 waitlisted families on the original infant list.

  Once complete, the west expansion will increase the Center's enrollment capacity from 160 to 232 children.

- Have you experienced any major concerns from the parents who bring their children there?
  - The vast majority of parents have been very positive about the expansion. The bulk of parent concerns raised since the Center expanded to the O'Neill House Office Building have center around parking and security. Some concerns that came up about the physical space have included the positioning of classroom telephones/telephone cords, the hardwood floors for newly mobile infants, and the weight of the doors into and between classrooms as well as the main entry door into the O'Neill Child Care space. The Center's administrators are working with the Architect of the Capitol, House Sergeant at Arms, and U.S. Capitol Police to address those concerns.

    The Center also receives the occasional parent concern about typical child development/child care issues, including sleep and other routines, contagious illness, biting and other challenging behaviors, etc. For example, concerns have been expressed over infants

acclimating to the new crib area that does not have ceiling to floor walls. The design ensures that caretakers can supervise infants by sight and sound at all times as required for the Center's continued accreditation by the National Association for the Education of Young Children. Working within the appropriate confines, the Center's faculty has and will continue to work with parents to address their concerns and help children successfully and safely transition to their new environment.

**Asset Managements:**

The House has long struggled with maintaining an accurate inventory of equipment. This possesses both a financial and reputational risk to the House and has been noted in several annual financial audits of the House.

- Why has the CAO had such a difficult time implementing a reliable asset management program?
    - Although the CAO has made many improvements for decades to House Asset Management services, it has historically been a challenge to identify and track House assets with a decentralized system. The House has over 60,000 accountable equipment items assigned to over 1,500 separate House office inventories. These inventories are spread across seven local Washington, D.C. buildings and over 900 district office locations. Approximately 30% of the inventory is over seven years old, and some items date back to the 1950s. Furthermore, the current policy regarding inventories only requires an office undergo a CAO-conducted inventory every six years if they do not move or have a change in Member.

      In addition to the abovementioned factors, the CAO lacked consistent, centralized asset management oversight within the organization until 2015 when the Committee on House Administration approved the formation of the CAO's Asset Management department. Since then, the department has taken many incremental steps to improve the reliability of services, processes, and procedures to reduce risks associated with maintaining accurate inventories. Though progress has been made since 2015, the CAO more recently implemented major reforms to improve its asset management program.

- What are your plans to address the issue?
    - Using the results of a comprehensive, independent gap analysis completed in April 2018, the CAO developed a phased approach to improving its asset management program. It also implemented several immediate process improvements.

      The analysis entailed a thorough review of House practices, audit findings, and industry best practices. It included recommendations to improve the effectiveness of end-to-end inventory processes performed by the CAO and establish clear program goals and tools to measure success. Per the recommendations, the CAO began with internal changes to its practices and processes and will systematically expand the practices to other House offices as necessary. The CAO is also improving receiving processes, developing a risk-based approach to defining and tracking assets, and further improving access to inventory information and support. Implementation of the recommendations is underway and slated to last through FY21.

      Additionally, the Asset Management Administration and Compliance team regularly reviews equipment inventory data to ensure it is accurate and complete. This is a critical step that ensures financial statement data is correctly recorded and processes and procedures conform with audit requirements. This group also works closely with the CAO's Office of Risk Management and Office of Finance to ensure risks are identified and reduced.

      More immediate improvements included completing auditable procedure documentation for all processes, implementation of a more stringent review policy for the disposal of assets, the standardization of asset tagging and tag placement to inventoried items, and the use of bar code scanning technology to reduce recording errors. The CAO has also recently deployed network discovery technology that detects approximately 22,000 active computer assets on a daily basis, which accounts for up to 36 percent of the total House office equipment inventories. The network discovery technology is the most important improvement completed,

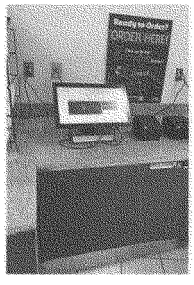
enabling Asset Management the ability to improve the management of the equipment inventories by increasing the overall accuracy of inventory data and reducing the hours required to conduct and complete an inventory.

The CAO is also actively working to improve House office inventory education and awareness through the creation of management guides, customized training and videos, increased hands-on assistance through its Customer Advocates, and greater online access to services and real-time office inventory data.

The FY17 House financial audit acknowledged the immediate corrective actions taken in response to the House's previously-reported internal control deficiencies and highlighted efforts underway to mature inventory policies and procedures, expand inventory processes to include capitalized property (Asset Management is now conducting capitalized asset inventories annually), and develop a risk-based approach to identifying inventory items and reviewing processes. With the continued development and implementation of the CAO's asset management objectives, the CAO is confident that the external auditors will identify continued improvement in the FY18 audit.

**Longworth Cafeteria (Rep. Moolenaar's staff brought this to our attention):** In the Longworth Cafeteria, at one of the stations, customers can only order their food from a screen, they have no interaction with an employee.

- How are you addressing the needs of customers who are blind and need braille or those who use wheelchairs and cannot reach the screen?



- The CAO has directed the House food contractor to post ADA accessible signage next to all self-service ordering kiosks informing patrons who require assistance that they may order directly from the service counters. These signs will be printed in both letter print and braille.

  The CAO has also directed the food vendor to instruct their employees to better detect and serve patrons requiring assistance by implementing the following practices:
    - Always look for patrons who may need additional assistance.
    - Ask the patron how they would like to be assisted.
    - Offer to read the menu to the patron.
    - Accept and process food orders from patron from the serving lines

  The CAO will monitor the implementation of these service changes and will work with accessibility experts in the House to ensure all patrons receive outstanding service.

**Employee Advocacy:**
Last year the Office of Employee Advocacy was created to offer assistance to employees as they go through the remediation process covered under the Congressional Accountability Act.

- Can you update us on how the roll-out of this office has gone?
  - The roll-out of the Office of Employee Advocacy (OOEA) has been successful. Since hiring a well-credentialed employment and labor law attorney as the Director of OOEA in September 2018, the CAO has retained highly competent, experienced employment and litigation attorneys. By April 2019, the OOEA will be comprised of four high value attorneys (the Director, one Senior Associate Counsel, and two Associate Counsel) and a paralegal, with a Legal Secretary to be added in late Spring 2019.

    Working with the CAO's Communications and Marketing Team, the OOEA has engaged a targeted marketing strategy to inform the House community of OOEA's mission and its no-charge, complainant-side legal services. The marketing initiative has included various

forms of communications and outreach aimed at employees located in Washington D.C. and in district offices across the country.

The OOEA has also established relationships with key House offices to facilitate the accommodation of the OOEA's role in personnel and employee rights processes and has provided valuable input on existing training curriculum, including the Workplace Rights and Responsibilities Education.

Another essential step in the OOEA's roll-out has been the establishment of security policies and protocols. Within the CAO, the OOEA has worked with House Information Resources (HIR) to create a system that protects employees' electronic communications with the OOEA and the OOEA's files from detection or disclosure to individuals or entities without the authorization of the OOEA.

Since opening its doors, the OOEA has had the privilege of counseling and representing House employees on a wide range of matters. It has handled 56 legal issues and cases that House employees have presented to the OOEA for consultation, advice or representation.

To date, matters addressed by OOEA attorneys have included claims of harassment and hostile work environment; discrimination based on race, color, disability and sex (including gender, parental status and pregnancy); retaliation based on protected activity; violations of the Family Medical Leave Act; and failure to accommodate health conditions. The OOEA workload continues to grow as awareness of the OOEA grows and legislative changes alter the legal landscape (e.g., new Member liability provisions in the Congressional Accountability Act).

TUESDAY, MARCH 12, 2019.

# UNITED STATES CAPITOL POLICE

## WITNESS

### MATTHEW VERDEROSA, CHIEF, UNITED STATES CAPITOL POLICE

OPENING STATEMENT OF CHAIRMAN RYAN

Mr. RYAN. I call the hearing to order for the United States Capitol Police.

Thank you, Chief, Assistant Chief Steven Sund, Chief Administrative Officer Mr. Richard Braddock, General Counsel Gretchen DeMar, members of the Capitol Police executive team, for joining us today to discuss the United States Capitol Police fiscal year 2020 budget request.

The Capitol Police is an essential agency of the legislative branch. Chief, your team is charged with keeping Congress, its Members, employees, visitors, and facilities, both here and within our districts, safe and protected from harm's way.

The men and women of the Capitol Police put their lives on the line each day to ensure Congress is able to operate efficiently. You do your job so that we can do our jobs in a safe, secure, but open environment.

Thank you, Chief, and all the officers and civilians of the Capitol Police that work tirelessly to ensure the safety and security of the Capitol complex.

The Capitol Police budget request for fiscal year 2020 is $463 million, a 1.5 percent or $7 million increase over the fiscal year 2019 enacted total. We appreciate your efforts to develop a request with a plan to maintain operational effectiveness while also considering the fiscal constraints that we often face within the Federal Government.

Providing adequate resources to keep our Capitol complex physically safe remains this committee's top priority.

That being said, thank you and the department again for your service. I look forward to your testimony today.

Earlier today we heard from the House officers, including two, the SAA and the CAO, which you have partnered with on a few important initiatives that I hope you will mention.

And with that, I would like to yield to my colleague from the great State of Washington, Ranking Member Jaime Herrera Beutler.

OPENING STATEMENT OF RANKING MEMBER HERRERA BEUTLER

Ms. HERRERA BEUTLER. Thank you, Mr. Chairman.

And thank you, Chief. Welcome.

I would like to take a moment to thank all of the officers and recognize that you represent your team. You talked about the guys and the gals in the field. We are so grateful to you all for your service, truly. Your presence allows the visiting public to come and experience their Capitol. And this really is their Capitol. They have a right to be here, to see it.

As we talked about, this place attracts a lot of people who may or may not have, mental health challenges and that may or may not present a threat. That is a very real day-to-day situation for you all and for your officers.

And I think sometimes we take it for granted. I certainly think the visiting public probably takes it for granted, except for when they stop to ask for directions, which guys are always good about giving. But we just are very grateful for you and for what you do and for what you stand for.

I know that you are asked to continually expand your role, from securing the O'Neill House Office Building to garage security, which we discussed previously, to more screeners, to additional dignitary protection, and the list just goes on.

So we appreciate your leadership and your efforts in trying to meet these additional responsibilities, as always under fiscal responsibility, and at the same time making sure the day-to-day operations of the department are not in any way compromised but are not just adequate, but do a successful and superb job.

So we look forward to your testimony today.

And with that, I yield back.

Mr. RYAN. Thank you.

## OPENING STATEMENT OF MS. GRANGER

Ms. Granger, would you have some——

Ms. GRANGER. I will just be very, very brief. Thank you both for putting this hearing together.

And Ms. Herrera Beutler said it beautifully, we all depend on you. I have been here nearly 22 years, and it is always the same, you are always there. You are helpful to all the visitors, and that is really important to them, and to us and to our staff. You do it in a very professional way, but just go kind of the extra mile always.

So thank you very much for being here, and please tell all your people that that is how we feel.

Thank you.

Mr. RYAN. Thank you.

## TESTIMONY OF CHIEF MATTHEW R. VERDEROSA

The floor is yours, sir.

Chief VERDEROSA. Thank you.

Good morning, Mr. Chairman, Ranking Member Herrera Beutler, Ranking Member Granger, and members of the subcommittee. Thank you for the opportunity to present the department's budget request for fiscal year 2020. Our collaboration with the subcommittee and the Capitol Police Board has been key in our success in achieving our mission.

I greatly appreciate the support that you all have given the Department and for your inherent understanding of our multifaceted mission to keep Congress and the Capitol complex safe and secure.

I am joined here today by my chief of operations, Assistant Chief Steve Sund, to my right; and the Chief Administrative Officer, Richard Braddock, to my left; my General Counsel, Gretchen DeMar; as well as members of my executive management team. I am also joined by Inspector General Michael Bolton; USCP Fraternal Order of Police Chairman Gus Papathanasiou, who is truly a partner with us on many of our initiatives.

Overall, our mission is clear: to maintain the level of protection necessary to balance access and security so that Congress can fulfill its constitutional responsibilities. Over the past year, our officers have screened over 11.2 million individuals at building entrances and interior checkpoints. We manage an ever-increasing number of permitted demonstrations, which are approved for specific outdoor demonstration areas.

We secured and supported two lying-in-state ceremonies and a lying-in-honor ceremony. And we managed responses to numerous instances of prohibited civil disobediences occurring across the Capitol complex. In addition, we investigated numerous credible threats against Members of Congress.

Last October, our Hazardous Devices team safely contained a pipe bomb at the congressional mail facility, 1 of 16 that were sent to elected officials and public figures across the country. The suspect was linked to several of the devices by evidence obtained from the package sent to Capitol Hill. Our work contributed to the identification of a suspect, which assisted the FBI in apprehending him within days.

As law enforcement officers, we do not know what we may face each day. We train and prepare so that we can respond to any threat because the lives depend on it. Our daily reality is that the Capitol complex remains an attractive target to foreign and domestic terrorists. Each and every day we assess all the potential risks and adjust our strategies to address the various threats.

The Department continues to stay focused on ensuring that we stay current on the latest issues facing law enforcement, including new and emerging threats. We are working to align these serious security realities with our strategic priorities within the available resources.

Therefore, we have developed our fiscal year 2020 budget request of $463.3 million, which is a 1.5 percent increase over last year's enacted levels, with a focus on continuing to equip and prepare our workforce to be agile and responsive to the operations of Congress and to keep the Capitol Complex safe.

Our request includes base funding for 2,072 sworn and 442 civilian positions. The additional sworn personnel will be utilized to enhance the Department's ability to detect, impede, and address persistent threats that continue to increase and evolve.

We are also requesting one civilian position for the Office of Inspector General to conduct additional work related to cyber infrastructure and financial audits. In addition, our request includes funding for protective travel, the hiring and training of new sworn

personnel, new management systems and technology upgrades, and required supplies and equipment.

This funding will also address increases in operating costs due to the required protective services and travel needed to secure the 2020 National Democratic and Republican Conventions, as well as support the pre-planning and preparation for the 2021 Presidential inaugural ceremony.

Mr. Chairman, the type of policing that our officers engage in is not typical of most police departments. Our officers interact with thousands of people each day and do it in a highly visible environment, and they balance this public interaction with the need to be prepared at all times to respond to potential threats and other emergency situations.

We understand that working for Congress requires both maintaining an impeccable work ethic and accountability. In this regard, I want to assure the subcommittee that my team and I will continue to work closely with you and your staffs to ensure that information about the Department and its operations is provided in a timely and consistent manner.

I am honored to lead an organization that takes such pride in our mission and great responsibilities that we bear. Mission focus is key to our ability to be successful, to serve and protect, and to ensure our employees go home safely every day.

Again, thank you sincerely for your support of our department and our workforce as we carry out this important mission. And I thank you for the opportunity to discuss the 2020 budget, and I would be pleased to answer any questions you may have.

[The prepared statement and biography of Matthew R. Verderosa follow:]

**Testimony of**
**Matthew R. Verderosa, Chief of Police,**
**United States Capitol Police**

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

**March 12, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to present the United States Capitol Police (USCP) budget request for Fiscal Year 2020. I am joined here by some members of my Executive Management Team, as well as my Executive Team: Chief of Operations, Assistant Chief Steven Sund; Chief Administrative Officer Richard Braddock, and General Counsel Gretchen DeMar. Also joining me are Chief Financial Officer Dominic Storelli; Inspector General Michael Bolton; USCP Fraternal Order of Police (FOP) Chairman Gus Papathanasiou, and USCP International Brotherhood of Teamsters Chair Karen Gray-Thomas.

Mr. Chairman, the support of the Subcommittee, the Congress, 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. We greatly appreciate the support that you and your staff have given the Department, for your collaboration with our leadership team, and for your innate understanding of the complexity of our mission and the challenges we face.

Since 1828, the United States Capitol Police has steadfastly protected the United States Capitol. In fact, in 1801, a lone watchman, John Golding, was charged with taking "as much care as possible of the property of the United States," before construction was completed on the Capitol Building.

In the 191 years that have passed, much about the Department has changed, but our mission is fundamentally the same: To protect the Congress – its Members, employees, visitors

and facilities – so it can fulfill its Constitutional and legislative responsibilities in a safe, secure, and open environment.

We consistently work to maintain the level of protection necessary to balance access and security. Over the past year, the Department has managed an ever-increasing number of demonstrations; has secured and supported two Lying in State ceremonies and a Lying in Honor ceremony; has swiftly responded to critical incidents and civil disobedience, most notably during the Senate Judiciary Committee hearings last fall; and, has investigated numerous, credible threats against Members of Congress or the U.S. Capitol.

In 2018, USCP officers screened 11.2 million individuals at building entrances and interior checkpoints. On any given day, there are numerous permitted activities in the various approved demonstration areas. Daily, the Department facilitates the free exercise of First Amendment rights of individuals and coordinates these activities based on Capitol Police Board regulations under the *Traffic Regulations for Capitol Grounds*.

With the addition of pre-screener officers at numerous posts outside of the House and Senate office buildings, we have increased our abilities to better secure and screen at building access points, and thereby reducing the Capitol Complex's exposure to threats. Officers are posted to observe the public entering the buildings; provide direct communications with the interior officers in the event of an emergency; engage observed armed individuals; and, serve as a visible deterrent to those desiring to attack an entrance. The ultimate goal in deploying the pre-screeners is to identify and mitigate threats before they reach the interior security screening checkpoints. An added benefit to utilizing pre-screeners is that they also monitor and manage the lines of people queued to enter the buildings. The Department is sensitive to ensuring a positive visitor experience and our officers re-direct visitors to other entry doors for screening, which also enhances their overall safety and security.

In October, our highly-trained Hazardous Devices Section personnel safely contained a pipe bomb at the Congressional Mail Facility, one of 16 that were sent to elected officials and public figures across the country. Our team also worked with the FBI to ensure that evidence was

preserved to assist in the FBI identifying the suspect. The FBI Director noted that the suspect was linked to several packages from a fingerprint lifted from the package sent to Capitol Hill. This work led to the apprehension of the suspect within days of delivery of the pipe bombs.

Our special agents in the Investigations Division are aggressively pursuing all leads and investigating threats from many sources. As a result of the June 2017 baseball practice active shooter incident, there is a heightened awareness by Members and their staffs of how important it is to be aware of their surroundings and the actions of others for their own personal safety and security. Individuals are now more apt to report unusual activities. We have continued to see the number of threat assessment cases that we open and investigate grow each year.

The Department maintains a significant, visible presence throughout the Capitol Complex and other venues where groups of Members are assembled. This includes having a security presence even where we are not physically located. We routinely collaborate with the House and Senate Sergeants at Arms to assess Members' state and district office security and provide recommendations on ways to improve and enhance security measures and practices. We also continue to provide security awareness briefings for both local and district staff.

As law enforcement officers, we do not know what we may face each day. We train and prepare so we can respond to any threat in an instant because lives depend on it. We must be cognizant of any potential threats at all times. The reality is that the Capitol Complex remains an attractive target to foreign and domestic terrorists; therefore we must continually assess the risks and adjust our strategies for addressing any threat. We are constantly working to ensure that the Department's tactics do not become predictable or routine, and that our personnel are always prepared. It is with this in mind that we have worked to align these security realities with our strategic priorities and resources.

The Department continues to grow and transform to address new and emerging threats. We have also made great strides in implementing law enforcement best practices to further our strategic efforts as a model law enforcement agency. Therefore, we have developed our Fiscal Year 2020 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 Capitol Complex safe and secure. Our Fiscal Year 2020 request is $463.3 million, and represents an increase of only 1.5 percent over Fiscal Year 2019 enacted levels to meet mandatory salary requirements, overtime for critical training, and general expenses.

The Department's greatest assets are its employees. And, for this reason, the Department is committed to working closely with the Capitol Police Board and Congress to ensure that we continue to invest our resources into training, updating and replacing key equipment and systems, and ensuring that our employees have the tools they need to successfully do their jobs as well as advance their careers within the Department. The Department implemented a number of new initiatives over the last year that I believe will enrich our employees' professional and personal development. These initiatives include, but are not limited to, a new performance evaluation and communication system; promotional processes for the ranks of Deputy Chief, Inspector, Captain, Lieutenant, and Sergeant; a new employee recognition program; anti-discrimination and anti-harassment training; and more opportunities to attend professional development training and conferences.

As Chief, it is my goal to recruit and retain officers who reflect the makeup of those working in and around the U.S. Capitol as well as those visiting and engaging in the legislative process. It is also imperative that we build a strong leadership bench to build upon the Department's legacy with a clear eye toward its future. In the coming months with guidance and assistance from our Diversity Officer, the Department will be implementing a formal mentoring program as well as a peer support program. We also will be updating the Department's strategic plan to specifically include diversity, equity, and inclusion within the plan's overall goals and objectives. Further, the USCP will be developing sub-strategic plans addressing human capital management, recruiting and retention, training, succession planning and career development, and diversity, equity, and inclusion. These consolidated efforts will help to ensure that the Department continues to provide a holistic framework to imbed these efforts into all aspects of the Department.

As with all law enforcement agencies, personnel salaries and overtime make up the majority of our annual budget. 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.

Our Fiscal Year 2020 budget includes base funding for 2,072 sworn and 442 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 conducting additional work related to cyber infrastructure and financial audits.

To support these efforts, the Fiscal Year 2020 funding request reflects a 0.87 percent increase over the Fiscal Year 2019 enacted level for personnel costs. This increase is necessary to fund the overtime needs of the Department for the 2020 Democratic and Republican National Conventions.

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 and 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 must also utilize overtime to ensure that officers can 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. Based on the requested staffing levels for Fiscal Year 2020, the Department's overtime projection is approximately $47 million. This amount will cover base mission requirements, Democratic and Republican National Convention support, 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 essential 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. We are requesting $85.3 million for general expenses, which is an increase of $3.8 million over the Fiscal Year 2019 enacted level. This funding will address increases in operating costs due to the required protective services and travel needed to secure the 2020 National Democratic and Republican Conventions, as well as to support the pre-planning and preparation for the 2021 Presidential Inauguration ceremony.

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. In order to ensure consistent, transparent, and effective management practices, as well as measure our successes, we regularly benchmark our efforts to nationally recognized standards set by professional law enforcement organizations such as the International Association of Chiefs of Police, Police Executive Research Forum, and the Commission on Accreditation for Law Enforcement Agencies, Inc.

For the past nine 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 2020 budget went through multiple layers of review and validation, and is tied to supporting documentation for each budget element.

Our Executive Management Team, and the Department as a whole, has also benefitted from the assistance of the USCP Office of Inspector General (OIG). The OIG routinely conducts audits, reviews, and investigations and makes recommendations to the USCP for business improvements, including audits of our programs that I have requested. The Department continues to make significant progress in closing OIG recommendations. Since the OIG was established in 2006, the Department has successfully closed 90 percent of the 416 recommendations made by the OIG.

I value the OIG's assistance in our efforts to further improve our operations and performance. Michael Bolton was selected in January by the Capitol Police Board to serve as the third USCP Inspector General. He had served as the Acting Inspector General since March 2018, and also served as Assistant Inspector General for Investigations since August 2006. I appreciate the OIG's assistance in our efforts to further improve operations and performance. I also am pleased to report that the Department received its seventh consecutive unmodified "clean" opinion on our Fiscal Year 2018 financial statements from the OIG. 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 also work closely with the Fraternal Order of Police Labor Committee leadership on a host of issues of mutual concern. We have collaboratively worked to implement policy and procedures, as well as address the concerns of the rank and file. While we sometimes see issues through different lenses, the Chairman of the Labor Committee and I both want what is best for our employees. We understand that working for a police department requires maintaining an impeccable work ethic and requires accountability as we, as United States Capitol Police officers, are held to a higher standard. We and our staffs work diligently to ensure that we come to a resolution on topics with the shared goal of supporting our overall mission.

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 you may do the people's work in a free and open manner in the "People's House."

In closing, I want to assure the Subcommittee 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 2020 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 Subcommittee 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 discuss the Department's FY 2020 budget request, its priorities, and activities. I would be pleased to answer any questions that you may have.

# UNITED STATES CAPITOL POLICE

## Matthew R. Verderosa, Chief of Police

Chief Matthew R. Verderosa began his federal law enforcement career in 1985 serving with the Supreme Court of the United States Police. In 1986, he transferred to the United States Capitol Police, and served in a number of roles providing uniformed patrol duties in both the Uniformed Services Bureau and the Patrol/Mobile Response Division. He was promoted to Detective in 1990, and served in the Protective Services Bureau providing dignitary protection, special event planning, and investigative services.

As a sergeant, beginning in 1992, Chief Verderosa held several assignments on the First Responder Unit and in the Patrol/Mobile Response Division. He also spent four years in the Internal Affairs Division where he conducted both criminal and administrative investigations for the Department.

Chief Verderosa was promoted to lieutenant in 1998, and was assigned to the Capitol Division where he drafted and implemented major security plans including the operational security plan for the Impeachment Trial of the President, and Senate Chamber security staffing plans. Chief Verderosa served as the Strategic Planning Division Commander and Accreditation Manager, leading the Department to its first accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) in November 2002. During the 2001 Anthrax Remediation initiative, Chief Verderosa served as an incident command post commander for seven months. In his final assignment as lieutenant, Chief Verderosa served as the Assistant to the Chief of Police, providing oversight to the Administrative Staff until his promotion to Captain.

In 2004, as Captain and later as Inspector, Chief Verderosa was assigned to the House Division where he served as the Operations Commander and later as Division Commander, providing operational and administrative leadership to the Department's then-largest and most diverse organizational element. Chief Verderosa also served as the Chief of Staff for the Assistant Chief where he oversaw staffing initiatives, policy development, and assisted the Assistant Chief in coordinating the activities of all operational units.

Promoted to Deputy Chief in 2008, Chief Verderosa served as Commander of the Training Services Bureau, and was responsible for Department's in-service and Recruit Officer training; served as Acting Director of the Office of Human Resources, initiating many procedural reforms and internal controls, and also overseeing the human capital portion of the hiring process for the historic merger with the Library of Congress Police. Chief Verderosa also served as the Acting Chief Administrative Officer overseeing the Office of Administration and the Department's administrative functions. As Deputy Chief Administrative Officer, Chief Verderosa assisted the Chief Administrative Officer in the running of the Office of Administration; providing coordination between elements, providing technical assistance and oversight to several sworn promotional processes, and represented the Department with Congressional oversight entities. Chief Verderosa commanded the Department's Disciplinary Review Task Force from July 2013 through December 2015, where he coordinated most Department disciplinary matters for the Chief, Assistant Chief, and Chief Administrative Officer.

On May 1, 2015, Chief Verderosa was appointed as the Assistant Chief of Police and Chief of Operations, responsible for all Department operations. During his tenure as Assistant Chief, he was responsible for security during major demonstration activities and events, including the 2015 Papal Visit, the 2016 State of the Union address and many other events, as well as the day-to-day law enforcement operations of the Department.

Chief Verderosa was appointed as the Department's 9th Chief of Police on March 21, 2016. Chief Verderosa received his Bachelor of Science degree in Criminal Justice from the University of Delaware, and a Master of Science degree in Management from Johns Hopkins University.

Mr. RYAN. Great. Thank you, Chief. We do appreciate all the time and effort you provide. So we are very thankful.

GARAGE SECURITY AND SCREENING

Mr. RYAN. Do you have any questions?

Ms. GRANGER. I just have one. There is a vulnerability that I know you are familiar with and that is the garages. I noticed the garages and staff can come in without really being properly screened into those garages. I know it has to be an enormous headache. But is there a plan? Or I know you are doing some upgrading to the garages. Give me some assurance of what is going on.

Chief VERDEROSA. Absolutely, ma'am.

This vulnerability has been known for many, many years. Under the leadership of the Capitol Police Board, we have designed a plan to mitigate those vulnerabilities, and in conjunction with the Architect's renovation of Rayburn and Cannon, we should have full security on board and running by the end of the fiscal year at the latest.

We have already started garage security in the underground garages, the Ford Building, and the O'Neill Building garages. The two pieces that are left are Rayburn and Cannon, and we have plans to implement that security. Part of the multi-year security initiatives, over the last 3 years for the Capitol Police Board has been to acquire and train those personnel to staff that requirement.

Ms. GRANGER. Give me a little more information, because are they going to be screened as they come in or you will have security in the garages? That is very different.

Chief VERDEROSA. What will happen is that the vehicles entering the checkpoint will be cursorily screened. Once the driver of the vehicle parks their car they will be fully screened at the lobby before entering the building, which will match the screening you see at any access point. We have a formula for screening. It is an x-ray machine and magnetometer trace detection system. Before individuals can move beyond the lobby they will have to submit to screening.

Ms. GRANGER. I recently took a trip to our southern border having to do with the border security, and in one of the points of entrance they had technology that they went through very quickly with the cars. They were expecting 32,000 cars a day. So it was something that was really good, but least intrusive.

Our staffs are so good and they work very hard, and so to slow them down and all that, I hope that some of that technology is considered, because it really was something that they allowed all those cars to go through, but the screening that was done was very professional.

Chief VERDEROSA. I appreciate that.

And I think you will find, and we experienced this with the HUGs, the House underground garages, that we anticipated long lines and a lot of congestion. But what we found was that people typically come in in a staggered fashion and they don't all come in at once. Now, granted the heaviest period of time is generally 8:30 a.m. to 9:30 a.m.

We staff, as you may know, at the corner of the Rayburn Building at Washington and C Streets, facilitating vehicles coming in.

We engage in rush hour activities, which helps facilitate the speed at which we do that first cursory check of the trunk and the vehicle and the ID check.

Once they get to the garage, it is sort of a filtering process where it staggers. We don't generally see a large backup, though there are days where you will see a backup on the freeway based on other issues, traffic and the load. But we adjust our staffing levels, particularly during rush hour, to help facilitate that.

Ms. GRANGER. Thank you.

Mr. RYAN. Mr. Ruppersberger, the gentleman from Maryland.

HIRING CRITERIA

Mr. RUPPERSBERGER. I just have a question. It is rare, and I have been here for a while, that you get so much praise in these hearings. So if you got it, take it.

Chief VERDEROSA. I appreciate that. I am well aware. I will take what I can get.

Mr. RUPPERSBERGER. Especially police, there are always issues every day.

From an information point of view, what are your requirements to be hired? Do you have to have a 2-year degree, a high school degree, or college degree?

Chief VERDEROSA. The Capitol Police Board hiring standards were recently updated, so now you either need to have prior military, prior Federal law enforcement, or 60 credit hours to be qualified to go through the process.

Mr. RUPPERSBERGER. Okay.

Where is your office, over by The Monocle?

Chief VERDEROSA. Yes, 119 D Street. A large portion of our department is also in the Fairchild Building, 499 South Capitol Street. We divide the responsibilities and locations.

USCP VEHICLES AND K-9 PATROLS

Mr. RUPPERSBERGER. All right. And how many vehicles do you have?

Chief VERDEROSA. We have about 200 marked and unmarked vehicles for patrol. We have about 56 K-9 vehicles alone just so we can properly care for our K-9 partners. And the rest are——

Mr. RUPPERSBERGER. Sixty-nine K-9?

Chief VERDEROSA. Fifty-nine—56, I am sorry.

We have a vast ability. The K-9s are a force multiplier. Last year I think we did over 200,000 searches with the dogs, whether it is a fixed post or whether it is for a head of state arrival where we are securing a room or an area.

We also have 14 person-borne dogs, which also are out and about in the population looking for people, looking for suspicious things on people. They breathe the air that people leave behind as they walk by, and we are actively seeking to find the bad guy out in the public.

Mr. RUPPERSBERGER. Has it happened before with——

Chief VERDEROSA. We have identified issues with individuals. To the extent that we found someone who may be wearing a vest with some type of device, that has not happened.

UNIFORMED STAFFING IN BUILDINGS

Mr. RUPPERSBERGER. Okay. And on a regular day like today, how many uniformed do you have in House, Senate, and Capitol?

Chief VERDEROSA. It varies. We have got about 150 officers assigned to the House Division alone during day shift. We work "X" number, about 120 fixed posts, which includes officers on post and break personnel.

The Capitol, on any given day we may have approximately 400 to 450 officers working in the Capitol for over three shifts. But this encompasses 24/7 operations, so there are doors that are open 24/7, which includes coverage for the House and Senate Chamber, the officers that screen at the CVC, the officers that are walking patrol in the Capitol that handle the lines. We also handle the committees. We also handle all those various types of things.

The lion's share of the work occurs on day shift from 3 to 11. We also have a midnight team that is here overnight. We also have patrol officers that are out patrolling the streets. We put a various number of——

Mr. RUPPERSBERGER. In what parameter?

Chief VERDEROSA. On Capitol Grounds. On the general jurisdiction of Capitol Grounds proper we are the primary law enforcement department.

In the extended jurisdiction of the city where we have jurisdiction to traverse a few blocks off the Grounds, we will do that if there is a violent crime in progress or as part of our routine patrol, because we know where Members reside. We know where we also have——

WORKING WITH LAW ENFORCEMENT AGENCIES

Mr. RUPPERSBERGER. And do you support other law enforcement agencies when they need help?

Chief VERDEROSA. If they ask for assistance, we will support the agency within reason, absolutely. We have a very good relationship with the Metropolitan Police Department. We work very closely because we are inside the first police district of the Metropolitan Police Department. We monitor their radios. They monitor ours. We also work very closely with the United States Park Police, our neighbors across 3rd Street.

A lot of the issues that come up overlap. We will have a suspect who is wanted for something downtown who traverses Capitol Grounds. We monitor those lookouts.

We will enforce a lot of traffic in terms of flow around the Capitol. And the primary reason for that is there are a lot of vehicle-type threats. We spend a lot of time and effort in securing the streets from vehicular trucks and buses. You will see our officers at all of the main four checkpoints around the Capitol.

It is really a team partnership in the District. We handle our responsibility, the Metropolitan Police handles theirs, the Park Police handles theirs, the Secret Service handles theirs. We work very closely on a number of issues, including threat cases. A lot of times we will have a threat that emanates from a suspect we have or they have that involves threatening a Member of Congress.

Mr. RUPPERSBERGER. Now, do you have enough resources to do the job from your perspective, equipment, resources, cars, vehicles, ammunition, all of that?

Chief VERDEROSA. We do. I believe that we do. We do work a significant amount of overtime, which I think is a fairly regular occurrence. It is a balance between working with the overtime and then with the opposite side of do we hire enough people to maintain the regular workload on top of new mission. There is a balance. We also have to consider the infrastructure and our ability to train, house, and equip personnel.

I think we are at a balance right now. I think in future years you are going to see the Capitol Police asking to reduce that difference as soon as we complete our current requirements for the new initiatives.

SWORN STARTING SALARY

Mr. RUPPERSBERGER. And what is your starting salary?

Chief VERDEROSA. It is about $60,000.

Mr. RUPPERSBERGER. And in 5 years what would your salary be?

Chief VERDEROSA. I can get you that number. It is generally about 68, I believe. You get regular increases based on your tenure. As soon as you are out of the academy you get a raise and then every——

[CLERK'S NOTE.—Chief Verderosa responded for the record:]

On the officer's 5-year anniversary she/he would become a Grade 3 Step 6 ($76,181 on the 2018 pay scale). The only exceptions would be if the officer fell behind their class during training or was promoted to the rank of Sergeant within the last 2 of the 5 years.

OFFICER ATTRITION

Mr. RUPPERSBERGER. The final question, do you have a lot—because you are well trained, you have a lot of people, I am sure other departments are always trying to pick your people——

Chief VERDEROSA. They are.

Mr. RUPPERSBERGER [continuing]. On a regular basis.

Chief VERDEROSA. They are.

Mr. RUPPERSBERGER. What do you do? Shoot them?

Chief VERDEROSA. No. You know, it is one of those things. Congress has been very generous in terms of starting pay, pay and benefits. I like to think that the working conditions and the leadership retains people. I think money gets them in the door, benefits get them in the door. I think the history, the things that we see and do, really keep a lot of people.

We don't have a huge attrition problem. We lose about 60 to 80 people a year to retirements. Some people go to other agencies. We regularly fill for those requirements. Right now we are filling on top of that to complete the garage security initiative. We have already put the portal scanners up around the Chambers, which is one of the other initiatives.

And then the final initiative outside of the O'Neill staffing was to have pre-screeners at every door and have overwatch increased at each access point so that we really are secure at the places we need to be secure in the office buildings.

Mr. RUPPERSBERGER. Okay. Thanks.

Chief VERDEROSA. Thank you, sir.

Mr. RYAN. Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Well, welcome, Chief Verderosa and all your team.

Chief VERDEROSA. Thank you, sir.

Mr. NEWHOUSE. And just let me echo the comments that have been made. I appreciate everything you do to keep us safe around here. It is a level of comfort that I think we tend to take for granted that you really don't have to worry about things when we are on the Capitol campus because of your diligence. So thank you for that.

One of my questions has to do with the level of comfort, I guess, that I, my colleagues, and our staffs can be sure of back home in our districts. And I just wanted to ask you about how you coordinate with our local law enforcement agencies to provide that, as close to that same level of comfort that we feel here in Washington, D.C.

Chief VERDEROSA. Sure. It is a great question.

We do have pretty extensive outreach. We work through both the House and Senate Sergeants at Arms for the respective Chambers in terms of how we coordinate activities. Obviously, there is the quality of life every day, your district and your State offices, where your staff come to work.

So a couple of things that we can do, that we work through the Sergeant at Arms to do for your offices, we can do security assessments of your facilities. We can do security assessments and security awareness training for your staff. We can do that either in person or we can do it through teleconferencing with your D.C. staff. We are glad to do that.

We also can provide you with some training in terms of active shooter response.

One of the things that we do do in our Investigations Division is—and Mr. Irving probably spoke a little bit about it at his hearing as it is something we talk about regularly—is coordination with your staff. We ask the staff to appoint someone as the law enforcement coordinator for the office as a collateral duty.

Our Investigations Division, at the request of your offices, will do a law enforcement coordination for any of your public events. If you have an event, if you provide us with the schedule and the venue, we will do a workup. We will look at it both through open sources and through classified information to see if there is any type of threat assigned or assessed. If you have any particular individuals that you know of who could be disruptive, we will certainly look at that as well.

And then we coordinate in terms of with the local law enforcement to provide coverage, should you desire coverage, and that could be either through the local city police, the sheriff's office, State police.

If we develop the assessment for a particular event, and we find that it really is at a very high or moderate level, we may even assign Dignitary Protection agents to that based on what we find. We coordinate that through the Sergeant at Arms.

We have worked with some Member offices. We did about 460 to 470 coordinations last year in 2018. It is both out of State in your home district, and it is also for events that occur in the National Capital Region as well.

Last year we did between 95 to 100 coordination events here in the National Capital Region for events that Members have, and this year we are well on our way to surpass that number based on a lot of issues, the timing, the baseball games coming up, we provide security for those, practices as well, and the softball game as well.

We coordinate very closely through the Sergeant at Arms, and there are a lot of things that we offer Member offices to try to alleviate some of those concerns.

Mr. NEWHOUSE. I have certainly found that our local law enforcement agencies and State patrol sheriff's departments have been—I can't say enough about how cooperative they have been in working with you and providing assistance. Is that common around the country?

Chief VERDEROSA. It is very common for us. We find that most agencies that we reach out to are perfectly willing to. They just need to know the information. They really want to be responsive. They see it as one of their duties and responsibilities. And we have gotten tremendous support. We were doing assessments prior to the shooting incident, but it really came to fruition after the June incident in 2017 where there became a greater awareness and more Members were taking advantage of that. And we encourage that.

We do community outreach within the buildings and stop by your offices to try to just let people know what services we do have that we can provide. Certainly, we can make the rounds and make sure that everyone is aware of what we do so that you are better informed and you can have more access to the things that we offer.

Mr. NEWHOUSE. You said something about 460 events that you have done assessments for in the last year?

Chief VERDEROSA. That is right.

Mr. NEWHOUSE. So is that—because there is 435 just of us. Does that happen at our request or are you——

Chief VERDEROSA. Typically it is Member requests. In our routine review of events and issues that are taking place, if we find an event that is going to happen, if we see that there is a demonstration that is going to impact your office, we will reach out to your staff.

Mr. NEWHOUSE. So you are being proactive about that?

Chief VERDEROSA. Unsolicited, yes. We proactively do it.

Most of the arranged Member security events at off-campus events come through as a partnership between your staff and through the Sergeant at Arms and the Capitol Police. There are some Members that take great advantage of those services, and there are others that have yet to take advantage of that, and we are always striving to reach out to those Members.

AVERAGE SWORN LENGTH OF SERVICE

Mr. NEWHOUSE. Okay. We need to get the word out.

Mr. Ruppersberger asked a record number of questions in a short time, but one thing that he almost got to, I was going to ask you,

it is a unique service, the Capitol Police, and I would think—you mentioned a lot of the different things that attract and keep people here. But what is the average length of service of a member of your force?

Chief VERDEROSA. Well, we have quite a few retirees. You know, it is interesting, we have had some officers that have been on the same shift for 30 years.

Mr. NEWHOUSE. Really?

Chief VERDEROSA. They just love what they do.

Mr. NEWHOUSE. It shows, too.

Chief VERDEROSA. Well, they like the people. I mean, this is a job where you really have to enjoy dealing with people. We deal with, between 10 million and 15 million people a year. Those are just the ones who come in the building, and there are millions more who just traverse the grounds.

And I think it takes a very unique sort of personality to really enjoy that. I have been here for 32½ years or so and I love the change that we afford troops. If you want to transfer to another shift, you can do that. If you want to take a promotional exam, you can do that. If you want to find a specialized assignment, and are qualified, you take advantage of that.

Sometimes you find someone and they really hit their stride when they get to a niche that they really enjoy. One of our most popular positions is the K-9 handler, and it is hard to get those folks out of those jobs. They love the job. They love the partnership with the dog. They love what they do. If it is something you love so much, it is really not work. I think, if you were to talk to any group of officers in our department, they are probably the happiest ones that we have, the K-9 officers.

Mr. NEWHOUSE. Just one other quick thought, too, Mr. Chairman.

If you ever surplus any of your cool motorcycles, let us know.

Chief VERDEROSA. Okay. I will. Mr. Braddock, please note that.

I appreciate the kind words, and I will certainly pass those on to the troops.

WELLNESS PROGRAM AND FLETC TRAINING

Mr. NEWHOUSE. Thanks for being here.

Chief VERDEROSA. Yes, sir.

Mr. RYAN. Thanks, Mr. Newhouse.

We met last week and we talked a little bit about generally the House wellness program, and we just talked about it with Mr. Kiko, and that is up and running. And we talked about that in the context of the Capitol Police.

And I know in that conversation you talked a little bit about your relationship in collaboration with the Federal Law Enforcement Training Center. If you could just talk to a us a little bit about what that relationship looks like and some of the——

Chief VERDEROSA. Sure.

Mr. RYAN [continuing]. Get into some of the details as to what that training looks like.

Chief VERDEROSA. Absolutely.

In terms of the wellness program, we do partner with Mr. Kiko's staff and the wellness director. As a matter of fact, we met with him yesterday. Mr. Braddock did.

Mr. RYAN. Good.

Chief VERDEROSA. In terms of the mindfulness and our emotional and physical health and our financial well-being of our employees, as we discussed, the goal for us, for me personally, is to make sure that when our officers are on post that they are focused on the mission as opposed to things that will distract them, whether that is a problem at home or whether that is a health issue or whether that is something that is troubling them within the workforce.

We want to resolve that issue and take care of the emotional, the financial, and all of those support things through our staff with the CAO's office. I don't want people to be worried about their health insurance. I want them focused.

We spend a lot of time and effort to develop those programs. One of the things that we do, and Mr. Braddock was instrumental in helping us, is we have redesigned how we look at new recruits and applicants. We do a much more in-depth analysis of where they are, their maturity level, the things they bring to the table to be qualified to be an officer of the Capitol Police. Part of that is through our psychological examination and the wellness part of it and the mindfulness.

In terms of the Federal Law Enforcement Training Center, Mr. Braddock, can you elaborate a little bit?

Mr. BRADDOCK. Yes, sir.

The Federal Law Enforcement Training Center's leadership division is working on a wellness and resiliency program that they want to introduce. Our vision is much broader in terms of what we are looking to do. There are a lot of things they are working on, but there is also a tremendous resource in the House Wellness Center, and we are looking to do an inventory of all of that and see what else our workforce needs and build on that.

So our idea is to have both a focus on the individual, and a focus on the supervisor, so the supervisor can take care of themself and be a resource to the individual, and then holistically as the agency what are we doing to help folks.

As the chief said, there are four main areas we are looking at. We are starting with our new recruits. We are looking at emotional intelligence and critical thinking. As I mentioned to you when we met, we have started to train our recruits in that area to help give them extra tools to be able to take on this mission and balance that with their work and their home life.

So there are a lot of initiatives that will be taken on. I was very happy with our meeting yesterday, because there are, as you had mentioned, there are some tremendous resources that the House Wellness Center is doing. We are going to be introducing a number of those to our workforce.

Mr. RYAN. Great.

Chief VERDEROSA. In terms of the Federal Law Enforcement Training Center curriculum, they are looking to design a curriculum that sort of mirrors the kind of thing that we are doing in terms of how we treat our new employees when we bring them on board. That has yet to be really fleshed out. It is a fairly recent

inquiry from FLETC. So as that develops, we will be sure to keep you up to date on what we are doing, absolutely.

Mr. RYAN. Okay. That is great. That is great. I think the more collaborations we could build——

Mr. BRADDOCK. Yes, sir.

Mr. RYAN [continuing]. Context of the House, Federal, other Federal training that is happening, I think this is the future. I mean, we are looking at across the board with first responders. We see it in Ohio with the opiate epidemic and the level of exhaustion for all the way into the emergency room workers to the coroner.

Chief VERDEROSA. Right.

Mr. RYAN. I mean, it is just system-wide exhaustion. And to the extent we can give people the tools they need to be able to deal with that the best they possibly can, I think, is our responsibility here.

NATIONAL CONVENTIONS AND LAW ENFORCEMENT COLLABORATIONS

I have got one last question with regard to 2020 and the conventions. We know that there is a lot of Secret Service, and there is a lot of other law enforcement personnel that is involved in that. How do you balance your relationship with those other entities? And is it necessary for you to deploy and dispatch? I mean, there are obviously a lot of Members there, but there is also a lot of other security.

Chief VERDEROSA. Sure.

Mr. RYAN. So could you talk a little bit about that?

Chief VERDEROSA. Sure. And one final thought on the wellness. You know, as I read up on it, and you talk about clarity in critical response, one of the things we want to do with our troops—and I think we have—I have never worried about our operational response to critical incidents. I find that we train people in incident command. We train people to have clarity in thought.

But I think one of the things that—some of the techniques that we can leverage are slowing the game down for people who are responding, to focus in on key decision-making. Because at the end of the day, some of the decisions we make are split second. Some of them are more calculated if you have time, but we are not always given that time.

That is the challenge when we are making split-second decisions. So the more clarity of thought that you have and the more that we can instill that resource in people to have the ability to do it, I think we are way ahead of the game.

Mr. RYAN. Well, it is a teachable skill.

Chief VERDEROSA. Right.

Mr. RYAN. And I think we think, well, some people are Tom Brady and can slow the game down and some can't.

Chief VERDEROSA. Right.

Mr. RYAN. But it is a teachable skill that you can learn, same with the emotional intelligence where the most cutting-edge education programs in the country right now, first thing they do is focus on social and emotional skills, because it gets your brain tuned up and then you are ready to learn. If you don't have that, you are overreacting, you are escalating situations, as opposed to deescalating.

Chief VERDEROSA. Right.

Mr. RYAN. So I can't think of a more important field for that skill set to be implemented in this in 2019 than in law enforcement.

Chief VERDEROSA. Oh, absolutely. I agree 100 percent. And to the extent that you can focus, make good, coherent, smart decisions. And you always hear about tunnel vision. You want to fight tunnel vision. You want to take the information that you have and make the most educated decisions based on rapidly advancing information that is coming in.

Mr. RYAN. Yeah.

Chief VERDEROSA. And it is truly, I agree with you, it is a teachable art, it is a skill, and the best leaders have it. They display it. And I think that is the goal that we are striving for.

In terms of the conventions, I realize that we have a fairly large footprint in terms of the conventions. We look at it from the perspective that it is half the Congress going to one place. Our ability to reconstitute the Members that are off campus at the convention and be able to relocate those Members if necessary, to provide enough security where there are obviously a lot of things that occur both within the perimeter and outside the perimeter of these national conventions.

They are National Special Security Events. We are on the planning committees, the subcommittees. We are truly a partner with the Secret Service who have overall responsibility.

Our focus is mainly about providing security at these venues, whether it is inside the perimeter or outside, whether it is at a hotel or whether it is at an on-site event, to provide the level of security that you would be required to have where any group of Members are together.

And we do that here on a smaller scale in the National Capital Region. We do that at your outside events. This is just on a much greater magnitude.

We bring to bear our assets that we have here, whether it is a suspicious package, the ability to detect and mitigate, whether it is our SWAT team or our K-9 force multiplier, whether we have K-9 to sweep an area where we are going to have large Members of Congress, where it may not be inside that perimeter that is provided by the Secret Service.

Mr. RYAN. Right. Gotcha.

Chief VERDEROSA. We work very closely. And we scrutinize those numbers very carefully, and they really are to a point—we want to have enough people to engage in the protective operations necessary without jeopardizing security in another venue, whether it is here at home, because obviously we have the icon here and the Capitol Grounds to secure.

But I think we work very closely with the Sergeants at Arms to make sure that we have the appropriate number. We have all of those assets we need to be able to move Members safely and to provide the level of protection, whether inside or outside the perimeter, because no one is focusing on the Congress like we are. And we don't want to rely on others to do that.

And, frankly, it is everyone who, if you look at Cleveland and you look at the other convention——

Mr. RYAN. Philly.

Chief VERDEROSA [continuing]. In Philly, I think you will find that they both had particular types of issues. And the local law enforcement deal a lot—most of the time outside the perimeter, demonstration activity, and all that kind of thing.

So our goal is to provide a safe environment for you to operate, and because of the collective we want to be able to reconstitute if we have to.

Mr. RYAN. Right. Right.

Chief VERDEROSA. And it comes with that, it sometimes comes with a footprint.

Mr. RYAN. Yeah. Gotcha.

Well, thank you. We appreciate it, Chief, and your team. Thanks for everything. We look forward to staying in touch with regard to the training component. And maybe I will get out there and check it out for myself.

Chief VERDEROSA. That would be great. That would be great. And we will work with your staff on that.

Mr. RYAN. Okay. Terrific.

Well, thank you.

Chief VERDEROSA. Thank you. It has been an honor.

Mr. RYAN. This hearing is adjourned.

[Questions submitted for the record follow:]

**United States Capitol Police**
**Fiscal Year 2020 Budget Hearing**
**March 12, 2019 – 11:00am**
**Legislative Branch Appropriations Subcommittee**
**Questions for the Record**
**Chairman Tim Ryan**

**District Office Security**

***Question:*** **Chief Verderosa's testimony mentions a collaboration with the Sergeant at Arms on providing District Office Security assessments.**

a. **Please explain in more detail the role of the Capitol Police in the District Office Security assessment program.**
b. **How are the district office assessments going? Have there been any lessons learned since implementing the program?**
c. **Are there additional security options we should pursue to protect our Members, staff and constituents that can be discussed here?**

**Response:** The United States Capitol Police (USCP) works to enhance district office security (1) through delivering joint training to Members of Congress (MOCs) and Congressional staff in partnership with the respective Sergeant at Arms (SAA) Office, and (2) by conducting physical security surveys of district workspaces and offering recommendations for enhancement.

Officers of the USCP Threat Assessment Section (TAS) and Intelligence Operations Section (IOS) join with representatives of the respective SAA to provide Security Awareness Briefings (SABs) to Members and staff as the core training element. The SAB curriculum is intended to provide MOCs and staff with a broad overview of security-specific topics, provide key takeaways for immediate implementation, and point MOC offices toward additional resources that might be necessary to address larger or more long term security issues specific to the MOC's personal and office environment. The SAB curriculum includes the following topics:

- The importance of a law enforcement liaison
- The necessity for specific responsibility for security
- Principles of office security
- Principles of personal and family security
- Principles of vehicle, travel and hotel security

- Requesting physical security assessments for MOC homes and offices
- Social media practices that enhance security
- Planning for security at public appearances
- Handling concerning, suspicious, or inappropriate interest in MOCs
- Reporting threatening or otherwise concerning communications to USCP
- Handling and opening mail safely
- Handling suspicious packages and bomb threats
- Recognizing potential chemical, biological or radiological hazards
- Safeguards for children
- Countermeasures for technical surveillance
- Avoiding and responding to personal assaults and kidnappings
- Managing abnormal behavior by visitors
- Planning for and managing demonstration activity

The SAA representation at a SAB will address how SAA services intersect with the USCP, and cover SAA-specific topics. Generally speaking, the SAA service portfolio includes a spectrum of security-related resources and services in the dimensions of DC office preparedness, state office readiness, and security coordination.

Additionally, at the request from a MOC and upon approval of the House Sergeant at Arms (HSAA), the Security Services Bureau (SSB), Security Coordination Section (SCS) will conduct security survey assessments of a District Office. An SCS member would respond to the District Office, conduct a security assessment, and recommend countermeasures to any present vulnerability. Due to the volume of MOC requests, a contractor (currently Tyco) assesses and recommends a predetermined tiered security package. The SSB assisted in developing the tiered security packages based on industry best practices, office size, layout, and pricing. The MOC has the option of choosing a vendor other than Tyco, but must submit that company's proposal to the HSAA District Office Security Services Center. The HSAA's District Office Security Services Center forwards the proposal to SSB/SCS for review. The SCS reviews the proposal based on the security package suggested with the scope of work. The SCS follows up with the District Office staff and/or the vendor to gather additional information as needed. Other recommendations and/or approval are returned to the HSAA's District Office Security Services Center for implementation.

We find that MOCs who request and receive training and physical security recommendations are much better prepared to manage security risks for themselves, their families, their staff, and their constituents. However, the number of MOCs who request and receive a SAB is

relatively low. In CY 2017, the USCP delivered 67 SABs while in CY 2018 the USCP delivered 75 SABs to MOC offices. Thus far in CY 2019, the USCP has delivered 12 SABs.

In terms of lessons learned, we have found the combined service approach with the SAA offices to be extremely beneficial and economical in terms of time for MOC offices. Furthermore, we have adapted our approach to deliver the briefing via teleconferences as well as in person, in order to maximize return on investment of general expenses for travel and officer work time. Finally, we have also found that allocating a generous segment of time for questions and answers allows us to address the unique and specific needs of each MOC working environment.

Further, we have established and maintained a strong partnership with the HSAA in an effort to note accomplishments, review milestones, and capitalize on opportunities for improvement. For example, due to an increase in new MOC staff, the HSAA requested the SSB to provide an orientation that includes its mission and role in the process, and an overview of various physical security components (e.g., CCTV, alarms, duress, and motion sensors) typically recommended as part of a security package.

Recently, at the request of the HSAA, we provided additional recommendations to the criteria for reviewing security system proposals and selecting vendors. This will aid the HSAA in reviewing the vendor proposals for ensuring security systems provide appropriate countermeasures to vulnerabilities and utilize the latest modern technology, and that all vendors meet quality standards commensurate with the security standards of the USCP.

The SSB is developing standard operating procedures (SOPs) that document the vulnerability assessment process and incorporate the review and approval process established by the HSAA. This will create a living document; if an issue develops, it can be identified and corrected via the SOP, effectively eliminating the issue from recurring.

1. **We encourage all MOCs to take a SAA/USCP Security Awareness Briefing and adopt the best practices for strong personal security.** As MOCs will not always be in a location with an active security presence, this important training will help to develop heightened awareness, provide knowledge of critical emergency contacts, and prompt proactive planning for reaction when confronted with an emergency situation. Only a small number of MOC offices receive this type of briefing, so any increase in this number would result in MOCs and staff being better educated about best practices for their office, home, personal, and data security.

2. **We encourage all MOCs to request physical security assessments of their district offices and personal residences.** The SAA/USCP physical security assessments will provide MOCs with concrete recommendations to enhance security for themselves and their families in both state and National Capital Region (NCR) offices and residences. Only a small number of MOC offices receive this type of service, so any increase in this number would result in MOCs possessing a better basis of knowledge to improve security at their offices and homes.

3. **We encourage all MOCs to actively and consistently report concerning contacts to the USCP Threat Assessment Section (TAS).** The USCP TAS will investigate and assess every referral, and the information provided is invaluable in making future assessments for the relevant MOC's personal security and event security concerns.

4. **We encourage all MOCs to utilize the established processes with the offices of the SAA to share information on their personal schedules which may warrant risk assessment and action by the USCP to coordinate security at an appropriate level.** As MOC schedules include events that are both public and private, and official and non-official, the precise nature of law enforcement resources assigned will vary on a case-by-case basis. While MOCs have been active in providing the USCP with information on their district and state events, very few referrals pertain to events within the NCR. Any increase in this number would result in a greater ability for the USCP to gather intelligence, brief/confer with the MOC office, and either directly staff or partner with another law enforcement agency to provide appropriate police presence at the event.

   In addition to direct staffing by the USCP at Congressional events within the NCR, we continuously work with the local law enforcement agency to ensure that their supervisors and officers in the field are aware of Member events and augment the security coverage through directed patrols and special attention. We also coordinate closely with the Metropolitan Police Department's Police Districts and Special Operations Division to ensure that the officers assigned to the Patrol Service Areas, as well as specialized patrol units, are aware of Member events.

5. **We encourage MOCs who host events outside the Capitol Grounds that will involve large delegations or assemblies of MOCs to notify the respective SAA as early as possible, so that a risk assessment can be performed and planning for any warranted USCP protective deployment can be most effective.** Protective deployments require advanced planning, logistics coordination, and liaison with law enforcement and private sector partners to be fully effective. Protective deployments are utilized for the higher

risk levels, often due to large numbers of MOCs being present in the same location at the same time.

**Public Requests for Information**

***Question*: Although the Legislative Branch is not subject to the FOIA Act we do have a responsibility to keep the public informed. What is the Capitol Police policy for releasing information to the public?**

**Response:** As is noted above, the United States Capitol Police (USCP), as a legislative branch entity, is not an "agency" as defined by 5 U.S.C. §§ 551 et seq., under the Freedom of Information Act. Therefore, the USCP is not subject to the requirements of the Freedom of Information Act.

In addition, the USCP has an important mission to protect the Congress, its leaders, and the U.S. Capitol. No other law enforcement agency has these equivalent responsibilities. Therefore, due to security concerns that may impact the safety of public officials under the Department's protection, and in order to safeguard the means and methods by which we secure the Capitol Complex, the Department is unable to fulfill all public information requests.

The USCP does engage regularly with the Congress, the media, and the public in providing information and responding to inquiries. The USCP's public website (www.USCP.gov) provides extensive information about our mission, history, organizational structure, and career opportunities, as well as providing visitor guidelines. We also provide information and downloadable forms for people to apply for permits to engage in First Amendment activities on Capitol Grounds to include demonstrations, commercial filming, foot races, marches, and musical performances.

In the Media Center section of USCP.gov, our Public Information Office (PIO) posts press releases for the media and public with important details regarding major events such as Lying in State ceremonies, Fourth of July concerts, or State of the Union addresses and the related impacts to the Capitol Complex. In addition, following major incidents of civil disobedience, press releases/statements regarding mass arrests are sent to reporters and/or are posted in the Media Center. Following major events or high-profile arrests in which the USCP partners with other law enforcement agencies such as the United States Attorneys or the Federal Bureau of Investigation, the USCP will issue joint press releases with those agencies. Other avenues to request information include contacting the PIO by email (PIO@uscp.gov) or by phone (202-224-1677).

In January 2019, the Department began posting the Weekly Arrest Summary to USCP.gov so that it is available to everyone who visits our website. Previously, it was emailed to a list of media reporters. As is noted on our website (https://www.uscp.gov/media-center/press-releases/united-states-capitol-police-weekly-arrest-summary-be-posted-uscpgov), the weekly arrest summaries include information about arrests made within that time period to include the Capitol File Number (CFN); crime classification with any additional charges; offense date and time, and crime summary. Members of the public and the media may request public reports. Publicly-available reports include traffic collision reports and event/incident reports to include incidents leading to arrest for criminal acts such as defacing government property or robberies. It should be noted that certain reports which are part of a prosecution are "public" reports and can be obtained through the specific prosecutor's office once charges are placed against an individual. These types of reports are not publically available from the Department due to constraints of the prosecution process.

The Department also organizes press conferences or conducts media interviews in conjunction with its law enforcement partners following major incidents such as the Alexandria baseball practice shooting in June 2017, or the shooting incident in the Capitol Visitor Center in March 2016, and testifies at public hearings held by Congressional committees.

**Capitol Police Positions**

***Question:***

a. **Please provide an update on hiring 173 (92 sworn, 81 civilians) new employees in fiscal year 2019?**
b. **How many of these positions have been filled to date?**
c. **Is the Department on schedule to fill all 173 positions by the end of fiscal year 2019?**

**Response:** On October 1, 2018, the Department had 1923 sworn personnel and 360 civilian personnel onboard. In FY 2019, the Department was funded to support 2015 sworn personnel and 441 civilian positions.

Sworn:
To date in FY 2019, the Department has hired 79 new sworn officers to backfill separated sworn personnel and to address new sworn positions provided to the Department for the enhanced security projects.

The Department has five additional recruit officer classes scheduled for FY 2019, which will provide an additional 88 recruit officer slots, against which the Department will hire the remaining sworn personnel needed to address attrition and new sworn positions.

Civilian:
To date in FY 2019, the Department has filled 11 new civilian positions. In addition, two new civilian employees will onboard on April 1, 2019. The Department has 86 civilian positions (to include the 2 pending onboarding personnel noted above) in the following phases of hiring:

| PHASE | NUMBER OF VACANCIES |
|---|---|
| Position Development: | 1 |
| Advertised – Pending Vacancy Announcement Closure: | 1 |
| Basic Qualification of Applicants: | 1 |
| Technical Qualification Review of Applicants: | 0 |
| Interview Process for Referred Applicants: | 62 * |
| Candidate Selection: | 11 |
| Background Investigation: | 5 |
| Scheduled for Entrance on Duty: | 3 |
| Office of Inspector General Positions | 2 ** |
| **TOTAL** | **86** |

* *From a candidate list of over 200 basically qualified Communications Operator applicants and over 150 basically qualified Command Center applicants.*

The Department continues to experience difficulty in finding qualified applicants for some civilian positions who can pass the Department's established Employment Suitability Standards. As a result, the Department has re-advertised several positions in order to increase the applicant pool of qualified applicants from which to make selections.

It is important to note that the Department has longstanding employment suitability standards, which establish the expectations for both sworn and civilian positions for consideration to be hired. These standards ensure that the Department hires the highest caliber of sworn and civilian employees. Although the Department endeavors to fill all of its existing sworn and civilian vacancies, the Department's standards will not be lowered in order to do so. Therefore, there will be circumstances in which the Department cancels sworn recruit officer classes or re-advertises civilian vacancies due to a lack of highly qualified candidates who can successfully pass a background investigation.

** Additionally, two vacant civilian positions are allocated to the Office of Inspector General (OIG). The OIG is actively working to hire against these vacancies. One position will be filled by the end of May 2019 and the remaining position is expected to be selected and hired by the end of the fiscal year.

**Wellness Program**

***Question:*** **The Department is working to develop and implement a holistic wellness and resiliency program for the members of the United States Capitol Police. In addition, the department would like to work collaboratively with the Federal Law Enforcement Training Center on this initiative, so it may be utilized across federal law enforcement. Please provide information regarding this initiative and how the Department plans to use this resource to support its workforce?**

**Response:** The Department believes that holistic wellness is the best approach for our employees. Every day officers are asked to perform inherently dangerous tasks. Over the past few years we have had officers manage a variety of critical incidents from the Capitol Visitor Center shooting on March 28, 2016, to the Congressional Baseball Shooting on June 14, 2017, to more routine events such as serious traffic accidents with injuries to citizens as well as numerous officers performing lifesaving CPR for ill individuals. As a Department, we not only need to support our officers' physical fitness, but their overall well-being by instilling resiliency in our officers through physical fitness, mental health support, nutrition, and stress reduction. This can be accomplished in a variety of programs by allowing access to the appropriate resources. However, the Department must also ensure that these efforts focus on our civilian workforce as well so that they may successfully champion our critical law enforcement mission.

The Department's plan for its wellness program focuses on treating the whole employee explicitly based on each individual's needs. The Department is approaching this overall effort

from multiple levels and through utilizing available partnerships. In addition to the resources being developed and implemented internally within the Department, we are partnering with the House Wellness Center to fully utilize the many programs being developed by the House Wellness Center to support our workforce.

To do so, the Department is developing an interagency agreement, so that it may reimburse the United States House of Representatives for the resources being used by the House Wellness Center on behalf of USCP employees. As a part of this agreement, the Department plans to engage the total workforce by fully implementing, once they are available, the following programs: Wellsource, Zipongo, StressStop, Wellable, and LifeCare programs. Additionally, the Department will also provide access to the various webinars and web-based mindfulness applications being utilized through the House Wellness Center once they are cleared by the Department's cybersecurity team. The Department will also use the messaging plan for the House Wellness Program to provide relevant information to our employees related to various ongoing programs.

Further, we are partnering with the Federal Law Enforcement Training Center's (FLETC) Leadership Division to look at ways that existing training programs provided by FLETC can be utilized or enhanced in this effort. It also provides a working vehicle in which the Department's overall wellness program can serve as a model for federal law enforcement. As a part of this effort, the Department has also examined the work of the Concerns of Police Survivors (COPS), Officer Safety and Wellness Group. This group focused on improving law enforcement resilience, as well as the work of the International Association of Chiefs of Police materials of Officer Safety and Wellness and the San Diego Police Department's lessons learned from the establishment of a Wellness Unit within that police organization.

To begin to address our workforce, we viewed the needs of our recruit officers. The result has been the development and addition of a Department five day pre-recruit officer training session, that addresses specifically emotional intelligence, critical thinking, mindfulness, and life skills. The goal of the Department is to provide the new recruit officers with tools to not only address the stress and complexity of the training they are entering, but also, the overall lifestyle changes needed to adapt to a federal law enforcement career. This training includes the following: mindfulness techniques; how to approach situations with a higher level of emotional intelligence; critical thinking skills; how to properly exercise and eat; budgeting based on their rate of pay versus the overtime they will earn; planning for retirement; and resources available to them to holistically approach their work-life balance. It is during this session that the Department will introduce the multiple programs being offered by the House Wellness Center

and demonstrate for these new employees the nexus between utilizing these programs, as well as others available to them, to their personal well-being.

Second, in addition to ensuring access to the House Wellness Center's programs, the Department will be implementing an annual self-discovery online training program for incumbent officers and civilian employees. They will also be provided with many hands-on ways to improve their physical, mental, and nutritional health. This training similar to the new recruit training will also include the following areas of wellness: mindfulness techniques; how to approach situations with a higher level of emotional intelligence; critical thinking skills; how to properly exercise and eat; budgeting based on their rate of pay versus the overtime they will earn; planning for retirement; and resources available to them to holistically approach their work-life balance.

Third, the Department plans to develop a supervisory training program that not only provides them with the personal wellness focus that will balance their individual and group wellbeing, but also helps our supervisors understand when and how to support our front line employees with their wellness objectives. This program will include both online and classroom training focused on real-life, hands-on examples for developing and utilizing mindfulness techniques while managing in the federal workplace.

Additionally, the Department is developing peer support and mentoring programs to support our employees' growth. Further, we are exploring the possibility of providing an avenue for mental health counseling and psychological services; meal preparation options; health screenings; health fairs, financial health with an emphasis placed on the importance of self-care; and critical incident debriefing.

Many initiatives that the USCP's Wellness Program may champion could succeed with the assistance of contractors, on an as-needed basis. For example, in the case of ongoing psychological services the Employee Assistance Program is intended for a short-term clinical review and referrals to longer-term services. By contracting with a psychological service(s) firm, the Department may be able to provide ongoing psychological assistance, as an employee navigates a difficult situation that has long-term ramifications. This would allow the employee to productively address life issues, while allowing the Department to manage our mission effectively.

Currently, the Department has one Fitness Coordinator contractor and does not offer onsite nutritional counseling from a licensed nutritionist. One element of a strong Wellness Program includes physical health, which is why the Department plans to expand its efforts with one-on-

one physical fitness coaching, fitness evaluations, training and nutrition recommendations, and leading a variety of fitness classes/team challenges, etc. Increasing the amount of fitness and nutritionist contracted positions would also allow for better access to all employees with different shift coverage throughout an entire work day. Additionally, it would allow for the development and implementation of various programs designed to assist employees with nutritional health (handling stress eating), and overall resiliency expeditiously and explicitly focused on meeting the needs of the individual employee.

To successfully implement and sustain such a long-term effort, the Department plans to hire a Wellness Coordinator to manage our overall program. The Department intends to work with the House CAO's Wellness Program Coordinator to determine the needed qualifications for a similar position within the Department and ways to utilize lessons learned while creating a robust USCP Wellness Program that can serve as a best practices model for the federal law enforcement workforce.

**United States Capitol Police**
**Fiscal Year 2020 Budget Hearing**
**March 12, 2019 – 11:00am**
**Legislative Branch Appropriations Subcommittee**
**Questions for the Record**
**Ranking Member Hererra Beutler**

**Member and Staff Safety**

***Question:*** **How is Capitol Police working to ensure Members and our staff are properly informed on how to recognize possible threats, and the steps needed to notify Capitol Police?**

**Response:** In June 2018, we reported to the Subcommittee that the USCP had implemented improved communication systems to provide important alerts to the Congressional community in case of emergencies that could be as routine as approaching inclement weather or as serious as a potential terrorist attack within the Capitol Complex. I would also like to call the Subcommittee's attention to the USCP's efforts in educating, training, and preparing Members and staff to recognize and react to threatening persons and situations.

Special agents in the USCP's Threat Assessment Section (TAS) and Intelligence Operations Section (IOS) join with Sergeant at Arms (SAA) office representatives to provide Security Awareness Briefings (SABs) to Members and staff as the core education and training element. The SAB curriculum is intended to provide Members and staff with a broad overview of security-specific topics, provide key takeaways for immediate implementation, and point Member offices toward additional resources that might be necessary to address larger or more long term security issues specific to the MOC's personal and office environment.

Members and staff who participate in this training take away a greater awareness of the threat environment, enhance their ability to recognize and prepare for potential threats, and acquire the necessary skills to react appropriately to threatening situations. The SAB curriculum includes the following topics:

- The importance of law enforcement liaison
- The necessity for specific responsibility for security
- Principles of office security
- Principles of personal and family security
- Principles of vehicle, travel, and hotel security

- Requesting physical security assessments for Member homes and offices
- Social media practices that enhance security
- Planning for security at public appearances
- Handling concerning, suspicious, or inappropriate interest in Members
- Reporting threatening or otherwise concerning communications to USCP
- Handling and opening mail safely
- Handling suspicious packages and bomb threats
- Recognizing potential chemical, biological, or radiological hazards
- Safeguards for children
- Countermeasures for technical surveillance
- Avoiding and responding to personal assaults and kidnappings
- Managing abnormal behavior by visitors
- Planning for and managing demonstration activity

The SAA representatives at a SAB will address how SAA services intersect with the USCP, and cover SAA-specific topics. Generally speaking, the SAA service portfolio includes a spectrum of security-related resources and services in the dimensions of D.C. office preparedness, state office readiness, and security coordination. The USCP works hand-in-hand with SAA offices to address threats against Members and staff, provide guidance to Members and staff who have been subject to threatening behavior, mitigate risks through law enforcement action, and update offices of significant developments in serious cases.

As always, the USCP is accessible every day of the year on a 24-hour basis to accept the reporting of threats and to initiate an immediate law enforcement response in proportion to the level of concern. The TAS office can be reached directly by telephone Monday through Friday, from 6:00 a.m. to 10:00 p.m. EST at (202) 224-1495. Persons who call the office will be directly connected to a USCP investigator who will accept their information, triage the fact pattern, and open an investigation. At all other times, this same number will be answered by an officer of the USCP Command Center, who will speak to the caller in person, document the facts, and then refer the information to an on-call investigator for appropriate follow-up. Documents and other media (audio recordings, etc.) may be sent to the USCP via email to THREATS@USCP.GOV, but it is important for a telephone call to be made to the office in addition to any email transmission. This allows us to ensure all the necessary information is collected and the case is correctly prioritized.

Alternatively, Members and staff may always contact the USCP Commander Center at (202) 224-0908 for any form of Capitol Police assistance. This number is staffed at all times.

Lastly, the patrol section of the USCP; the Uniformed Services Bureau, also supports our mission to protect Members of Congress, staff and the public by way of the Community Outreach Program. Through the Community Outreach Program, the uniformed sworn personnel provide the Members' offices with a variety of information to enhance their safety and security. This information can include general safety information such as personal security awareness for staff new to the National Capital Region, holiday safety tips, and to how to respond in an active shooter situation. Requests for Community Outreach Program presentations can be made through the Sergeant at Arms office.

**Threat Assessment**

***Question:*** **In your testimony, you mention that the number of threat assessment cases that are opened and investigated are growing each year.**

- **Does Capitol Police have the capabilities and manpower to ensure they can properly and efficiently investigate and respond to the growing number of threat assessments?**

**Response:** In May 2018, we reported to the Subcommittee on various aspects of the threat assessment process, including recent trend data; an overview of USCP threat mitigation strategies such as education, training, security surveys, and law enforcement coordination for Member's public events; and the redeployment of sworn personnel from other assignments such as the Uniformed Services Bureau (USB) and the Operational Services Bureau (OSB) to the Investigations Division (ID) as an outcome of the 2018 Consolidated Appropriations Act.

The focus of the above-referenced redeployment of personnel has been to increase both the capabilities and staffing of the Department's strategies to locate and identify threats made against Members, staff, and Congressional facilities; mitigate those threats through both investigation and proactive preparedness; and respond to the trend of increasing threat referrals and requests for law enforcement services outside the U.S. Capitol Grounds. Redeployed personnel have been divided between the functional organizational elements within the ID: the TAS; the IOS; and the Criminal Investigations Section (CIS).

The redeployment authorized by the 2018 Consolidated Appropriations Act has allowed us to increase staffing in the TAS by 57%. Furthermore, we have used staffing from the redeployment to increase the staffing of the IOS by 16% in order to meet the need of the growing level of requests for the USCP to conduct threat assessments of Member public events that occur outside of the U.S. Capitol Grounds, and coordinate appropriate law enforcement presence for such events. We have also used personnel from this redeployment to expand our previously

existing presence into the law enforcement community that investigates threats and crimes in cyberspace.

Finally, the USCP has adopted new technology procured as an outcome of the 2018 Consolidated Appropriations Act to facilitate detection of threats that occur over the internet and allow for greater investigative actions in response to such threats.

**Congressional Accountability Act Settlements**

***Question:*** **Last December the Congressional Accountability Act Reform bill was signed into law. How many Congressional Accountability Act claims on average per year involving the USCP as an employer have been settled and for what range of amounts?**

**Response:** The USCP, over the past 18 years, has settled on average approximately 1.3 claims per year under Sections 201(a) or 206(a) of the Congressional Accountability Act, for claims alleging discrimination or harassment. Due to the fact that settlements occur sporadically, there were multiple years in which no settlements occurred and other years when multiple settlements were reached. The settlement amounts ranged from $141.44 to $112,500.

***Question:*** **How is this going to affect your budget?**

**Response:** The Congressional Accountability Act Reform bill mandates that an employing office, such as the USCP, reimburse the account described in Section 415(a) of the Act for any payments made in connection with an award or settlement under Sections 201(a) and 206(a), which prohibits discrimination and harassment based on race, color, religion, sex, national origin, age, disability, or military service.

The Department will budget for this statutory requirement similarly to how it budgets for Federal Tort Claims Act claims. The Department expects, based on the historical data noted above, to budget for $200,000 per fiscal year for this requirement. Should these funds not be needed for this purpose, the Department will utilize the funds to either address an unfunded requirement at the close of the fiscal year, or pay the Department's annual workers' compensation bill with the Department of Labor.

***Question:*** **What steps has the USCP taken to ensure its employees are protected against discrimination and harassment, including sexual harassment?**

**Response:** The USCP developed and implemented its most recent version of our Department policy, Directive 2053.011, Anti-Discrimination and Anti-Harassment Policy in May 2012, which

was updated from our USCP anti-discrimination and anti-harassment policy first issued in December 1989. The Anti-Discrimination and Anti-Harassment Policy prohibits discrimination or harassment based on any of the protected classes/characteristics set forth in Sections 201(a) or 206(a) of the Congressional Accountability Act. The USCP Anti-Discrimination and Anti-Harassment Policy further prohibits retaliation against any individual who in good faith reports or opposes any alleged discriminatory or retaliatory conduct, or participates in proceedings related to alleged discriminatory or retaliatory conduct. The USCP Anti-Discrimination and Anti-Harassment Policy sets forth a process by which employees must report discriminatory, harassing, or retaliatory conduct to be investigated by the USCP's Office of Professional Responsibility, the office responsible for administrative investigations. The USCP Anti-Discrimination and Anti-Harassment Policy further states that any person found to have engaged in conduct prohibited by the policy will be disciplined, up to and including termination of employment with the USCP.

All USCP employees received online training on the USCP Anti-Discrimination and Anti-Harassment Policy in 2018. Such training is required to occur on an annual basis. In addition, all supervisory personnel received in-person training on the USCP Anti-Discrimination and Anti-Harassment Policy and their obligations under that policy in 2018. Further, since 2016, newly appointed first-line supervisors received in-person training on the USCP Anti-Discrimination and Anti-Harassment Policy and their obligations under that policy as part of the USCP's two-week New Supervisors Leadership Training program. Finally, the USCP provided specialized training on the USCP Anti-Discrimination and Anti-Harassment Policy to staff in the Office of Professional Responsibility, the investigative arm of the USCP that is responsible for investigating any allegations of discrimination, harassment, and retaliation in 2018, and will continue to provide refresher training on an annual basis.

Independent from the USCP internal investigative process, the Office of Inspector General has oversight of Department investigations and also may conduct its own independent investigation with regards to discrimination and harassment claims.

**Training**

***Question:*** **You are requesting funds for training in both the Salary and General Expense account.**

- **What are the different training needs the Department has besides the obvious training of officers?**

**Response:** Training is the foundation upon which our employees learn and understand the critical laws, rules, regulations, policies, and procedures which guide the operations of the Department. Because the Department is not like other more traditional police departments, we cannot simply remove officers from daily fixed mission operations/posts in order to deliver essential training.

Therefore, included in the Department's annual salaries budget request is 24,000 hours of overtime specifically dedicated to the critical in-service sworn training needs. This allows the Department to pull officers offline to receive minimal refresher training each year. These overtime hours are not used to support semi-annual firearms qualifications for sworn personnel.

The annual in-service training differs each fiscal year based on the operational needs of the Department. Specialty units, such as K-9, the Containment Emergency Response Team, and the Hazardous Devices Section, have specific specialty training that their staffing levels accommodate on a routine basis. The Dignitary Protection Division also has specific basic agent training, assigned weapons qualifications and advanced agent training requirements that the Division delivers routinely. Line officers working the core mission of the Department must be pulled offline in limited amounts of time to receive annual refresher training. This training includes refresher training on security screening, defensive tactics/search and frisk, reports writing, legal updates, and more.

Additionally, within the Department's annual general expense budget request, the Training Services Bureau (TSB) has a substantial annual budget to support USCP-specific recruit officer training costs not covered by the Department of Homeland Security's Federal Law Enforcement Training Center standard federal law enforcement officer training funding. Further, the TSB has costs associated with the support for in-service training and firearms training and qualifications noted above. These costs range from routine training supplies to role players to equipment to support training and range operations.

Also, the Department's general expense budget request includes training funds for organizational elements to support training for both sworn and civilian personnel. The funds to support sworn personnel represent training fees for specialized training, to include training equipment, course fees, travel, etc. The funding to support civilian training requests are tied directly to the essential functions of each position and are required at different intervals to retain skill levels.

During sequestration, most civilian training funds were eliminated to meet reduced funding levels. Because civilian personnel skills are also perishable, the Department has been steadily requesting general expense training funds in subsequent fiscal years to ensure that civilian employees receive the necessary training to perform the essential functions of their positions.

This also ensures that the employees have the necessary skills to effectively support the operational mission.

It should be noted, based on the mission of the Department, the USCP is operating approximately 200 sworn officers under the required sworn staffing level necessary to complete the Department's overall mission, which therefore, requires overtime funds to staff these core mission requirement. This is in addition to the training overtime referenced above.

With the addition of over 300 new sworn officers to meet the new mission resulting from the four enhanced security efforts over the last four fiscal years, the Department has the ability to better spread the impact of working overtime across a larger group of sworn employees.

Therefore, the Department is reviewing its annual training overtime request and may request additional training overtime, TSB personnel, and related general expense costs in future years to better support the Department's training requirements.

**Garage Security**

***Question:* Once garage security is implemented is there a plan to keep threats outside of the garages?**

**Response:** There are a number of security measures in place that are designed to keep threats outside of the Congressional parking garages. All of the Congressional building parking garages are located within the secured perimeter of the United States Capitol Grounds. In order for an authorized vehicle to access the perimeter, the operator is required to show a valid Congressional identification card and USCP officers conduct a visual inspection of the vehicle's interior and trunk. Every garage access entrance is staffed by uniformed USCP officers. It should also be noted that none of the parking garages are open to the general public, and each person entering the garages, whether on foot or in a vehicle, is required to show officers identification prior to entering. All individuals entering the garages are identified as Congressional employees, thereby minimizing risk. In addition, only vehicles displaying a valid Congressional parking sticker for that specific parking garage is allowed to access the garage, and entry is allowed only after a visual inspection of the vehicle and its trunk is completed by the Department. The visual inspection is conducted to identify any suspicious items in plain view or any large suspicious or threatening items. A more in-depth screening process of the individuals entering the buildings will take place as part of the garage security initiative.

For added protection, USCP K-9 teams conduct random checks of vehicles parked in the building garages. In addition, USCP officers routinely patrol the garages and conduct regular

security checks throughout the day. With regard to the physical security of the garages, as part of the ongoing projects, security hardware has been installed to prevent unauthorized access into the office buildings from the garages. Finally, closed circuit cameras that are monitored by the USCP Command Center provide additional security coverage in various parts of the garages and are trained on entryways to ensure 24/7 security protection.

The security plan for the House garages will complete the Capitol Complex security perimeter, and mirror the Senate side measures.

TUESDAY, APRIL 2, 2019.

## MEMBERS' DAY

Mr. RYAN. I am going to call this legislative branch hearing for members and public witnesses to order.

I am pleased to welcome the Members of Congress and outside public witnesses to our hearing this afternoon. It is very important that the subcommittee hear the concerns of our fellow legislators and members of the public before we begin to work on marking up our fiscal year 2020 subcommittee bill.

It is great to see some familiar faces on our witness list. We hope you are pleased with the progress we were able to make last year on the issues you raised in the past. We realize that we have more work to do. We will look forward to hearing your suggestions, and we will do our best to incorporate them into the bill. I need to warn you, however, that we will be wrestling with our other subcommittees for any new funding we can get to finance these needs.

Before we start with our members' testimony, I would also like to ask our ranking member, Ms. Herrera Beutler, if she would like to make any opening remarks.

Ms. HERRERA BEUTLER. I am good, Mr. Chairman.

Mr. RYAN. All right. Very good.

So let's get started with our first witness, the esteemed member from California, chairman of the Veterans Committee, Mr. Takano.

---

TUESDAY, APRIL 2, 2019.

### WITNESS

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

Mr. TAKANO. Thank you, Mr. Chairman, Ranking Member Herrera Beutler, and members of the committee. Thank you for the opportunity to testify today.

I am here to express my support for restoring funding to the Office of Technology Assessment, often referred to by the acronym OTA. The foundation for good policy 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 Office of Technology Assessment was defunded, stripping Congress of a valuable resource. Congress has an important role to play in making sure that the benefits of advances in science and technology are distributed equally throughout our society and that the potential harms are mitigated. In order to do this, we need to strengthen our capacity to understand emerging technology and its social and policy implications.

Congress needs access to unbiased technological expertise to weigh the pros and cons of policy questions surrounding cybersecurity, artificial intelligence, quantum computing, and so many other matters.

In the ecosystem of legislative support organizations, OTA plays a unique role. No other entity has the capacity or expertise to provide in-depth and forward-looking analysis of complex technical issues informed by an understanding of how Congress works.

Last year, in response to the growing demand for technical expertise in Congress, the Government Accountability Office received funding to establish a new Science, Technology Assessment and Analytics team, otherwise known as STAA. This expanded capacity at GAO is an important step, but it really is not sufficient.

A restored OTA would complement GAO, as well as CRS, by combining deep technical expertise and robust forward-looking reports with the ability to be responsive to immediate questions and the needs of members and staff. Let me underscore that. Responsive to the immediate needs—immediate questions and the needs of members and staff.

These needs will inevitably continue to arise as Congress responds to rapid changes in technology. As we continue to seek innovative and new ways to modernize Congress, OTA would be an important means through which we can ensure Congress has the tools it needs to respond to the unique challenges of our time. This is an important strategic investment in our institution's capacity to create technology policy that protects our constituents while encouraging innovation.

I urge you to support this request to restore funding to the Office of Technology Assessment. And I yield back the balance of my time.

[The information follows:]

The Honorable Mark Takano

41st District, California

Legislative Branch Appropriations Subcommittee

Office of Technology Assessment Funding

---

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Committee, thank you for the opportunity to testify today.

I'm here to express my support for restoring funding to the Office of Technology Assessment, often referred to by the acronym OTA.

The foundation for good policy 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 Office of Technology Assessment was defunded, stripping Congress of a valuable resource.

Congress has an important role to play in making sure that the benefits of advances in science and technology are distributed equally throughout our society and that the potential harms are mitigated. In order to do this, we need to strengthen our capacity to understand emerging technology and its social and policy implications.

Congress needs access to unbiased technological expertise to weigh the pros and cons of policy questions surrounding cybersecurity, artificial intelligence, quantum computing and so many more matters.

In the ecosystem of legislative support organizations, OTA plays a unique role. No other entity has the capacity and expertise to provide in-depth and forward-looking analysis of complex, technical issues informed by an understanding of how Congress works.

Last year, in response to the growing demand for technical expertise in Congress, the Government Accountability Office received funding to establish a new Science, Technology Assessment, and Analytics (STAA) team. This expanded capacity at GAO is an important step but it is not sufficient.

A restored OTA would complement GAO, as well as CRS, by combining deep technical expertise and robust forward-looking reports with the ability to be responsive to immediate questions and needs of Members and staff. These needs will inevitably continue to arise as Congress responds to rapid changes in technology.

As we continue seeking new and innovative ways to modernize Congress, OTA would be an important means through which we can ensure Congress has the tools it needs to respond to the unique challenges of our time. This is an important strategic investment in our institution's capacity to create technology policy that protects our constituents while encouraging innovation.

I urge you to support this request to restore funding to the Office of Technology Assessment, and I yield the balance of my time.

Mr. RYAN. Thank you, Mr. Takano.

How much did you ask for last——

Mr. TAKANO. Last year we submitted a letter asking for $2.5 million, just to get the office started. We ultimately think that it is going to take up to $35 million to fully staff out the office to give it a comparable capacity. But it doesn't have to all come at once. It could be—you could ramp it up over time.

But I think—and we are going to need to build credibility and confidence, in this office, a nonpartisan, disinterested group of analysts that give Congress advice. So we need time to build it up.

Mr. RYAN. Give us just an example of, I am a member, I have got an issue, what would the top two issues be that I would need to make this call and ask for——

Mr. TAKANO. Well—okay. So I think a lot of members are saying, well, we funded the GAO. Why isn't that enough? Well, have you ever gotten a GAO report done, I mean, in your experience? I mean, you know it is a process, right? And then GAO is really set up to be an independent accounting—they originally were an accountability office, an accounting office. And they are kind of like the government CPAs to do stuff. They come and look whether an agency is doing well.

But to get a GAO study, there is a lot of hoops you have to jump through. You have to get a bipartisan letter and hopefully significant Members of Congress to sign on the letter. And then GAO makes—they do whatever they want.

We need something more immediate, more accessible. And I will give you an example. The San Bernardino shootings, you might remember those San Bernardino shootings, they happened really close to my district. One of the perpetrators actually went to my high school, many years after I did, but he was one of the shooters.

The FBI got ahold of the iPhones. The Federal magistrate judge was ordering those iPhones to be unlocked. They wanted an Apple engineer to unlock those phones. Apple was saying, no, we don't want to do this, for a variety of reasons. But this was never resolved. It got kicked down the road.

But the policy decision for Congress was are we going to make technology firms unlock the phones or produce backdoor entries at the behest of the FBI. I mean, it is not going to be what our policy is. You see the privacy concerns, the civil liberties issues. Is this even possible? Could Apple devise a phone that, technically, couldn't be backdoored.

Well, my thing is we have—as Members of Congress, we have an interest in figuring out what the truth is. Do we believe the FBI? Do we believe Apple? But we don't have an independent group of people that we can go to fairly immediately.

Mr. RYAN. How about within CRS?

Mr. TAKANO. That is a good question. Well, my thing is would you combine, say, the Congressional Budget Office into the CRS? I mean, they kind of both—I mean, the CRS I think of as a very specific agency. If I need——

Mr. RYAN. They give legislative——

Mr. TAKANO. If I need a briefing on Syria and the latest update, I go to CRS and say, what are the options here?

I believe that technology assessment and understanding scientific issues requires—it is its own discipline. It is its own arena, and it needs to have its own staff director and ethos and its own authority. It is like we go to CBO when we want the Affordable Care Act scored, right? And I think we need the similar sort of authority for technology issues. I mean, people that can lay out a variety of policy options based on what—another example is blockchain technology.

Mr. RYAN. Right.

Mr. TAKANO. Right? How many of us really understand blockchain technology? I know that $500 million was lost in Japan. I mean, do we know the extent—I mean, and blockchain technology—people are coming to me with proposals to do blockchain technology for voting systems. What do we know about blockchain technology? Who do we trust?

Mr. RYAN. Yeah. No, I think you bring up some really good points. That is the difference between your district and my district. In my district, they are saying let's go back to paper ballots. In your district, they are saying how do we do blockchain technology?

Mr. TAKANO. As you know, my district is probably more like yours. Like, don't make it so that only a few experts understand it. We want everybody to understand. I mean, I am just saying that—I just cite that as an example that blockchain technology——

Mr. RYAN. No, I hear you.

Mr. TAKANO [continuing]. Is not relegated to financial services.

Mr. RYAN. I got you.

Mr. TAKANO. But Congress needs to understand it.

Mr. RYAN. Ms. Herrera Beutler, do you have any questions?

Ms. HERRERA BEUTLER. Other than what is blockchain technology, but we don't have time for that.

Mr. RYAN. We are going to do a whole hearing on that one.

Mr. Takano, thank you. We appreciate your time.

Mr. TAKANO. Well, thank you.

Mr. RYAN. Thank you so much.

Congressman Casten from the great State of Illinois, the floor is yours.

---

TUESDAY, APRIL 2, 2019.

**WITNESS**

**HON. SEAN CASTEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. CASTEN. Thank you very much.

Thank you, Chairman Ryan. Thank you, Ranking Member Herrera Beutler. Nice to meet you both. And I want to thank Mr. Takano for his leadership on this one. This has been near and dear to me for a long time, and I am pretty sure I am the only freshman Member of Congress who made a campaign pledge to restore the OTA.

Mr. RYAN. Well, that is convincing.

Mr. CASTEN. I am sure it drove my election. And that is a true story.

This one is sort of oddly personal to me, that when I—somebody asked me once, how do you become a politician? I said, well, first you get a degree in chemical engineering. That is the path that I took. In 1998, I got out of grad school, had a master's in chemical engineering. And I went to work at Arthur D. Little as a technology consultant, and was working in the energy practice. We did projects for the U.S. Government. We did projects for the Dutch government. We did projects for utility consortiums. But in all cases, trying to develop and advance various alternative energy technologies or to evaluate existing ones.

In the course of my 2 years there, I did various comparative analysis of emerging battery technologies. I evaluated cost and emissions of a whole chain of alternative fuel technologies. BP was a client. I am looking at if they went beyond petroleum, what were the options to do. I was advising government—State governments on changes in codes and standards if we were going to get to a hydrogen infrastructure. And I tried unsuccessfully to convince U.S. car manufacturers that electric cars were really fun for acceleration and they should market on that rather than their limited range. Twenty years later, some of them have come through on that.

You know, as a young kid just out of grad school working on that, you know, my job more often than not, we were all looking at what was the existing state of literature and figuring it out. And I increasingly relied on OTA reports that were really, really good and gave us a really good sense of what is this unbiased sense of what is out there so that we can at least have a level playing field. And at one point it came to my attention that I am sitting there, this is 1998, and I keep seeing that there are no current reports. And I asked my boss, you know, what is this OTA and how do I get more current reports?

And my boss sort of laughed. He said, Gingrich killed it. He said it is bad for policy, but it is good for us because it means we get to sell more consulting assignments doing things that the taxpayer used to pay for and now they have to hire us to do them, but it is confidential, and we do them, and we just get paid for it.

And we sort of joked about it. But it sort of stuck in my head of here we were now going forward trying to figure out what happens.

And, you know, so OTA was, what, enacted in 1972? I think their mission was to provide early indications of the probable beneficial and adverse impacts of the applications of technology to develop other coordinated information which may assist the Congress. I think they did a pretty good job of that, and I can speak from experience.

A good friend of mine whom I worked with at the time who now works for Cummins, and I said, what are you working on? He said, we are looking at developments in hydrogen and fuel cell technology. And he went through what he was working on. And I said, this is the same stuff we were doing 20 years ago.

But the collective knowledge has fallen short, because now the knowledge is done in these pockets that don't get shared. And there were things that we knew and objective questions that could be asked that are now no longer part of the collective wisdom, if you will. And I would submit to you that that has had the practical im-

pact of making us dumber as a Nation. It has caused a lot of people to duplicate effort that they shouldn't otherwise duplicate. And there is really nothing else that—there is no agency that does that.

You know, I look now as a freshman member who—I got a degree in chemical engineering. I am not an expert in everything, but I claim some expertise in energy issues.

And so I said, all right. Well, can CRS fill this gap? They really don't. You know, CRS will opine of what other people have said, and this is the nature of it. But CRS isn't really set up to say, what are the thermodynamic constraints of a hydrogen infrastructure? Has biomass gasification technology advanced—does it continue to advance or is it basically stuck where it was and can't go any farther? What are the limitations to getting away from fossil fuels in the airline industry?

Those are objective questions, but CRS isn't set up to answer them very well, and they don't really have the tools to do that, and OTA did, and we relied on that.

Mr. RYAN. You obviously know this better than we do. So CRS is a group of experts. We go to them, and they—we have a certain question, and they send it to the experts in CRS, wherever they are, whatever their expertise is in.

So what—like, from an on-the-ground standpoint—so there aren't experts at CRS that can handle this, is what you guys are saying?

Mr. CASTEN. So the sense I have from CRS in areas that I understand—so there is a whole series—you know, the issues Mr. Takano was talking about, I can only extrapolate into there. But CRS is exceptional at saying this is what the energy information administration says about issue X. This is what public information is out there.

They really don't have the horsepower, the skills, or the resources to do more sort of synthesis, if you will. As a direct example of that, they were briefing all of us freshmen, and they put this chart up that said, going forward, over the next 50 years, here is what the mix of fossil and renewable energy is going to be on the grid. And a lot of my colleagues got pretty angry at that presentation because it basically said that, over 50 years, there is going to be no meaningful increase.

I looked at that coming from the world that I live in, and I said, you guys, your analysis is dead wrong, because you are using a chart from EIA that I have used before that measures fossil resources based on the input fuel to fossil fuel plants and measures renewable resources based on the electricity output of those plants. So you are showing a model that implicitly understates the acceleration of renewable energy, because you take 1 kilowatt hour from a solar plant as being one unit of sun when, in fact, there was a lot of units of sun that went into that. You take 1 kilowatt hour from a coal plant and ignore it and say I wonder how much coal went in.

And it is apples and oranges comparison. I don't think they totally understood the point, and I don't say that as a criticism of them. But their job is to say, well, this is how EIA reports the data. I am saying, yeah, but I want an engineer who goes in and says this is what I understand. Because if you are going to advise Members of Congress about saying what is the EIA saying about the

changing energy mix in our future, you would like that to be based on a consistent set of units, right?

And I just use that as a narrow example, but they are essentially reporters. They're not doing analysis.

Mr. RYAN. Got you.

Ms. Herrera Beutler.

Ms. HERRERA BEUTLER. So what you are talking about are things that you studied and learned and acquired over your experience both through specific study and then working in a company where the expertise that was called. So you developed expertise here.

The one thing I guess I would question is we are not known—the Federal Government is not known for being the quickest, you said pockets that don't share information that should. You were referencing, I assume, the private sector at that point. That is one of the biggest criticisms people have over us. It is one of the challenges on appropriations. I am on Labor H, and we met with NIH today talking about the different institutes and how that cross pollinization has to take place so that information is being shared.

And I wonder that—you will have an answer, would it be better to write legislation to evoke this and incentivize this from people who are in the field who are experts who move quickly or is it better to have it in-house?

I just feel like we generally have challenges. People get siloed, and we are not known for being quick. We are not known for being the most technologically advanced, and we are certainly not known for being the most customer friendly.

So what you are talking about is cutting edge stuff that is information that we need. Are we the best place to incubate that and grow that or is there a way that we can craft legislation to get it from more wherever the experts are? Does that make sense?

Mr. CASTEN. So I guess what I would submit to you is what OTA provided and what I really valued from OTA was not their speed. What I valued was their objectivity. And it is very hard to get information from the private sector that is objective. So, for example, if I am sitting there saying, I am, you know, back in my job 20 years ago, and I am trying to tell a client who wants to get into the battery space what are the range of battery chemistries, what is the practical limitations on any of them, which ones are going to be best for this application or that application, your sort of standard technology consultant stuff, I could get that information from OTA that would say very specifically, for nickel metal hydride, this is what is the pros and cons. For lithium ion, this is the pros and cons. For this new flow battery technology——

Ms. HERRERA BEUTLER. If we have that depth and breadth.

Mr. CASTEN. And they did. And they did, was my experience.

If, on the other hand, I go to get that from the private sector—anybody who has got money tied up in one of those technologies is going to give you a less-than-complete view of their competitive technologies, right?

Ms. HERRERA BEUTLER. Well, they are not always honest. I have found that if you can ask the question, look, I get you want to sell me something or push me in a direction, but, you know, some of that is just the marketplace.

I guess my question is, do you really think we can—you said it was—20 years ago you were in this role?

Mr. CASTEN. Yeah.

Ms. HERRERA BEUTLER. And you were getting good information from OTA?

Mr. CASTEN. Yes.

Ms. HERRERA BEUTLER. I guess I just don't know how soon we can ramp up that kind of expertise to make it worth it.

Mr. CASTEN. Well, I guess what I would submit is that the people who do that analysis, they all exist. I mean, it was—my job was to sort of fill the gap that was there. In another world, maybe I would have worked for OTA. But there are people who know how to do that. And the challenge is that, in the absence of that, you have—the cost is massive because of the inefficiencies for people reinventing the wheel.

I think there are a whole lot of technologies that we are focusing on—we as Congress are making decisions to invest in research programs where I could look back to things I did 20 years ago and I can say I know that is a dead end. I know it is a dead end for practical thermodynamic reasons. And I may have the experience there to say that. And maybe I can be a forceful advocate. But the list of things I don't know is much larger than the list of things I know, right?

Ms. HERRERA BEUTLER. No. I get it. I think the goal is the pursuit of the information. How do we get there, the most efficient, effective way. I guess my challenge is, assuming that we are going to be able to produce the most efficient, effective way, generally what we do—even with NIH. We are not the ones creating, we are providing the money, and they are going where the science leads. It is not necessarily that we have a repository that we are building in—you know what I mean?

Mr. CASTEN. Well, I think the closer analogy is CBO than NIH, because OTA at its best was not trying——

Ms. HERRERA BEUTLER. That is not a good one for me——

Mr. CASTEN. But, OTA at its best, and I think with its mission, was not tasked with advancing the science or doing fundamental research. They were tasked with providing an objective analysis of what was out there. And so in the same way that CBO, per its mission and at its best, is saying, you know, you wouldn't ask Members of Congress to argue about the cost a bill. We get an analysis——

Ms. HERRERA BEUTLER. The irony is—that is exactly the point, is we are having—I have challenges with CBO not even providing information. So they are nonpartisan, right, supposed to be straight down the middle, and they are not even always able to do that. So I guess that is what I would submit to you to consider is it is not a perfect solution, maybe it is the best.

Mr. CASTEN. Well, nothing is perfect, but I would——

Ms. HERRERA BEUTLER. What I understand is that is the best.

Mr. CASTEN. Well, nothing is going to be perfect. But I would submit to you that we are vastly more effective as an institution when we at least have a nonpartisan group giving us—

Ms. HERRERA BEUTLER. I think we need it.

Mr. CASTEN [continuing]. A number, and in the same way that if we are sitting there and saying, to take the issue I started with, what are the thermodynamic limitations of a hydrogen economy. That is an objective question. Those of us on the Science Committee argue about the thermodynamics, because those laws are kind of fixed. Like, let's focus on the laws we can change, not the ones we can't.

Ms. HERRERA BEUTLER. I just joined the Science Committee. We are going to talk about it. Great.

Mr. CASTEN. Welcome aboard.

But what OTA gave us, again, in my experience, is, was an objective set of truths. And we could say, okay, these things are true. Now we may have creative ideas about how to deal with that truth, but let's not start with arguing about them——

Ms. HERRERA BEUTLER. No. I get it. I get the idea. I have seen it work not quite as perfectly as that, unfortunately. But I see the need.

Thank you.

Mr. CASTEN. Thank you.

Mr. RYAN. Thank you. Very insightful.

I don't know if you heard, but when I gave the opening remark, obviously, we are struggling to get some money for this subcommittee, so it is going to be a battle royale for all these different interest groups. But this is very interesting and enlightening, so thanks. I appreciate it

Mr. CASTEN. Yeah. And I hope this was a small enough dollar. It is hopefully an easy one to do.

Mr. RYAN. Got it. Thank you.

[The information follows:]

Representative Sean Casten

Illinois 6th District

Legislative Branch Appropriations Subcommittee

Member Day Testimony

Thank you, Chairman Ryan and Ranking Member Herrera Beutler, for providing members the opportunity share our thoughts on the FY20 appropriations bill for the Legislative Branch.

When I graduated with an M.S. in Chemical Engineering in 1998, my first job was as a technology consultant at Arthur D. Little, working in their energy practice. Our clients ranged from government agencies (US and Foreign) to Fortune 500 Companies to technology startups. In all cases, our work was to evaluate technologies and strategies relating to alternative energy. Over the course of 2 years at the firm, I worked on comparative analysis of emerging battery chemistries, evaluated the cost and emissions signature of various transportation fuel chains, advised governments on the codes and standards developments required for a hydrogen delivery infrastructure, and tried (unsuccessfully) to persuade auto manufacturers that they should market the fun acceleration of their electric vehicles rather than their limited range.

My work as a consultant required some original research, but I often depended on reviewing existing technical analyses. Among those sources that I relied upon, I quickly realized the reports prepared by the Congressional Office of Technology Assessment (OTA) were among the most technically rigorous, dispassionate, and comprehensive on a wide array of technologies that

at the time were just emerging such as hydrogen storage and biomass gasification. Unlike other sources, OTA Reports provided clear overviews of how technologies worked and the key obstacles to their commercialization.

However, it also soon became apparent that OTA reports stopped a few years before my job started. When I asked my boss how to get more current reports, so as to ensure that I wasn't unduly relying on stale information he told me that "Gingrich killed the OTA. It's too bad for you because you have to do the research now, but it's great for the firm because now instead of our customers getting the information for free, they have to hire us to do them."

OTA was enacted by Congress in 1972. The mission of the agency was to provide lawmakers with the expertise on a wide array of emerging technological and scientific challenges through nonpartisan analysis. As laid out in law OTA's function was "to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress." In this mission, OTA built a team of skilled researchers who not only examined the problems from an academic perspective but were well equipped to reach into the private sector and government to assess the practical impacts of emerging technologies and their potential ramifications both in the immediate and long-term. Such analysis not only allowed members of Congress and their staffs to be better informed on these issues but also provided useful frameworks to facilitate proactive instead of reactive policymaking – something which this body is too often unable to accomplish.

Representative Sean Casten
Illinois 6th District

The absence of the OTA is even more disconcerting given the astounding rate at which new technologies, innovations, and industries have developed over the last two and a half decades since the OTA was shuttered which shows no evidence of slowing. Today, we face a barrage of complex issues brought on by an unprecedented level of technological disruption across all aspects of life. The examples cut across all committees in Congress - from the advent of the internet of things and the cybersecurity threats which follow, the ubiquitous use of social media platforms and concerns over privacy and foreign influence, the gig economy changing employment and labor, cryptocurrencies, mail-order genetic testing and the proliferation of and use of genetic editing technologies such as CRISPR, autonomous vehicles, geoengineering… the list goes on.

In any given week, this body will debate many of these and other complex topics, and the decisions we make may have a profound influence on the daily lives of our constituents. However, the technical capacity and dedicated resources for understanding how the private sector is utilizing these new technologies are limited.

While the Congressional Research Service (CRS) does tremendous work in keeping this body informed on a wide array of relevant policy issues, they are not equipped to fulfill the forward-looking, deep-dive, technical assessments of new scientific and technological developments once provided by OTA. Instead, for this kind of analysis, Congress is left to rely on experts from the Executive Branch or non-governmental groups, groups with often biased or competing perspectives. While outside knowledge is a necessary and useful tool for members of Congress, without a truly nonpartisan and responsive source for information, Congressional oversight of

Representative Sean Casten
Illinois 6th District

Executive agencies and the private sector becomes increasingly fraught, less informed, and driven by partisan ideologies instead of reliable facts.

Each of us who serve in Congress brings a unique perspective and expertise which informs how we serve our constituents. As I mentioned, I worked as a technology consultant in the energy sector and would eventually go on to become the CEO of a clean energy company. And so, while I do claim to be an expert in many of the complex energy policy debates happening today, I cannot claim that I am an expert when it comes to the equally complex policy debates happening around cybersecurity, cryptocurrencies, or gene-drive technologies. I, like most of my colleagues, rely on own research, my staff, committee staff, and a litany of other resources like CRS, GAO, CBO, and others to inform my thinking on these issues. These are useful resources, but I believe there is an intrinsic value in having one voice upon which all members can call upon confidently when drawing conclusions on these complex issues. It frustrates me that we recognize the value of that impartial, reliable analysis when funding the CRS, but have thus far failed to recognize it for an agency that would address some of the most complex issues we face as a chamber and a society.

Shockingly, the OTA has never been resuscitated. Equally shocking is that while many of those same technologies on which I read OTA reports as a consultant have advanced dramatically in the ensuing 20 years, many of them are still at the same stage of development. These technologies, once promising, are still commonly portrayed as "5 years from commercialization" - the perpetual bane of many technologies that are just immature enough to attract R&D but far enough away to still be out of reach.

Representative Sean Casten
Illinois 6th District

If we still had the OTA, we would have a rich resource of public data that would not only shed light on these commercialization gaps but could also help policymakers grapple with these shortcomings and where it serves the public interest, provide better supports to these industries. Yet, in the absence OTA, we are left with researchers having to tilt at the same windmills in perpetuity, forever "rediscovering" things we knew 20 years ago at a higher cost to all parties involved.

For these reasons, I would respectfully urge this committee to strongly consider restoring funding to the Office of Technology Assessment (OTA) when developing the FY20 appropriations bill for the Legislative Branch.

Mr. RYAN. We are in recess, subject to the call of the chair.
[Recess.]
Mr. RYAN. All right. We are reconvening.
And, Ms. Eshoo, you have the floor.

---

TUESDAY, APRIL 2, 2019.

**WITNESS**

**HON. ANNA G. ESHOO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Ms. ESHOO. Thank you, Chairman Ryan. I am delighted to be here in this lovely room that I didn't know exists. Yet another hideaway. I want to thank you for allowing me to testify.

I am here today to request that the subcommittee support $250,000 in fiscal year 2020. And it is an appropriation for the Chief Administrative Officer to administer the Congressional App Challenge, which is an officially sanctioned competition of the House of Representatives.

This is a fairly new program that was established in 2014. And it was designed and established, I was there at the beginning of it, which I am very proud of, to inspire high school students to be drawn to the areas of STEM, science, technology, engineering, and math.

And so the design of the program was to bring them forward, challenge them, challenge all the high school students in our districts, to design an app. And they have.

In my district, the winner this last year did an app on a smarter insulin pump, an app that assists diabetics with maintaining blood glucose levels. In your district, you had a team of four NIHF STEM high school students that developed an app allowing the students to anonymously report school safety problems.

So these are just two examples, but they are excellent.

Last year, 5,000 students and teams of students participated in the app challenge. So in just a handful of years, this has really grown. They participated across the country, 220 congressional districts across 47 States and the territories. And the students come from every type of community and region, whether it is rural, urban, suburban, all of those communities.

What is important for me to set down today is that the success and the growth of the Congressional App Challenge is outstripping the capacity to administer it.

The Internet Education Foundation which is a nonprofit here in Washington, D.C., they provide the materials, the support, the staffing, and the databases so that members' offices can host the contest for their constituents. And the Foundation works closely with the Committee on House Administration to execute the CAC every year.

Now, we are running very short in our country on the talent that we need to produce for not only the jobs of today but the jobs of tomorrow. China has 4.7 million recent STEM graduates. Our country, the United States, has 568,000. Now, China obviously is more populous, but we have fewer recent STEM graduates on a population-adjusted basis. So we are really—we are lagging behind.

Five of the 10 fastest growing occupations in America are STEM jobs, including software developers. And the App Challenge is creating a pipeline of skilled workers for the jobs of tomorrow. So I just want to abbreviate—leave out some points. You will have my written testimony.

I think it is important for the committee to know that appropriated funding of the CAC will not be perpetual. I think that is important for you to know. Because the App Challenge is an officially sanctioned competition that has to be sanctioned by House Administration Committee every Congress.

It is possible that, maybe in a decade, that apps will be an outdated form factor. So I am not here to make sure that we are on automatic pilot forever. But I think the program speaks volumes about itself and how it has grown, how effective it is, the potential for the future with these students. And that $250,000 will go a very long way in funding for the CAO to administer the Congressional App Challenge in fiscal year 2020. We want to make sure that the program continues.

It has been a joy for me to be a part of the effort. And you have participated in your district. 220 districts, that is pretty good in a handful of years, I think.

So thank you for your attention to this. I don't know if you have any questions. But I want to acknowledge the Foundation whose representative is here today, because they have done an outstanding job of assisting.

Members' offices can't start from scratch. It is really too much work for them. But with the assistance of the Foundation, they are able to get this up, running in the district. And after you have done it once, it becomes an annual event. The newspapers pay attention to it, the local media. And these young people are made king, queen for a day, a week, a month, a year. It is very exciting for them to have the recognition that it is an approved congressional competition in our country.

So thank you.

[The information follows:]

**Testimony of Congresswoman Anna G. Eshoo (California's 18th Congressional District)**
Subcommittee on Legislative Branch
House Committee on Appropriations
HT-2 Capitol
April 2, 2019

Chairman Ryan, Ranking Member, Ranking Member Herrera Beutler, thank you for inviting me to testify before the Subcommittee in support of $250,000 in Fiscal Year 2020 appropriations for the Chief Administrative Officer to administer the Congressional App Challenge, which is an "Officially-Sanctioned Competition" of the House of Representatives.

Every year, the entries we see in App Challenges in our districts are truly inspiring. In my District, Anna Quinlan of Menlo Atherton High School won last year's App Challenge for "A Smarter Insulin Pump," an app that assists diabetics with maintaining blood glucose levels.

It's not just in Silicon Valley that the App Challenge draws inspiring submissions. In Chairman Ryan's District, a team of four NIHF STEM High School students developed an app allowing high school students to anonymously report school safety problems, such as bullying, to teachers and administrators. In Ranking Member Herrera Beutler's District, two Skyview High School students won the Challenge for an app that raises awareness about animal abuse. Across the country, young Americans are creating impactful apps.

In 2014, I helped launch a pilot of the Congressional App Challenge to inspire young people to get hands-on computer science experience. Since then, the Challenge has grown enormously. Last year, 5,000 students and teams of students participated in App Challenges in 220 congressional districts across 47 states and territories. The students live in the largest urban centers, remote rural areas, and suburban communities.

The success and growth of the Congressional App Challenge is outstripping capacity to administer it. The Internet Education Foundation, a nonprofit in Washington, D.C. provides the materials, support, staffing, and databases needed for Members' offices to host successful contests for their constituents, and IEF works closely with the Committee on House Administration to execute the CAC every year.

Recognizing and celebrating winners is an important part of the Challenge, but even more important is the fact that thousands of students are inspired to code. This matters because our country faces what Forbes called "America's High-Tech STEM Crisis." China has 4.7 million recent STEM graduates, while the U.S. has just 568,000. China is more populous, but we have fewer recent STEM graduates on a population-adjusted basis.

According to the Bureau of Labor Statistics, five of the ten fastest growing occupations in America are STEM jobs, including software developers. The App Challenge is helping create a pipeline of skilled workers for the jobs of tomorrow. According to surveys of App Challenge participants, 44% of students were beginner coders, and 85% stated that they intend to continue coding after the Challenge. *This program works.*

For all these reasons, I'm urging the Subcommittee to provide $250,000 in funding for the Chief Administrative Officer to administer the Congressional App Challenge in FY20 to assure the program continues to draw and inspire students to pursue careers in computer science.

Mr. RYAN. Thank you.

This is a great program. I love it. Our kids love it. And the idea, you know, northeast Ohio, northern California, it is football, it is sports. That is the competition. And for us to inject competition into these kind of things I think is really essential. I love the program.

Do you have anything to say, Mr. Newhouse?

Mr. NEWHOUSE. I will just add my two cents in support of the program as well. We do it every year. And I think it is certainly a great investment for all the reasons that you stated.

Ms. ESHOO. Well, thank you for participating.

Mr. NEWHOUSE. Oh, absolutely. I couldn't not participate now.

Ms. ESHOO. Well, I think it has been made to attract itself that way to members, that it is something that people absolutely want to be engaged in.

Mr. NEWHOUSE. So I probably missed this, and I apologize for that, but you are asking that we provide $250,000?

Ms. ESHOO. $250,000.

Mr. NEWHOUSE. What level of funding are we at now?

Ms. ESHOO. We are at zero. At zero.

Mr. NEWHOUSE. It is zero. Okay.

Ms. ESHOO. And the reason that we are requesting it is, going back to my comments, that the success and the growth of the program is really outstripping the capacity to administer it. And the Foundation does a great deal of work, but more is needed because it has grown. And I think that this is like a rounding off point in our national budget.

Mr. RYAN. Very rounded.

Ms. ESHOO. But these dollars dance. These dollars dance. They are really an investment in our collective future.

Thank you. Thank you for your wonderful comments about it.

Mr. RYAN. Thank you, Congresswoman. You are always on the cutting edge.

Ms. ESHOO. All right. Well, off we go.

Thank you, everyone. Thank you to all the staff. Thank you to the Foundation.

Mr. RYAN. We are going to adjourn the first, and we are going to call to order the public witness hearing. And we are going to take about a 5-minute recess, and then we will be back with the public witnesses.

# Written Testimony of Other Members of Congress

**Rep. Susan A. Davis, CA-53**

**Written Testimony**

**House Committee on Appropriations**

**Subcommittee on the Legislative Branch**

**April 2, 2019**

Chairman Ryan and Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to submit testimony.

As you write your bill, I ask that you consider two areas in which the House could be more effective with your help: the co-sponsorship process and staff access to classified information.

**Co-Sponsorship Process**

A great deal of legislative and Clerk's Office staff time could be saved if we modernize the way we add cosponsors to bills.

Legislative staff and interns are constantly calling and emailing around for cosponsors and running signed cosponsor sheets to the Capitol, when they could be doing other work. Processing the lists of names takes hours of Clerk staff time, as the cosponsor sheets are handwritten and can be easily misread. Members with similar or identical last names are often signed onto the wrong bills because the cosponsor sheet was not clear.

There is no good reason for our co-sponsorship process to be like this in 2019. It is neither efficient nor secure. Considering all the bills and all the cosponsors every

Congress, saving time here could free up thousands of hours of legislative staff and Clerk staff hours.

I propose that we give House officers the charge and funds to come up with a new electronic system that might provide offices with a checklist of bills they can sign onto. The ideal system would let offices know whether they have signed on before and give bill sponsors updates when they get new cosponsors. An online system to do this would not be hard to create, could increase efficiency and could increase accountability.

Currently, we use Members' signatures as the marker of approval and even security for co-sponsorships. However, we all know many times junior staff and even interns are permitted to sign those forms with no real accountability. If offices could designate specific staff to sign off on co-sponsorship via an online system with a secure login it would increase accountability and improve record keeping.

The ideal solution might look like a menu of bills with check boxes. Sponsors could put their bills on a system that would automatically alert users that a bill is open for cosponsors. Offices would then get regular lists of newly introduced bills with an indicator that the author is looking for cosponsors and an indicator that they have signed on before.

If an authorized staffer checks the box for a bill, the clerk and sponsor would be electronically notified and the Member would be automatically signed on with no paperwork, but with traceable electronic record.

I hope the Subcommittee will consider giving House officers the direction and tools they would need to create an online system like this to improve co-sponsorship and save time and money in the long run.

**Personal Staff Access to Classified Information**

I serve on the Armed Services Committee, which, as you know, is responsible for overseeing the Department of Defense and portions of the Department of Energy. Without putting too fine a point on it, we oversee a number of matters that are highly classified.

Like all of you, I have the obligation to keep abreast of all issues brought before Congress and, inevitably, I must rely on staff to assist me with my work, conduct research for me, and act as a sounding board. When it comes to the classified work of the Armed Services Committee, however, there are times when I cannot rely on help from my personal office staff.

The problem arises from the nature of security clearances for staff. For reasons not entirely clear, the highest level of clearance personal office staff can receive is "Top Secret." Holding this level of clearance isn't all that unusual for government employees: approximately one million people have clearance at this level, half of whom are contractors.[1] However, a fair amount of the Armed Services Committee's work requires access to Top Secret "Sensitive Compartmented Information," or TS/SCI, which is, in effect a higher level of clearance. While no personal office

[1] "Fiscal Year 2017 Annual Report on Security Clearance Determinations, Office of the Director of National Intelligence, available at https://fas.org/irp/congress/2016_cr/hpsci-hac.pdf. As of October 1, 2017, 1,194,962 individuals were "in access" to top secret clearance. The more comprehensive Fiscal Year 2015 Annual Report on Security Clearance Determinations, Office of the Director of National Intelligence, available at https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/2015-Annual_Report_on_Security_Clearance_Determinations.pdf, reported 622,549 federal employees in access, 428,069 contractors in access, and 170,060 others.

staffer is allowed to obtain it, select committee staff, leadership staff, and tens of thousands of executive branch employees and contractors are allowed. TS/SCI information is often shared with foreign partners and cannot be shared with our staff who are U.S. citizens and have been vetted and granted a security clearance. Of course, Members of Congress, as constitutional officers, are not required to have a security clearance, but our access is often restricted as well.

This problem isn't unique to the Armed Services Committee. Roughly half of the Members of the House Intelligence Committee signed a letter asking for TS/SCI clearances for one of their personal office staff.[2] Considering that we all have to vote on legislation that concerns highly classified matters, and often have to review materials and be briefed accordingly, it may make sense for every member of Congress to have the option to designate one staffer at the TS/SCI level. But for now, we should at least provide this level of support to members who serve on committees that routinely deal with national security matters.

I do believe any change in this space should be accompanied by proper safeguards. All staff who receive clearances should be provided appropriate counter-intelligence and information management training. I don't believe there's an additional cost to Congress for upgrading a staffer's clearance from TS to TS/SCI, and, in fact, many of our staff come from the executive branch and are already cleared at this level, then lose this higher clearance when they come to work for Congress.

The second issue I would like to address is the finite space and storage available to receive information of a sensitive nature. I believe we should look to increase

---

[2] See, e.g., this March 2016 letter from eight members of HPSCI concerning clearances, available at https://fas.org/irp/congress/2016_cr/hpsci-hac.pdf. There is a more recent non-public letter, discussed in this Roll Call story from Nov. 27, 2018, available at http://www.rollcall.com/news/policy/democrats-security-clearances-house-intel-aides.

available secure facilities and to increase the use of electronic document management to facilitate our routine oversight work. We should no longer rely on document curriours and locked filing cabinets in 2019. The third issue is the relatively small staff and resources dedicated to managing member and staff access to classified information.

Investing in modern techniques to manage access to classified information and enabling Members of Congress to have the support they need to oversee the U.S. government's $78 billion intelligence budget will strengthen the legislative branch's ability to securely supervise the expenditure of taxpayer dollars. It may also bring increased efficiencies to Congress's internal classified operations. Some of these efforts will initially be costly, but by reducing time spent transporting, auditing, and destroying physical documents; faxing clearance forms, sweeping unsecured spaces to be used for classified discussions, and many other inefficiencies, we will be able to save costs across government.

I ask that the subcommittee provide additional funding the Office of House Security to begin to resolve these issues so Congress can more vigorously and responsibly exercise its constitutional oversight duties.

Thank you again for your time today and for all you're doing to make Congress work better for the American people.

**The Honorable Bill Pascrell, Jr.**
**Testimony Before the**
**House Subcommittee on Legislative Appropriations**
**April 3, 2019**

Chairman Ryan and Ranking Member Herrera Beutler, I apologize for not being able to participate in person. Thank you for receiving my testimony. Funding for the legislative branch is a critical component of larger conversations about how to make Congress work again.

For the last 25 years we have watched as our Congress – the Article I branch – has become more and more feeble. This decay is the product of deliberate institutional vandalism. Through our own efforts, we have made the Article One branch into the third branch.

Our streams of independent information have been cut off. Our small staffs have been overwhelmed and made subservient to the executive branch and flotillas of corporate lobbyists – neither of which have the best interests of the people's Congress, or sometimes the people themselves, at heart.

Our investigatory muscles are atrophied, as our committees have been stripped of their ability to develop policy through analysis and debate. Instead, we have shifted funding to the leadership, leaving the legislative process solely in their hands.

Congress, unfortunately, is increasingly unable to effectively counter a bloated and increasingly aggressive executive branch; Congress is likewise unable to comprehend and manage a world growing more socially, economically, and technologically multifaceted; with studies showing that, today, corporations spend more to lobby Congress than Congress spends to fund itself.

Evaluating congressional capacity and investment starts with funding our body. Between FY2010 and FY2019, the total monies we have allocated for all House of Representatives salaries and expenses decreased by more than $136,000,000, or 10% -- approximately 15.9%, adjusted for inflation.

Digging deeper, the picture becomes even starker. Between 1980 and 2016 (the most recent year for which data is available), the number of House member office staff dropped almost half a percent, and the House shed 693 committee staffers, or 34.8% of the total. From 2006 to 2015, House legislative staff salaries were uniformly down. To put that in some perspective, between 1980 and 2016, the U.S. population rose by nearly 97 million people, with congressional districts growing by 40 percent on average (or about 200,000 people per seat to approximately 750,000 today). We represent more people with fewer staff or resources. Similarly, as our nation and the world continue to evolve exponentially, we cut our bedrock expert committee policy staffers.

To give an illustration of the real-world impacts of this underinvestment we need look no further than our congressional tax panels. Between 1980 and 2016, staff levels on the House Ways and Means Committee plummeted nearly one-third. The fall across both chambers was so precipitous that in 2017, the watchdog group Public Citizen found that there were more than 6,200 registered

tax lobbyists, versus 130 aides on the Senate Finance Committee and the Joint Committee on Taxation, a staggering ratio approaching 50-to-1 disfavoring the American people.

We need don't need a brain surgeon to tell us what we all know needs to be done to fix this decay.

We must make a massive commitment to our institution. We need to drastically reform Members' Representational Allowances (MRA) to keep staff. Staff should not be enticed to leave for lobbyist pay, taking their expertise with them. This would help us keep staff who can preserve institutional memory. Currently, the MRA is used first, for salaries; second, for member travel; and third, for office supplies. New technology and members' travel should not impact an office's ability to offer competitive salaries to retain staff. I encourage the committee to decouple these funding streams and increase funding across the board. We also should study ways to remove the politics from salary increases and benefits, such as student loans and parental, vacation, and sick leave.

We need personal offices and committees to be laboratories of democracy once more. We need empowered chairmen and women who can assemble legislation organically. We need the resources to retain skilled staffs who can preserve institutional memory. To reverse the congressional lobotomy we have seen, we must allocate more for our research arms: the Congressional Research Service, Governmental Accountability Office, Congressional Budget Office, and Office of Technology Assessment – across-the-board. No tinkering at the edges: we need to think big here. Based on the dire need, I recommend that you authorize an increase of approximately 25 percent to these existing programs and to existing MRAs.

You get what you pay for. If you care about a Congress that is the First Branch, the preeminent branch, you support it that way. An institution that spends less on itself than corporations spend on lobbying it is not a healthy institution.

Consider it for what it is: an investment in America's future. Doing what's necessary will take boldness to overcome a generation of calcified thinking and courage to take politically vulnerable positions. So I call on you: be bold and have courage.

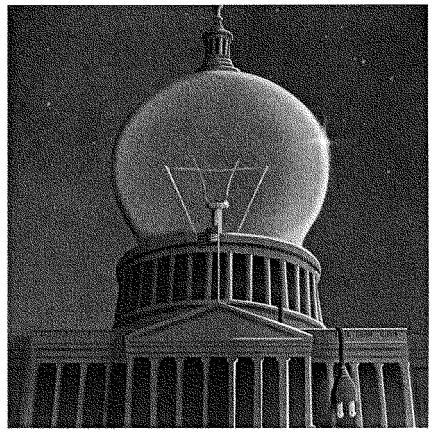
I would like to submit for the record a copy of my essay published in the Washington Post on January 11th entitled, "Why is Congress so Dumb," which has some more background on these ideas. And I will note that while I authored the piece, the editors came up with the headline.

I look forward to working with you and the Committee to protect the institution we all enjoy. Thank you.

**Washington Post**

# Why is Congress so dumb?

We lawmakers dumped our in-house experts. Now lobbyists do the thinking for us.



By Congressman Bill Pascrell, Jr.
January 11, 2019

In a year of congressional lowlights, the hearings we held with Silicon Valley leaders last fall may have been the lowest. One of my colleagues in the House asked Google CEO Sundar Pichai about the workings of an iPhone — a rival Apple product. Another colleague asked Facebook head Mark Zuckerberg, "If you're not listening to us on the phone, who is?" One senator was flabbergasted to learn that Facebook makes money from advertising. Over hours of testimony, my fellow members of Congress struggled to grapple with technologies used daily by most Americans and with the functions of the Internet itself. Given an opportunity to expose the most powerful businesses on Earth to sunlight and scrutiny, the hearings did little to answer tough questions about the tech titans' monopolies or the impact of their platforms.

It's not because lawmakers are too stupid to understand Facebook. It's because our available resources and our policy staffs, the brains of Congress, have been so depleted that we can't do our jobs properly.

Americans who bemoan a broken Congress rightly focus on ethical questions and electoral partisanship. But the tech hearings demonstrated that our greatest deficiency may be knowledge, not cooperation. Our founts of independent information have been cut off, our investigatory muscles atrophied, our committees stripped of their ability to develop policy, our small staffs overwhelmed by the army of lobbyists who roam Washington. Congress is increasingly unable to comprehend a world growing more socially, economically and technologically multifaceted — and we did this to ourselves.

When the 110th Congress opened in 2007, Democrats rode into office on a tide of outrage at the George W. Bush administration and the Republican Congress, which had looked the other way

during the Tom DeLay, Jack Abramoff and Duke Cunningham scandals. My colleagues and I focused our energies on exposing corruption. But we missed crucial opportunities to reform the institution of Congress. As my party assumes a new majority in the House, we confront similar circumstances and have a second chance to begin the hard work of nursing our chamber back to strength.

Our decay as an institution began in 1995, when conservatives, led by then-Speaker Newt Gingrich (R-Ga.), carried out a full-scale war on government. Gingrich began by slashing the congressional workforce by one-third. He aimed particular ire at Congress's brain, firing 1 of every 3 staffers at the Government Accountability Office, the Congressional Research Service and the Congressional Budget Office. He defunded the Office of Technology Assessment, a tech-focused think tank. Social scientists have called those moves Congress's self-lobotomy, and the cuts remain largely unreversed.

Gingrich's actions didn't stop with Congress's mind: He went for its arms and legs, too, as he dismantled the committee system, taking power from chairmen and shifting it to leadership. His successors as speaker have entrenched this practice. While there was a 35 percent decline in committee staffing from 1994 to 2014, funding over that period for leadership staff rose 89 percent.

This imbalance has defanged many of our committees, as bills originating in leadership offices and K Street suites are forced through without analysis or alteration. Very often, lawmakers never even see important legislation until right before we vote on it. During the debate over the Republicans' 2017 tax package, hours before the floor vote, then-Sen. Claire McCaskill (D-Mo.) tweeted a lobbying firm's summary of GOP amendments to the bill before she and her colleagues had had a chance to read the legislation. A similar process played out during the Republicans' other signature effort of the last Congress, the failed repeal of the Affordable Care Act. Their bill would have remade one-sixth of the U.S. economy, but it was not subject to hearings and was introduced just a few hours before being voted on in the dead of night. This is what happens when legislation is no longer grown organically through hearings and debate.

Congress does not have the resources to counter the growth of corporate lobbying. Between 1980 and 2006, the number of organizations in Washington with lobbying arms more than doubled, and lobbying expenditures between 1983 and 2013 ballooned from $200 million to $3.2 billion. A stunning 2015 study found that corporations now devote more resources to lobby Congress than Congress spends to fund itself. During the 2017 fight over the tax legislation, the watchdog group Public Citizen found that there were more than 6,200 registered tax lobbyists, vs. 130 aides on the Senate Finance Committee and the Joint Committee on Taxation, a staggering ratio approaching 50-to-1 disfavoring the American people. In 2016 in the House, there were just 1,300 aides on all committees combined, a number that includes clerical and communications workers. Our expert policy staffs are dwarfed by the lobbying class.

The practical impact of this disparity is impossible to overstate as lobbyists flood our offices with information on issues and legislation — information on which many lawmakers have become reliant. Just a few weeks ago, at the end of the session, I witnessed the biennial tradition of departing members of Congress relinquishing their suites to the incoming class. As lawmakers

emptied their desks and cabinets, the office hallways were clogged with dumpsters overflowing with reports, white papers, massaged data and other materials, a perfect illustration of the proliferating junk dropped off by lobbyists.

Congress remade its committees in the 1970s to challenge Richard Nixon's presidency and move power to rank-and-file lawmakers. Many segregationist chairmen were ousted and replaced by reformers, and committees and subcommittees were given flexibility to study issues under their purview. It's no accident that some of the most significant legislation and oversight by Congress — Title IX; the Clean Water Act; the Watergate, Pike and Church hearings — came from this period. Congress had strengthened its pillars, hired smart people and accessed the best information available.

Following the reforms of the 1970s, the House held some 6,000 hearings per year. But eventually, the number of House hearings fell — from a tick above 4,000 in 1994 to barely more than 2,000 in 2014. On the tax-writing Ways and Means Committee, of which I am a member, oversight hearings are virtually nonexistent, as is developing legislation. We had no hearings in 2017 on the bill that would dramatically rewrite our tax code. And in the last Congress, we didn't haul in any administration officials for a single public hearing on the renegotiation of the North American Free Trade Agreement. Assessing this state of affairs in a 2017 report, the Congressional Management Foundation noted that committees "have been meeting less often than at almost any other time in recent history." This neglect has become the norm. Instead, leadership, lobbyists and the White House decide how to solve policy problems.

Indeed, Congress has allowed the White House to dominate policymaking. Trade is a perfect illustration. Despite our current president's braggadocio, most Americans would be surprised to learn ultimate trade power rests with Congress. But over and over we've willingly, even eagerly, handed off that responsibility given to us by Article I, Section 8 of the Constitution. President Trump's power to renegotiate NAFTA was granted by Congress, as was his power to issue tariffs, allowed under the Trade Expansion Act of 1962. I disagreed with the decision in 2015 to give President Barack Obama — a member of my own party — fast-track power to advance the Trans-Pacific Partnership. During that debate, I sat stupefied as some members of our committee sought to award not only Obama but also future, unknown executives an extended and open-ended authority to make other deals. Congress was prepared to simply abdicate our job.

Perhaps the most striking instance of political interference I've seen in my career occurred in the Ways and Means Committee in 2014. Then-Chairman Dave Camp (R-Mich.) had toiled for months with Democrats, Republicans and budget experts to craft a comprehensive tax reform bill. I may not have loved the final product, but I respected the process. Republican leadership killed the proposal almost immediately after it was unveiled. The reason? They wanted to deny Obama a legislative accomplishment.

For decades, nearly every piece of legislation would reach the floor via committee, but beginning in the 1990s, the rate began to drop. In the 113th Congress, approximately 40 percent of big-ticket legislation bypassed committees. Before 1994, Camp would have informed the speaker of his proposal and brought it to the floor. Now, a chairman has much less power to realize meaningful legislation. Meanwhile, longstanding House rules have essentially blocked the

amendment process on the floor, meaning bills can't be modified by members of the wider chamber.

In addition to committee weakness, House lawmakers collectively employ fewer staffers today than they did in 1980. Between 1980 and 2016, when the U.S. population rose by nearly 97 million people and districts grew by 40 percent on average (about 200,000 people per seat), the number of aides in House member offices decreased, to 6,880, and total House staff increased less than 1 percent, to 9,420.

The first lobe of Congress's brain we can bulk back up is the Congressional Research Service. The CRS provides studies from talented experts spanning law, defense, trade, science, industry and other realms. Some of our greatest oversight triumphs — Watergate, Iran-contra, the Freedom of Information Act — were achieved with the CRS's support. Great nations build libraries, and much of the CRS is housed in the Library of Congress's Madison Building.

But the CRS has become a political target. In 2012, a CRS report finding that tax cuts do not generate revenue enraged my Republican colleagues, who had the report pulled and began browbeating CRS experts. According to figures supplied by the CRS, the next year, the service saw its funding cut by $5 million, nearly 5 percent, recovering to previous levels only in 2015. (The CRS did get big funding bumps in recent years.)

The Congressional Budget Office and the Government Accountability Office, crown jewels of our body that provide nonpartisan budget projections, are similarly ignored or maligned for partisan purposes. Last year, when the CBO debunked claims that the GOP tax plan would create jobs, Republicans savaged the agency instead of improving the law. It reminded one of my colleagues, Rep. Jim Himes (D-Conn.), of an episode of "The Simpsons" in which Springfield residents, rescued from a hurtling comet, resolve to raze the town observatory.

The GAO also furnishes rich information to Congress on virtually any subject. Last year I requested and obtained a study on the live-events ticket market. It was a probing report with fresh data. Former senator Tom Coburn (R-Okla.), one of the most conservative lawmakers of the past generation, praised the GAO, estimating that every dollar of funding for the agency potentially saved Americans $90. Nonetheless, from 1980 to 2015, GAO staffing was cut by one-fifth.

While I never had the pleasure of collaborating with the Office of Technology Assessment, its reputation is legendary. Like the GAO, it operated as a think tank for Congress, tasked with studying science and technology issues. The OTA was Congress's only agency solely conducting scholarly work on these issues until Gingrich disemboweled it. Today, few members of Congress know it ever existed.

The congressional hearings on big tech showcased my colleagues' inability to wrap their heads around basic technologies. But our challenges don't stop at Silicon Valley. Biomedical research, CRISPR, space exploration, artificial intelligence, election security, self-driving cars and, most pressingly, climate change are also on Congress's plate.

And we are functioning like an abacus seeking to decipher string theory. By one estimate, the federal government spends $94 billion on information technology, while Congress spends $0 on independent assessments of technology issues. We are crying out for help to guide our thinking on these emerging areas. I have backed motions to bring the OTA back to life, and I was heartened last year when the House Appropriations Committee approved funding for a study on the feasibility of a new OTA.

The creation in the House rules of a Select Committee for the Modernization of Congress in this new session is a terrific beginning — and a signal that Speaker Nancy Pelosi (D-Calif.) and Rules Committee Chairman Jim McGovern (D-Mass.) understand the importance of these issues. Providing capital and staff to the institution should be a major priority in the 116th Congress. The budgets we approve fund 445 executive departments, agencies, commissions and other federal bodies. But for every $3,000 the United States spends per American on government programs, we allocate only $6 to oversee them.

After decades of disinvesting in itself, Congress has become captured by outside interests and partisans. Lawmakers should be guided by independent scholars, researchers and policy specialists. We must recognize our difficulties in comprehending an impossibly complex world. Undoing the mindless destruction of 1994 will take a lot of effort, but with investment, we can make Congress work again.

TUESDAY, APRIL 2, 2019.

## TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

---

# BUDGET REQUESTS OF THE GOVERNMENT PUBLISHING OFFICE AND LIBRARY OF CONGRESS

### WITNESS

**FEMI CADMUS**

Mr. RYAN. We are reconvening the hearing. We are going to start with our first witness, the president of the American Association of Law Libraries. The witness is Femi Cadmus. Thank you so much for coming. The floor is yours. Zach Graves is on deck. Daniel Schuman in the hole.

Ms. CADMUS. Good afternoon, Chairman Ryan. I am Femi Cadmus, president of the American Association of Law Libraries.

I am honored to have the opportunity today to testify about the essential role of the Government Publishing Office, the GPO, and the Library of Congress in supporting a strong democracy.

The American Association of Law Libraries is the only national association dedicated to the legal information profession and its professionals. AALL members who serve in our communities rely on the GPO, the Library of Congress, and the Law Library of Congress for access to and preservation of official trustworthy government information. Adequate funding for these agencies ensures access to information, which supports access to justice and preserves the rule of law.

I will start with funding for the GPO. The American Association of Law Libraries urges full funding for GPO's public information programs account that supports the Federal Depository Library Program, FDLP. The requested funding level of $31.3 million will allow GPO 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 and in your districts. Approximately 200 law libraries participate in the FDLP, including my very own institution, Duke University School of Law, J. Michael Goodson Law Library.

The J. Michael Goodson Law Library is open to the public and celebrated its 40th year as a selective depository library in 2018. AALL also supports full funding for the congressional publishing appropriation and revolving fund so that the GPO may continue to

publish legislative information and support the development of govinfo.gov to add new collections and improve accessibility.

Next I would like to discuss funding for the Library of Congress. AALL is grateful to the subcommittee for its approval of recent requests from the library for its physical and technology needs. AALL naturally has a special interest in the Law Library of Congress. The law library is a treasured institution with an unparalleled collection of legal material. AALL supports the law library's $18 million request for fiscal year 2020 so that it may complete projects, including archiving global legal research reports and continuing and expanding its digitization efforts.

The American Association of Law Libraries also urges continued investment in the development of Congress.gov. We commend the Library of Congress for updating its information technology operations and meeting nearly all of the recommendations of the Government Accountability Office's 2015 report on the Library's information technology.

We also express appreciation for recent modernization efforts in the Copyright Office. The Copyright Office has been working in close coordination with the Library of Congress' Office of the Chief Information Officer. We welcomed Dr. Hayden's recent appointment of Karyn A. Temple as the new Registrar of Copyrights, and we are confident the office's modernization will continue under her able leadership.

In conclusion, I want to thank you once again for the opportunity to testify before the subcommittee. The American Association of Law Libraries urges you to approve as close to full funding as possible for the GPO and the Library of Congress.

Thank you, and I welcome any questions that you might have.

[The information follows:]

AALL YOUR LEGAL KNOWLEDGE NETWORK™

105 West Adams Street, Suite 3300
Chicago, IL 60603
312.939.4764
www.aallnet.org

**Testimony of Femi Cadmus**

**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 the Legislative Branch**

**Public Witness Hearing**

**April 2, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for holding a public witness hearing on Legislative Branch Appropriations for Fiscal Year (FY) 2020. I'm honored to have the opportunity to testify about the essential roles of the Government Publishing Office (GPO) and the Library of Congress in supporting a strong democracy.

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 more than 4,100 members are problem solvers of the highest order.

AALL members rely on GPO, the Library of Congress, and the Law Library of Congress for access to and preservation of official, trustworthy government information. Adequate funding for these agencies ensures access to information, which supports access to justice and preserves the rule of law.

## Funding for the Government Publishing Office

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 federal government. GPO produces, authenticates, disseminates, and preserves government information in multiple formats.

Since FY 2018, GPO has completed several important projects to provide greater access to digitized historical material, including working with the Office of the Federal Register to digitize and provide public access to every issue of the *Federal Register* back to 1936 and the bound *Congressional Record* back to 1873. Increased access to both historical and current content on GPO's govinfo website is beneficial to researchers, librarians, and members of the public who can view bills and statutes, budget materials, executive agency publications, and judicial opinions.

We commend GPO for recently achieving certification as a Trustworthy Digital Repository in compliance with International Organization for Standardization (ISO) 16363. GPO is the only organization in the United States and the second organization in the world to achieve the highest global standard of excellence for digital repositories.

AALL has a special interest in full funding for GPO's Public Information Programs account that supports the Federal Depository Library Program (FDLP). The requested funding level of $31.3 million will allow GPO 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. Members of the public visit depository libraries to access essential legal titles on topics such as health information, bankruptcy, and housing services. Approximately 200 law libraries participate in the FDLP, including my own institution, Duke University School of Law. The J. Michael Goodson Law Library, open to the public, celebrated its fortieth year as a selective depository library in 2018.

AALL also supports full funding for the Congressional Publishing appropriation and Revolving Fund so that GPO may continue to publish legislative information and support the development of govinfo to add new content collections and improve the accessibility and discoverability of information.

**Funding for the Library of Congress**

AALL is grateful to the Subcommittee for its approval of past requests to replace broken shelving, implement a digitization strategy to provide access to public domain U.S. legal and legislative materials, and to allow the Law Library to continue to work toward completion of the K Class modern classification standard to increase public access to its law collection.

The Law Library is a treasured institution with an unparalleled collection of domestic, foreign, and international legal material. 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.

AALL supports the Law Library's $18 million request for FY 2020 so that it may, among other priorities, complete Phase 3 of the project to archive the Law Library's Global

Legal Research Directorate reports and continue its digitization efforts to provide access to historical Congressional and other public domain materials. AALL also urges continued investment in the development of Congress.gov, the official website for federal legislative information and an essential tool for legal research.

We commend the Library of Congress for updating its information technology operations and meeting nearly all of the recommendations from the Government Accountability Office's 2015 report on the agency's information technology. We also express appreciation for modernization efforts at the Copyright Office, which has been working in close coordination with the Library of Congress's Office of the Chief Information Officer. We welcome Dr. Hayden's appointment of Karyn A. Temple as the new Register of Copyrights, and we are confident the Office's modernization will continue under her leadership.

**Conclusion**

Thank you for the opportunity to testify before the Subcommittee on the FY 2020 requests of GPO and the Library of Congress. AALL urges you to approve as close to full funding as possible for these legislative branch agencies.

AALL YOUR LEGAL KNOWLEDGE NETWORK™

105 West Adams Street, Suite 3300
Chicago, IL 60603
312.939.4764
www.aallnet.org

**Biography of Femi Cadmus**
**President of the American Association of Law Libraries**

Femi Cadmus is the Archibald C. and Frances Fulk Rufty Research Professor of Law, Associate Dean of Information Services and Technology, and Director of the Michael J. Goodson Library. Her almost three decades professional career in law libraries spans both academic and law firm libraries where she has taught legal research and analysis, and law practice technology to law students and attorneys.

Cadmus comes to Duke Law from Cornell University where she was Edward Cornell Law Librarian, Associate Dean for Library Services and Professor of the Practice from 2011-2018. Her previous professional experience also includes positions at the Law Schools at Yale, George Mason University and the University of Oklahoma.

Cadmus is active in regional and national library associations including the American Association of Law Libraries in which she is currently president. She also serves on the advisory boards of LawArXiv, The Global Online Access to Legal Information (GOALI) and LLMC Digital. Her research focus, publications and presentations cover topics such as law and technology, the evolving role of the modern day law library, open access to legal information, and law library management and administration.

Cadmus' educational background includes an LL.B. from the University of Jos, Nigeria, B.L Nigerian Law School, LL.M. (Law in Development), University of Warwick, England, and M.L.I.S. from the University of Oklahoma. She is admitted to practice in New York.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Femi Cadmus

**Position/Title:** President

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

American Association of Law Libraries

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

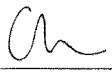
None.

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

None.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

3/29/19

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☐ Written statement of proposed testimony

☐ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Thank you so much. We appreciate the testimony. This is obviously a very important function for Congress and the government, so we appreciate you coming up and giving your voice and your testimony.

Thank you for being here.

Ms. CADMUS. Thank you.

---

TUESDAY, APRIL 2, 2019.

## GAO'S NEW STAA TEAM, HOW THIS RELATES TO THE DEBATE OVER REVIVING OTA, AND WHAT WILL BE NEEDED TO MAKE GAO'S PROGRAM SUCCESSFUL

### WITNESS

### ZACH GRAVES, HEAD OF POLICY, LINCOLN NETWORK

Mr. RYAN. Zach Graves, head of policy from the Lincoln Network.

Mr. GRAVES. Chairman, it is good to be back here. I came before you last year to also talk about this issue of building science and technology expertise in the Congress. And we have just had two members come and talk about it. I am hoping to pick it up from a little bit of a different angle.

Picking off from where we started in the fiscal year 2019 bill, which had two important provisions to, one, create a study that is executed by the National Academy of Public Administration, which is still in progress and set to be out in October, and the other was the elevation of the GAO's STAA office, which Chairman Takano mentioned.

And I know there is still some debate within the Congress about which of these offices is best suited to take up the role of building greater science and technology expertise in Congress and doing technology assessment work in particular.

Rather than try and answer that question, I want to talk about some history around the GAO's office and some features that I think would be important to build in it should the Congress decide to pursue that as the primary vehicle.

In particular, I think it is notable that, while there has been a lot of talk of reviving the OTA recently, that this is not a new idea or recent phenomenon. There have been efforts to re-create OTA ever since they defunded it. In fact, in 1995, the year it was defunded, there was an effort that was successful in the House and came very close to passing in the Senate to move its functions under CRS. And for a number of years afterwards, there were also efforts to bring back the OTA, either directly since its authorizing statute remains in effect, or through various hybrid models.

And the GAO Technology Assessment Program goes back to 2001 when they decided to allocate $500,000 in dedicated funding for a pilot. It did a first study on biometrics for border security since security was a very big concern in that year. And this was favorably received in an external evaluation which said that GAO did a very good job on its inaugural assessment. But the report also raised concerns that the program would face significant challenges to build its own unique culture and scale its capabilities to match the functionality of the OTA.

Nonetheless, this pilot was seen as successful. They expanded its funding to $1 million, and it produced a couple of reports each year for the next couple of years. Importantly, there was an effort that came after that in 2004 when Congressman Rush Holt, who is now the head of the American Association for the Advancement of Science (AAAS), the science advocacy group, had a bipartisan bill to formally elevate the GAO pilot program into an office that would have been called the Center for Scientific and Technical Assessment, or CSTA. This was a program notably in GAO that would have borrowed a lot of the structural features of the OTA, including its bipartisan bicameral technology assessment board, which following up on Ranking Member Herrera Beutler's point earlier, I think this is an important feature since it gave the Congress broader buy-in to what OCA was doing and strong bipartisan oversight so its activities couldn't be politicized or in one direction or the other.

Importantly, although we are going back nearly two decades talking about this bill that didn't go anywhere, it is important to note it involves a lot of the same issues that we are talking about today. It was a proposal that received a lot of vetting and review by the GAO then-Comptroller General David M. Walker. It was favorably received by members of civil society and academia. They sent it out to review it. And while the effort didn't move forward, I think this was largely because of the very hefty budget requirements that it had.

Now, in the years that followed, GAO essentially kept running it as a pilot program until it was elevated in last year's appropriations bill. And as you know, this created the STAA.

Now, I think there has been also a lot of criticisms of the GAO program from people who want to revive the OTA saying that it lacks the robustness and quality of OTA reports. And it also hasn't produced nearly as many of them as the OTA did on an annual basis. And I think while there is a fair criticism here, it is worth remembering that the GAO program was at a fraction of the OTA's budget and had relatively little structural autonomy until its recent elevation.

Now, the primary challenge I think that has kept either OTA or GAO's Technology Assessment Program from advancing has been a lack of funding, and I think that problem has been largely addressed thanks to the efforts of Comptroller General Gene Dodaro and the efforts of this committee. Nonetheless, there are a number of structural features it needs to consider that were considered by this last effort in 2004 that Congressman Holt considered. I outlined some of in these in my testimony. And I would be happy to follow up and discuss them with you.

[The information follows:]

April 2, 2019

**Zach Graves, Head of Policy, Lincoln Network**
**Testimony before the U.S. House of Representatives, Committee on Appropriations, Legislative Branch Subcommittee**

Dear Chairman Ryan, Ranking Member Herrera Beutler, and members of the committee:

My name is Zach Graves. I am the head of policy at Lincoln Network, a non-profit organization whose mission is to help bridge the gap between Silicon Valley technologists and entrepreneurs, and DC policymakers. Last year, I came to speak to you about improving institutional capacity on science and technology issues within the Congress.[1] Thanks to a bipartisan effort originating in this subcommittee, the FY 2019 appropriations bill included two important provisions on this subject. One provided for a major study conducted by the National Academy of Public Administration. The other provided for the elevation and expansion of GAO's technology assessment program.

While the NAPA study is still in progress, GAO has reorganized (and significantly expanded) its program into a 15th mission team, called "Science, Technology Assessment, and Analytics" (STAA). This activity comes in the wake of growing interest in reviving the Office of Technology Assessment,[2] and there is still debate within the Congress as to which location is most suitable for a technology assessment office. My remarks today are not focused on answering this question.[3] Instead, I hope to provide context for the current debate, and offer recommendations for how to responsibly scale GAO's program if the Congress decides to pursue it.

While interest in reviving OTA has become more salient, it is not a recent idea. Over the years since its defunding, there have been numerous efforts to revive it.[4] These go all the way back to 1995, when an unsuccessful effort was made to avert its demise by relocating it under CRS.[5] Since then, failed efforts to refund OTA, which has its authorizing statute still in effect, have

---

[1] See: "Testimony of Zach Graves before the Legislative Branch Subcommittee," April 17, 2018. https://2o9ub0417chl2lg6m43em6psi2i-wpengine.netdna-ssl.com/wp-content/uploads/2018/04/LegBranchAppropsTestimonyOTA.pdf.

[2] See, e.g., Kevin Kosar, "GAO versus the ghost of OTA: Who will win the science and technology assessment race?" Legbranch.org, March 20, 2019. https://www.legbranch.org/gao-versus-the-ghost-of-ota-who-will-win-the-science-and-technology-assessment-race/; Also see "Future Congress," a group I co-organized comprised of over 40 organizations and several dozen prominent individuals. See: www.futurecongress.org.

[3] The debate over OTA vs. GAO is a question of which location has the least significant challenges to building this capacity. For OTA, the challenges are primarily political. For GAO, they are primarily institutional. See: Zach Graves, "Rebuilding a technology assessment office in Congress: Frequently asked questions," R Street Institute, September 25, 2018, pp. 12-13. https://www.rstreet.org/2018/09/25/rebuilding-a-technology-assessment-office-in-congress-frequently-asked-questions/.

[4] "Technology assessment: Legislative activity," Future Congress Wiki. https://github.com/zachgraves/futurecongress/wiki/Technology-assessment:-Legislative-activity.

[5] H.Amdt. 451, 104th Congress.

come up repeatedly.[6] These didn't fail for purely partisan reasons; they came up in Democrat-controlled congresses, Republican-controlled congresses, and ones like today's. They often had bipartisan support, as well as opposition.

In 2001, these efforts were directed at creating a pilot technology assessment program in GAO with $500,000 in dedicated funding.[7] Its first study, "Using Biometrics for Border Security," was released in November, 2002. This report was reviewed favorably in an external evaluation, which concluded GAO "did a very good job" on its inaugural assessment, but raised concerns the nascent program would face significant challenges to build its own culture and scale its capabilities.[8] In the next couple of years, funding for the pilot was expanded to $1 million, allowing the production of 2-3 reports a year.

An effort soon came together to build off of the GAO pilot's initial success. In 2004, Rep. Rush Holt, D-N.J.,[9] introduced legislation (with 9 other Democrats and 5 Republicans as original cosponsors) to elevate the GAO pilot to a formal technology assessment office in GAO called the "Center for Scientific and Technical Assessment" (CSTA).[10] This office would have imported some main structural features from OTA, such as its bipartisan, bicameral Technology Assessment Board. The CSTA proposal went through a review process that incorporated feedback from civil society experts, as well as the office of then Comptroller General David M. Walker. While the proposal was favorably received and had bipartisan support, it failed to move forward, seemingly due to its large budget requirements.

In the years that followed, GAO's tech assessment program has kept running, producing a handful of reports each year. It has also attracted critics who believe it failed to live up to OTA's mission, arguing that GAO's internal bureaucracy has proven too restrictive to foster the dynamic, forward-looking culture that made OTA successful.

Criticisms of GAO's program aren't entirely misplaced. It's certainly true that, up to 2018, it has fallen short of OTA based on nearly any metric. This includes the quality and robustness of its work, its capacity to advise the Congress on technical issues, and its ability develop an independent culture from its parent agency. But this also isn't a fair comparison. The question before you now isn't whether GAO's program, which has had a fraction of OTA's budget and little structural autonomy, has filled this role already. Indeed, up until this point, the GAO program has essentially been a two decade-long pilot. The question now is whether GAO is capable of filling this role, and if so, what are the necessary steps to make it successful.

While the challenges to reviving OTA are primarily about scarce resources and partisan politics, STAA's principle challenges are primarily institutional. Thanks to the efforts of this committee and Comptroller General Gene Dodaro, GAO's primary challenge – that of finding the necessary resources – seems to have been addressed. Its next challenge is figuring out how to structure a

---

[6] 2 U.S.C. §§ 471-481.

[7] H. Rept. 107-259, 107th Congress.

[8] M. Granger Morgan, Jon M. Peha, *Science and Technology Advice for Congress* (Routledge, 2003), Appendix 3.

[9] Rep. Holt had also been one of the strongest champions for reviving OTA.

[10] H.R.4670, 108th Congress.

nimble, semi-independent, and forward-looking research unit within another large agency, while mitigating potential conflicts in mission, function, and process. These were concerns that Rep. Holt and others saw and spent considerable time contemplating two decades ago. If they are to be resolved and adapted to the needs of our current environment, it will require the steady oversight and expert guidance of this committee and other stakeholders.

As a starting point, I believe there are some key structural features GAO should adopt to support the scaling up of its new team. These are:[11]

1. **Establish an advisory council:** STAA should establish an advisory committee comprised of experts from academia, industry, and think tanks. The function of this group would be to offer ad hoc advice to the Comptroller General and STAA directors on matters such as research design, peer review, and related issues. Importantly, it should also produce periodic recommendations visible to relevant stakeholders in Congress and the public.

2. **Encourage the inclusion of policy options analysis in STAA reports:** One of the most valuable features of OTA reports was providing policymakers with an authoritative, multi-disciplinary analysis of the tradeoffs of different policy options. STAA could be encouraged to copy and adapt this feature in its long-form reports. Since this is an issue that could create tension with the procedures of its parent entity, it may benefit from special attention by this committee.

3. **Promote talent flow from outside STAA:** OTA widely utilized temporary contractors for its reports. This helped bring in top-of-market talent and specialized experts, and facilitated the development of expert networks outside Congress. STAA should be encouraged to explore greater utilization of the Interpersonal Mobility Act, or other mechanisms, to bring in outside talent on an individual project-basis.

Beyond encouraging the structures above, there are several important questions the committee should investigate:

1. **What is the right level of structural independence for STAA?** While GAO's technology assessment program now has its own mission team, it is still a component of the GAO bureaucracy. GAO's auditing and investigations functions, which are primarily ex-poste, require a fundamentally different approach than technology assessment work, which is primarily ex-ante. In particular, conflicts might arise in preserving the independence and brand of the auditing function while allowing for independent and forward-looking technology assessments. Thus, it would be valuable to determine whether the current arrangement is ideal, or whether greater structural independence would be valuable.

   This might include the following issues: (1) What is the current approval process for STAA reports, and now many entities must sign off prior to release? (2) Are there ways

[11] Note that I have not had access to GAO's strategic plan for STAA, and it is possible one or more of these items may already be covered there.

to streamline the release process and give the STAA director(s) more autonomy? (3) What internal incentives or management practices would help promote STAA's mission? (4) Should STAA's audit-related work and technology assessment work be split up into separate teams, or are there beneficial synergies?

2. **Is STAA's current peer review process adequate?** The production process for GAO technology assessments involves robust internal review, which draws on important expertise from the office of the Chief Economist, as well as other teams. But it has been criticized for not having a robust external peer review process vs. OTA. Issues to be considered: (1) Are criticisms of GAO's peer review process justified? (2) If so, what process changes should be considered? (3) How will potential changes affect the timely release of reports?

3. **How should STAA be encouraged to think outside the OTA box?** Despite popular debate pitting OTA against GAO, technology assessment work is only one of STAA's four stated focus areas, which include establishing an audit innovation lab, audits of federal S&T programs, and compiling and utilizing best practices in the engineering sciences.[12] This is in contrast to OTA's statutory mission, which is broadly focused on anticipating the impact of technology on society. While some of OTA's big successes were related to government technology programs, it also spent a great deal of effort on regulatory matters primarily affecting the private sector.[13]

   With GAO resources and specialized expertise at its disposal, STAA's comparative advantage is likely at the intersection of S&T and the federal government. Out of our $4 trillion annual federal budget, there are hundreds of billions in science and technology-related expenditures that would benefit from STAA's growing expertise and capacity. Even if OTA were reconstituted, there would seem to be plenty of work to be done in this area that STAA may be better suited for.

   The following issues should be considered: (1) How should STAA prioritize its resources across these four areas? (2) Is STAA weaker at pure regulatory policy vs. evaluating government-related programs? (3) If so, should it take steps to address these challenges, or adjust its focus and resource allocation to its strengths? (4) Is there a strong market for intermediate-length reports that are in between CRS reports, which tend to be short summaries of existing literature, and OTA-style reports, which tend to be long and comprehensive? If so, how should STAA prioritize these? (5) What other gaps are there in S&T policy that STAA might be well positioned to engage in?

---

[12] "Our New Science, Technology Assessment and Analytics Team," Government Accountability Office, January 29, 2019. https://blog.gao.gov/2019/01/29/our-new-science-technology-assessment-and-analytics-team/.

[13] This included recommendations that helped modernize the Social Security Administration's IT procurement strategy, saving taxpayers $368 million, and analysis that helped curtail wasteful spending on the Synthetic Fuels Corporation, saving taxpayers $60 billion. See: Morgan and Peha, p. 69.

4. **Is GAO's report request process ideal for STAA?** Currently, STAA follows GAO's Congressional Protocols[14] to prioritize and fill requests from Members of Congress. Like OTA, this prioritizes requests from Committees. Unlike OTA's request process, GAO seems to make it easier for subcommittees–rather than just full committee chairmen and ranking members–to request reports. But, unlike STAA, OTA had a Technology Assessment Board made up of twelve Members evenly divided by party and chamber. It is debatable whether this structure would be as functional in today's environment, or whether it would slow down or politicize the process. However, it did serve to get broader buy in across Congress in the prioritization and structure of reports. It would be worth investigating whether the current request process at GAO should be customized for STAA and whether there is a need for an entity like the TAB, whether formal or purely advisory.

To address these and other questions, the committee should consider requesting a follow-up report by the National Academy of Public Administration, or similar entity, looking at methodological and institutional design issues for STAA, and investigating whether there are other structures it should consider importing from OTA or elsewhere. It may also be worth commissioning an external evaluation of STAA technology assessments (similar to the one for its pilot study). An evaluation of this kind will help provide a factual basis for continued discussion, as the debate will be sure to continue in the coming years.

Thank you for the opportunity to testify.

[14] "GAO's Congressional Protocols," Government Accountability Office, July 17, 2017. https://www.gao.gov/assets/690/685901.pdf.

Zach Graves is head of policy at the Lincoln Network, a technology and policy group headquartered in Silicon Valley. Zach's work focuses on the intersection of technology and governance issues. Prior to Lincoln, he was founder and former director of the R Street Institute's technology and innovation policy program. Prior to R Street, he worked at the Cato Institute and the America's Future Foundation. He is currently also a Technology and Democracy Fellow at the Ash Center for Democratic Governance and Innovation at Harvard Kennedy School, a visiting fellow at the National Security Institute at George Mason University's Antonin Scalia Law School, and an associate fellow at the R Street Institute. He holds a master's from the California Institute of the Arts and a bachelor's from the University of California at Davis. Zach is married and lives in Washington, DC.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Loren Zachary Graves ("Zach Graves")

**Position/Title:** Head of Policy

**Witness Type:** ○ Governmental ◉ Non-governmental

**Are you representing yourself or an organization?** ○ Self ◉ Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Lincoln Network

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

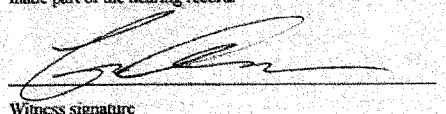
N/A

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

3/21/19

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☒ Written statement of proposed testimony

☒ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Great. Thank you, Mr. Graves. I appreciate you coming. It doesn't often happen you get two members and some outside witnesses on a particular issue. It shows how important it is. And we are going to give it a lot of consideration. So thank you for being here.

Mr. GRAVES. Thank you.

Mr. RYAN. I appreciate it.

---

TUESDAY, APRIL 2, 2019.

## INFORMATION TECHNOLOGY, TRANSPARENCY, AND LEGISLATIVE CAPACITY IN THE LEGISLATIVE BRANCH

### WITNESS

### DANIEL SCHUMAN, POLICY DIRECTOR, DEMAND PROGRESS & DEMAND PROGRESS ACTION

Mr. RYAN. The next witness is Daniel Schuman, policy director, Demand Progress and Demand Progress Action. And on deck is Samantha Feinstein.

Mr. SCHUMAN. Hi. It is good to be back.

Mr. RYAN. The floor is yours.

Mr. SCHUMAN. Thank you, sir.

Thank you for the opportunity to speak with you again. What you did last year was a home run. And I think that is a testament to all the folks that are here. I mean, civil society is—we are pleased with what you did. I mean, there has just been a tremendous amount of progress.

So I want to talk about two issues. One concerns the Legislative Branch Bulk Data Task Force, which this committee created in 2013. I know that you guys hate hearing bad news. So here is some good news, which is that this task force has been resounding success in making legislative data more available to everyone and, most importantly and the sort of difficult task, is change the culture inside Congress. The task force has successfully fostered collaboration across many of the support offices and agencies that previously had been siloed. And, of course, since I am here, it is not just good news; there is always an ask. And the ask is, since it has been so successful, we suggest that you expand its scope and mission a little bit from the bulk data task force to the congressional data task force.

The idea here is that an expanded mission would allow it to look at how data is handled throughout the legislative branch, and this could help Congress better manage its crushing workload. And as a piece of that—so Congress recently passed legislation, the OPEN Gov Data Act, that creates chief officers throughout all the Federal agencies. And we think that it might be time for Congress to have one too.

So our suggestion is a legislative branch chief data officer that would help support the mission of the task force and would look at access to information questions generally.

Our second request concerns the Library of Congress. We recommend creating an advisory committee that focuses on how the Library publishes legislative information. There is no doubt that the Library of Congress plays an important role as a legislative in-

formation source. Not everyone can travel to Capitol Hill to see what is going. So, of course, we must bring Congress to Ohio. And to Washington State. And all around the country.

But, unfortunately, the Library, at least in our experience, has not made innovating around access a legislative information a priority. I think this is a real missed opportunity. We believe the Library should be leading the charge here. We know there are good people at the Library. They are trying to support the Library's mission. I mean, librarians are all about access to information. It is not surprising that this would be something that they would care about.

We want them to be empowered. Dr. Hayden, when she was here a couple weeks ago, testified about her commitment to increasing access to the Congress' Library. I think that is great, but it does require a change in how the Library does business.

Fortunately, there is a well-worn model for agencies to help transform their culture. And at its heart is improved communication with stakeholders inside and out. Many legislative and executive branch agencies routinely meet with external stakeholders. There is more than a Federal advisory committee, so this isn't exactly a new thing.

Inside the legislative branch, we have seen this work. We were just talking about the bulk data task force. That is an example of where internal and external conversations are effective. There is the Advisory Committee on the Records of Congress. That exists between the House and the Senate. There is a Federal Depository Library Council in the executive branch. There is the FOIA Advisory Committee. And the Archivist himself meets regularly with civil society.

But when the Library participates in the Bulk Data Task Force, its engagement is often limited, reflecting both its internal silos and, at least for some folks, reluctance to speak.

So, to our knowledge, the Library of Congress does not regularly convene a wide range of tech-savvy stakeholders on its role as a source of legislative information. We think that should change. We believe that it is important to build a bridge between the Library and civil society on innovation, around access to information. This information, after all, belongs to and belongs with the American people, wherever they might be.

We believe that creating an advisory committee would be a first good step. And included in this should be representatives from inside the Library, as well as functional units, as well as civil society. This is not just our recommendation. The Lincoln Network, who just testified previously, GovTrack, Sunlight Foundation, R Street Institute, POPVOX, PBC, Action, and Quorum and many others have endorsed this recommendation.

I am so pleased to be back here. Thank you again for the opportunity to testify, and I am happy, and looking forward to our conversation.

[The information follows:]

**Testimony of Daniel Schuman, policy director, Demand Progress**
**Before the House Legislative Branch Appropriations Committee**
**Concerning Legislative Branch Technology Appropriations Requests**
**For the FY 2020 Appropriations Bill**

Dear Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee:

Thank you for the invitation to testify again before the House Legislative Branch Appropriations subcommittee. Our testimony focuses on technological innovation in the legislative branch, with a particular focus on the Bulk Data Task Force and the Library of Congress.

But before we get into the weeds, thank you for your bipartisan leadership in the 115th Congress in support of a number of initiatives to modernize the House of Representatives. You included more than a half-dozen significant reforms — more than we have seen in my decade-long observation of this committee — and we can already see the positive effects. Thank you.

As you know, Congressional technological innovation is important because it implicates the very ability of the House to carry out its legislative, oversight, and constituent service duties in an effective, efficient, and responsive manner. The offices and agencies that support the work of Members of the House of Representatives rely upon a complex series of interdependent technologies that together affect how easy or difficult it is for Congress to do its job. When the Legislative Bulk Data Task Force was created by this Committee in 2013, we saw marked improvements in how these offices and agencies worked with one another and communicated with the general public. The Task Force had a limited purpose, but the collaboration it fostered changed the culture of Capitol Hill for the better.

We propose to build upon the accomplishments of the Bulk Data Task Force and to address a concern that has arisen concerning communications with the Library of Congress. **We make the following four requests**:

1. Create a legislative branch Chief Data Officer
2. Expand the Bulk Data Task Force into the Congressional Data Task Force
3. Increase technology funding for the Clerk of the House
4. Establish a Public Information Advisory Committee for the Library of Congress

**The Bulk Data Task Force and a Chief Data Officer**

In recent years, the legislative branch has made significant advances in releasing legislative information to the public as data. This has served Congress well, as it has facilitated Congress's access to its own data — both as raw structured data and as data refined by third parties. These data publication initiatives have included the online publishing of bills; committee schedules, documents, and videos; an online House phone directory; CRS reports; the bills and amendments scheduled for a floor vote in the House; the Statement of Disbursements; the new joint meetings calendar; as well as holding regular meetings of the Bulk Data Task Force and the annual Legislative Data and Transparency Conference. These efforts are welcome and encouraged.

In fact, Deputy Clerk Bob Reeves performed phenomenally in coordinating the Bulk Data Task Force, and we are grateful to him. Indeed, the vast majority of participating offices and agencies have gone out of their way to be helpful and collaborative. House Administration Committee Technology Policy Director Reynold Schweickhardt played a particularly notable role.

With the complexity and distributed governance of information in Congress, it is helpful to have a touchstone that can help facilitate a coordinated approach to manage that data and support ongoing work to transform it into useful information.

**We respectfully request that you establish a Legislative Branch Chief Data Officer to add further support to the Bulk Data Task Force.** The CDO should have the responsibility for tracking datasets released by the legislative branch; providing advice, guidance, and encouragement to offices regarding the publication of legislative branch information as data; supporting the work of the Bulk Data Task Force, including assisting Deputy Clerk Reeves; coordinating the annual Legislative Data and Transparency Conference; and providing assistance to the public with finding and obtaining legislative data.

**We additionally recommend an expansion of the role of the very successful Bulk Data Task Force into the Congressional Data Task Force.** Congress established the Legislative Bulk Data Task Force with a focus on the question of determining whether Congress should make the legislative data behind Congress's information system, THOMAS and LIS, available to the public as structured data. Ultimately the Task Force recommended and GPO implemented the publication of bill summary, status, and text information online as structured data.

Perhaps more importantly, the Task Force — which brought together many of the technology stakeholders inside the legislative branch as well as members of civil society — continues to hold public meetings on a quarterly basis as well as innumerable Congress-only meetings. This has led to ongoing collaboration among all the stakeholders that has changed the culture of

Congress and quietly led to many technological advances concerning legislative operations and transparency. The Task Force serves as a platform for people inside and outside Congress to develop innovative products and tools that help Congress using information released by Congress. Leadership of both parties have quietly blessed this group's activities.

We encourage you to expand the Bulk Data Task Force into the Congressional Data Task Force. The legislative language establishing the Task Force focuses on bulk access to legislative data, with bulk access being one mechanism by which data can be published, and legislative data being narrowly construed to information only about legislation. On its original mission, the Task Force has surpassed expectations. An expanded mission would formally allow the Task Force to look at how data is handled throughout the legislative branch. It would officially allow it to expand its scope beyond bills and the data attendant to them. This would allow consideration of other legislative documents, the handling of information used for oversight, information used and published in responding to constituents, and providing key insights about the operations of Congress itself.

In addition, **we support the request of the Clerk of the House for additional funds to create three new positions inside its Legislative Computer Systems Office to assist with its transparency and technology efforts.** Given the work of this Committee, the House Administration Committee, and the Select Committee on the Modernization of Congress, it is likely that new technology projects will be requested of the Clerk's office, which already is stretched thin and has been forced to reallocate resources because of unplanned projects. Accordingly, the Committee may want to consider providing additional funds beyond their request to the Clerk's office for technology given the likelihood of new project requests.

**Public Information Advisory Committee for the Library of Congress**

The Library of Congress is proud of its reputation and role as the largest library in the world. The Library plays an important role in providing information about Congress to Congress and the general public (such as through the website Congress.gov), but the Library — at least in our experience — has not prioritized its role as a source of information and is not in regular contact with civil society, especially those with expertise in facilitating public access to congressional information. This is a missed opportunity and reflects an unfortunate pattern of behavior.

The Library of Congress did not consult with civil society prior to releasing its Digital Strategy, which notably did not address the Library's role in collecting, organizing, preserving, digitizing, publishing, and contextualizing the legislative activities of Congress for the American people. There are significant deficiencies in the Library's implementation of the congressional calendar that you requested in last year's appropriations bill, most notably in how the information is

displayed. We continue to have deep concerns with its implementation of the CRS Reports website, especially in that information is published only as a PDF. For a decade we have asked that the Constitution Annotated be publicly available in a more usable format, but the Library has not engaged with us even as it apparently moves forward with plans for a major upgrade. We have deep concerns with the Library's plan to create a Congress.gov app for $750,000. And we note its decades-long opposition to public access to the legislative data under prior leadership.

This is not intended as a broadside of criticism against the Library, especially as it has been under new leadership for the last few years. We believe the Library is a pivotal institution in providing Congressional and public access to information about Congress's work. We support its funding request in full. But we in civil society are bewildered when we hear that Library staff feel discouraged from participating in the House's Legislative Data and Transparency Conference or in talking with its participants. We are dismayed when the Library does not fulfill a request from the now-Chair of the House Administration Committee to have someone from the Library talk with civil society about the CRS Reports website. And we are saddened when the Library's implementation of requests from Congress do not to satisfy the purposes for which the request was made. The Library's difficulties in managing its information technology are well documented by the Government Accountability Office, and we welcome the creation of the position of Chief Information Officer and the hiring of Bud Barton as the first CIO. There is no doubt there are good people at the Library who strive to support Congress and the Library's public mission, and we want to empower them.

It is not unusual for agencies to show reticence to talk with civil society, but there is a model that can support changing an agency's culture to one of inclusion and conversation. Other legislative and executive branch agencies and entities routinely meet with civil society stakeholders to share information and provide a foundation for collaboration. Inside the Legislative Branch, the aforementioned Bulk Data Task Force meets quarterly concerning bulk access to congressional data, the Advisory Committee on the Records of Congress semi-annually convenes congressional historians, and the Federal Depository Library Council is an ongoing point of contact for depository libraries. In the executive branch, the FOIA Advisory Committee meets monthly as a point of focus for FOIA practitioners and agency officials, the Archivist meets regularly with civil society, and so on. While we note that the Library participates in the Bulk Data Task Force, there are significant limits to its engagement that reflect its functional units and institutional reluctance.

To our knowledge, the Library of Congress does not have any regular mechanism by which it convenes external and internal stakeholders to share information on the Library's legislative information activities. Because of the Library's outsized role as an information provider, we believe it is important for it to scale its public-facing engagement to match. We recommend that

such an advisory body be established with broad internal and external stakeholder representation that would hold regular public meetings where a productive interchange can take place. These stakeholders should reflect the functional units inside the Library and the civil society organizations that are well known to Congress regarding public access to congressional information. Many of our concerns are rooted in a lack of conversation about what the Library is doing, and what it plans to do concerning public access to legislative information.

**Accordingly, we urge the creation of a Library of Congress Public Information Advisory Committee.** We recommend the following report language:

> *The Library of Congress is encouraged to create an Advisory Committee on Public Access to Congressional Information, composed of internal and external stakeholders that may be a source, consumer, or republisher of information or data concerning Congress, with a particular focus on legislative information. The Advisory Committee shall meet no fewer than 6 times a year in open session. The Library is encouraged to consult the Advisory Committee on a regular basis, not just at its meetings, concerning the information it gathers, holds, or publishes regarding Congress, and how that information is presented and released to the public.*

We understand that the Library may not initially welcome the creation of such an advisory committee. Nevertheless, we believe that deepening engagement with civil society on technology will help the Library of Congress fulfill its mission to "engage, inspire, and inform Congress and the American people with a universal and enduring source of knowledge and creativity." Conversation across government silos and with those on the outside often results in the sharing of new approaches to addressing technology challenges, the resolution of problems before they crop-up, greater understanding of the opportunities and constraints posed by new technology, and increased adaptability of technology for more uses and for more users. In short, this would be a win for Congress, a win for the Library, and a win for the public.

Thank you for the opportunity to testify.

**Daniel Schuman**

Daniel is policy director at Demand Progress and the Demand Progress Education Fund, which are projects of the New Venture Fund and the Sixteen Third Fund, respectively. He leads their efforts on issues that concern governmental transparency/accountability/reform, civil liberties/national security, and curbing the role of money in our political system. Demand Progress is a progressive, grassroots organization with 2.5 million members.

Daniel co-founded the Congressional Data Coalition, which brings together organizations from across the political spectrum to advocate for modernizing congressional technology and data practices. He directs the Advisory Committee on Transparency, which supports the work of the Congressional Transparency Caucus, and was a fellow at CodeX, the Stanford Center for Legal Informatics. Daniel co-founded Future Congress, focused on restoring Congress's technological and science expertise. His website EveryCRSReport, which publishes Congressional Research Service Reports, won a 'le hackie' award from D.C. Legal Hackers. He writes a weekly newsletter on Congress focused on congressional capacity, the First Branch Forecast.

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 congressional capacity. Daniel has testified before Congress and his work has been covered by the New York Times, the Washington Post, NPR, Roll Call, FedScoop, Wired, The Hill, C-SPAN, and other news outlets.

Daniel previously worked as policy director at CREW; policy counsel at the Sunlight Foundation; and as a legislative attorney with the Congressional Research Service. Daniel graduated *cum laude* from Emory University School of Law. He also worked at the Constitution Project, the American Constitution Society, the House of Representatives, and the Georgia Trial Lawyers Association.

Daniel was an accomplished jazz and classical pianist, although he is out of practice. He also has an unusual appreciation for creatively named legislation, especially fun backronyms.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witness Day for Legislative Branch Appropriations Subcommittee concerning the FY 2020 Appropriations Bill

**Witness Name:** Daniel Schuman

**Position/Title:** Policy Director

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Demand Progress

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

None

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

None

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

3/29/19

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Well, we appreciate it.

And, again, you were here last year, I believe with one or two others.

Mr. SCHUMAN. Yes.

Mr. RYAN. And I know Chairman Yoder and I had a lot of conversations after your testimony. And we did what we did and tried to follow through the best we can. So I just want to say thank you. A lot of people think that these public hearings don't matter and that we are not listening, but we are, at least we are in this committee; I can assure you that.

And you being back here is important. I don't really know how tough the budget will be. We just know it is going to be tough. And this is a priority for the committee in a lot of different ways. But it is competing with a lot of other priorities too. So thank you for being here.

Mr. SCHUMAN. Can I add just one quick thing?

Mr. RYAN. Sure.

Mr. SCHUMAN. There was a letter signed by 38 civil society organization and 10 former Members of Congress on the 302(b) allocation question. And it is something that we will continue to pursue because we think the work of this committee is incredibly important. We think the legislative branch should be appropriately funded.

Mr. RYAN. I appreciate that. Thank you.

We are trying to offset our power with the power of the executive, and sometimes it gets really hard.

Mr. SCHUMAN. So thank you so much.

Mr. RYAN. I appreciate your time.

---

TUESDAY, APRIL 2, 2019.

## HOUSE OFFICE OF THE WHISTLEBLOWER OMBUDSMAN—2020 APPROPRIATIONS REQUEST

### WITNESS

### SAMANTHA FEINSTEIN, SENIOR LEGAL AND INTERNATIONAL ANALYST, GOVERNMENT ACCOUNTABILITY PROJECT

Mr. RYAN. All right. Next up, senior legal and international analyst, Government Accountability Project, Samantha Feinstein.

Ms. FEINSTEIN. Chairman Ryan, it is the nice to be back. Thanks for having me. I am part of the Team Transparency, so I guess I am the next batter up, Team Transparency.

Last year, I testified before this committee about the need to establish an office to assist Congress in working with whistleblowers in a secure way. And we appreciate all of the tremendous work that you guys have done since then to raise the profile of the importance of the need to protect congressional communications with whistleblowers.

Since we last met, your committee directed the Government Accountability Office to do a study on congressional communications with whistleblowers. I believe that will be made publicly available soon.

Also since then, in the 116th Congress, the House established an Office of the Whistleblower Ombudsman. So I am here today to re-

quest for fiscal year 2020 $1 million to allow the House Office of the Whistleblower Ombudsman to hit the ground running and have the support that it needs. The ombudsman will be in charge of developing best practices for communicating with whistleblowers and processing their intakes when they contact your offices. And it will also be responsible for training congressional offices in how to protect whistleblowers and their confidentiality.

The funding would allow the office to support their staff and expenses, develop and maintain a website, develop training materials, develop materials on how to process whistleblower intakes to their offices. And it would also allow them to consult with subject-matter experts to help improve the quality of their office services. We also request that you ask that some of this funding be dedicated to exploring technological developments as far as making sure that when whistleblowers contact any office or committee, that that communication is secure technologically.

And so we would like some of that funding to go towards exploring that mechanism so that whistleblowers can trust that their information will be safely handled.

As you know, whistleblowers are a vital lifeline to information from Congress. They are witnesses firsthand of waste, fraud, abuse, mismanagement, illegality, and other corrupt nonsense. And no one else is going to tell you, so we have got to protect communications with whistleblowers.

In recent years, under the False Claims Act, whistleblowers have helped the government recover $3 billion to $5 billion a year. So we think that it is really important to have a robust——

Mr. RYAN. Federal Government?

Ms. FEINSTEIN. Federal Government.

Mr. RYAN. Wow. That is real money even around here. Just think what we could do in this committee with that extra money.

Ms. FEINSTEIN. Well, so I think that Congress would receive more disclosures if there were more protections for whistleblowers. And this is just the first step in that.

And so we think that whistleblowers right now unfortunately risk a lot when they come to Congress. They risk their careers. They risk their personal life. It can really destroy their career to come forward and get caught. And the level of intensity of retaliation against whistleblowers can be directly tied to the threat that their employer perceives them. So, if they go public, it can be really risky business for them. We don't want that to happen. And we think that this office will really give whistleblowers the confidence that they need to know that their communication is being handled responsibly.

So I also just wanted to mention that this request has been put forth in consultation with the House Whistleblower Protection Caucus and has received bipartisan support. You have received a letter from Representatives Speier, Meadows, and Rice in support of this budget.

So we thank you for your thoughtful consideration. And I look forward to working with you to strengthen this vital lifeline of communications to Congress.

[The information follows:]

**Samantha Feinstein, Senior Legal and International Analyst**
**Government Accountability Project**
**Testimony Before the House of Representatives**
**Legislative Branch Appropriations Subcommittee**
**March 29, 2019**

Chairman Ryan, Ranking Member Beutler, and members of the Legislative Branch Appropriations subcommittee, thank you for the opportunity to speak with you today about the office of the whistleblower ombudsman.

Last year, I testified before this committee about the need to establish an office to support House staff who work with whistleblowers. We appreciate the tremendous work you have done since then to raise the profile of the need to assist Congress in hearing from whistleblowers.

Since we last met, your committee directed the Government Accountability Office to conduct a study on communications between whistleblowers and Congress, which will soon be publicly available. We are excited to see that, as part of the rules package for the 116th Congress, the House established the Office of the Whistleblower Ombudsman. As you know, the Whistleblower Ombudsman will be responsible for developing best practices for whistleblower intakes for House offices and providing trainings to House offices on how to safely receive information from whistleblowers. This includes:

- establishing an effective reporting system for whistleblowers;
- maintaining whistleblower confidentiality;
- advising staff on relevant laws and policies; and
- protecting information provided by whistleblowers.

Whistleblowers are Congress' lifeline to information about federal waste, fraud, abuse, and malfeasance. Through the False Claims Act, for example, in recent years whistleblowers helped return to the government an average of $3-5 billion annually. Whistleblowers protect our democracy — but to do so they have to go against a giant bureaucracy and they can lose everything in the process, even if they win in court.

That is why intervention from Congressional Offices provides a vital lifeline, in turn, for protecting whistleblowers. Through an effective partnership, congressional offices and committees can help shift the pressure from being directed against the isolated whistleblower, to against the corrupt institution.

Whistleblowers take immense professional and personal risks when they help Congress engage in robust oversight. Their interactions with Congress are risky because Congressional intervention puts employers on red alert, increasing their incentive to silence the messenger. The

level of intensity of retaliation against whistleblowers is directly tied to the stakes of their disclosures.

The creation of the House Office of the Whistleblower Ombudsman is an important starting point to ensure that whistleblowers have the necessary confidence that their claims will be handled responsibly. This is why we respectfully request that your committee provide the House Office of the Whistleblower Ombudsman $1,000,000 in fiscal year 2020 to ensure that the office has all the resources necessary to hit the ground running.

Our budgetary request includes necessary expenditures for the Office including enabling the Office to hire staff, develop and maintain a website that will include informational resources, produce innovative and interactive training materials, develop whistleblower intake materials, explore technological developments concerning secure communication platforms, and consult subject-matter experts to collaborate and improve the Office.

We appreciate your thoughtful consideration and look forward to working with you to strengthen this vital lifeline of communication to Congress.

**Samantha Feinstein Bio**

**Senior Legal and International Analyst**

Samantha Feinstein is the Senior Legal and International Analyst at the Government Accountability Project. She develops and advances whistleblower-rights legislation, represents whistleblower clients, and leads the international program. She has over 19 years of experience including extensive work in international law and development on anti-corruption, international access to justice, good governance, human rights, and humanitarian aid. Before joining Government Accountability Project, 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 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 on the USAID Advancing the Agenda of Gender Equality (ADVANTAGE) IDIQ bid. She also worked in Brussels as Middle East Policy Advisor the 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 a J.D. from the University of the District of Columbia David A. Clarke School of Law.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Samantha Feinstein

**Position/Title:** Senior Legal and International Analyst

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Government Accountability Project

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

None.

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

None.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

3/23/19
Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Thank you. We appreciate the testimony. We have seen over the last year or two how really important in this kind of environment this is—and not just in the legislative branch. I think when you talk about reforming government it is so important to provide these kind of protections for people who are really on the inside and really know how things work. Sometimes when we have quick hearings, whether it is in this committee or other committees, it is so hard to fully grasp the intricacies of the bureaucracy. But somebody living in that space for a while has the answers and can really help us. And I think we are at a point where we do need to, on both sides of the aisle, figure out how we reform this beast called the United States Federal Government. This is obviously very important. So thank you for taking the time to come and spend time with us this morning.

Ms. FEINSTEIN. Thank you for having me.

Mr. RYAN. Thank you.

---

TUESDAY, APRIL 2, 2019.

## NEED FOR IMPROVED ACCESS TO THE WORK OF THE LEGISLATIVE BRANCH INSPECTORS GENERAL

### WITNESS

### REBECCA JONES, POLICY COUNSEL, PROJECT ON GOVERNMENT OVERSIGHT

Mr. RYAN. Next up is policy counsel for the Project on Government Oversight, Rebecca Jones.

Ms. JONES. Good afternoon. I am also here as part of Team Transparency, a card-carrying member. So thank you for the opportunity to testify on approving access to the work of inspectors general for the legislative branch.

Public access to the work of IGs is a critical facet of government transparency. And publication of this work results in both more accountability and more effective oversight.

I am here to request that the subcommittee adopt report language that requires the inspectors general of the House of Representatives and the U.S. Capitol Police to publish their reports online.

Before I begin, I would like to quickly express our support for the House Office of the Whistleblower Ombudsman and to echo the testimony of Samantha Feinstein.

Founded in 1981, the Project on Government Oversight works to strengthen the effectiveness and accountability of the Federal Government through independent fact-based investigation and analysis. We feel that the funding and publicizing the independent work of IGs is paramount to achieving these goals.

Inspectors General conduct independent investigations, audits, and inspections into waste, fraud, and abuse, and provide recommendations to improve Federal programs. As a result of this work, IGs claim an average return on investment of approximately $17 for every dollar invested. In accordance with the Inspector General Act, most do this while also keeping Congress and the public apprised of their work and the problems they uncover.

Under the Inspector General Act, as amended, most IGs are required to publish on their website any audit, inspection, or evaluation report they create within 3 days. By publishing these reports, IGs keep the public, including groups like POGO, informed of government waste, fraud, and abuse. This allows the public to call out wasteful or illegal practices and to increase pressure for swift change. In effect, publication greatly increases the influence of IG's work.

But not all IGs are subject to these reporting requirements. Two such IGs are those of the House of Representatives and the Capitol Police. While these watchdogs provide independent oversight of the operations of both entities, they do not make the reports, findings, or recommendations readily available to the public. In fact, hardly any of their reports are available on their websites and, therefore, are not easily accessible, even to some congressional staff.

To rectify this lack of transparency, we ask that the subcommittee adopt report language requiring these IGs to follow the Inspector General Act's 3-day rule for posting reports publicly on their own website and on the Federal Government-wide website, oversight.gov.

Managed by the Council of Inspectors General on Integrity and Efficiency, oversight.gov hosts reports from the vast majority of Federal inspectors general, including four of the legislative branch IGs, in a centralized and searchable database.

POGO recognizes, of course, that due to classification or privacy concerns, not all IG reports can be fully released to the public. However, several executive branch IGs and other oversight institutions have found ways to restrict access to sensitive reports without keeping the public in the dark about their report's existence.

For example, the Government Accountability Office, the Department of Justice, and the Department of Defense inspectors general currently provide basic information, such as report title or report number, in cases where some or all of the reports' content must remain nonpublic. While this is not yet an IG-wide practice, if the Department of Defense, which produces a large number of classified reports, and the Department of Justice, which reports on law enforcement matters, can provide this level of transparency, arguably any IG should be able to. The House and Capitol Police IGs are no exception.

The work of inspectors general should not be done in secret. It is critical that lawmakers and the public have access to IG reports in order to correct wasteful or abusive practices. Further, because the legislative branch staff do not benefit from the whistleblower protection that the executive branch staff do and because the House of Representatives and the Capitol Police are not subject to FOIA requests, these IGs are the public's only option to measure the accountability of these legislative branch entities.

POGO, therefore, asks that the subcommittee consider including report language requiring these IGs to publish past and future reports. We have prepared suggested written report language to accomplish these goals, which is attached to my testimony.

Thank you for the opportunity to testify. I look forward to your questions.

[The information follows:]

PROJECT ON GOVERNMENT OVERSIGHT

**Testimony of Rebecca Jones, Policy Counsel**
**Project On Government Oversight**
**before the House Committee on Appropriations, Subcommittee on the Legislative Branch**

April 2, 2019

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee:

Thank you for the opportunity to testify on improving access to the work of the inspectors general (IGs) of the legislative branch. Public access to the work of IGs is a critical facet of government transparency, and publication of this work results in both more accountability and more effective oversight. I am here to ask the Subcommittee to adopt report language that requires the Inspectors General of the House of Representatives and the U.S. Capitol Police to publish their reports online.

Before I begin, I would like to quickly underscore a topic described in the testimony of Samantha Feinstein of the Government Accountability Project, regarding the House Office of the Whistleblower Ombudsman. The Project On Government Oversight (POGO) agrees wholeheartedly with her testimony and echoes her call for funding for this important office.

As policy counsel at POGO, I focus my efforts on a range of government accountability initiatives. Founded in 1981, POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. POGO has long worked to strengthen the effectiveness and accountability of the federal government through fact-based policy analysis. Funding and publicizing the work of IGs is paramount to achieving these goals.

Federal IGs have played an important role since the passage of the Inspector General Act, four decades ago. IGs conduct independent inspections, audits, and investigations into waste, fraud, and abuse, and provide recommendations to improve federal programs and the work of federal agencies. As a result of this work, IGs claim an average return on investment of approximately $17 for every dollar invested in their work.[1] In accordance with the Inspector General Act, most

[1] Testimony of Michael E. Horowitz, Chair, Council of the Inspectors General on Integrity and Efficiency, Inspector General, U.S. Department of Justice, and Allison C. Lerner, Vice Chair, Council of the Inspectors General on Integrity and Efficiency, Inspector General, National Science Foundation, before the U.S. House of Representatives Committee on Oversight and Government Reform, April 18, 2018, p. 2. https://ignet.gov/sites/default/files/files/Horowitz_and_Lerner_Testimony_04-18-18.pdf (Downloaded March 22, 2019)

do this while also keeping Congress and the public apprised of their work and the problems they uncover.

Under the Inspector General Empowerment Act of 2016, most IGs are required to publish on their website any audit, inspection, or evaluation report they create within three days of sending it to the head of the agency involved.[2] By publishing these reports, IGs keep the public, including groups like POGO, informed of waste, fraud, and abuse within an agency. This allows the public to call out wasteful or illegal practices and to increase pressure for swift change. In effect, publication greatly increases the influence of IGs' work.

But not all IGs are subject to these reporting requirements. Two such IGs are those of the House of Representatives and the Capitol Police. While these watchdogs provide independent, nonpartisan oversight of the operations of both entities, they do not make their reports, findings, and recommendations readily available for public consumption. In fact, hardly any of their reports are available on their websites, and therefore are not easily available even to Congressional staff who could find themselves looking for information ultimately contained in these reports years after publication with no idea that the reports even exist.

Currently, the only documents available on the House IG's website are recent annual financial audits.[3] According to a study conducted by Demand Progress, the House IG stopped publishing any new reports on its website in 2007, and all archived reports were pulled off of its website after a redesign in 2014.[4] Similarly, the Capitol Police IG's website lacks any reports, only linking to three "external peer reviews," from 2010, 2013, and 2016.[5]

While the House and Capitol Police IGs are not subject to the public reporting requirements in the Inspector General Empowerment Act, they should follow its best practice of posting reports publicly within three days of sending them to the head of the agency involved. Unlike executive branch IG reports, which can be requested under the Freedom of Information Act (FOIA), there is no comparable request mechanism for House and Capitol Police IG reports—in other words, the public has no way to access them unless the IGs post them.

In addition to posting reports on their websites, the House and Capitol Police IGs should post their reports to the federal government-wide website, Oversight.gov, which is managed by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), an independent entity comprised of

---

[2] The Inspector General Act, As Amended. 5 U.S.C. App. § 8M(b)(1)(A) requires all Establishment and Designated Federal Entity inspectors general to adhere with these public posting requirements.
[3] U.S. House of Representatives, "Inspector General of the House." https://www.house.gov/the-house-explained/officers-and-organizations/inspector-general (Downloaded March 21, 2019)
[4] Daniel Schuman, "The House Office of Inspector General Should Publish Information About Its Reports," December 10, 2018. https://medium.com/demand-progress/the-house-office-of-inspector-general-should-publish-information-about-its-reports-d55b83de6043 (Downloaded March 21, 2019)
[5] United States Capitol Police, "Audits." https://www.uscp.gov/the-department/office-inspector-general/audits-investigations (Downloaded March 28, 2019)

all IGs that were established under the Inspector General Act.[6] The vast majority of IGs publish their reports here, including four of the legislative branch IGs.[7] Posting on Oversight.gov aids public access by presenting a centralized, easily searchable location for all reports.

**To rectify this lack of transparency, we ask that the Appropriations Committee adopt report language addressing the need for regular report publication by the IGs of the House of Representatives and the U.S. Capitol Police. We request inclusion of language that specifically requires that these IGs follow the Inspector General Act's requirements for posting reports to their own websites, and that they post reports to Oversight.gov.**

POGO recognizes that due to classification, national security, or privacy concerns, not all IG reports can be fully released to the public. However, several executive branch IGs and other oversight institutions have found ways to restrict access to sensitive reports without keeping the public in the dark about the reports' existence. For example, the Government Accountability Office[8] and the Department of Defense Inspector General[9] currently provide basic information, such as a report title or report number, in cases when some or all of a report's content must remain nonpublic. By providing this information, the public can request the report through FOIA.

While this is not yet an IG-wide practice, if the Department of Defense—which produces a large number of classified and sensitive reports—can provide this level of transparency, arguably any IG should be able to. The House and Capitol Police IGs are no exception.

When the House and Capitol Police IGs must restrict the public's access to a report, basic information on the report should still be listed on the publicly accessible websites of the individual IG, and on Oversight.gov. Websites should list the title or an identification number, date of publication, the details of the Congressional request, a description of the subject, and a general reason for its redaction.

The work of these IGs should not be done in secret. IGs are the eyes and ears of lawmakers and the public, ensuring that taxpayer-funded programs are being run properly and efficiently. It's crucial that lawmakers and the public know about IGs' work in order to correct wasteful or abusive practices. Further, because legislative branch staff do not benefit from the whistleblower protections that executive branch staff do, and because the House of Representatives and the Capitol Police are not subject to FOIA requests from the public, these IGs are really the public's

---

[6] Oversight.gov is a "publicly accessible, searchable website containing the latest public reports from the Federal Inspectors General who are members of the Council of the Inspectors General on Integrity and Efficiency (CIGIE)." Oversight.gov, "What is Oversight.gov?" www.oversight.gov (Downloaded March 26, 2019)

[7] The Inspectors General for the Government Accountability Office, Library of Congress, Government Publishing Office, and Architect of the Capitol post their reports on Oversight.gov. Oversight.gov "About Oversight.gov." https://oversight.gov/about (Downloaded March 26, 2019)

[8] Government Accountability Office, "Restricted Reports." https://www.gao.gov/reports-testimonies/restricted/ (Downloaded March 21, 2019)

[9] For example: Department of Defense Office of Inspector General, "Evaluation of Integrated Joint Special Technical Operations DODIG-2019-005," February 11, 2019. https://www.dodig.mil/reports.html/Article/1771720/evaluation-of-integrated-joint-special-technical-operations-dodig-2019-055/ Downloaded March 28, 2019)

only option to measure the accountability of these legislative-branch entities. POGO therefore asks that the Subcommittee consider including report language requiring these IGs to publish their work.

We have prepared suggested report language to accomplish these goals, which is attached to my written testimony.

Thank you for the opportunity to testify. I look forward to answering any questions.

**Suggested Report Language:**

The legislative branch inspectors general perform important oversight work. However, two of the legislative branch inspectors general do not make readily available their reports, findings, and recommendations. By contrast, most executive branch agency inspectors general post the majority of their reports on their publicly accessible websites. The Committee believes that all legislative branch inspectors general should make their reports publicly available through their websites. The Committee expects that within 90 days of passage, the inspectors general of the House of Representatives and the U.S. Capitol Police implement a policy to make available to both Congress and the general public any new audit, inspection, or evaluation reports in their entirety by posting them as part of their publicly accessible websites within three days of completion, as well as through the federal-wide website maintained by the Council of the Inspectors General on Integrity and Efficiency, known as Oversight.gov. The committee also expects the inspectors general to post all reports already in existence within 180 days of passage. The Committee expects all posted reports to be easily accessible, to include a summary of the findings of the inspector general, and to be in a searchable, downloadable, and printable format.

The Committee understands that the Government Accountability Office, and many inspectors general, including the Department of Defense Inspector General, currently include as part of their websites a listing of information about a report when some or all of the content must remain non-public because that information is classified or sensitive. In these extraordinary situations, the Committee expects, at a minimum, inclusion on the publicly accessible websites of the individual legislative branch inspectors general, and on Oversight.gov, of the following information regarding the report: the title, or, if the title is restricted, some identification number, the date of publication, the details of the Congressional request, a description of the subject, and a general reason for its redaction.

Rebecca Jones
Policy Counsel, Project On Government Oversight

Rebecca is POGO's Policy Counsel. She works on POGO's policy team developing reform recommendations and advocating for them on Capitol Hill. At POGO, Rebecca conducts legal and legislative writing and analysis on a wide range of good government reform proposals such as those affecting federal inspectors general, whistleblower award programs, whistleblower retaliation protections, public access to government information, and federal vacancies reform. Rebecca also represents POGO's public policy priorities in cooperation with several good government coalitions. She represents POGO on the Steering Committee of the Make It Safe Coalition and works to advance transparency in scientific integrity on the Protecting Science for the Public Good coalition.

Before coming to POGO, Rebecca worked at several nonprofit organizations advocating for best practices whistleblower protections and nonprofit lobbying rights. Most recently, she worked as an immigration attorney. Rebecca earned her J.D. from the University of the District of Columbia, David A. Clarke School of Law where she served in both the immigration and Human Rights and HIV/AIDS legal clinics. She earned her B.A. in Political Science from Notre Dame of Maryland University, where she graduated with honors. Rebecca is licensed to practice law in the state of Maryland.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Rebecca Jones

**Position/Title:** Policy Counsel

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Project On Government Oversight

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

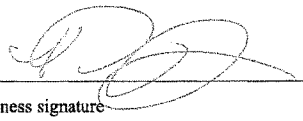
None

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

None

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

3/29/19

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. And, again, thank you. We are lucky to have so many people testifying today talking about these kind of things, about transparency and all the rest, especially when it comes to these reports. So we will continue the conversation with you. This is important to us.

Ms. HERRERA BEUTLER. Can I ask a question?

Mr. RYAN. Sure can.

Ms. HERRERA BEUTLER. So you are specifically honing in on Capitol Police and leg branch IGs.

Ms. FEINSTEIN. The Capitol Police and the House IGs.

Ms. HERRERA BEUTLER. And the House.

Okay. I can kind of see how into gets murky, right, because they can talk about, you know, FOIA stuff.

How does the Capitol Police fit under there? Is it just something that has not been done, or are they claiming some sort of a privilege?

Ms. JONES. So not——

Ms. HERRERA BEUTLER. Do you understand? The question is a little fuzzy?

Ms. JONES. Why wouldn't they post their reports online?

I can't really say. I think that it may have something to do with the fact that it is law enforcement. But, again, because the DOJ posts their reports online, even if they are classified, they will post at least a number or a title or something——

Ms. HERRERA BEUTLER. That something occurred.

Ms. JONES. Right. So, even if congressional staff 5 years down the line want to look into these issues, they have no idea that the reports even exist.

So we think it would be a relatively small ask for Capitol Police IGs to——

Ms. HERRERA BEUTLER. Can I ask one more question? The ″we,″ the transparency team, are you all with different organizations?

Ms. JONES. We are. We are just saying transparency team to be fun.

Mr. RYAN. They are branding themselves.

Ms. JONES. We are somewhat branding ourselves, but I know at——

Ms. HERRERA BEUTLER. They look millennial.

Ms. JONES. I will take it.

I know that several of our organizations are very supportive of publicizing the work of IGs. And I know Demand Progress has worked, at least for the House IGs, have reported on their lack of publication.

Ms. HERRERA BEUTLER. Perfect. Thank you. I appreciate that.

Mr. RYAN. You know, I just want to add thanks generally to all of you because you mentioned millennials. And I mean, it is important to—it is important to have beliefs and come and engage the government and make the change. And as we said to someone who testified here a little before you, we actually implemented it. I mean, that is how this is supposed to work. We are all engaged in this endeavor in trying to create a more perfect union. And sometimes it is in really small rooms somewhere in the Capitol with nice views, that it actually happens.

So we appreciate what you are doing.

Ms. JONES. We are so appreciative of the opportunity.
Thanks.
Mr. RYAN. Thank you, Ms. Jones.

---

TUESDAY, APRIL 2, 2019.

## LEGISLATIVE BRANCH APPROPRIATIONS FOR THE CONGRESSIONAL APP CHALLENGE, AN OFFICIALLY SANCTIONED COMPETITION OF THE U.S. HOUSE OF REPRESENTATIVES

### WITNESS

### JOSEPH ALESSI, PROJECT DIRECTOR, CONGRESSIONAL APP CHALLENGE

Mr. RYAN. Next up, program director from the Congressional App Challenge, Joseph Alessi.
Mr. ALESSI. Alessi. That is right.
Mr. RYAN. Is that Italian?
Mr. ALESSI. Yes. Sicilian.
Mr. RYAN. Request granted immediately.
The floor is yours.
Mr. ALESSI. Thank you. Chairman Ryan, Ranking Member Herrera Beutler, thank you for allowing me to testify today.
I am the program director of the Congressional App Challenge, which you did hear a bit about earlier. So I will try to avoid being redundant.
But we are an officially sanctioned competition of the House of Representatives. We are a coding competition for middle and high school students that aims to create a domestic pipeline of STEM talent in every district and in every corner of the United States.
In 4 short years, this program of the House of Representatives has grown exponentially. Student registrations and functioning apps have tripled since 2015. Congressional App Challenges were held in more than half of the congressional districts in the United States last year. Both of you participate in Congressional App Challenge. And your winning apps from this year are actually a great example of the diversity of the content that this contest brings about.
Chairman Ryan, your students coded an app called the Anonymous Security Center, where students can anonymously report security threats to school administrators.
And, Ranking Member Herrera Beutler——
Ms. HERRERA BEUTLER. Ours is about fish.
Mr. ALESSI. Yeah. Yours was fish.
Ms. HERRERA BEUTLER. I am from the Northwest.
Mr. ALESSI. The Fundamentals of Fish Care.
Ms. HERRERA BEUTLER. They die—those pets die all the time. The kids become——
Mr. ALESSI. Yeah.
And so obviously those are vastly different apps. But that is the beauty of the competition.
The students aren't bound by guidelines about what they can code or where they can code or what the subject matter needs to be. It doesn't stifle the creative instincts, and so it allows a passion

for STEM, for computer science, for coding to flourish in these students.

As I mentioned, we are creating a diverse pipeline of computer science talent. A full one-third of the Congressional App Challenge was held in districts last year where they have sizeable rural populations. So those are either districts that qualify as pure rural or rural-suburban. Nearly 90 percent of States hosted at least one app challenge in 2018. And, again, Silicon Valley's best diversity metrics——

Ms. HERRERA BEUTLER. We always—the girls always win.

Mr. ALESSI. Against their best diversity metrics, participants in the Congressional App Challenge are four times as likely to identify as black, three times as likely to identify as Latino, twice as likely to identify as female. And 3.3 percent of our participants last year identified as Native American or Native Alaskan. And Silicon Valley's numbers are low to the point that, last we checked, they were unable to measure them.

And that really hammers on the point of how diverse of a competition this is, both geographically, across the lines of race, across every category that you can imagine.

It is also worth mentioning that 44 percent of our participants from last year's competition described themselves as beginners. So this is a bridge for students to learn more about computer science and coding and potentially explore a career path in the future. It is an opportunity to inspire those students, not just highlight those who already have an interest in the subject matter.

We are an inflection point both as a Nation and as a program. I am not going to belabor the need for computer science and STEM talent in the United States. I think Congresswoman Eshoo did a great job of that earlier.

But I will mention, as she mentioned, the growth of this program has outstripped our ability at IEF, the foundation that administers it, to administer it. Serious investment in both program infrastructure and outreach are needed to help this program reach its full potential. Only a small investment is needed. We are a full-time office of only two people, and we currently rely on self-sourced private sector funding for 100 percent of our funds to make this contest possible.

I like to imagine what would be possible at this time with critical support from this committee and from the House of Representatives to own a program that is a program of the House of Representatives. We are just scratching the surface of this program's potential.

So, you know, to sum things up, I just want to say this program really does—it deserves more than free solutions like spreadsheets and Google forms daisy-chained together by a small team of professional staff and interns. We have already seen some of the talent that has come out of the Congressional App Challenge, and I would like to imagine what we can uncover with additional resources.

And thank you both for your time. I am happy to take any questions.

[The information follows:]

Internet
Education
Foundation

1440 G Street, NW
Washington,
District of Columbia, 20005
www.neted.org

March 29, 2019

Chairman Tim Ryan
U.S. House of Representatives
Committee on Appropriations
Legislative Branch Subcommittee
H-305, The Capitol
Washington, DC 20515

Ranking Member Jaime Herrera Beutler
U.S. House of Representatives
Committee on Appropriations
Legislative Branch Subcommittee
Washington, DC 20515

Dear Chairman Ryan and Ranking Member Herrera Beutler,

I am writing you to request the Subcommittee appropriate funding for the Congressional App Challenge to assist the program with issues of scaling stemming from enormous growth since its launch in 2015. The Congressional App Challenge has quickly become the most prestigious student coding competition in America. The corresponding demo day for winners, called #HouseOfCode, has become the new national science fair.

The Congressional App Challenge (CAC) is an officially-sanctioned competition of the United States House of Representatives designed to inspire students to pursue careers in science, technology, engineering, and math (STEM) through district-wide competitions. In 2018, 5,229 students from 223 districts coded 1,715 functioning apps.

The Congressional App Challenge has grown over 200% in four years, but even this has hardly scratched the surface of the potential impact for this critical program. The demand for STEM jobs in the United States continues to far outstrip the pace of domestic talent production[1], and these careers represent a critical path to good paying middle-class careers. With additional resources, the CAC intents to expand the number of participating districts and reach deeper into those districts to increase student participation in the program.

Per the rules for Officially-Sanctioned Competitions, the Committee on House Administration has appointed the Internet Education Foundation (IEF) as the official coordinator of the CAC.

---

[1] "STEM Depiction Opportunities (The White House, February 10th, 2016), https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/imageofstemdepictiondoc_02102016_clean.pdf

IEF provides all the materials, support, staffing, and databases needed for Member offices to host successful contests for their constituents. IEF is responsible for managing all resources of applicants, including the over 5,000 student applications from 2018. IEF also promotes the competition in districts across America by reaching out directly to schools, computer science teachers, and students through partnerships, emails, and social media.

**Specifically, we ask the Subcommittee to:**

❑ Provide $250,000 in appropriations funding to the Chief Administrative Officer (CAO) so that it can administer the CAC as an "Officially-Sanctioned Competitions" in Fiscal Year 2020.

Please accept this public witness testimony in support of funding for the Congressional App Challenge.

Sincerely,

Joseph Alessi
Program Director
Congressional App Challenge

Joseph Alessi, a non-profit management professional with a focus on educational programming, will lead the Congressional App Challenge (CAC) as the program prepares for its first competition under the 116th Congress. Mr. Alessi joins the Internet Education Foundation (IEF), the CAC's official coordinator, as Program Director. The CAC is a congressional initiative to encourage student engagement in coding and computer science through an annual series of concurrent contests hosted by Members of Congress.

Mr. Alessi is a career non-profit management professional, transforming the educational initiatives of educational foundations, trade associations, and political advocacy organizations. He joins IEF from the Zeta Psi Educational Foundation, where he recast their Leadership Training Program into a multi-platform membership development program serving all stages of the undergraduate lifecycle.

Mr. Alessi, a 2011 graduate of the University of Maryland's College of Behavioral and Social Sciences, holds a degree in Government and Politics with a supporting sequence in Sociology. He resides in the District of Columbia.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Joseph Alessi

**Position/Title:** Program Director

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Internet Education Foundation / Congressional App Challenge

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

29 March 2019

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Great. Thank you. Phenomenal. We love this. Obviously, we have some challenges as far as trying to fund all of these great programs. But this is something we are all, I think, in love with. And if you could share those exact statistics with us again, I want to make sure——

Ms. HERRERA BEUTLER. It would be helpful.

Mr. RYAN [continuing]. Commit those to memory.

Mr. ALESSI. Absolutely. I would be happy to do that.

Mr. RYAN. Thank you.

Mr. ALESSI. Thank you very much.

---

TUESDAY, APRIL 2, 2019.

## NEED FOR CONGRESSIONAL INTERVENTION TO ENSURE THE ABILITY OF GAO TO AUDIT AND INVESTIGATE INTELLIGENCE COMMUNITY COMPONENTS

### WITNESS

### KEL McCLANAHAN, EXECUTIVE DIRECTOR, NATIONAL SECURITY COUNSELORS, NATIONAL SECURITY LAW

Mr. RYAN. Okay. Next is Kel McClanahan—speaking of Italian, Kel McClanahan is our next—I am half Irish too, though, so we are good. Executive Director, National Security Counselors.

Mr. McClanahan, you have the floor.

Mr. MCCLANAHAN. Thank you, Ranking Member and Chairman, for inviting me here.

I am here to talk about what should be a relatively noncontroversial idea, the idea that the Government Accountability Office, GAO, has the ability to investigate all agencies of the Federal Government. This is something that should be the case but, unfortunately, is not. There is a large portion of the Federal Government, the intelligence community, that regularly refuses to cooperate. And this has gone back decades that I won't go into. It is in my written testimony.

The gist of it is, in 2001, they came and testified that they discontinued such work on an investigation they had been asked to do because the CIA was not providing them with sufficient access to information to perform their mission. This was 2001. They had to make a conscious decision not to further pursue the issue and, in fact, commented that, when they had managed to get information, it was only through subterfuge saying that they requested threat assessments so that the CIA, quote, does not perceive our audits as oversight of its activities, unquote.

And fast-forward to 2008. You have a fight again where they say: We foresee no major change in limits in our access without substantial support from Congress, the requester of the vast majority of our work.

Well, the reason for this goes back to a 1988 Office of Legal Counsel opinion that says that intelligence is the executive discharge of its constitutional foreign policy responsibilities, not its statutory responsibilities, and, therefore, it is not, quote, a program or activity the government carries out under existing law, unquote, which is how they explained removing it from GAO jurisdiction.

So this has been tried to be fixed many times in the past, most recently in 2010 when the fiscal year 2010 Intelligence Authorization Act actually added in the House version language that said that the Director of National Intelligence shall cooperate with GAO and shall direct intelligence agencies to do so.

OMB threatened to veto it citing the OLC opinion. And Comptroller General Gene Dodaro wrote a detailed memo refuting this analysis and saying that it 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.

But Congress decided to give the executive another chance. And they included a provision in the final bill that directed the DNI to formulate a policy about this. And the DNI created Intelligence Community Directive 114, which said that intelligence agency shall only cooperate with GAO on matters that don't fall within the purview of the congressional intelligence oversight committees, which means that GAO can only investigate things that the Intelligence Committees can't, which is basically nothing, so we are back to where we started.

Well, this is a problem for a few reasons. Number one, it is a logistical problem. In 2009, there were 199 staffers at GAO with top secret clearances and 96 with sensitive compartmented information clearances. In 2018, there were 35 Senate Intelligence Committee staffers and 37 House Intelligence Committee staffers. There are more people at GAO with SCI clearances than the entire staff of HPSCI and SSCI put together.

And this isn't just us. Mr. Dodaro has come and testified about this many times. I testified with Chairman Ryan and then-Chairman Yoder last year. And after my testimony, Chairman Yoder asked Mr. Dodaro about this and asked if they needed additional support from Congress, a direction for the intelligence agencies, and he said yes.

And then this year, Chairman Ryan, thank you very much, you asked Mr. Dodaro again, has this improved? And he said that the IC has gotten a little bit better when an Intel Committee is involved but that they have more difficulties when the request comes from non-Intelligence Committees. And that is an understatement.

In fact, in the last 5 years, an intelligence agency has refused to give information to GAO in two cases and given it only after what Mr. Dodaro called excessive delays in 13 cases. And those cases were both mandates and requests from committee chairs from both Intelligence Committees, the Homeland Security Government Affairs Committee of the Senate, the Homeland Security Committee of the House, both Judiciary Committees, both Appropriations Committees, the Foreign Relations Committee in the Senate, and the House Foreign Affairs Committee. So basically any committee that could conceivably have any degree of jurisdiction over the intelligence community is being rebuffed.

And the bottom line—These artificial restrictions on GAO's authority are causing Congress to expend more financial and manpower resources to accomplish less oversight. So, in effect, I am not asking you for money. I am asking you to do something through report language or statutory language that will save you money that

you could then spend on all of these other worthy programs that people are asking you for money for.

And, with that, I am happy to answer any questions.

[The information follows:]

Kel McClanahan, Executive Director
National Security Counselors[1]
Testimony Before the House of Representatives
Legislative Branch Appropriations Subcommittee
Regarding the Government Accountability Office
2 April 2019

Chairman Ryan, Ranking Member Herrera Beutler, 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[2] and has since its creation in 1921,[3] the IC has, with a few exceptions, insisted that it is not subject to such audits since its inception. **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 recalcitrance, some Members of Congress have periodically attempted to resolve the matter over the past few decades. For instance, 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.[4] 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 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

[1] Joined by the Government Accountability Project and the Project on Government Oversight.
[2] *See* 31 U.S.C. §§ 712, 717, 3523(a) (GAO has authority to investigate each "department, agency, or instrumentality of the United States Government.").
[3] Budget and Accounting Act, Pub. L. 67-13, 42 Stat. 26, June 10, 1921 ("All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them.").
[4] H.R. 3603, *available at* https://fas.org/irp/eprint/panetta-1987.pdf.

> Congress to gain access to confidential intelligence information in the possession of the executive branch.
>
> 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.[5]

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,[6] 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."**[7]

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."[8] 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.[9]

**In other words, GAO can investigate anything involving the IC that the intelligence oversight committees cannot, which amounts to basically nothing.** Moreover, this is not an academic dispute: in response to a question about this matter from then-Chairman Yoder last

---

[5] *Investigative Authority of the General Accounting Office*, 12 Op. Off. Legal Counsel 171 (1988).
[6] Letter from Orszag to Feinstein of 3/15/10, *available at* https://fas.org/irp/news/2010/03/omb031610.pdf.
[7] 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."
[8] 50 U.S.C. § 3308.
[9] ICD 114(D)(4)(b), *available at* https://www.dni.gov/files/documents/ICD/ICD_114.pdf.

year, Mr. Dodaro explained that this remains an ongoing controversy, although the situation is minimally better than it was before 2010:

> 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.[10]

When Mr. Dodaro testified before this Subcommittee in February regarding GAO's Fiscal Year 2020 budget, Chairman Ryan again asked him about this matter, and Mr. Dodaro again remarked that GAO needs "the cooperation of the Intelligence Community" because GAO "ha[s] more difficulties when the request comes from non-intelligence committees," concluding, **"I think we could do more, particularly in the management area, and in the investments that are made, in that area, whether there's good return on the investments in all cases."**[11]

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 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.**

**I recommend this Subcommittee 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.**[12]

Not only would taking such a measure resolve a longstanding problem, but it would be revenue neutral, since it would not require GAO to take on any more responsibilities than it already has; it would only open the universe of matters it *may* investigate. When one considers the fact that the number of GAO employees with Top Secret/Sensitive Compartmented Information ("TS/SCI") clearances is higher than the combined number of staffers employed by both intelligence oversight committees, **it is clear that these artificial restrictions on GAO's authority are causing Congress to expend *more* financial and manpower resources to accomplish *less* oversight over a significant portion of the Executive Branch.** It is time for Congress to assert its prerogatives to protect its oversight capabilities over *all* agencies.

---

[10] *Legislative Branch Appropriations for 2019: Part 2, Fiscal Year 2019 Legislative Branch Appropriations Requests, Hearings before the Subcomm. on the Legislative Branch of the House Comm. on Appropriations*, 115th Cong., 2d Sess. 310 (Apr. 25, 2018) [hereinafter *SSP Hearing I*] (testimony of Comp. Gen. Gene Dodaro) (testifying that GAO has been able to investigate peripheral matters in the IC such as "a facilities area" and contract management in the last few years).

[11] *Available at* https://www.youtube.com/watch?v=G3WU2uZMlyk.

[12] *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 is an adjunct professor at the George Washington University Law School and the American University Washington College of Law, where he teaches various topics in national security law. He sits on the Board of Directors of the National Military Intelligence Foundation, the Board of Directors of the Bar Association of the District of Columbia, and the Steering Committee of the BADC Committee on National Security Law, Policy, and Practice, and is a charter member of the Security Clearance Lawyers Association.

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.

KEL MCCLANAHAN
4702 LEVADA TERRACE • ROCKVILLE, MD 20853
301-728-5908 • KEL@NATIONALSECURITYLAW.ORG

## EXPERIENCE (LITIGATION/ADVOCACY)

**NATIONAL SECURITY COUNSELORS** — Rockville, MD
**Executive Director** — 8/2009 – present

- Co-founder, CEO of a non-profit organization dedicated to educating the public about national security issues, influencing relevant legislation, and providing assistance to people involved in security-related legal or administrative proceedings.
- Act as primary counsel for legal assistance projects.
- Specialize in cases involving national security issues, including whistleblowers, security clearances, prepublication review, and FOIA/PA litigation.
- Represent whistleblower clients with agency Inspectors General and Congressional committees.
- Interact with Congressional and Executive branch officials regarding proposed changes to laws and/or regulations.
- Litigate cases before the Defense Office of Hearings and Appeals; the Merit Systems Protection Board; the Equal Employment Opportunity Commission; the U.S. District Courts of D.C., Southern District of New York, Eastern District of California, and Northern District of Texas; and the U.S. Circuit Courts of the D.C. Circuit, 9th Circuit, and 2nd Circuit.

**NATIONAL WHISTLEBLOWERS CENTER** — Washington, DC
**Counsel to the National Security Program** — 10/2010 – 5/2012

- Served as legal adviser to a program advocating greater whistleblower protections for national security employees.

**KOHN, KOHN & COLAPINTO, LLP** — Washington, DC
**Of Counsel** — 9/2009 – 5/2012

- Litigated whistleblower reprisal and FOIA/PA cases before the DOJ Office of Attorney Recruitment and Management and the U.S. District Court of D.C.

**LAW OFFICE of MARK S. ZAID, P.C.** — Washington, DC
**Of Counsel** — 12/2007 – 7/2009

- Specialized in cases involving national security issues, including whistleblowers, security clearances, prepublication review, and FOIA/PA litigation.
- Litigated cases before the U.S. District Courts of D.C. and the Eastern District of Virginia.

**JAMES MADISON PROJECT** — Washington, DC
**Director of FOIA Operations** — 12/2007 – 7/2009

- Managed all FOIA-related business, including administrative requests, litigation, outreach, and press relations.

## EXPERIENCE (TEACHING)

**AMERICAN UNIVERSITY WASHINGTON COLLEGE of LAW** — Washington, DC
**Adjunct Professor** — 5/2017 – present
- Teach a legal seminar in National Security Law and Practice.

**POINT PARK UNIVERSITY** — Pittsburgh, PA
**Adjunct Professor** — 1/2011 – 6/2012
- Taught an undergraduate seminar in National Intelligence Authorities.

**UNIVERSITY of the DISTRICT of COLUMBIA** — Washington, DC
**Adjunct Professor** — 1/2010 – 12/2010
- Taught an undergraduate seminar in National Security Law, Policy, and Objectives.

## EDUCATION

**GEORGETOWN UNIVERSITY LAW CENTER** — Washington, DC
**Master of Laws** – National Security Law — 8/2008 – 12/2009
Coursework included: National Security Investigations and Litigation, Managing National Security, Congressional Investigations, Congress and the DOJ, Foreign Relations Law, Litigation with the Federal Government, International Criminal Law.
**Study Abroad:** International Law and Security – Florence, Italy (Summer 2009).

**AMERICAN UNIVERSITY WASHINGTON COLLEGE of LAW** — Washington, DC
**Juris Doctor** (includes a semester at Boston University School of Law) — 8/2003 – 5/2007
Mock Trial Honor Society; Student Bar Association: Four-term Senator.

**GEORGETOWN UNIVERSITY** — Washington, DC
**Master of Arts** *Cum Laude* – Security Studies — 8/2000 – 5/2003

## SCHOLARSHIP

**Public Appearances (Non-Media):**
- Witness, "The Need for Transparent Transparency Litigation and Independent Inspectors General," Appropriations Subcommittee on Financial Services and General Government, U.S. House of Representatives, Mar. 27, 2019.
- Panelist, "Representation of the Intelligence Community: Whistleblowers and Clearance Revocations and Suspensions," at *70th Annual Meeting*, Labor and Employment Relations Association, June 16, 2018.
- Witness, "Government Accountability Office Investigative Authority Over the U.S. Intelligence Community," Appropriations Subcommittee on the Legislative Branch, U.S. House of Representatives, Apr. 17, 2018.
- Panelist at *Representation of Intelligence Community Whistleblowers*, Metropolitan Washington Employment Lawyers Association, Dec. 12, 2017.
- Panelist at *National Security Law Brief Fall Symposium - Public Private Partnerships: How the National Security Community Interacts with Private Sector*, American University Washington College of Law, Nov. 15, 2017.

- Participant at *Navigating Law and Ethics at the Crossroads of Journalism and National Security*, Center for Ethics and the Rule of Law, Nov. 9-10, 2017.
- Panelist, "Election 2016! You Decide the Best Way to Minimize the Sting of a Denial," at *2016 FOI Summit*, National Freedom of Information Coalition, Oct. 8, 2016.
- Panelist, "FOIA 101" and "FOIA 201: Advanced FOIA Strategies and Tactics," at *HOPE XI*, Hackers on Planet Earth, July 23, 2016.
- Panelist, "Here Today, Gone Tomorrow," at *2015 FOI Summit*, National Freedom of Information Coalition, Oct. 10, 2015.
- Panelist, "FOIA Advanced Strategies and Tactics," at *HOPE X*, Hackers on Planet Earth, July 18, 2014.
- Panelist, "Fighting FOIA Erosion," at *2012 FOI Summit*, National Freedom of Information Coalition, May 12, 2012.
- Panelist, "Current FOIA Litigation," at *Fifth Annual Freedom of Information Day Celebration*, American University Washington College of Law, Mar. 16, 2012.
- Panelist, "WikiLeaks: What Are the Implications and Aftereffects for Open Government?" at *2011 FOI Summit*, National Freedom of Information Coalition, Mar. 21, 2011.
- Panelist at *FOIA Requester/Agency Town Hall*, U.S. Department of Justice, Mar. 17, 2011.
- Panelist, "National Security and the First Amendment," at *Emerging National Security Threats in a Globalized World*, American University Washington College of Law, Mar. 2, 2011.
- Panelist, "Federal Bureau of Investigation Whistleblowers," at *2010 National Whistleblower Assembly: The Final Countdown: Honoring 10 Years of Commitment*, U.S House of Representatives, May 24, 2010.
- "Opening Remarks" at *Emerging Issues in National and International Security (EMININT 2006)*, American University Washington College of Law, Apr. 21, 2006.
- Panelist at *National Security Student Leadership Conference*, American University Washington College of Law, Nov. 5, 2005.
- Delegate at *Hostage to Terrorism: Governmental and Non-Governmental Response Strategies*, University of Virginia Critical Incident Analysis Group, Apr. 3-5, 2005.
- "Opening Remarks" and Panelist, "Climate Change, Infectious Disease, and Resource Shortages as Threats to International Security," at *Emerging Issues in National and International Security (EMININT 2005)*, American University Washington College of Law, Mar. 21, 2005.

**Published Scholarship:**

- "The Need for a Perception-Based Model of Comparing Intelligence Communities: An Historical Case Study" in *American Intelligence Journal*, 2007.
- "A Cooperative Approach to Counter-Terrorism Policy Development" in *Proceedings of the 1st Annual Symposium on Emerging Issues in National and International Security (EMININT 2005)*, 2007.
- "Left, Right, and Center: Political Thought for the Law Student," recurring column in *American Jurist*, 2004-2005.
- "Point-Counterpoint for House Leadership Intelligence Reform Bills," handout for ABA panel, 2004.

**Unpublished Scholarship:**

- "Its Time Has Come: The Need for Legislative Reform of the Security and Suitability Process"
- "Legislating the State Secrets Privilege: A Separation of Powers Analysis"
- "Application of the Espionage Act and Related Statutes to Reporters, Academics, and Other Participants in the Marketplace of Ideas"

**HONORS/AWARDS**

- Board of Directors, Bar Association of the District of Columbia, June 2018-present.
- Steering Committee, Committee on National Security Law, Policy, and Practice, Bar Association of the District of Columbia, Oct. 2017-present.
- Board of Directors, National Military Intelligence Foundation, July 2015-present.
- Board of Directors, National Military Intelligence Association, Nov. 2010-Apr. 2015.
- Delegate to the American Swiss Foundation Young Leaders Conference, May 2006.
- Bar memberships: U.S. Supreme Ct.; U.S. Ct. of Appeals (D.C. Cir.; 9th Cir.; 2nd Cir.); U.S. Dist. Ct. (S.D.N.Y.; D.D.C.; N.D. Tex.).
- Charter member, Security Clearance Lawyers Association.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Kel McClanahan

**Position/Title:** Executive Director

**Witness Type:** © Governmental © Non-governmental

**Are you representing yourself or an organization?** © Self © Organization

**If you are representing an organization, please list what entity or entities you are representing:**

National Security Counselors

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

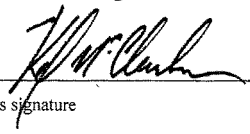
none

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

none

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

3/29/19

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☒ Written statement of proposed testimony

☒ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Kel, we appreciate your testimony here and all your good work. Thank you so much. And on behalf of everyone else here that may get the money from your savings, they thank you as well. But we appreciate you sticking to this. It is really important, so thank you so much.

---

TUESDAY, APRIL 2, 2019.

## STRENGTHENING INTELLIGENCE OVERSIGHT THROUGH PROVIDING ADEQUATE CLEARANCES AND DESIGNEES TO PERSONAL OFFICE STAFF FOR KEY CONGRESSIONAL COMMITTEES

### WITNESS

### MANDY SMITHBERGER, DIRECTOR, CENTER FOR DEFENSE INFORMATION AT THE PROJECT ON GOVERNMENT OVERSIGHT

Mr. RYAN. Next up Mandy Smithberger, director of information at the Project on Government Oversight. And on deck is Gabe Cazares. All right. Where are you from?

Ms. SMITHBERGER. Columbus.

Mr. RYAN. All right. Very good.

Ms. SMITHBERGER. Thank you so much, Chairman Ryan and Ranking Member Herrera Beutler, for allowing me to testify today on behalf of the Project on Government Oversight and Demand Progress on strengthening Congress' capacity to conduct oversight on matters of national security.

We respectfully urge your committee to provide adequate resources so that personal office staff for members of the House Permanent Select Committee on Intelligence, the House Appropriations Defense Subcommittee, and the House Armed Services Committee can receive the clearances necessary to properly oversee intelligence and other national security agencies.

Without personal office congressional staff with TS/SCI clearances for Members on those committees, many of the Members are overseeing the executive blindfolded. In addition, we are urging the committee to require a public-facing report detailing the cost of providing these clearances to one staff member for every Member of the House.

Before I worked for the House, I was in the intelligence community, and I appreciate how important it is to properly protect sensitive national security information. I also know that Congress needs more resources to perform its constitutional oversight duties. We signed that letter that Daniel was talking about on allocations.

The reform that we are talking about here particularly for House Intelligence is already implemented in the Senate Intelligence Committee. It is overdue to be adopted in the House. Both the chair and the ranking member of the House Intelligence Committee have expressed concerns about inadequate resources. And the chair of the committee has said that he finds the idea of designees appealing.

As this committee is well aware, the legislative branch receives approximately 0.4 percent of the discretionary Federal budget to oversee the entire Federal Government.

For comparison, the intelligence community requested about $86 billion this year, or 18 times that amount. So you guys are outgunned. And the more resources that you can have to make sure that you are preventing waste, fraud, and abuse I think the better and safer we are all going to be.

While we believe that every committee is underresourced, that problem is particularly acute for the House Intelligence Committee because we can't count on the press, civil society, or other stakeholders to fill in the gaps to help Congress uncover waste, fraud, and abuse.

History has shown that while Congress has curtailed its own access to national security information, the number of executive branch employees and contractors accessing this information has exploded. The most recent public data showed about 1.2 million people had TS clearances, and about half of those were contractors.

While we don't know the full scope of how many legislative branch staffers have this information, we would urge Congress to track and publicly disclose that information. Even if our proposed reform was adopted, the number of cleared staff is unlikely to increase the total number significantly.

The costs are also likely to be minimal. The three committees we are identifying here have fewer than a hundred members. It is our understanding the cost for providing staff with TS/SCI clearances is largely borne by the CIA, and the cost of investigating and adjudicating those clearances is around $5,000 for someone who has never held one.

We do anticipate that there would be some funding needed for the legislative branch to maintain records of nondisclosure agreements, to store classified documents, and track individuals granted clearance. We urge the committee to increase funds for the Sergeant at Arms accordingly.

But since most of the personal office staff with the relevant committees likely already have TS clearances, providing additional access should not be overly burdensome.

It is of paramount importance, though, to make sure that increased access is handled responsibly. And so we would also urge the committee to have increased counterintelligence training, akin to what we see in the executive branch, and to include in that training the reminder that congressional staff have the same duties to protect the sensitive information.

As I describe in my written testimony, former members of the committee from both sides of the aisle have described how difficult it can be to target questions for agencies that are naturally secretive. The answer to this problem is to ensure that each member of these key committees has someone who will primarily reflect their interest and their specificities and act as a confidential sounding board. Empowering personal office staff who will function as designees or shared staff is the obvious and economic solution.

Most importantly, implementing a designee system can increase the effectiveness of these committees. Former Senator Saxby Chambliss, who served both on the House Intelligence Committee and was the vice chair of the Senate committee, said that the designee system increased bipartisan collaboration and made the committee more effective because they could take on more policy port-

folio issues. Overall, providing designees or shared staff to the Members of the House would increase both the capacity and I think the credibility of these committees.

As you mentioned earlier, years of executive overreach by both Democratic and Republican administrations have unconstitutionally diminished Congress' role. We are really excited about this committee making sure that you guys get the respect and resources that you need. Congress must reassert itself as a coequal branch, and that has to start with providing sufficient support to Members to perform their constitutional oversight duties.

Thank you, and I look forward to your questions.

[The information follows:]

**Testimony of Mandy Smithberger, Director of the Center for Defense Information**
**Project On Government Oversight**
**before the House Appropriations Committee's Legislative Branch Subcommittee**

April 2, 2019

Thank you to Chairman Ryan and Ranking Member Beutler for allowing me to testify today on behalf of the Project On Government Oversight and Demand Progress on strengthening Congress's capacity to conduct oversight on matters of national security. We respectfully urge your Committee to provide adequate resources so that personal office staff of members on key committees can receive the clearances necessary to properly oversee intelligence and other national security agencies. In addition, we urge the Committee to require a public-facing report detailing the cost of providing a Top Secret/Sensitive Compartmented Information (TS/SCI) clearance to one staff member for every member of the House.

Congress plays an essential role in overseeing the executive branch, but its resources are inadequate compared to its responsibilities, especially in the House. This problem is particularly acute when it comes to Congressional oversight of the intelligence community. Members of Congress who serve on key committees that oversee national security matters lack the staff support necessary to meet their responsibilities. This problem manifests particularly around the question of security clearances for key staff, since personal office staff can only hold a Top Secret (TS) clearance.

Congress must be able to perform adequate oversight of intelligence community operations, while still protecting our most sensitive national security information. The House Permanent Select Committee on Intelligence, the House Appropriations Defense Subcommittee, and the House Armed Services Committee all play pivotal roles in overseeing our national security. But the lack of personal congressional staff with TS/SCI security clearances for members who serve on those committees means many of the members are overseeing the executive branch blindfolded.

Both Intelligence Committee Chairman Adam Schiff (D-CA) and Ranking Member Devin Nunes (R-CA) have pointed out that their resources are woefully inadequate to properly oversee the increasingly complex intelligence community.[1] The legislative branch receives approximately 0.4 percent of the discretionary federal budget—approximately $4.7 billion—to

[1] Adam Schiff, "Statement of Ranking Member Adam B. Schiff, Permanent Select Committee on Intelligence, before the Committee on House Administration on Committee Budget Requests for the 115th Congress," February 15, 2017. https://docs.house.gov/meetings/HA/HA00/20170215/105558/HHRG-115-HA00-Wstate-SchiffA-20170215.pdf (Hereinafter Schiff Statement); Devin Nunes, "Statement of Chairman Devin Nunes, Permanent Select Committee on Intelligence, before the Committee on House Administration on Committee Budget Requests for the 115th Congress," February 15, 2017. https://docs.house.gov/meetings/HA/HA00/20170215/105558/HHRG-115-HA00-Wstate-NunesD-20170215.pdf

oversee the entire federal government.[2] By contrast, this year the intelligence community alone requested $85.75 billion, or 18 times all the money spent on the legislative branch.[3]

While we believe every committee is under-resourced—appropriations for House committees is down by $110 million, or 34 percent, in inflation-adjusted dollars as compared to 2009[4]—the problem is particularly acute for the House Intelligence Committee, which cannot count on the press, civil society, or other stakeholders to fill in the gaps to help Congress uncover waste, fraud, abuse, and mismanagement. "[W]e cannot rely on outside interest groups to raise issues to our attention as other Committees can," Chairman Schiff told the House Administration committee. "We have to find them ourselves—often from agencies very good at keeping secrets."[5] The problem here is not just the allotment for the House Permanent Select Committee on Intelligence, which has recently been increased, but in the resources invested in the staff that support each member of the committee.

History has shown that while Congress has curtailed its own access to national security information the number of executive branch employees and contractors accessing this information has exploded.[6] As of October 2017, which is the most recent data publicly available, 1,194,962 people had access to top secret information, and historically approximately half of those individuals have been contractors.[7] While we do not know how many legislative staff have clearances—and we urge Congress to track and disclose summary statistics concerning how many staff have clearances and how long it takes to obtain them—even if our proposed reform were adopted that number of cleared staff is unlikely to increase significantly or amount to even a tiny percentage of the total number of federal employees and contractors with clearance.

The costs to the legislative branch will be minimal. The three committees we identified have fewer than 100 members.[8] It is our understanding that the cost for providing staff a TS/SCI clearance is largely borne by the CIA, and the cost of investigating and adjudicating TS/SCI

---

[2] Ida A. Brudnick and Sarah J. Eckman, *Legislative Branch: FY2019 Appropriations,* Congressional Research Service, November 13, 2018, Summary. https://fas.org/sgp/crs/misc/R45214.pdf

[3] The National Intelligence Program budget request was $62.8 billion, the military intelligence budget request was $22.95 billion. Office of the Director of National Intelligence, "U.S. Intelligence Community Budget." https://www.dni.gov/index.php/what-we-do/ic-budget; Tony Bertuca, "Pentagon seeks $22.95 billion for military intelligence budget," *Inside Defense*, March 18, 2019. https://insidedefense.com/insider/pentagon-seeks-2295b-military-intelligence-budget

[4] Daniel Schuman, "How House Committees Get Their Money," First Branch Forecast, January 25, 2019. https://firstbranchforecast.com/2019/01/25/how-house-committees-get-their-money/

[5] Schiff Statement, p. 1.

[6] Daniel Schuman, "Schiff's First Order of Business for the House Intelligence Committee," *Just Security*, January 29, 2019. https://www.justsecurity.org/62409/schiffs-order-business-house-intelligence-committee/

[7] Office of the Director of National Intelligence, *Fiscal Year 2017 Annual Report on Security Clearance Determinations*, August 27, 2018, p. 4. https://www.dni.gov/files/NCSC/documents/features/20180827-security-clearance-determinations.pdf; Office of the Director of National Intelligence, *2015 Annual Report on Security Clearance Determinations,* September 26, 2014, p. 5. https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/2015-Annual_Report_on_Security_Clearance_Determinations.pdf

[8] The House Permanent Select Committee on Intelligence has 22 members, the House Appropriations Defense Subcommittee has 18 members, and the House Armed Services Committee has 57 members.

clearances is around $5,000 for someone who has never had a clearance.[9] We do anticipate there would be some funding needed for the legislative branch to maintain records of nondisclosure agreements, store classified documents, and track individuals granted clearance, and we urge the Committee to increase funds for the Sergeant at Arms accordingly. As most of the personal office staff of the relevant committees likely already have TS clearances, providing additional access should not be burdensome.

To ensure national security information is properly protected, we urge the Committee to increase counterintelligence training for all Congressional staff who receive security clearances. This training should be akin to that provided by intelligence agencies to their own personnel. This should also help prevent improper leaks. Congressional staff are held to the same standards as the executive branch, including criminal prosecution for mishandling information. The recent prosecution of James Wolfe, who worked for the Senate Intelligence Committee, demonstrates that there will be swift accountability if staff do not properly protect this information. And as former CIA Director George Tenet pointed out, 95 percent of leaks come from the executive branch.[10]

The Intelligence Committee includes members from the Foreign Affairs, Judiciary, Armed Services, and Appropriations committees.[11] The purpose is to ensure that those committees' interests are respected while guarding sensitive information before the Intelligence Committee.[12] And yet, **as currently structured, House Intelligence Committee staff cannot pursue or prioritize the oversight interests of each member**. The nature of how staff are chosen means they largely reflect the interests of the Chair or Ranking Member, respectively. What use is there in having members with wide-ranging backgrounds on the committee if they are not sufficiently staffed? Only a robust diversity of views and expertise of members across Congress enhances this body's ability to ensure legislation and policy serves the interests and priorities of the American people.

Adequate knowledge and context is essential to responsible oversight. A recent panel of former members of the House and Senate Select Committees on Intelligence underscored how difficult it can be to properly target questions to responsibly uncover the information necessary for performing their constitutional duties. "You have to play 20 questions," former House Intelligence Committee Ranking Member Jane Harman (D-CA) said. "You have to ask precisely the right question of the intelligence briefer to get an answer that's useful."[13] In many ways Congress's job has only become harder as the intelligence community has become even more

---

[9] Lindy Kyzer, "Contractors Paying for Clearance Costs Considered in New Study," *ClearanceJobs*, July 16, 2017. https://news.clearancejobs.com/2017/07/16/contractors-paying-clearance-costs-new-study/

[10] Brad Wright, "Most leaks come from executive branch, CIA director says," *CNN*, July 22, 1999. https://web.archive.org/web/20150311084631/http://www.cnn.com/ALLPOLITICS/stories/1999/07/22/leaks/

[11] Daniel Schuman, "Is the House Intelligence Committee Out of Balance," Demand Progress, July 7, 2016. https://medium.com/demand-progress/is-the-house-intelligence-committee-out-of-balance-5ea5ce3ff05e

[12] David Boren and William S. Cohen, "Keep Two Intelligence Committees," *The New York Times*, August 17, 1987. https://www.nytimes.com/1987/08/17/opinion/keep-two-intelligence-committees.html; The National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, July 22, 2014, p. 421. http://govinfo.library.unt.edu/911/report/911Report.pdf

[13] George Mason University, "Intelligence Community Oversight," C-SPAN, March 11, 2019, 24:00. https://www.c-span.org/video/?458690-1/intelligence-community-oversight&start=1251 (Hereinafter "Intelligence Community Oversight")

reluctant to brief Congress. "It won't be 20 questions, it will be 100 questions," former House Intelligence Committee Chair Mike Rogers (R-MI) added.[14]

The answer to this problem is to ensure that each member of the Committee has someone who will primarily reflect their interests and their perspectives and act as a confidential sounding board. Empowering personal office staff, who will function as designees or shared staff, is the obvious and economic solution for Congress to robustly oversee the intelligence community.

Indeed, the Senate has recognized the need for this enhanced support, and has provided 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. The staff reflect the perspectives and interests of each individual member while providing additional capacity to the committee. While one might think the addition of designees would lead to increased partisanship, former Senator Saxby Chambliss (R-GA), who served on the House Intelligence Committee and was Vice Chair of the Senate Select Committee on Intelligence, said he found otherwise. According to Chambliss, as implemented in the Senate, the Chair and Vice Chair both approved all designees, which encouraged collaboration and professionalism.[15] The designee system in the Senate has also allowed the Committee to take on additional policy portfolios, meaning adopting this reform for the House would benefit the entire Committee.[16] Overall, providing designees or shared staff to members in the House would increase both the capacity and the credibility of the Committee.

We believe it is time for the House to adopt a similar approach for its national security committees. A personal office staffer could serve as designated or shared staff with the Committee at the discretion of each member and with the consent of the Committee. Consequently, committees can have increased capacity without worrying that they will be diminishing their authority. A system of designees has widespread, bipartisan support from civil society.[17] Creating a system of designees for the Intelligence Committee is also a reform that Democratic members of the House Intelligence Committee have called for, and that committee Chair Adam Schiff (D-CA) has said is appealing.[18]

Critics of this proposal have argued that rather than increasing Congressional access to highly classified information, Congress should combat over-classification. This is a false choice. Over-classification is a serious problem that creates public distrust in government, and impedes sharing information within government. When this authority is abused it also undermines the

---

[14] "Intelligence Community Oversight," 44:55.
[15] "Intelligence Community Oversight," 46:30.
[16] The Federalist Society, "The Role of Congressional Intelligence Committees," International & National Security Law Practice Group and Article I Teleforum, April 18, 2018. https://fedsoc.org/events/the-role-of-congressional-intelligence-committees
[17] Thirty-three organizations sent a letter to then-Speaker Paul Ryan (R-WI) and then-Minority Leader Nancy Pelosi (D-CA) urging the House to strengthen its oversight of the intelligence community. "Strengthening Congressional Oversight," September 13, 2016.
https://s3.amazonaws.com/demandprogress/letters/Strengthening_Congressional_Oversight_of_the_IC_Letter_Sept_2016.pdf
[18] Gopal Ratnam, "Democrats Want More Security Clearances for House Intel Aides," *Roll Call*, November 27, 2018. https://www.rollcall.com/news/policy/democrats-security-clearances-house-intel-aides

legitimacy of this designation and threatens the protection of legitimate secrets.[19] While we support reforms in that area, Congress must still maintain adequate access to review controlled information so long as the executive branch asserts it has the sole authority to make classification decisions.[20] Moreover, supporting members in their oversight duties is something we can do now.[21]

Years of executive overreach by Democratic and Republican administrations have unconstitutionally diminished Congress's role. Congress must reassert itself as a coequal branch, and that must start with providing sufficient support to its Members to perform their constitutional oversight duties.

[19] Scott Amey, "Testimony of Scott Amey about the Burdens of Overclassification and Government Secrecy before the House Committee on Oversight and Government Reform," December 7, 2016. https://www.pogo.org/testimony/2016/12/testimony-of-scott-amey-about-burdens-of-overclassification-and-government-secrecy/

[20] Reforms to address this issue can be found at R Street, Demand Progress, FreedomWorks, and Electronic Frontier Foundation. *Strengthening Congressional Oversight of the Intelligence Community*, September 13, 2016, pp. 2-3. https://www.eff.org/files/2016/09/13/strengthening_congressional_oversight_of_the_ic_white_paper_sept_2016.pdf ; Nate Jones, "'There's classified, and then there's classified': Tangible Steps to Fix the Classification and Declassification System," Statement for the Public Interest Declassification Board, National Security Archive, December 6, 2016. https://transforming-classification.blogs.archives.gov/2016/12/06/theres-classified-and-then-theres-classified-tangible-steps-to-fix-the-classification-and-declassification-system-by-nate-jones-national-security-archive/#_ftn1

[21] We urge Congress to challenge the executive branch's assertion that classification authority is solely up to the executive branch. Former House Government Operations Committee Chair Jack Brooks (D-TX) considered the executive branch's authority on clearances to be an improper violation of separation of powers and initiated a mirror process to approve or deny clearances for staff of his committee conducted through the then-General Accounting Office.

Staff

# Mandy Smithberger

DIRECTOR OF THE CENTER FOR DEFENSE INFORMATION AT POGO

PGP Fingerprint
F117 21CB 3DC2 28ED 001A 4480 4AD5 69A2 AC2E AEA0

Areas of Expertise
National Security, Pentagon Reform, Revolving Door

Mandy Smithberger rejoined POGO as the director of the Straus Military Reform Project at the Center for Defense Information in December 2014. Previously she was a 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. Previously an investigator with POGO, she was part of a team that received the Society of Professional Journalists' Sunshine Award for contributions in the area of open government.

Ms. Smithberger received her B.A. in government from Smith College and her Masters in Strategic Studies and International Economics from Johns Hopkins University's School of Advanced International Studies. She also served as an analyst at the Defense Intelligence Agency and U.S. Central Command.

LATEST WORK IN THE NEWS

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Mandy Smithberger

**Position/Title:** Director

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Center for Defense Information at the Project On Government Oversight and Demand Progress

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

3/28/19
Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☒ Written statement of proposed testimony

☒ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Mr. RYAN. Thank you so much. I sit on Defense Appropriations Subcommittee as well, and——

Ms. SMITHBERGER. And thank you for your work on——

Mr. RYAN. Yeah. So there is a perfect example of what happens in the Department of Defense. And it goes back to the whistleblower testimony that we had. And now your testimony, obviously, critically important because—well, for obvious reasons. I think you were very clear about it.

So thank you for bringing this to our attention.

Ms. SMITHBERGER. Thank you so much for having me

---

TUESDAY, APRIL 2, 2019.

## LEGISLATIVE BRANCH APPROPRIATIONS FOR THE NATIONAL LIBRARY SERVICE FOR THE BLIND AND PHYSICALLY HANDICAPPED

### WITNESS

### GABE CAZARES, DIRECTOR, NATIONAL FEDERATION OF THE BLIND

Mr. RYAN. The next witness, director for the National Federation of the Blind, Gabe Cazares. Is that right?

Mr. CAZARES. Yes.

Thank you for having me. I am your disability community millennial.

Mr. RYAN. All right. There you go.

Mr. CAZARES. My name is Gabe Cazares. I am the manager of Government Affairs of the National Federation of the Blind. And I appreciate this opportunity to propose two appropriations be made to the National Library Service for the Blind and Physically Handicapped, NLS. In order to fund their program to distribute refreshable braille displays, or e-readers, to their patrons and to enhance the capacity of the Braille and Audio Reading Download, BARD, service.

The NLS is the primary provider of reading material for over 800,000 Americans who are blind or have other physical disabilities that make it impossible for them to read print. An appropriation of $2.375 million over a 5-year period to NLS for the e-reader program will save money and lead to the proliferation of critically needed braille materials for blind Americans.

Currently, there are hardcopy offerings, but new low-cost displays, or e-readers, similar to the one I am actively using at this moment to read my testimony, 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.

Moreover, a 2016 GAO report titled "Library Services for Those with Disabilities" indicated that the cost of embossing, housing, and shipping hardcopy braille volumes was $17 million annually. That same GAO report estimates that the refreshable braille e-reader program and electronically distributed books will incur an annual cost of $7 million. That is an annual savings of $10 million over the current system.

In an effort to enhance and expand the availability of braille and audio formats, the NLS launched the Braille and Audio Download

service, or BARD. BARD allows patrons to download materials from the NLS catalog onto a compatible book player, such as the NLS digital talking book player, onto their personal computers or onto the BARD mobile application available for Android and IOS devices.

According to NLS, 45,484 patrons are currently subscribed to the BARD service, which holds 108,450 books in its collection. Both numbers are expected to increase. However, the existing infrastructure that supports the BARD service is at capacity. In order to fully harness the potential of the BARD service, both hardware and software upgrades are necessary. An appropriation of $5 million over a 3-year period to NLS will allow NLS to make the necessary upgrades that will enable the BARD service to keep up with increasing patron demand. An upgraded BARD service will also allow for seamless interaction between the service and the NLS e-reader program.

On behalf of the 50,000 members of the National Federation of the Blind, I strongly urge you to support these two appropriation requests and thank you for your consideration, and I am happy to answer any questions you may have.

[The information follows:]

**Statement of the National Federation of the Blind**
**Before the Subcommittee on the Legislative Branch**
**Committee on Appropriations**
**United States House of Representatives**
**Washington, DC**
**April 2, 2019**

Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee, my name is Gabe Cazares. I am the Manager of Government Affairs at the National Federation of the Blind. My address is 200 East Wells Street, Baltimore, MD 21230; my telephone is 410-659-9314, extension 2206.

On behalf of the National Federation of the Blind, I appreciate this opportunity to propose two appropriations be made to the National Library Service for the Blind and Physically Handicapped (NLS) in order to fund the program to distribute refreshable Braille displays, or "ereaders," to its patrons, and to enhance the capacity of the Braille and Audio Reading Download "BARD" service.

The NLS is the primary provider of reading material for over 800,000 Americans who are blind or have physical limitations that make it impossible for them to read print. Patrons of the service include senior citizens who are losing vision, students at all levels of education from kindergarten to graduate school, military veterans who are blind or have physical disabilities, and blind professionals in all fields. NLS is the only public library that serves the blind in the United States. In fact, it is more than a public library. If a public library in a given city closes down or cuts back on services due to funding concerns, sighted readers can visit another library, go online to purchase books or ebooks, or their favorite local bookseller. These are not options that are readily available to many blind people.

An appropriation of $2.375 million over a five-year period to the NLS for the ereader 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 (ereaders) 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* (13 volumes of Braille) in Boise, Idaho and none in Richmond, Virginia where several patrons are currently waiting. Moreover, a 2016 Government Accountability Office (GAO) 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, modern technology has already created a potential solution to this problem. It is now possible for Braille to be produced in electronic files. Like other types of electronic files (such as printed materials in .docx format), the same Braille book can be read by potentially thousands of patrons at the same time with refreshable Braille ereaders. 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 previously mentioned estimates that refreshable Braille ereaders and electronically distributed books will incur an annual cost of $7 million. That is an annual cost savings of $10 million over the current system.

Aside from streamlining the distribution system and saving millions of dollars annually, we predict that the distribution of refreshable Braille ereaders will have the additional benefit of increased literacy among blind Americans. That increased literacy will in turn increase our community's employment rate. According to the Census Bureau's 2017 American Community Survey, only about 40 percent of blind and low-vision Americans had at least a part-time job. When the criteria are 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 the under proliferation of Braille material.

In an effort to expand the availability of Braille and Audio formats, the NLS launched the Braille and Audio Reading Download service, commonly referred to as "BARD." BARD allows patrons to download materials from the NLS catalog onto a compatible book player (such as the NLS digital talking book player), onto their personal computer, or to the BARD mobile application—available for iOS and Android devices. According to the NLS, 45,484 patrons are currently subscribed to the BARD service, which holds 108,450 books in its collection. Both numbers are expected to increase. However, the existing infrastructure that supports the BARD service is at capacity. In order to fully harness the potential of the BARD service, both hardware and software upgrades are necessary. An appropriation of $5 million over a three-year period to the NLS will allow the NLS to make the necessary upgrades that will enable the BARD service to keep up with increasing patron demand. An upgraded BARD service will also allow for seamless interaction between the service and the NLS ereader program. This marriage will be a cost-saving asset to the federal government, as previously discussed.

In a separate, but equally important matter pertaining to the NLS, we strongly support the relocation of the NLS headquarters to a more prominent location closer to the Library of Congress Capitol complex.

In a letter to Chairman Ryan dated February 26, 2019, Mark Riccobono, President of the National Federation of the Blind, urged the subcommittee to "provide the necessary funding to relocate the National Library Service for the Blind and Physically Handicapped (NLS) to 501 First Street, SE." Mr. Riccobono's letter listed a number of operational reasons why relocating the NLS to this site makes sense, but most importantly, he also highlighted the strong message such a move will send to not only people with disabilities, but the general public as well. We look forward to visiting the NLS at its new location in the near future.

Biography of Gabe Cazares.

Gabe Cazares is the manager of Government Affairs at the National Federation of the Blind. In this capacity, Gabe is responsible for monitoring, drafting, and shepherding legislative and regulatory issues that impact blind Americans through the federal legislative and rule-making processes. In addition, Gabe provides supervisory support to the Government Affairs Specialists and coordinates their policy portfolios. Gabe holds a Bachelor of Arts in Political Science with a Spanish minor from Texas State university.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Gabriel M. Cazares

**Position/Title:** Manager of Government Affairs

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

The National Federation of the Blind

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

See Attached Sheet

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

NONE

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

4/1/19
Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☒ Written statement of proposed testimony

☒ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

**Attachment to Witness Disclosure Form**
**National Federation of the Blind**
**Gabriel M. Cazares - Presenter**

Library of Congress, National Library Service for the Blind and Physically Handicapped 9/1/2015-8/31/2020, $3,250,000

NFS 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. RYAN. Okay. And thank you so much for your testimony.

I am going to ask you to do something a little out of the ordinary. Can you explain to us how that works? I know we have done this offline, but I think it is an important technology, and it is important for people to see how this works.

Mr. CAZARES. Sure. So this is a machine that operates with electronic pens. And as I am panning back and forth through the document that I was just reading, I can read a line of braille at a time. And every time I pan to the next line, the pins reform into the new cell——

Mr. RYAN. So you hit those two little gray things on the side there——

Mr. CAZARES. Yes.

Mr. RYAN. And you hit those when you are done reading the line, and it pops up the next line.

Mr. CAZARES. That is right.

Mr. RYAN. Basically.

Mr. CAZARES. And the memory is stored in an SD card back here. And I can just plug this into the computer, put in my file, swap out files. And this is how the system works.

Mr. RYAN. You are very fluent in it.

Mr. CAZARES. Thanks.

Mr. RYAN. That is excellent.

Well, thank you for your testimony. Chairman Yoder last year and I discussed, this very important aspect of what happens at the Library of Congress, the National Library Service, and for our country. So we appreciate you coming up to the Hill and testifying and trying to make a difference here. So we appreciate all your good work.

Mr. CAZARES. Thank you. Thank you for your time.

Mr. RYAN. All right. Thank you.

All right. That is it. Thank you, everyone, for being here and accessing and advocating to your government.

This hearing is adjourned.

# Written Testimony of Other Interested Individuals and Organizations

**Submitted to the House Committee on Appropriations**
**Subcommittee on the Legislative Branch**

By Wayne T. Brough
President
Innovation Defense Foundation

March 29, 2019

Today's Congress has limited capacity when addressing complex scientific and technological issues. Currently, there are various proposals to bolster Congress's abilities to conduct the necessary technological assessments. The two most prominent recommendations include reviving the Office of Technology Assessment (OTA) or strengthening the Government Accountability Office's (GAO's) ability to provide technological assessments for Congress. This testimony will explore these proposals to improve congressional capacity with respect to questions of science and technology, with a recommendation that bolstering the GAO's role may be the most efficient and efficacious way to do so.[1]

Congress faces two significant challenges with respect to assessing complex scientific or technological questions. First, misguided legislation can generate real economic harm, or, contrarily, proper legislation can promote dynamic and innovative markets. Second, appropriations and oversight of federal agencies requires a degree of expertise. As the Department of Transportation, for example, prepares rulemakings on driverless cars or drones, the corresponding congressional oversight committees need a level of informed oversight to facilitate outcomes that encourage innovation rather than bureaucratic impediments to new technologies.

If Congress lacks these abilities, the void in information will be filled by other actors, either in the executive branch agencies implementing legislative mandates, or special interests pursuing their own agendas. For the typical member of Congress, information can be derived from personal staff, committee staff, federal agencies, and special interest lobbyists; a lack of congressional capacity biases the results towards agencies of the executive branch and interest groups. Political scientists have explored in great detail how principal-agent models can be used to analyze questions of political organization and congressional control.[2] Political scientists such as Mathew McCubbins suggest that institutional design has allowed Congress to continue its control over the bureaucracy at a relatively low cost.

But some see a shift away from congressional control created by executive branch review of agency rulemakings by the Office of Information and Regulatory Affairs within the Office of Management and Budget, which began in the Reagan era but has been a critical tool for every

[1] This testimony is drawn from a working paper by Wayne T. Brough and Josh Withrow, "Congress, Science, and Technology," available at www.innovationdefense.org.
[2] While their output is prolific, the seminal piece is M. Mcubbins, R. Noll, and B. Weingast, "Administrative Procedures as Instruments of Political Control," *Journal of Law Economics and Organization*, 1987, vol. 3, no. 2: 243-247.

president since then.[3] This review mechanism provides the president and the administration an opportunity to help shape rulemakings according to their preference rather than the will of Congress.

Establishing an agency within the legislative branch that provides members of Congress with assessments of science and technological issues may be a way to address information asymmetries between the branches of government. Additional expertise could leave implementing agencies with far less discretion when it comes to interpreting legislative mandates. Additionally, the technological assessments provided to members of Congress can enrich the congressional record, should legislation or their implementing regulations face any legal challenges.

With respect to building congressional capacity to address issues of science and technology, various strategies have been proposed. One is to expand congressional staff, which perhaps may be viewed as the most simple and direct approach to the problem. Other proposals include developing a new institution responsible for providing scientific and technological oversight for Congress. Along these lines, some advocate reviving the Office of Technology Assessment, which served this role for Congress from 1972 until its dissolution in 1995. Alternatively, some suggest that science and technology assistance can be housed in an existing institution, such as the Government Accountability Office (GAO), and, indeed, the GAO has launched a new initiative to provide technological assistance to Congress.[4] Assessing monitoring costs and principal-agent problems of these various options may provide insights into the efficacy of each approach.

It is not evident that additional staffing would improve the situation. In a recent paper, Jesse Crosson, Geoffrey M. Lorenz, Craig Volden, and Alan Wiseman determined that a larger staff does not necessarily benefit a lawmaker; rather, what does provide benefits are more experienced staff members. The authors found that those legislators (especially committee chairs) with more experienced staff were more effective and advanced more substantive legislation.[5] Given the need for more experienced staff and the high turnover of congressional staff members, establishing a body within the legislative branch with the expertise to help members of Congress and their staff members evaluate complex policy issues may be a more effective solution.

The recognition that Congress needed an objective, expert source of technological understanding stretches at least as far back as the early 1960s. Congress finally established the Office of Technology Assessment (OTA) in 1972 to serve this role. The goal was to provide objective, unbiased analysis of complex questions of science and technology. For the next two decades, the OTA produced hundreds of reports and consulted with members of Congress and

---

[3] "Regulatory Planning and Review," Executive Order 12866, 58 *Federal Register* 51735, October 4, 1993.
[4] Adam Mazmanian, "GAO Expands and Elevates Tech Assessment," *FCW*, Jan. 29, 2019, available at https://tinyurl.com/y9dhwerh.
[5] Jesse Crosson, Geoffrey M. Lorenz, Craig Volden and Alan Wiseman, "How Experienced Legislative Staff Contribute to Effective Lawmaking," Center for Effective Lawmaking, CEL Working Paper 2018-002, September 2018, available at https://tinyurl.com/yvcfgvjy.

committees throughout the legislative process. Indeed, OTA offered studies of a number of important issues, from acid rain to the role of polygraphs to missile defense systems.

While the line between expert analysis and agenda control could at times be blurry, the OTA was by necessity very cognizant of the need to maintain a reputation as an apolitical agency. Nevertheless, the shadow of partisan influence dogged the OTA throughout its existence—at times more fairly than others. Thanks in large part to such partisan concerns, OTA's fate was effectively sealed by the Republican tidal wave of 1994. Part of incoming Speaker Newt Gingrich's "Contract with America" was a promise to scale back the footprint of Congress itself.[6] While most congressional support agencies saw their belts tightened, the OTA received the axe—seeing its entire $22 million budget and full-time staff of 143 (and dozens of temporary staff) eliminated overnight in 1995.[7]

Whatever issues the OTA may have had, its core functionality was not replaced. This was exacerbated by the fact that other staff who may have had some ability to fill the void were also drastically reduced. The Government Accountability Office staff was cut by nearly 30 percent between 1993 and 1997, while the Congressional Research Service took more than a 10 percent trim.[8] Notably, the House Committee on Science, Space, and Technology also took one of the most drastic cuts—laying off nearly half its staff members, dropping from 86 in 1994 to 45 the following year.[9]

Political challenges aside, it is useful to thoughtfully evaluate some of the ways that another body might provide not merely a replacement but even an improvement on key aspects of the OTA. One structural flaw that presented substantial principal-agent issues in the OTA was its controlling body, the Technology Advisory Board (TAB), which consisted of six members each from the House and Senate. Although the board was evenly split between the dominant parties, by law the members were all chosen by the majority leadership of each chamber, lending some automatic credence to charges of bias.

If a renewed OTA is not the best option for providing a 21st century level of objective technological and scientific expertise for Congress, the beginnings of another solution may already exist in the small technological assessment program run by the Government Accountability Office (GAO). In addition to its mission to perform audits and investigations to root out waste, fraud and abuse, the GAO's 2002 technology assessment pilot program was expanded into an official office in January 2019 to expand its analytical capabilities and advise Congress on science and technology matters. The GAO's technological assessment program immediately showed promise even with very limited reach and resources.[10]

---

[6] Text of the Contract from America has been archived at: https://tinyurl.com/yyx64oxu

[7] This translates to a bit under $37 million in December 2018 dollars. https://www.bls.gov/data/inflation_calculator_inside.htm.

[8] Thomas E. Mann and Norman J. Ornstein, *Vital Statistics on Congress*, Brookings Institution, Table 5-1, May 2018, available at https://tinyurl.com/y8kab7w9.

[9] *Ibid.*, Table 5-6, available at https://tinyurl.com/yb8e92ba.

[10] Jon M. Peha "Science and Technology Advice for Congress: Past, Present, and Future," *Renewable Resources Journal*, 24:2, pp. 19-23, available at: https://tinyurl.com/y22kn558

Based on the pilot program's solid performance, the GAO was authorized to explore a major expansion in its assessment activities that has resulted in the opening of the new office of Science, Technology Assessment, and Analytics (STAA).[11] The office launched in January 2019 with 70 staffers, with plans to double that number in the near future.[12] This new STAA office brings the practical advantage of already existing as a funded entity with an existing body of high-quality reports from which to build. Which brings with it the political advantage of not adding "one more boondoggling board to what we already have," a concern voiced by Congressman H.R. Gross during the debate over creating the original OTA that would certainly be voiced again by conservatives today.[13] Moreover, the monitoring costs are lower and the principal-agent problems are fewer when comparing the GAO to a revived OTA model.

But more than a mere matter of convenience, continuing to house technology assessment within the GAO could provide some distinct advantages over the workings of the old OTA. Eliminating the leadership-dominated TAB and its bureaucratic delays is one such advantage, as previously discussed. Instead, the new GAO program actually allows any member of Congress to submit a request, although prioritizing requests by the chairs or ranking members of the committees.[14]

That said, for the STAA program in the GAO to truly replace the positive attributes of the OTA, it would clearly need some modifications by Congress. It would likely require making the technology assessment program a somewhat independent sub-unit of the GAO with its own director, allowing it to develop its own culture independent from the sole oversight model of the GAO at large.[15] However, these modifications are likely far easier and more realistic than efforts to merely revive the old OTA.

Unlike rebuilding OTA, expanding and improving GAO's capacity does not involve creating a new government bureaucracy. The GAO also has a strong reputation for maintaining political neutrality and producing impartial work. In many respects, this may prove the more feasible option by avoiding some of the political pitfalls associated with the previous incarnation of the OTA. The GAO is respected as a nonpartisan organization with little political baggage that is building out its expertise in its new STAA program. If done with foresight and an understanding of the principal-agent challenges facing any new legislative agency, it may be the most efficacious approach to increasing congressional capacity in critical areas of science and technology.

---

[11] Legislative Branch Appropriations Bill 2019 (Senate), Rep. 115-274, at p. 48, available at https://tinyurl.com/ydcxm8fr.

[12] Adam Mazmanian, "GAO Expands and Elevates Tech Assessment," *Federal Computer Week*, Jan. 2019. https://tinyurl.com/y2t64ky3

[13] Kunkle, *op. cit.*

[14] GAO's Congressional Protocols, July 17, 2017. https://tinyurl.com/y3nnvkzb

[15] See Zach Graves, "Technology Assessment: Can the GAO Fulfill OTA's Mission?" on LegBranch.org, April 20, 2018, available at https://tinyurl.com/y83zcv2n. and Will Rinehart, "Should Congress Revive the Office of Technology Assessment?" *American Action Forum Insight*, Oct. 29, 2018. https://tinyurl.com/y5g5y93q

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Wayne T. Brough

**Position/Title:** President

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ◓ Organization

**If you are representing an organization, please list what entity or entities you are representing:**

INNOVATION DEFENSE FOUNDATION

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

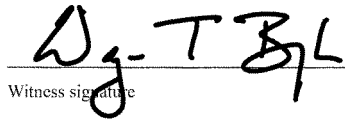
We do not receive any federal grants or contracts.

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

We do not receive payments or contracts from any foreign government.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

03/29/19

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Wayne T. Brough is currently president of the Innovation Defense Foundation (IDF). He received his Ph.D. in economics from George Mason University, with fields in industrial organization and public choice. Prior to cofounding the IDF, Dr. Brough was the chief economist and vice president for research at FreedomWorks. Previously, he worked at the Office of Management and Budget, focusing on transportation regulations; the United States Agency for International Development, focusing on market reforms in Africa; and in the research branch of an investment bank, where he covered U.S. domestic policies. Dr. Brough's analysis examines the importance of competition and open markets for the evolution of the internet as well as addressing the impact of specific regulations. His work has appeared in newspapers, books, and on television; he has testified before Congress and state legislatures, and filed comments in numerous regulatory proceedings. He has publicly championed the importance of an unfettered internet through his writings as well as a wide array of public speaking engagements.

Written testimony of Casey Burgat
Senior Governance Fellow, R Street Institute
Before the House of Representatives
Legislative Branch Appropriations Subcommittee
April 2, 2019

Chairman Ryan, Ranking Member Beutler and members of the Legislative Branch Appropriations Subcommittee, thank you for the opportunity to submit written testimony in support of increased funds and attention toward the employees that are essential to executing much of the work done on Capitol Hill, including the convening of this very hearing: congressional staffers.

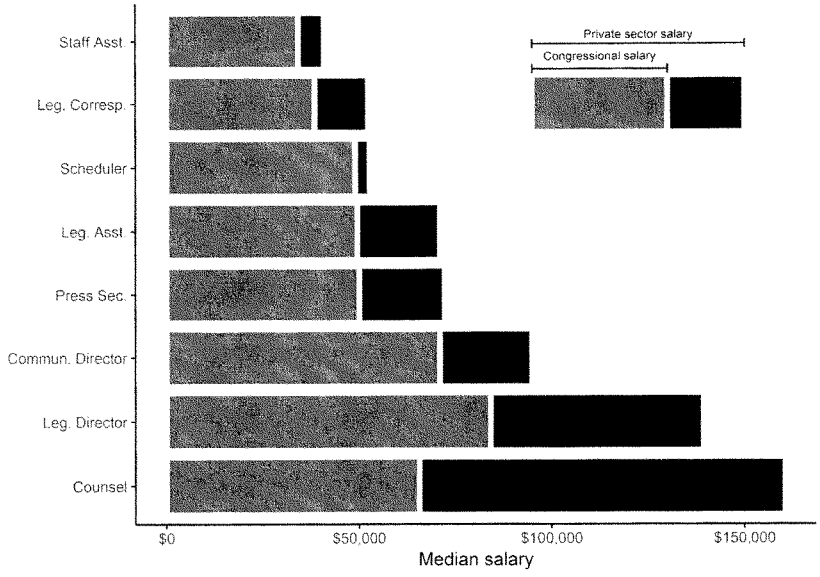
As a senior governance fellow at the R Street Institute, I work to identify ways for Congress to reassert itself as the First Branch of government. Much of my career, including my previous service at the Congressional Research Service (CRS) and the completion of my Ph.D. in American Politics at the University of Maryland, has been spent studying and writing on the importance and impact of congressional aides.

As you all know better than most, your staff are essential to carrying out the many demands of your elected office. Yet, despite their acknowledged importance, congressional aides experience a litany of frustrations that ultimately result in short tenures on Capitol Hill. When your staffers flee Congress after a few short years, Congress' capacity to fulfill vital congressional functions, including lawmaking and effective oversight, is limited. Furthermore, their quick turnover cedes power to unelected special interests and the comparatively well-resourced Executive Branch, both of whom maintain issue area expertise.

To this end, I would like to call your attention to two principal staffer frustrations and reasons for their departure or decision not to serve in the first place: inadequate compensation and problems of diversity in the workplace. Though these are but two of the myriad problems that require attention from lawmakers, they serve as important touchstones because they are so regularly identified by staffers themselves as serious problems in the institution.

First, compensation. It is no secret that congressional aides are poorly paid given the importance of their work, the harsh demands of the job and the high cost of living in Washington. But, low levels of pay become far more apparent when compared with similar jobs within the private sector, which staffers quickly fill after short stints on the Hill. Please see Figure 1, which shows the congressional median salaries for several common positions as well as the private sector equivalent compensation.

**Figure 1.** Private sector pay gap within congressional staff positions



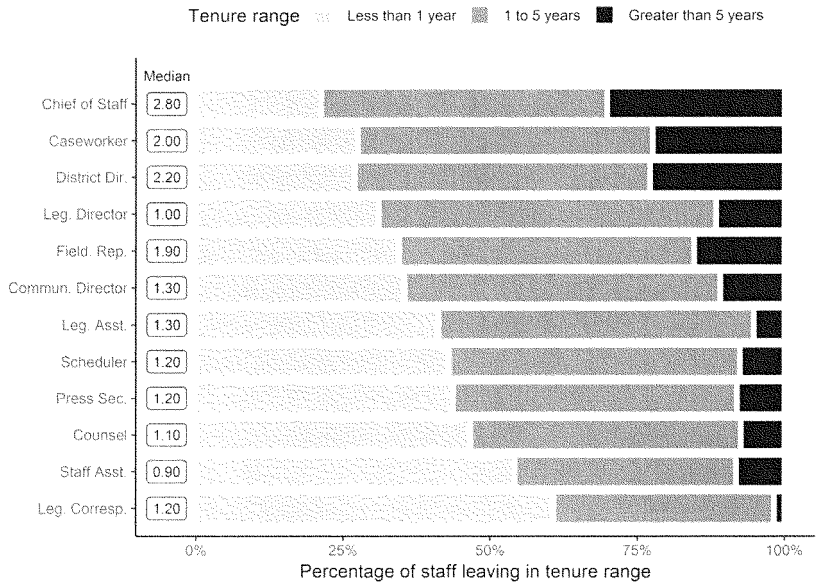

Private Sector Salary Source: PayScale.com Salary Comparisons, Washington D.C.

For entry-level positions, such as staff assistants and legislative correspondents, these pay gaps may not look daunting at first glance. But staff assistants in the private sector can make 20 percent more than their congressional counterparts, and Correspondents can command over 35 percent more. What's more, these pay gaps occur for staffers early in their working lives, when they are more likely to carry student debt. As a result, young staffers who show up to the Hill dedicated to making a difference are forced to choose between more lucrative jobs outside of Congress, or scraping by in an expensive city, delaying savings and bunking up with multiple roommates just to pay the bills.

And of course, these private sector pay gaps become more problematic as aides move up the congressional ladder. In more powerful positions, such as legislative director and counsel, the pay gaps reach 65 percent and 145 percent, respectively. These salary differences have proven over and over again to be too appealing to pass up, as capable aides take their experience and congressional networks to the private sector and special interest groups. This is a big reason why no congressional position has a median tenure length of longer than four years, much to the detriment of the institution (see Figure 2).[1]

**Figure 2.** Median tenures within congressional staff positions

[1] Congressional Research Service, Report R44682, Nov. 9, 2016, available at, https://www.everycrsreport.com/files/20161109_R44682_1f7eefde2a58ab7344a6163d3b13b3e48fe35014.pdf




A second common frustration among staff is a genuine lack of diversity—including ethnic and gender discrepancies—within top level positions in personal offices and within committees.

Women and racial minorities see and feel unspoken glass ceilings on their congressional careers. These limits on advancement often push staffers to look for jobs in the private sector after reaching a respectable number of years of congressional experience, or even worse, deter capable and committed aides from joining the ranks as staffers in the first place, because they know their advancement rates are far slower than those of their white male counterparts.

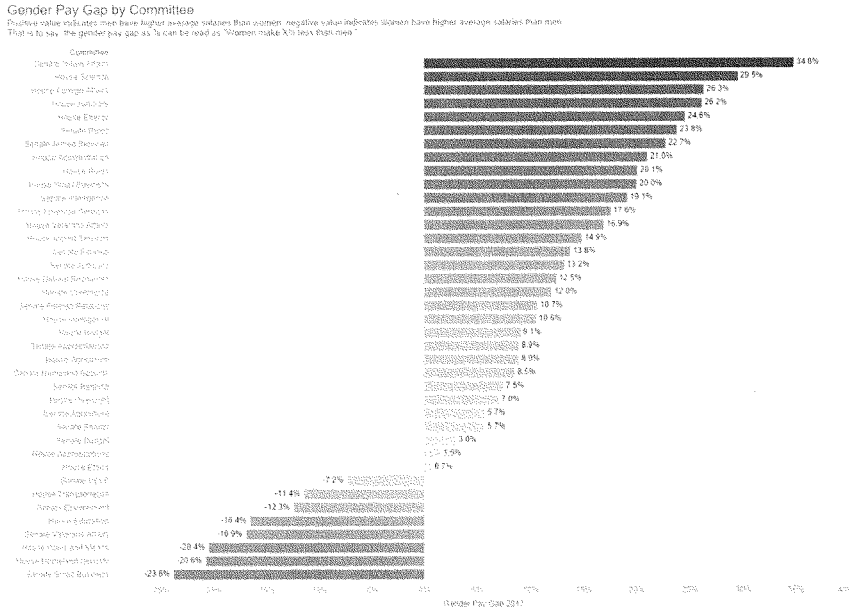
Let's turn to specifics. Women, for example, constitute over 50 percent of congressional aides. But hidden behind this statistic is the reality that top-level jobs and policy portfolios disproportionately go to men, while women are far more likely to hold administrative positions like scheduler and staff assistant.[2]

And even when women do attain coveted committee and personal office positions, they often face a payment gap that constitutes yet another barrier to equality. Consider Figure 3, which highlights the pay discrepancies between men and women for staffers serving on each House

[2] For more detailed statistics, please see Casey Burgat, "Among House staff, women are well represented. Just not in the senior positions", *Washington Post*, June 20, 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/?noredirect=on&utm_term=.016eb7e220ca

and Senate committee. On 31 of the 39 committees for which data was available[3], men made more than woman on average, with 10 of those committees having gender pay gaps of over 20 percent.

**Figure 3.** Gender pay gap by committee



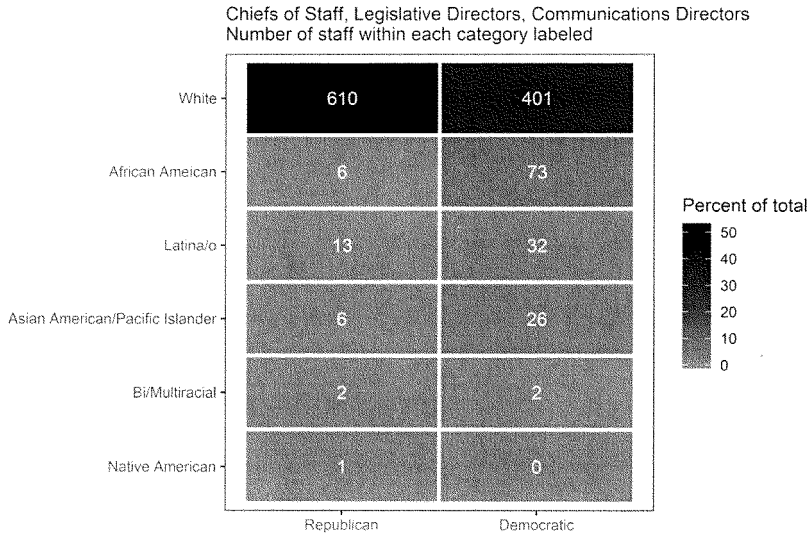

Racial minorities face a similar attainment gap, particularly in top positions within House personal offices. Please see Figure 4, which itemizes by race the number of staff serving as Chiefs of Staff, Legislative Directors or Communications Directors. Clearly, white aides dominate such positions within both parties, often dwarfing the proportions of each race in the general population. African-Americans, for example, make up 13.4 percent of the U.S. population[4] but only 6.7 percent of top House staffers and less than 1 percent within the Republican party.

---

[3] For information regarding data sources, as well as a deeper look at congressional committee staffing, please see Casey Burgat and Ryan Dukeman, "Who's on the Hill: Staffing and Human Capital in Congress' Legislative Committees", R Street Institute, March 2019, available at https://2o9ub0417chl2lg6m43em6psi2i-wpengine.netdna-ssl.com/wp-content/uploads/2019/03/March-2019-Final-Committee-Sheet-Report.pdf

[4] U.S. Census Bureau, July 2017 Quick Facts, available at https://www.census.gov/quickfacts/fact/table/US/PST045217

**Figure 4.** Racial minorities within top House positions




Source: Joint Center for Political and Economic Studies, 'Racial Diversity Among Top U.S. House Staff', Sept. 2018.

I highly encourage the subcommittee to devote attention and increased funds to these very real staffer frustrations. Doing so will help Congress attract and retain committed aides within its own hallways rather than lose them and their talents to better paying private sector jobs. These improvements will benefit the institution rather than special interests and the Executive Branch.

Congress should recognize and take steps to rectify its own shortcomings in regards to gender and racial discrepancies within its staff ranks. The people's house should reflect the people.

Thank you for your time and consideration. I would be happy to answer any questions the subcommittee or its staff may have, including any follow-ups regarding the data and conclusions drawn in this testimony.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject**

Public Witnesses Hearing

**Witness Name:** Casey Burgat

**Position/Title:** Senior Governance Fellow

**Witness Type:** ○ Governmental ◉ Non-governmental

**Are you representing yourself or an organization?** ◉ Self ○ Organization

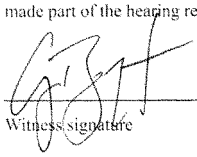
**If you are representing an organization, please list what entity or entities you are representing:**

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

4/1/2019

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Casey Burgat researches and writes about congressional capacity and ways to make the First Branch of government work better.

Previously, he worked at the Congressional Research Service, where he served in the Executive Branch Operations and the Congress & Judiciary sections. There, he was responsible for responding to congressional requests about federal rulemaking, issues of congressional reform, the president's role in federal budgeting, federal advisory committees and congressional staffing.

Casey is a graduate of Arizona State University, with a bachelor's degree in political science. He also holds a master's in political management from George Washington University and received his doctorate in government and politics from the University of Maryland, College Park, where his dissertation focused on the impacts of congressional staff.

democracy
fund VOICE

March 27, 2019

The Honorable Tim Ryan
Chairman
House Appropriations Subcommittee
on the Legislative Branch
Washington, D.C. 20515

The Honorable Jaime Herrera Beutler
Ranking Member
House Appropriations Subcommittee
on the Legislative Branch
Washington, D.C. 20515

Dear Chairman Ryan and Ranking Member Herrera Beutler:

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 is critical to this mission, and our philanthropic efforts focus in part on ensuring that elected leaders have the tools and resources they need to represent and serve the American people.

In the last Congress, the House of Representatives started a serious effort to examine its challenges and determine how to invest resources to promote the proper functioning of the legislative branch. Members began a process of restoring Congress to its rightful place under the Constitution as the first branch of the federal government.

**We urge you to build upon and expand efforts to restore Congress' capacity to fulfill its constitutional responsibilities by including adequate resources in the Fiscal Year 2020 Legislative Branch Appropriations bill.**

Even though the framers of our Constitution elevated Congress to the prime branch of our federal system, the fact that the legislative branch currently receives only *one tenth of one percent* of all federal spending illustrates how much power Congress has abdicated to the executive branch. Last year, appropriators in a bipartisan fashion increased funds for the legislative functions of the federal government for the first time in a decade. In addition, they required the exploration of long-neglected issues, such as studies on staff pay and retention, strengthening the legislative branch's analytical capacity, and protecting whistleblowers. We commend these important steps. This subcommittee should build upon that accomplishment and provide more resources to office budgets in the form of staff salaries, legislative support agencies, technology systems to make constituent service more efficient and effective, and the cybersecurity of networks within the legislative branch. These areas still lack the resources necessary for Congress to craft informed public policy independently from the influence of special interests and perform adequate oversight of the 180 agencies of the executive branch.

1200 17th Street NW, Suite 300
Washington, D.C. 20036
T 202.420.7900
W democracyfundvoice.org

**Staff pay**
The subcommittee should prioritize redressing stagnant funding levels for staffing congressional offices. As every member of Congress understands, staffers are both the brain and heart of the institution, providing tremendous support for members of Congress by mastering complex issues and providing important service to constituents in home districts.

Members of the House of Representatives employ fewer personal staff now than they did in the 1990s, when 200,000 fewer people lived in their districts. Legislative staff face an environment in which corporations annually spend more on lobbying than appropriations for the House and Senate combined.[1] The Congressional Research Service (CRS) has found that the average salaries for staff have declined by thousands of dollars in recent decades,[2] pushing many out the door and reducing the average tenure of staff to just a few years.[3] The Legislative Branch Appropriations subcommittee should not wait for the final results of the staff pay and retention study it commissioned last year: instead, it should continue to increase the funds available for staffing member and committee offices drained by decades of reductions. In addition, the subcommittee should consider expanding mandated benefits for employees in all offices, such as paid parental leave and student loan repayments.

**Diversity**
Inadequate funding for staff is contributing to the lack of diversity among congressional employees, depriving Congress of the experiences and expertise that are so vital to successful constituent representation and policy formation. The Joint Center for Political and Economic Studies found last September that only 13.7 percent of top House staff positions are occupied by people of color, even though they make up more than a third of the U.S. population. Three quarters of House members had no top staff of color in their personal offices.[4] Recent hires, particularly by freshmen members, have made up some ground, but much progress is still needed. To support a Congress that looks more like America, the subcommittee should expand its support for paid internships that it established in the 115th Congress. Expanding the paid internship program, which provides opportunity to young Americans who otherwise would not be able to begin careers in Congress, is a direct route to creating a more diverse congressional workforce. The committee also should ensure the newly created Office of Diversity and Inclusion has sufficient funding to execute its mission in supporting diverse hiring and inclusive workplace practices.

**Congressional support offices**
Insufficient investment in the legislative branch has far-reaching consequences for policy expertise within the Congress. Legislative support agencies have suffered 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

---

[1] Vital Statistics on Congress," Table 5-1, Brookings Institution, September 7, 2017, accessed March 14, 2019; Ezra Klein, "Corporations now spend more lobbying Congress than taxpayers spend funding Congress," *Vox*, July 15, 2015. Available at: https://www.vox.com/2015/4/20/8455235/congress-lobbying-money-statistic
[2] Molly Reynolds, "The Decline in Congressional Capacity," Brookings Institution, February 23, 2018 (citing multiple CRS reports).
[3] Eric R. Petersen and Sarah Eckman, "Staff Tenure in Selected Positions in Senate Committees, 2006-2016," Congressional Research Service, November 9, 2016, accessed March 14, 2019. Available at: https://fas.org/sgp/crs/misc/R44685.pdf.
[4] Elsie L. Scott, Karra W. McCray, Donald Bell, and Spencer Overton, "Racial Diversity Among Top U.S. House Staff," September 2018. Available at:
https://jointcenter.org/sites/default/files/Racial%20Diversity%20Among%20Top%20US%20House%20Staff%209-11-18%20245pm.pdf

percent.[5] Congress has lacked dedicated in-house resources on science and technology policy since the shuttering of the Office of Technology Assessment in 1995, when only 3 percent of Americans had ever logged on to the World Wide Web.[6] The subcommittee should continue the investments it made last fiscal year in CRS and GAO, particularly as the latter builds up its science and technology assessment capacity.

**Technology-driven tools**
This subcommittee also should consider providing greater resources for the technological infrastructure of Congress, which currently limits members and staffers' abilities to make data-driven decisions, impedes the efficient flow of information, and reduces responsiveness to constituents. Proper investment in offices focused on technological innovation can provide staff with the tools needed to use data effectively and save countless hours with better workflows. Most importantly, Congress needs to invest robustly in its cybersecurity capacity.

**Conclusion**
We at Democracy Fund Voice believe deeply in the primary role of the legislative branch in our federal system. A Congress hampered in its ability to formulate policy and exercise oversight cannot serve as a check on an overly powerful executive branch. We and our sister organization, Democracy Fund, 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 only Congress can solve the underlying problems.

We believe the bipartisan energy for congressional renewal and reform is very encouraging. This moment represents an opportunity to build a modern Congress that can serve the American people for decades to come. We look forward to supporting your role in that process.

Sincerely,

Joe Goldman, President
Democracy Fund Voice

---

[5] Curtlyn Kramer, "Vital Stats: Congress Has a Staffing Problem, Too," Brookings Institution, May 24, 2017, accessed March 14, 2019. Available at: www.brookings.edu/blog/fixgov/2017/05/24/vital-stats-congress-has-a-staffing-problem-too/

[6] Pew Research Center, "Americans Going Online...Explosive Growth, Uncertain Destinations," October 16, 1995. https://www.people-press.org/1995/10/16/americans-going-online-explosive-growth-uncertain-destinations/ Accessed March 25, 2019.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Joe Goldman

**Position/Title:** President, Democracy Fund Voice

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Democracy Fund Voice

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

N/A

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

3/23/15
Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

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.

**Written Testimony of Xcential Corporation**
**Before the United States House Appropriations Subcommittee on the Legislative Branch**
April 2, 2019

Xcential Corporation ("Xcential") appreciates this opportunity to submit written testimony for the Public Witnesses Hearing of the Legislative Branch Subcommittee.

Since 2002, Xcential has worked to transform the drafting, amending, publishing and codification of legislation from 19th and 20th century technology – pencils, paper, word processors and PDFs – into the machine-processable, cloud-ready and digitally efficient platform required by today's government counsel and citizens. Xcential has deep experience at the state level (California), at the Federal Level (U.S. House, GPO), in Asia (Hong Kong), in South America (Chile), and in the United Kingdom. Xcential is also a leader in the development of international technical legislative standards for legislation (OASIS, Akoma Ntoso).

In the last several years, the House, led by the Office of the Law Revision Counsel (OLRC) and the Bulk Data Task Force, has made significant progress in developing and adopting a modern, flexible legislative document data standard, United States Legislative Markup (USLM). Recently, the Government Publishing Office (GPO) extended the use of USLM to other legislative documents, and into the federal regulatory space. But the job of implementing that single standard is far from complete and there are still many benefits to be gained by the House.

We believe that the time has come for the House to move toward adopting USLM as the common machine-readable open data format for all of its legislative materials.

Crucially, USLM is, and always should be, nonproprietary and freely available to be used by any government office or commercial vendor.

A single, modern data format – USLM – implemented throughout the lawmaking process would provide Members and staff with greater access to browser-based bill drafting, amending, search, comparison, analysis and visualization tools. It would also create new efficiencies and speed in House Legislative Counsel bill drafting and amending, and create data interoperability and linking throughout the legislative process, from initial drafting to amending, codification and publishing. It would create opportunities for seamless electronic transparency in the process for all Americans.

As described below, USLM's capabilities are already being proven in projects initiated by the House's support offices and the GPO. With the right policy changes and a well-phased plan, all the benefits of straight-through processing can be realized for the House, its Members and staff, and the American people we serve.

**Current State: Five Different Data Formats**

The House currently uses at least five data formats to draft, exchange, and manage legislative materials. Inefficiencies arise in the conversion to and from these various formats.

- **PDF** is used to print official copies of legislative materials for review and exchange between support offices, such as the Office of the Legislative Counsel, the Office of the Clerk, and the OLRC, and Members, leadership, and committees.
- Members and Committees typically use **Microsoft Word** to create discussion drafts of bills, committee amendments, and similar proposals.
- The GPO uses **Locator Code** format, developed in the 1980s to support typesetting. Locator Code is still used to exchange official legislative text between the GPO and other offices.
- A decade and a half ago, the House adopted a first-generation eXtensible Markup Language (XML) structure, referred to as **Bill DTD**, which is used for official drafting by the Legislative Counsel and publication on Congress.gov.
- Finally, in 2013 the OLRC introduced **USLM**, which was later updated by the GPO. USLM is now maintained by the GPO as an open data format, freely available for anyone to use.

Currently, USLM is used by the Office of the Law Revision Counsel to deliver the U.S. Code to the public and to prepare new codification bills. USLM is used by the Office of the Clerk to produce "Posey" comparisons for the use of Members and committees. The House Rules have been produced in USLM by the Rules Committee. The GPO also delivers Enrolled Bills, Public Laws, and the Statutes at Large in USLM.

Importantly, USLM is a derivation of the "Akoma Ntoso" (or LegalDocML) international data standard for legislative documents. This international standard was recently formally adopted by OASIS, the world's XML document standards setting body.

**Challenges of Multiple Formats**

Because the House's lawmaking system has evolved over time, no entity is responsible for the technical management of the entire lawmaking system. The House's support offices work together to help Members, leadership, and committees to make laws, but they cannot dictate technical changes to Members or to one another.

Modern technology has helped make lawmaking more efficient and transparent than ever before. Nevertheless, the continued use of at least five different data formats blocks further progress. Nearly every time a bill or amendment moves between different offices, it must be translated from one format into another. Translations usually require custom software and may require manual verifications, which risk errors. Translations take time, create bottlenecks, and hinder transparency.

For example, during the drafting process, the Legislative Counsel often must convert incoming bill materials from Member offices, which typically are created in Word, to Bill DTD. The Legislative Counsel drafts bills using Bill DTD, but then must convert them into Locator Code and PDF to provide to Members' offices. The Clerk receives bills as Bill DTD files, translates them into USLM to produce comparisons, and then must provide the comparisons to committees and Members as PDF documents. The Clerk must also translate bills into Locator Code to provide to GPO for publication. Meanwhile, the Law Revision Counsel drafts codification bills in USLM, but then translates them back into Bill DTD files, then to Locator

Code, and finally to PDF for transmittal back to Congress for consideration. Each of these translations delays the next lawmaking step.

**Future State: Benefits of a Single Format for Legislative Materials**

If USLM is adopted throughout the lawmaking process, beginning at the headwaters, in the Legislative Counsel's drafting office, the House, its Members and staff, and its stakeholders could realize five additional benefits:

- **Simpler Drafting:** House staff would have access to software tools allowing them to produce amendment documents by simply editing the text of bills and automatically generating amendment language. A similar process could be used to generate bill language to amend the U.S. Code or the existing Statutes.
- **Automatic Redlining:** House staff would be able to instantly compare amendments against bills, and bills against existing law.
- **Automatic Engrossment and Self-Execution.** If legislative materials created using the drafting process described above, then, once amendments to bills are approved, they could flow directly into those bills in an automated fashion. A similar process could be used to automatically merge bills into the U.S. Code.
- **Auditability:** House staff, Members, and the public would be able to call up the text of a bill as it stood at any moment in the bill's history, or review the U.S. Code as it stood at different points in time.
- **Instant Transparency:** The House would be able to publish current versions of bills immediately at every stage of the legislative process.

In addition, because USLM is non-proprietary, and maintained and published by the Federal Government, every software vendor would be able to compete to create solutions to perform these tasks.

**Moving Toward a Single Format**

The Legislative Branch Subcommittee is uniquely positioned to provide leadership for the House's movement toward a single data format for legislative materials. The House's support offices work well together to help Members, leadership, and committees, but they do not have sufficient authority to set goals for the whole chamber. Meanwhile, Members, leadership, and committees are rightly focused on the substance of legislative materials, rather than on the mechanics of how such materials are drafted, amended, published, and codified. The Appropriations Committee is one of the most prolific producers of legislative materials and stands to benefit most from the efficiencies of a single data format for such materials.

The Legislative Branch Subcommittee has an opportunity to move forward in the following ways:

- Within the appropriations process, after proper consultation and testimony, direct the House's support offices to move toward adopting USLM as the single data format for their own drafting, amendment, publication, and codification activities, and, in particular, USLM-based legislative drafting by the Legislative Counsel.
- Empower the Bulk Data Task Force or another appropriate body to develop a roadmap for the adoption of USLM throughout the lawmaking process. Under such a plan, for

instance, the House Legislative Counsel might first decide to use USLM and related tools internally, continuing to provide PDF translations to Members' offices, leadership, and committees. Later, Members' offices, leadership, and committees could be invited to begin using software that would allow straight-through processing in USLM.

- Pilot USLM-based software within the Subcommittee's own legislative work.

Xcential is proud to serve as a partner with the House's support offices in building software to improve lawmaking. Xcential stands ready to assist the House in moving toward a system in which straight-through processing of all legislative materials brings transformative efficiency for the benefit of Members and staff and immediate transparency for the benefit of all Americans.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing** Subject :

Public Witnesses Hearing

**Witness Name:** Hudson Hollister

**Position/Title:** Founder and Principal, HData

**Witness Type:** ○ Governmental ☒ Non-governmental

**Are you representing yourself or an organization?** ○ Self ☒ Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Xcential Corporation

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

Please see attachment.

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Hudson T. Hollister — Verified by PDFfiller 04/01/2019

Witness signature

April 1, 2019

Date

**If you are a <u>non-governmental witness</u>, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☒ Written statement of proposed testimony

☒ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

**Truth in Testimony Attachment**
April 2, 2019

House Clerk - Posey Comparative Print Solution

- Contract/PO Number: OAM17055S / PM-0000052367
- Contract Date: 18-Apr-2017
- Contract Amount: $174,000
- Status: Completed

Office of Law Revision Counsel – XML Modernization Project – Stage 3

- Contract/PO Number: OAM17091S
- Contract Date: 07-Sep-2017
- Contract Amount: $2,297,000
- Status: In Development

Government Publishing Office – United States Legislative Markup (USLM) Services

- Contract/PO Number: 40ADV-17-C-0006
- Contract Date: 10-Apr-2017
- Contract Amount: $2,211,400
- Status: In Development

House Clerk - Posey Comparative Print Solution - Phase 2

- Contract/PO Number: OAM18093C
- Contract Date: 21-Aug-2018
- Contract Amount: $1,205,000
- Status: In Development

House Office of Legislative Counsel – Amendment Impact Program (AIP)

- Contract/PO Number: PM-0000060230
- Contract Date: 20-Sep-2018
- Contract Amount: $119,520
- Status: In Development

**Biography of Hudson Hollister**
April 2, 2019

Hudson Hollister founded HData to help data companies build the relationships, strategies, and understanding they need to deploy their technologies to transform business and governance.

Hudson is a securities lawyer, former regulator, former Congressional investigator, and trade association executive. He has invested his career in applying technological innovations to make regulation, government, and law work better.

Hudson founded the Data Coalition and served as its first executive director. The Data Coalition is the world's largest open data trade association. Its nearly fifty member companies work together to advocate for policy reforms to adopt common data structures across government management and compliance reporting. The Data Coalition has successfully passed multiple data reforms in Congress.

Hudson also founded the Data Foundation, a research nonprofit which works to define an open and standardized future for our society's data. The Data Foundation has published market-leading research in the potential of technology to deliver better government management, create public transparency, and automate compliance tasks. The Foundation also works with government agencies to educate civil servants on how to use government data to solve problems. The Foundation hosts *Data Transparency*, the largest annual open data conference in the United States.

Hudson has written legislation, testified before Congress, and served as a board member and advisor to diverse startup companies and nonprofit organizations. He received the Federal 100 Award in 2015 and 2019.

**Written testimony of Kevin R. Kosar**
**Vice President of Policy, R Street Institute**
**Before the House of Representatives**
**Legislative Branch Appropriations Subcommittee**
**April 2, 2019**

Thank you, Chairman Ryan, Ranking Member Beutler and members of the Legislative Branch Appropriations subcommittee for holding this open hearing. This is the third consecutive year the subcommittee has held a public hearing, which is a wonderful and remarkable achievement. All of us who have participated previously and are submitting testimony today are very grateful.

I am the vice president of policy at the R Street Institute, and I previously spent 11 rewarding years as an analyst and acting research manager at the Congressional Research Service (CRS).

After serving CRS, I joined others in advocating for equitable public access to CRS reports. I believed that it was unfair that the public had no online source for getting authenticated copies of the reports, whereas lobbyists and others within the Beltway had easy access. I also contended that in the age of "fake news" and "alternative facts" the public and media need more objective sources of information for reference.[1]

This subcommittee acted and fixed the problem. Two years ago, it wrote a law that struck down the 1954 appropriations rider that created inequitable access.[2] Thank you, again.

I also am pleased to see that CRS has made great strides in implementing the law's provisions. Crsreports.congress.gov is online and has posted 80 percent of its "active" reports.[3] The agency also has committed to posting its very useful *In Focus* and *Insights* publications on this public website.[4] CRS and the Library of Congress deserve credit for their work.

However, I would like to call your attention to one aspect of implementation that has been less than satisfactory. At present, CRS is posting reports only in PDF format. That makes them difficult to read and slow to load on mobile devices. Legislators and congressional staff, meanwhile, have access to both mobile-friendly HTML copies and PDFs through the non-public CRS.gov.

---

[1] 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.

[2] Consolidated Appropriations Act, 2018 (P.L. 115-141). https://www.congress.gov/bill/115th-congress/house-bill/1625/text?format=txt

[3] A report is deemed "active" if its content is current and the subject matter is of interest to Congress.

[4] Carla Hayden, letter to Rep. Mike Quigley, March 1, 2019. The statute requires public release of: "any written product containing research or analysis that is currently available for general congressional access on the CRS Congressional Intranet, or that would be made available on the CRS Congressional Intranet in the normal course of business and does not include material prepared in response to Congressional requests for confidential analysis or research."

Why the public-facing site offers only PDF copies is unclear. These report files are not born as PDFs. Indeed, CRS analysts and experts create their reports as Microsoft Word files, which then are converted into both HTML and PDF files during the publishing process.

I and others request the subcommittee to please direct CRS to post its reports in HTML or other mobile-friendly formats on Crsreports.congress.gov. This implementation shortcoming should be easily solved.[5]

And if I may raise one additional matter, CRS has a large trove of what are called "non-current reports." These are reports that have been placed in the CRSX archive and made unavailable to Congress except upon request of a legislator or legislative staff. CRS' rationale for this obscurity has varied. In some cases, the subject of the report is not actively being considered by Congress. In other instances, the author of the report has retired or otherwise departed from the agency, or the report has been superseded by a new report. But many of the reports are locked in CRSX simply because they are more than a few years old.

To date, CRS has been loath to make these reports available outside of the private CRSX archive. And when Rep. Quigley asked whether it would place these reports online, the Librarian of Congress replied that the task was outside the scope of the 2018 Consolidated Appropriations Act's requirements.[6]

This is a shame. There are an enormous number of informative reports in CRSX that would benefit the public. I would encourage the subcommittee to please direct CRS to begin sharing reports from CRSX on the publicly available site this year.[7]

Thank you for your time and consideration. I would be happy to answer any questions the subcommittee or its staff may have.

---

[5] The privately created site Everycrsreport.com, which cost less than $20,000 to build, has both HTML and PDF copies.

[6] Carla Hayden, letter to Rep. Mike Quigley, March 1, 2019. Which prompts the question: Can CRS avoid publishing a report publicly through a declaration that the report is no longer "active"?

[7] Some of these reports—especially reports published more than a decade ago—might only be available in PDF format. Although not ideal, access to PDF copies of old CRS reports would be better than no access.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Kevin R. Kosar

**Position/Title:** Vice president of policy, R Street Institute

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ● Self ○ Organization

**If you are representing an organization, please list what entity or entities you are representing:**

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

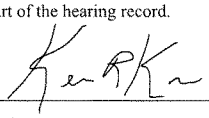
n/a

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

n/a

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



Witness signature

03/19/19

Date

**If you are a <u>non-governmental witness</u>, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Biography: Kevin R. Kosar
Vice president of policy, R Street Institute

Kevin R. Kosar oversees all of the Institute's research. He co-directs the nonpartisan Legislative Branch Capacity Working Group, which aims to strengthen Congress and established LegBranch.org, an online hub for congressional reform and scholarship. Before joining R Street, Kevin worked for the Congressional Research Service, where he served as an analyst and research manager. Earlier in his career, he was a lecturer in policy and public administration at New York University and Metropolitan College of New York.

Kevin is the author of three books: *Failing Grades: The Federal Politics of Education* (2005); *Whiskey: A Global History*, (2010); and *Moonshine: A Global History* (2017). He has also been a presidential management fellow. Kevin received his bachelor's from Ohio State University and his doctorate in politics from New York University. He lives in Washington, D.C.

**Testimony of**
**Kathi Kromer, Associate Executive Director, 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 2, 2019**

On behalf of the American Library Association, thank you for the opportunity to submit this testimony regarding Legislative Branch Appropriations for Fiscal Year (FY) 2020. We respectfully request the Committee's support for funding for the Library of Congress and the Government Publishing Office, which provide valuable services to libraries and the public nationwide.

**Library of Congress**

The Library of Congress is the largest library in the world, with millions of books and other items in its collections. In addition to serving Congress, the Library is a resource to libraries across the country and the American public. Its services support education, research, and creativity, far beyond the walls of its buildings.

Through its National Library Service for the Blind and Physically Handicapped, for instance, the Library of Congress serves readers who cannot see print or handle print materials. This national program provides access to books and reading materials for people across America, including through a network of regional libraries, such as the Ohio Library for the Blind and Physically Disabled and the Washington Talking Book & Braille Library.

The Library of Congress also provides access to a wealth of information online for users nationwide. The Library is digitizing thousands of pages of its collections and records and making that information available to anyone with an Internet connection. For instance, digitizing historical copyright records will make it easier for users to identify the rightsholder or status of works that were registered with the Copyright Office. Additionally, every year the Library creates thousands of catalog records and shares them for the use of libraries around the country.

**Government Publishing Office**

The Government Publishing Office (GPO) provides essential information to America's businesses, legal system, and researchers. GPO's online repository of government information and the public information programs of GPO's Superintendent of Documents benefit users and libraries nationwide.

The Federal Depository Library Program (FDLP), administered by GPO, helps people access federal laws, regulations, and publications in communities across the nation. More than 1,100 libraries participate in the FDLP, such as the Kent State University Library in Ohio and the Fort Vancouver Regional Library in Washington. Modernization legislation introduced in the 115th Congress would further strengthen the program, if enacted; we hope that Congress will reintroduce and pass it in the 116th Congress.[1]

[1] FDLP Modernization Act of 2018, H.R. 5305, 115th Cong. (2018).

In addition, GPO annually adds thousands of new government publications to its free online repository, govinfo.gov. GPO also catalogs thousands of publications every year to assist researchers in locating them. To ensure that these important documents of our republic remain available over the long term, GPO manages a cooperative preservation program with libraries across the country.

**Conclusion**

Thank you for the opportunity to testify before the Subcommittee in support of the FY 2020 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, Public Policy and Advocacy
American Library Association

*The American Library Association ("ALA") is the foremost national organization providing resources to inspire library and information professionals to transform their communities through essential programs and services. For more than 140 years, the ALA has been the trusted voice for academic, public, school, government and special libraries, advocating for the profession and the library's role in enhancing learning and ensuring access to information for all.*

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Kathi Kromer

**Position/Title:** Associate Executive Director

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

American Library Association

**If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

None known

**If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

None known

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Kathi Kramer — 3/29/19

Witness signature — Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☑ Written statement of proposed testimony

☑ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

Kathi Kromer is the Associate Executive Director of Public Policy and Advocacy 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.

**Joshua Tauberer, Ph.D., President, Civic Impulse LLC / GovTrack.us**
**Testimony for the Record submitted to the**
**House Committee on Appropriations Subcommittee on the Legislative Branch**
**April 2019**

Dear Chairman Ryan, Ranking Member Herrera Beutler, and members of the subcommittee,

In the last year, our free public website www.GovTrack.us helped **9 million Americans** learn about and participate in their government. Our site is a research and legislative tracking tool for the daily activities of the United States Congress, and our users include journalists, legislative affairs professionals, legislative staff on the Hill, advocates, students, educators, and of course members of the general public.

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. As I elaborate on below, we urge the subcommittee to appropriate funding strategically with these goals in mind.

In recent years, **this subcommittee has favorably reported appropriations legislation** — often following our requests in testimony just like this one — that, once enacted, has dramatically improved access to information about the work of the House of Representatives. Some examples include support for House Bulk Data Taskforce, the annual Legislative Data and Transparency Conference, digitization of the Congressional Record, public access to Congressional Research Service reports, and a committee meetings calendar on Congress.gov. We, and our users, thank you for these efforts.

This year we urge the subcommittee to take the pulse of Congress. It is a modest proposal that would set a long-term strategy in line with the goals above.

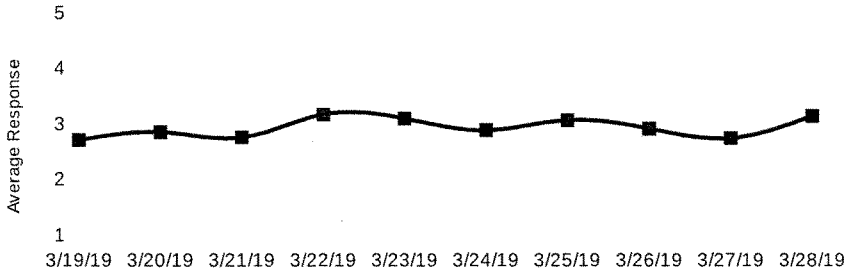
Virtually all large organizations operationalize their long-term goals as "Key Performance Indicators" or KPIs. A KPI is a measurable quantity that can be used to track progress on both external goals (How satisfied are our customers?) and internal goals (How much are we spending on paper?) over time. Why? You can't fix what you don't measure, a common saying goes. **It is time for Legislative Branch appropriators to develop KPIs to guide their strategic use of legislative branch funds.**

We can all agree that, if all other things are held equal, casework should be resolved faster. Measure that. We can all agree that, all things equal, Member office and committee staff should not leave because of a poor work environment. Measure that. We can all agree that, all things equal, a House of Representatives that passes well-researched, clearly written legislation is preferable to a House that passes obfuscated talking points.

Measure that. We can all agree that, all things equal, transcending partisanship is a good thing. Measure that.

Earlier this month we began measuring **Americans' satisfaction with the information available on the Internet about what Congress has been up to** by polling our users. We asked them to rate their satisfaction on a five-point scale:

> *How satisfied are you with the information available to you on the Internet about what Congress has been up to? Give five stars if you found all of the information you were looking for --- and more. Give one star if you couldn't find any information about Congress that you were looking for.*




As technology gets better and it becomes easier to disseminate high-quality information about legislative events, this "mock KPI" ought to go up. But it won't --- if it isn't measured.

**Appropriators should use KPIs like this one when evaluating legislative branch agency budget justifications** and other potential appropriations. For instance, the Library of Congress's 2020 budget justification[1] includes a $750,000 request for the "[d]evelopment of a native iOS (Apple) and Android [mobile phone] app … to provide an experience that is tuned specifically for mobile users" looking for information on Congress.gov. **Before granting this appropriation, appropriators should establish a Key Performance Indicator that *justifies* this request and that would be expected to improve if *measured again*** after the mobile app is developed. When used this way, a KPI would ensure that the subcommittee's goals are aligned with those of the Library and, when measured again later, would reveal whether appropriated funds were well spent.

Most large organizations have an officer position such as a **Chief Performance Officer or a Chief Data Officer** who is responsible for establishing KPIs that reflect organizational goals, monitoring those KPIs over the long term, and creating this

1 https://www.loc.gov/static/portals/about/reports-and-budgets/documents/budgets/fy2020.pdf

enhanced situational awareness of progress on the organization's mission that decision makers should have at hand. We urge the subcommittee to place this responsibility in a House-wide officer position who can provide to the subcommittee non-partisan expertise in how to best measure the activities of the legislative branch in alignment with your goals for the institution.

I appreciate the opportunity to submit this testimony and welcome the opportunity to discuss how creating Key Performance Indicators for public access to legislative information can create a stronger democracy.

Joshua Tauberer

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** Appropriations

**Subcommittee:** Legislative Branch

**Hearing Date:** April 2, 2019

**Hearing Subject:**

Public Witnesses Hearing

**Witness Name:** Joshua Tauberer

**Position/Title:** President, Civic Impulse LLC

**Witness Type:** ○ Governmental ● Non-governmental

**Are you representing yourself or an organization?** ○ Self ● Organization

**If you are representing an organization, please list what entity or entities you are representing:**

Civic Impulse LLC aka GovTrack.us

**If you are a <u>non-governmental witness</u>, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract.** *If necessary, attach additional sheet(s) to provide more information.*

None.

**If you are a <u>non-governmental witness</u>, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment.** *If necessary, attach additional sheet(s) to provide more information.*

None.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

3/29/2019

Date

**If you are a non-governmental witness, please ensure that you attach the following documents to this disclosure. Check both boxes to acknowledge that you have done so.**

☐ Written statement of proposed testimony

☐ Curriculum vitae or biography

*Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of any Federal grants or contracts, or contracts or payments originating with a foreign government, received during the current calendar year or either of the two previous calendar years by the witness or by an entity represented by the witness and related to the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B) shall include—

(i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and

(ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

**Joshua Tauberer's Biography**

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

THE NATIONAL COALITION FOR HISTORY

**PRESIDENT'S PROPOSED FY 2020 BUDGET FOR THE LIBRARY OF CONGRESS**

**Submitted by the National Coalition for History Lee White, Executive Director**

April l, 2019

The Honorable Tim
Ryan Chairman
Subcommittee on the Legislative
Branch House Committee on
Appropriations
Washington, D.C. 20515

Dear Chairman Ryan:

**The Trump Administration has recommended funding of $747 million for the Library of Congress in fiscal year 2020, which is an increase of $51 million from the FY 19 level of $696 million. The National Coalition for History (NCH) supports this increased funding.**

The National Coalition for History (NCH) is a consortium of more than 50 organizations that advocates and educates on federal legislative and regulatory issues affecting historians, archivists, political scientists, teachers, students, genealogi sts, and other stakeholders.

Thank you for the opportunity to submit our views on the Library of Congress' (LOC's) proposed fiscal year (FY) 2020 budget. As researchers and conservators of American history and culture, we care deeply about the programs and activities of the Library.

The budget request for the LOC in FY 20 continues a steady upward trend in funding for the Library from $600 million in FY 16 to $632 million in FY 17 to $670 million in FY 18. We appreciate the subcommittee 's continued support of the important programs the LOC provides both Congress and the public.

Sincerely,

Lee
White
Executi
ve
Director
National Coalition for History

400 AStreet SE Washington, DC 20003
T 202.544.2422 x116 F202.544.8307 E
lwhite@historycoalition.org
www.historycoalition.org

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)*, of the *Rules of the House of Representatives,* witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Appropriations

Subcommittee: Legislative Branch

Hearing Date: April 2, 2019

Hearing Subject:

Public Witnesses Hearing

Witness Name: Leland J. White

Position/Title: Executive Director

Witness Type: 0 Governmental e Non-governmental

Are you representing yourself or an organization? 0 Self • Organization

If you are representing an organization, please list what entity or entities you are representing:

National Coalition for History

If you are a non-governmental witness, please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current calendar year and previous two calendar years. Include the source and amount of each grant or contract. *If necessary, attach additional sheet(s) to provide more information.*

None.

If you are a non-governmental witness, please list any contracts or payments originating with a foreign government and related to the hearing's subject matter that you or the organization(s) you represent at this hearing received in the current year and previous two calendar years. Include the amount and country of origin of each contract or payment. *If necessary, attach additional sheet(s) to provide more information.*

None.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

Witness signature

4/1/19

Date

**Lee White**

**Executive Director, National Coalition for History**

Since 2006, Lee White has served as the Executive Director of the National Coalition for History ( NCH ) in Washington , DC. A consortium of over 50 organizations, NCH advocates on federal legislative and regulatory issues affecting historians, archivists, educators, students, researchers, political scientists , genealogists and other stakeholders.

Mr. White represents the historical community before Congress, congressional committees and federal agencies with missions affecting historians - including the National Archives, the National Park Service, the Department of Education, and the National Endowment for the Humanities, Library of Congress and Institute of Museum and Library Services. He has testified before Congress and served as a member of the federal Freedom of Information Act (FOIA) Advisory Committee. He has also collaborated with the open government community in working with federal agencies to reduce over-classification of government records, increase public access to unclassified records, speed the declassification process, and establish standards for the preservation and retrieval of federal and presidential electronic records.

Mr. White is an attorney with over thirty-five years of experience in government relations with trade associations, as well as several years with the federal government as a legislative counsel. In addition to a degree in law from The Catholic University of America, White also holds a Master's Degree in History from George Mason University and a Bachelor of Arts Degree in Political Science from Northeastern University.

[illegible] A Street, SE Washington, DC 20003
T 202.544.2422 x108 F 202.544.8307 E lwhite@historycoalition.org www.historycoalition.org

# WITNESSES


| | Page |
|---|---|
| Alessi, Joseph | 550 |
| Brough, W. T | 592 |
| Burgat, Casey | 599 |
| Cadmus, Femi | 505 |
| Casten, Hon, Sean | 475 |
| Cazares, Gabe | 581 |
| Davis, Hon. S. A | 492 |
| Dodaro, G. L | 123 |
| Eshoo, Hon. A. G | 486 |
| Feinstein, Samantha | 533 |
| Goldman, Joe | 607 |
| Graves, Zach | 513 |
| Grundmann, S. T | 1 |
| Hall Dr, Keith | 93 |
| Hayden, Carla | 249 |
| Hollister, Hudson | 613 |
| Irving, P. D | 297 |
| Jackson, H. H., Jr | 203 |
| Johnson, C. L | 297 |
| Jones, Rebecca | 540 |
| Kiko, P. G | 297 |
| Kosar, K. R | 621 |
| Kromer, Kathi | 626 |
| Mazanec, M. B | 249 |
| McClanahan, Kel | 557 |
| Merdon, C. A | 57 |
| Pascrell, Hon. Bill., Jr | 497 |
| Sargus, Jane | 39 |
| Schuman, Daniel | 523 |
| Smithberger, Mandy | 570 |
| Takano, Hon. Mark | 469 |
| Tauberer, Joshua | 631 |
| Temple, Karyn | 249 |
| Verderosa, Matthew | 425 |
| White, Lee | 637 |

# INDEX

## OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS


| | Page |
|---|---|
| Opening Statement of Chairman Ryan | 1 |
| Opening Statement of Ranking Member Herrera Beutler | 2 |
| Opening Statement of Chairwoman Lowey | 3 |
| Testimony of Susan Tsui Grundmann | 3 |
| Prepared statement and biography | 7 |
| New Administrative Dispute Resolution Process | 5 |
| Hearing Process | 15 |
| Representation for Employee | 15 |
| Employee Advocate | 16 |
| Permanent Record Retention | 16 |
| Member Reimbursement of Treasury Fund | 16 |
| Budget to Implement Changes | 17 |
| Library of Congress Employee Claims | 18 |
| Employee Advocate | 18 |
| Filing Under the New System Timing | 19 |
| Notification of Workplace Rights Posters | 20 |
| Family Medical Leave Act | 20 |
| Notification of Workplace Rights Posters | 21 |
| Clarification of Training | 22 |
| Contract for House Training | 23 |
| OCWR Providing This Training | 24 |
| Notification to Member of Claim in Office | 24 |
| New Administrative Dispute Resolution Process | 25 |
| Budget Needs | 25 |
| Remote Access to Proceedings | 26 |
| Salary Increases | 26 |
| Clarification of Training | 26 |
| Vision of Agency | 27 |
| Cybersecurity and Confidentiality | 27 |
| Future Projected Needs | 28 |
| Library of Congress Claims | 28 |
| Change in Culture | 29 |
| Clarification of Training | 29 |
| Climate Survey | 29 |
| Questions for the Record of Chairman Ryan | 31 |
| Questions for the Record of Ranking Member Herrera Beutler | 36 |


## OPEN WORLD LEADERSHIP CENTER


| | |
|---|---|
| Opening Statement of Chairman Ryan | 39 |
| Opening Statement of Ranking Member Herrera Beutler | 40 |
| Chairman Ryan Outlines Proceedings | 40 |
| Testimony of Jane Sargus | 40 |
| Prepared statement and biography | 43 |
| Open World Leadership Center Fiscal Year 2020 Budget Request | 40 |
| Overview of the Open World Leadership Program | 40 |
| Impact on Foreign Legislators | 41 |
| House Communities | 46 |
| Candidate Selection | 47 |
| Vetting Candidates | 47 |
| Themes for Programs | 48 |
| Development and Fundraising | 50 |

Page
Poland ..... 51
Questions for the Record of Chairman Ryan ..... 53
Questions for the Record of Ranking Member Herrera Beutler ..... 54

## ARCHITECT OF THE CAPITOL

Opening Statement of Chairman Ryan ..... 57
Opening Statement of Ranking Member Herrera Beutler ..... 57
Testimony of Christine A. Merdon ..... 58
Prepared statement and biography ..... 60
Capital Construction and Operation ..... 67
Line Item Construction Projects ..... 68
Cybersecurity ..... 68
AOC Cybersecurity Personnel ..... 70
Infrastructure Maintenance ..... 72
Congressional Office Moves ..... 72
Cannon Renewal ..... 73, 75
Contingency Fund ..... 74
Presidential Inauguration ..... 74
CPP Tunnel Maintenance ..... 74
Cannon Caucus Room ..... 76
Future Building Renewals ..... 76
Energy Savings Performance Contracts ..... 77
Thurgood Marshall Federal Judicial Building ..... 79
Future Building Renewals ..... 80
Energy Reduction ..... 80
Green Roofs ..... 80
Questions for the Record of Chairman Tim Ryan ..... 84
Questions for the Record of Ranking Member Herrera Beutler ..... 90

## CONGRESSIONAL BUDGET OFFICE

Opening Statement of Chairman Ryan ..... 93
Opening Statement of Ranking Member Herrera Beutler ..... 94
Testimony of Dr. Keith Hall ..... 94
Prepared statement ..... 97
Workload Challenges ..... 103
When are Cost Estimates Made Public? ..... 103
How CBO Prioritizes Its Work ..... 106
Staffing Strategies ..... 106
Transparency and Accuracy ..... 108
Difficulties in Making Projections ..... 110
Feasibility in Sharing Support Data ..... 111
Estimating Savings from Prevention ..... 112
Creative Financing for Capital Projects ..... 113
Making CBO Methods Public ..... 116
Questions for the Record of Ranking Member Herrera Beutler ..... 118

## GOVERNMENT ACCOUNTABILITY OFFICE

Opening Statement of Chairman Ryan ..... 123
Opening Statement of Ranking Member Herrera Beutler ..... 123
Testimony of Gene Dodaro ..... 124
Prepared statement and biography ..... 128
Fiscal Year 2020 Budget Request ..... 125
Science and Technology ..... 125
Cybersecurity ..... 125, 178
Defense ..... 125
Healthcare ..... 125
Interest on National Debt ..... 126
Staffing ..... 126
Office of Technology Assessment ..... 127
Disaster Funding ..... 169
Forest Management ..... 171
Debt Ceiling ..... 171
Science and Technology ..... 173
Nuclear Waste ..... 175, 181
GAO Planning ..... 176
Using Comptroller General Authority ..... 177

Page
Fannie Mae and Freddie Mac ..... 177
Retirement Security ..... 177
Department of Defense ..... 177
GAO Staffing ..... 178
Effects of Sequestration ..... 178
Congressional Modernization ..... 178
Congressional Oversight ..... 179
Areas for Congress to Guide GAO ..... 180
Healthcare ..... 180
Pension Benefit Guarantee ..... 181
Questioning Assumptions ..... 181
National Debt ..... 181
Chemical Safety ..... 182
GAO Recruitment ..... 182
Plan to Increase Certain Capabilities ..... 183
Intelligence Data Sharing ..... 184
Modernizing Congress ..... 185
Key Guiding Principles ..... 186
High Risk List ..... 188
Questions for the Record of Chairman Tim Ryan ..... 189
Questions for the Record of Ranking Member Herrera Beutler ..... 197

## GOVERNMENT PUBLISHING OFFICE

Opening Statement of Chairman Ryan ..... 203
Opening Statement of Ranking Member Herrera Beutler ..... 203
Testimony of Herbert H. Jackson, Jr. ..... 204
Prepared statement ..... 207
Cybersecurity ..... 223
Census Contract ..... 226
Funding Sources and Public Usage ..... 225
Questions for the Record of Chairman Tim Ryan ..... 229
Questions for the Record of Rep. Ruppersberger ..... 238
Questions for the Record of Ranking Member Herrera Beutler ..... 240

## LIBRARY OF CONGRESS

Opening Statement of Chairman Ryan ..... 249
Opening Statement of Ranking Member Herrera Beutler ..... 250
Testimony of Dr. Carla Hayden ..... 250
Prepared statement ..... 253
Prepared Statement of Dr. Mary Mazanec ..... 258
Prepared Statement of Ms. Karyn Temple ..... 262
Surplus Book Program ..... 270
Traveling Exhibits ..... 271
Visitor Experience ..... 271
Visitor Experience—Youth Center ..... 273
Staff Recruiting ..... 274
Visitor Experience—Quantity of In Person Visits ..... 275
Strategic Plan—Expanding Accessibility ..... 276
Community Outreach—Library Programs ..... 277
Library Capitol Campus Buildings ..... 278
Veterans History Project ..... 279
Congress.Gov ..... 279
Congress.Gov—LIS Retirement ..... 280
Congress.Gov—Congressional Reassurance ..... 281
National Library Services ..... 282
NLS E-Reader Request ..... 282
NLS-Braille & Audio Reading by Download (BARD) Request ..... 283
NLS-Network Outreach ..... 284
Chairman Ryan's Closing Remarks ..... 286
Questions for the Record of Chairman Tim Ryan ..... 287
Questions for the Record of Ranking Member Herrera Beutler ..... 292

## HOUSE OF REPRESENTATIVES

Opening Statement of Chairman Ryan ..... 297
Opening Statement of Ranking Member Herrera Beutler ..... 298
Chairman Outlines Proceedings ..... 298

Page

Testimony of Cheryl L. Johnson ..... 299
Prepared statement and biography ..... 301
Clerk Projects and Programs ..... 299
Clerk Fiscal Year 2020 Budget Request ..... 300
Testimony of Paul D. Irving ..... 315
Prepared statement and biography ..... 317
Sergeant at Arms Projects and Programs ..... 315
Sergeant at Arms Fiscal Year 2020 Budget Request ..... 315
Testimony of Phil G. Kiko ..... 324
Prepared statement and biography ..... 326
Chief Administrative Officer Projects and Programs ..... 324
Chief Administrative Officer Strategic Plan ..... 324
House Information Technology and Cyber Defenses ..... 325
Chief Administrative Officer Fiscal Year 2020 Budget Request ..... 325
Wounded Warrior Program ..... 347
Longworth Cafeteria Accessibility ..... 347
District Office Security ..... 348
Garage Security Upgrades ..... 348
House Services for People with Disabilities ..... 349
House Cybersecurity Status ..... 350, 352, 354, 356, 358
Cybersecurity Coordination ..... 351
House Cybersecurity Management ..... 351
Cybersecurity Budget Request and Outyear Plans ..... 352
Cybersecurity In other Nations ..... 353
Cybersecurity Staffing and Training ..... 357
Legislative Information Management System ..... 357
Prepared Statement of Michael T. Ptasienski, Inspector General ..... 360
Prepared Statement of Ralph V. Seep, Law Revision Counsel ..... 365
Prepared Statement of Douglas N. Letter, General Counsel ..... 371
Prepared Statement of Wade Ballou, Jr., Legislative Counsel ..... 375
Questions for the Record of Chairman Tim Ryan for the Office of the Clerk .... 392
Questions for the Record of Ranking Member Herrera Beutler for the Office of the Clerk ..... 409
Questions for the Record of Chairman Tim Ryan for the Office for the Sergeant at Arms ..... 394
Questions for the Record of Ranking Member Herrera Beutler for the Office of the Sergeant at Arms ..... 411
Questions for the Record of Chairman Tim Ryan for the Office for the Chief Administrative Officer ..... 397
Questions for the Record of Ranking Member Herrera Beutler for the Office of the Chief Administrative Officer ..... 414
Questions for the Record of Chairman Tim Ryan for the Office of the Legislative Counsel ..... 404

**UNITED STATES CAPITOL POLICE**

Opening Statement of Chairman Ryan ..... 425
Opening Statement of Ranking Member Herrera Beutler ..... 425
Opening Statement of Ms. Granger ..... 426
Testimony of Chief Matthew R. Verderosa ..... 426
Prepared statement and biography ..... 429
Garage Security and Screening ..... 438
Hiring Criteria ..... 439
USCP Vehicles and K–9 Patrols ..... 439
Uniformed Staffing in Buildings ..... 440
Working with Law Enforcement Agencies ..... 440
Sworn Starting Salary ..... 441
Officer Attrition ..... 441
Member Protection in Home Districts ..... 442
Average Sworn Length of Service ..... 443
Wellness Program and FLETC Training ..... 444
National Conventions and Law Enforcement Collaborations ..... 446
Questions for the Record of Chairman Tim Ryan ..... 449
Questions for the Record of Ranking Member Herrera Beutler ..... 460