LEGISLATIVE BRANCH APPROPRIATIONS FOR 2024

HEARINGS

BEFORE THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON LEGISLATIVE BRANCH

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Subcommittee Staff

PART 1

FISCAL YEAR 2024 LEGISLATIVE BRANCH APPROPRIATIONS REQUESTS

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LEGISLATIVE BRANCH APPROPRIATIONS FOR 2024

WEDNESDAY, MARCH 8, 2023.

CONGRESSIONAL BUDGET OFFICE

WITNESS

PHILLIP L. SWAGEL, DIRECTOR, CONGRESSIONAL BUDGET OFFICE

Mr. AMODEI. Good morning. This is the time and date noticed for the hearing of the subcommittee.

The subcommittee will come to order.

I will reserve on opening remarks.

Welcome, everybody. The subject of today's hearing is fiscal year 2024 request for the Congressional Budget Office.

Mr. Espaillat from New York, Mr. Ranking Member, would you like to do some opening remarks?

Mr. ESPAILLAT. Thank you, Mr. Chairman.

And, Dr. Swagel, thank you for being here before our subcommittee, and we appreciate your time here to discuss the fiscal year 2024 budget and the request of the Congressional Budget Office.

I want to begin by reflecting the important role that your office plays, and we look so much forward to working with you to make sure that you are stronger—a stronger instrument of democracy and oversight for our committee and our Congress. So thank you for being here.

Mr. SWAGEL. Thank you.

Mr. AMODEI. Thank you, Mr. Ranking Member.

Mr. Swagel, you know, as—when we spoke earlier, your agency has really got a pretty simple job. No matter what your conclusions are, both sides are equally unhappy with you, and so knowing—acknowledging that history and what an easy job you have, the floor is yours.

All members have gotten the materials that you submitted to them. I understand that you have been circulating amongst those folks to meet beforehand. And so, with that, the floor is yours for whatever remarks you deem fit in justifying your budget request.

Mr. SWAGEL. Thank you. Thank you, Chairman Amodei, and thank you, Ranking Member Espaillat, and thank you, members of the subcommittee.

Thanks for the opportunity to present CBO's budget request. And I will speak just for a few minutes, and I will look to connect the funding request to our mission. That is the purpose of my testimony.

So I am here to request an appropriation of $70.8 million for fiscal year 2024. That amount is an increase of $7.5 million, or 12 percent, from the amount provided in 2023.

Now, I recognize that is a large request. Twelve percent is a big increase. A big part of that reflects inflation and paying for deferred information technology costs from 2023, from last year, or our current fiscal year.

Our request supports CBO's mission to provide nonpartisan analysis to the Congress that is timely, rigorous, and transparent. And we will carry out our mission with integrity.

So CBO is here to support you. The resources provided connect directly to our mission, and that is what I want to explain. So we support the Appropriations Committee and the authorizing committees as legislation is developed when it is on the floor, when it is being considered in a committee, in a markup.

When the legislation heads to a vote, the CBO staff—and many of my colleagues are here with me today—we analyze amendments in real time, and sometimes hundreds where, for a bill like the NDAA, there is thousands of amendments, and we analyze them in real time so that the Congress can consider the legislation and understand the fiscal effects.

We worked for months to produce the updated budget and economic projections that incorporated last year's legislation and development, such as the high inflation and the Fed's response to it. And I know I am speaking to House Members later today about that. So we work to provide you with timely and accurate projections, cost estimates, and other information.

Now, I know we can do better. We can do better in terms of our responsiveness and our transparency, and the money I have requested is to help us do that. So about two-thirds of the increase is for personnel costs. And so that would cover the salaries and benefits for 11 new staff and then fully fund the staff we hired at various times last year.

So these new people would let us do more in the areas in which the Congress has focused and the areas in which I know we can do better, in which we fell short. So defense and homeland security—I have told that to several of you—energy, infrastructure, and climate, health policy, income security, and immigration, and in our long-term analysis to provide more and better information on the long-term fiscal situation.

Now, having said that, most of the request would cover inflation and then the performance-based salary increases for the people we already have. Now, about $2.8 million of the increase that I have requested would be for nonpersonnel costs, and that is a big increase over last year so a 57-percent increase over last year, over 2023. And that is because, in 2023, the—our allocation was constraining, and we deferred computing services and information technology, things like that.

And, again, I will just say we are here to support you, and so, if there are—when the appropriations bills are considered, the 12 annual appropriations bills, we will support you. We will do provision-by-provision estimates. If there are supplementals, we will support you on that. We will support the authorizing committees. I hesitate to say——

Mr. QUIGLEY. How much?

Mr. SWAGEL. Well, the chairs and ranking members of the authorizing committees, I should say. And then, if there are continuing resolutions—you know, I know no one wants that, but we would support you on that as well.

And we do hundreds of cost estimates, dozens of reports, thousands of technical assistance requests as legislation is developed. This year, I am committed for us to return to our historical benchmark, which is providing cost estimates before legislation is considered on the floor.

It was difficult the last 2 years because so much of the work of the House went forward on the suspension calendar. And legislation was developed outside of the committee process, so it just made it more difficult for us.

But that is my goal, is to get back to our benchmark. And so that is it. That is why I am requesting the increase of $7.5 million, to be responsive and to focus on the areas in which we need to do better and which Congress wants us to do more.

So let me stop and, again, thank you for your support, and I am here to answer questions.

Mr. AMODEI. Great. Thank you.

You know, it just occurred to me that—so we can ask you to do analyses for the leg branch bill, and I know you guys call them the way you see them, but you can basically say: Nobody else in leg branch needs anything, and, actually, we are the only ones that are worthy, right? Your analysis could theoretically say that?

Mr. SWAGEL. Ah, so we have set it up to make sure we don't. So, within CBO——

Mr. AMODEI. Okay. Let me ask you one more time, slowly.

Mr. SWAGEL. Yeah, exactly. I am a little slow this morning.

Mr. AMODEI. I withdraw the question.

Mr. Ranking Member, questions?

Mr. SWAGEL. I need the caffeinated water, so——

Mr. ESPAILLAT. To follow up on the chairman, this is going to be quite bipartisan——

Mr. SWAGEL. Yeah.

Mr. ESPAILLAT [continuing]. But—oh, thank you.

I know that your outfit has a very distinct reputation for being deliberate and professional and so, like, nonpartisan. But sometimes, you know, we would like it to be a little quicker, right? And of course doing that may require additional funding. And you are asking for an increase in the—in your budget, or—have testified to your wishes of expediting matters, you know, in a way that it becomes a real tool for our process, right——

Mr. SWAGEL. Uh-huh.

Mr. ESPAILLAT [continuing]. So that the analysis that you will make are an important tool to the wise and educated decisions that we must make as a subcommittee, as a committee and Congress.

And so—what do you feel could impact you accomplishing this goal if you don't get the increase or, in fact, if you get a budget cut? What would happen——

Mr. SWAGEL. Yeah. What would happen?

Mr. ESPAILLAT [continuing]. If you get a budget cut vis-a-vis your wishes, your goals and objectives?

Mr. SWAGEL. And I will talk about that. As I said, the increase—the new people is targeted, and so I know from both Chambers that we fell behind on national defense, on—you know, legislation for national security and homeland security. And I have heard that from many Members. And I know it. I think we do a good job, but the volume has increased. We need more people.

I was going to hire those two people this year, and I had to cancel that hiring. So, if we are flat funded, I am certainly not going to let go of any people in national security, and we will shrink—we would have to shrink. We do that through attrition. And then I have to rebalance people internally.

So I—you know, I am certainly not—you know, I am not telling you I would, like, shut down the agency or anything like that. We would do—we would focus our resources on the Congress' priorities. It would just put us further behind.

Mr. ESPAILLAT. Okay. And the Legislative Branch Appropriations bill is the key legislation for ensuring that our country has a strong and secure Congress, and I am committed to protecting these investments. I am sure the chair is as well. If CBO were to receive a cut in funding, let's say back to your 2022 level of $61 million, what effect would that have on CBO's ability to support Members, like specifically, Members and staff, which are the—pretty much the terrain where we rely on our support system, right?

Mr. SWAGEL. Yeah. It—so we would shrink, and that would affect what we do for Members. And that is an area where I know we already fell—fall short and fell short. And this is where Mr. Quigley said—and he is exactly right—that, you know, we focus on the chairs and ranking members of the authorizing committees. We do as much as we can for others.

The last 2 years were especially hard because the—we had both the authorizing committees and the leadership in both Chambers, in some sense running parallel processes. And that just left us less time to focus on Members outside of that.

And we would just fall—we would fall even shorter on that. I mean, I think we do as best we can, but we don't always do as much as we would like, and we would get further behind.

Mr. ESPAILLAT. Just for the record, I am very concerned about Mr. Quigley and Congresswoman Wexton, and we want to make sure they get all the help they can get.

Mr. QUIGLEY. Thank you.

Mr. ESPAILLAT. Mr. Chairman, I yield back.

Mr. AMODEI. Thank you, Mr. Ranking Member.

Just real quick, before we go to Mr. Franklin, you said that the allocation for the last cycle was constraining. Could you expand upon what constraining is?

Mr. SWAGEL. So we—as I said, we canceled our hiring, or we canceled our hiring of new economists, and the—but we interviewed people, and then did not proceed to the next round. And so we interviewed people in energy, environment, climate. So we were going to hire two climate economists that—in the Senate, the focus of the Budget Committee is on climate. And so that—you know, that is just—it is awkward.

I canceled hiring people in national security for the same reason. We deferred certain information technology purchases and basically

hardware. There was some we had to do. Some cybersecurity purchases, we had to do, and we couldn't defer. And so that—that is the sort of constraining in which it was.

Mr. AMODEI. Okay. And so members—so members know, you are going to be called on in the order in which you arrived at the committee meeting. I don't think I need to explain more than that, other than to say the floor is Mr. Franklin's from Florida.

Mr. FRANKLIN. All right.

Mr. AMODEI. Please proceed.

Mr. FRANKLIN. Thank you, Mr. Chairman.

And, Dr. Swagel, thank you for the time that you spent getting me up to speed. As a new guy, there is a lot to learn here, and I certainly appreciate everything you all are doing.

As we look at the budget and try to figure out where we might be able to realize savings, it is tough when everything is in personnel, over 90 percent.

Mr. SWAGEL. Yeah.

Mr. FRANKLIN. Were you—so—and I think you got—you shed a little more light on a question I had. The inability in the last cycle was just you weren't able to find the people? I mean, the money was there. You had the budget for it, but it just—you didn't get the right people at the time, or why were those hires not made?

Mr. SWAGEL. No. It was the money wasn't there. So we had——

Mr. FRANKLIN. Money. Okay.

Mr. SWAGEL. You know, we had the people. You know, Amazon shut down their economics hiring this year. They are the largest—the last couple years, they have been the largest single recruiter of Ph.D. economists. So this was a buyer's market for us in economics Ph.D.'s, and we had to stay out of it.

Mr. FRANKLIN. Okay. So—I lost my question in there. But we talk about regular order now, and as a first-termer last time, it sounded like, you know, fairy tales and pixie dust and unicorns, this mythological regular order. Now that we are getting back to that, how much do you foresee that impacting your ability to deliver? Will you be able to do—if the number of requests ramp up as we are anticipating, are you going to be able to keep pace with that?

Mr. SWAGEL. That—that is what I am hoping—not hoping, right? Hopes aren't the plan. That is my commitment, is that the return to regular order will let us take the additional resources freed up not having reconciliation and, you know, all the energy that went to that, and provide a service to, you know, a broader array of Members, you know, not just the rankers and committee chairs and the leadership.

And that is what we need to do, and more cost estimates, more technical assistance because I know Members have, right, legislation, and it is not always a committee chair; it is just rank-and-file members.

Mr. FRANKLIN. Right.

Mr. SWAGEL. And that is—getting back to regular order will let us do that.

Mr. FRANKLIN. Okay. And, looking at your—going back to 2019, it looks like pay and benefits, which, again, is the driver of your budget are up about 38 percent over—going back to 2019.

Mr. SWAGEL. Yeah.

Mr. FRANKLIN. At 290 FTEs, with your request this time, what did that look like as far as number of personnel 5 years ago? How much in just bodies has the staff grown?

Mr. SWAGEL. It has grown by a lot, right? So, 5 years ago, it was 255. That was in 2019. And now I am hoping to go up to 290.

So it is a considerable increase. It was before my time as Director, and the agency grew in the wake—essentially in the wake of the repeal and replace debate over the ACA in 2017 that the agency—we were just behind, and so we—you know, we were not in position to support the Congress in considering that legislation. And that—as I understand it, that was the impetus to say, okay, we need to do better; we need more people. And that is the last couple of years has gone from there.

Mr. FRANKLIN. So you are at about 278 or so now? You are looking to add about a dozen?

Mr. SWAGEL. Yeah.

Mr. FRANKLIN. Are those all filled, your current 278 positions?

Mr. SWAGEL. Not all. I mean, we have a—you know, there is always some turnover.

Mr. FRANKLIN. Sure.

Mr. SWAGEL. We have a couple of management positions open, a couple of economists who have kind of come and gone, some support—you know, like IT technical—IT support, and even that—so there is always some turnover, but we are close. We are close to that.

Mr. FRANKLIN. I guess—and what I was looking for there is this—you know, having been involved with organizations before, some—you know, there is always going to be turnover. You are not always going to have everything filled, but I am just looking for are—is there a continuous, you know, gapping of positions that are carried from year to year? But it sounds like you are running pretty lean and everything is pretty full, and if it is not full, then you are out looking for the replacement.

Mr. SWAGEL. That is right. I mean, one thing we are doing now, which, as you asked the question, I realized I should mention, is, looking ahead, we are leaving positions open for longer. And that is part of our adjustment just because, you know, I recognize the possibility of flat funding for the next year.

You know, I am requesting a lot. It could be, like, a zero. And there, I really need to keep vacancies open and—just to maintain that flexibility in case—you know, in case the funding environment is different than—you know, different than what I might hope for.

Mr. FRANKLIN. Okay. All right.

Thanks, Mr. Chairman. I yield back.

Mr. AMODEI. Thank you.

The gentleman from Illinois, Mr. Quigley.

Mr. QUIGLEY. Thank you Chair.

Let me make something a little clear with what you had said before on the question from the ranking member.

If you had a 25 percent budget cut, is this just attrition to get you to get through this, or would you actually at that point have to lay people off?

Mr. SWAGEL. We would end up laying people off. So flat funding, we will handle with attrition. The—my colleagues here from the Office of Financial Management—Mark Smith is the—oversees that group. Yeah, that would—25 percent cut would—we would end up not handling that with attrition.

Mr. QUIGLEY. And roughly what numbers are we talking about?

Mr. SWAGEL. You know, I—I am not sure—we have—one thing we have done over the last year or two is we have moved to lower cost staff. We are hiring younger—you know, younger people—you know, kids right out of college, and they are less expensive. So I suspect we do some of that, some more of that. We would shrink. I am not sure how many, but it wouldn't be one or two. It would be more than one or two.

Mr. QUIGLEY. Sure. Now, an issue that has gone before this subcommittee before—and you talked about it with modernization of Congress, and that is the issue, the difficulty of getting timely data from Federal agencies.

And feel free to name names and point fingers and blame.

Is there anything else we can do to help on that front procedurally, statutorily, growling, showing up at their place?

Mr. SWAGEL. So we have two issues. And what—one we have requested, a statutory change regarding student loans. You know, just the legislation from a few years ago will help parents of college students by the FAFSA, the application they fill out, that will automatically have their tax data filled in rather than them having to fill it in themselves. There is privacy concerns, but that was what the legislation is meant to do.

That legislation means we no longer will have access to the student loan data. And it is just because it becomes Federal tax information, and we have access to some, but that would be off limits to us. So I have—we are requesting a statutory change basically to let us keep getting that information. And we use that—we are evaluating President Biden's—you know, his various student loan proposals, and that is the sort of information we—you know, we rely on there.

I will just mention one other, and that is on rescissions. So, when—there are two pieces of legislation of the previous 2 years involve rescissions, the infrastructure bill and the guns and mental health bill, and those were funded in part by rescinding unused balances. To get that data, we have to get it from the executive branch. They publish the information, but there is a 2-month lag.

Mr. QUIGLEY. Which part of the executive branch?

Mr. SWAGEL. You know, the Treasury and OMB do a finger-pointing exercise.

Mr. QUIGLEY. Yeah.

Mr. SWAGEL. But it is really—I mean, OMB—well, anyway, one of the two. Treasury has a database. OMB has a database. They each—they talk to each other, so they—and just—if the administration doesn't want to rescind something, one—one reaction—it is just human nature—is they hesitate to provide us with the dollars. Presumably they start spending the money faster, but that is something where we feel like we should be entitled to the information, and it is just—it is for you to decide what to do. We are just trying to inform you. And that is——

Mr. QUIGLEY. No, I agree.

Mr. SWAGEL. That is the——

Mr. QUIGLEY. Very good. Thank you. I yield back.

Mr. AMODEI. Ms. Wexton.

Ms. WEXTON. Thank you, Mr. Chairman.

And, Dr. Swagel, so nice to see you again. It really is. I really enjoyed our chat yesterday. And, actually—actually, after we got off the Zoom, my legislative assistant and I were talking about it. We were both saying that we were struck by the same thing, which is that you love your job so much. You really do. It is wonderful to see. You love economics. You love your job, and you really are very dedicated to your staff.

Mr. SWAGEL. Thank you.

Ms. WEXTON. So it doesn't surprise me that those 278 staff positions are almost all full. I am glad to hear that. And you guys do an amazing amount of work for $70.8 million. You guys are amazing for that.

I think that you guys—give us more bang for our buck than just any other congressional office, any other office that we have here. So keep it up. Keep it up.

A couple questions for you based on stuff that you said in this earlier testimony. You said that—some part of this increase was to fully fund staff that you had already hired over the last couple years?

Mr. SWAGEL. Yeah.

Ms. WEXTON. Were they hired as contractors or something, or why aren't they fully funded already?

Mr. SWAGEL. Ah. So, if we hired someone last fiscal year, the current fiscal year, we might have hired them in the middle of the year, and so say we only had to fund them for 6 months of the year. But then, next year, we will need to fund them for 12 months.

Ms. WEXTON. Okay.

Mr. SWAGEL. So that is why—that is why part of the increase is to fully fund the people we already have on board.

Ms. WEXTON. But they were already counted as an FTE on your budget——

Mr. SWAGEL. That is right.

Ms. WEXTON. And this information with the tax information and the FAFSA, as a parent of a couple of kids who are—one who is in college and one that is about to go to college, I am curious about that because, if it says "tax information," you no longer get access to it. Is that correct?

Mr. SWAGEL. That is correct. That is soon—Department of Education is in the process of setting up that connection to the—you know, the Federal tax information. Once they get that operational, we will lose access to it.

Ms. WEXTON. Is there a way to silo it so that you wouldn't be able to see it so that you can still get information for the FAFSA or the student loans without getting information from the FAFSA?

Mr. SWAGEL. It would be challenging—I mean, in principle, we could ask the Department of Education to do the analysis for us. But I think that would be not desirable because, without casting aspersions, their calculations might be different than what we do. That is the challenge.

Ms. WEXTON. There is no other way for you to do it——

Mr. SWAGEL. No.

Ms. WEXTON [continuing]. Other than to have access to the entire database, right?

Mr. SWAGEL. Now, we—well, it is just that—I will say it is just the student loan database that we get now. So now—so, today, we get student loan information that doesn't include parents' incomes.

Is that right? I should—I need to think about that. Okay. I need to go back on that.

So, right now, we get the information that parents put on the FAFSA.

Ms. WEXTON. Right.

Mr. SWAGEL. So that must be—their self-reported information, but that is not Federal tax information because it doesn't come from the IRS database.

Ms. WEXTON. Okay.

Mr. SWAGEL. That is the difference, yeah.

And, actually, can I just say one more thing? We do get the protected tax information already. We get that through the Joint Committee on Taxation for the purpose of our baseline. So we have the facilities already to protect that information. So I am—essentially I am—and we work closely with the IRS to make sure we safeguard it.

So what I am asking for is to let us keep having the information in a sense that we already have, using the protections that we already have in place.

Ms. WEXTON. All right. Okay. I understand.

Another issue that we talked about, it was—things that you would like to be able to do more of at the CBO that you are not able to do with your current staffing levels. Now, are you able to cross-train people so that they can cover different subject-matter areas, or do they specialize in the one subject-matter area throughout their entire time with you?

Mr. SWAGEL. It is more the latter, more the specialization, and we are moving toward the cross-training, the more flexibility.

Especially with our younger staff. So that is something we will continue.

Ms. WEXTON. And so one of the things that, I know on my side of the aisle, people are interested in is childcare and child well-being and things—investments in things like early childhood education and healthcare.

Mr. SWAGEL. Uh-huh.

Ms. WEXTON. Is that something that you are able to look at to get a long-term view of now and see, what those investments will do later on in those children's lives?

Mr. SWAGEL. That is something we are working on. And I know there is considerable interest in that. And the issue is—you know, as your——

Ms. WEXTON. Your early investments now, will they pay off later?

Mr. SWAGEL. Pay off later and outside the budget window.

Ms. WEXTON. Right.

Mr. SWAGEL. And so we are working to quantify those impacts. You know, and there is research that, if the child has—if the moth-

er of the child has healthcare, including when the child is in utero, the child 20 years down the road has better outcomes. And that has a fiscal impact, and we are trying to quantify that and then accrue it forward into the budget window.

Ms. WEXTON. Thank you so much. I have no further questions. I yield back.

Mr. AMODEI. Thank you.

Mrs. Bice from Oklahoma, you are—got the floor.

Mrs. BICE. Thank you, Mr. Chairman.

And thank you, Dr. Swagel, for being here and our conversation over Zoom a few days ago.

A couple questions I have. Do you know what the current wait—average wait time is for a request to be responded to from your office? Do you track that information?

Mr. SWAGEL. You know, it depends on who the request is from. And that is—I hate to it say it, but it is true——

Mrs. BICE. So the freshmen here—well, I guess we are sophomores, now, right? We are probably at the bottom of the list?

Mr. SWAGEL. You know, it depends what you ask for. If you ask for something that we have already answered, the wait will be zero. If you ask for something complicated, the wait will be infinity.

Mrs. BICE. Do you track that information, though, because I feel like that would be helpful in sort of determining sort of a baseline of how long it takes you to actually—your employees to respond to requests, whatever that may be, because, in a given year or given Congress, if you extrapolate that out, you are going to have some that are zero timeframe and some that are, you know, a month, right?

Mr. SWAGEL. Yeah, that is right. That is right. We don't track that, and I will just tell you one of the challenges there is a lot of our interactions with Member offices are essentially technical assistance. A Member will have a piece of legislation, and the legislation, it just needs more work. You know, we sort—we say: We get what you want to do.

Say it is in healthcare, CMS. They could not implement the language as written. And so we work with them—we work with the Member office to say: Okay, well, let's accomplish your goal, right?

We have no view.

And so there is sort of—there is a little bit of we don't get to a finish line because we are helping Members make progress, if that makes sense.

Mrs. BICE. But I think you could—I mean, this is what your office does, is quantify data, right?

Mr. SWAGEL. Yeah.

Mrs. BICE. So I feel like this is a data point that we could actually quantify so we can determine a baseline of how many—you know, what is the average wait time so we can justify the increase in head count, right?

Mr. SWAGEL. Uh-huh.

Mrs. BICE. To follow up on that, the—you mentioned in your testimony earlier that there has been an increase in requests. What is the percentage of increase that you all have seen?

Mr. SWAGEL. Ah. It is—so the—in the submission, we have some data on cost estimates. And so, in the last Congress, just the vol-

ume of legislation went up especially the shift to the suspension calendar, and so that I can quantify that.

I can't quantify the requests. You know, so many of those will come from the—you know, a staffer of a Member will call—you know, will contact the staffer within CBO, and they will just do that bilaterally, and you are right; we don't track that.

Mrs. BICE. So are we—sort of follow up with, again, we are—that is your whole sort of organization, is to quantify information in some way. So it would be helpful if we knew this. To justify the request that you have for the increase, I think it would be helpful for us to know this.

Final question, if I may, Mr. Chairman: Is there—are there any technology applications that CBO is looking at that would help you expedite the deliverables to Members and staff?

Mr. SWAGEL. Ah, okay, and very good.

And then I will answer that, and then I have one thing that we do quantify, which I can go back to.

So we are looking to improve our technology. One way we have done it is shifting to the cloud, you know, both in our data, which improves the security, and then shifting actually our—you know, from desktop computers to the cloud. And so, you know, our desktops will essentially become portals to a cloud-based computing. It is just more secure. It is easier to access remotely, and it is just—right—we don't have to keep buying new hardware. So I think that—you know, that will help us, that shift.

We are improving some of our modeling. I had—when we talked, I had mentioned that we had a model that we are moving out of Fortran into Python. So, from, you know, sort of——

Mrs. BICE. The fact that you said the words "Fortran" was frightening to me, but yes.

Mr. SWAGEL. I learned Fortran in high school, so I am older than I look.

Yes. So we are—so modernizing that will improve our ability on Social Security modeling and other modeling. So we are making those sorts of changes as well.

Actually, I am sorry. Mr. Chairman, could I just say one more sentence here?

Mr. AMODEI. As long as you don't use any more dirty words like "Fortran," please go ahead.

Mr. SWAGEL. The one thing we do quantify and where I know we fell short last Congress is cost estimates of legislation that go to a vote, you know, whether a markup in committee or on the floor. And that, by statute, we are required to provide those cost estimates.

And, just when legislation is developed outside of committee or goes on suspension to the floor, we just sometimes don't have the cost estimate ready. And, there, that is where we fell short, and I know it, and that is—that is our commitment for this Congress, is to get back to—it might not be a hundred, but in the nineties.

Mrs. BICE. Thank you, Mr. Chairman. I yield back.

Mr. AMODEI. Mr. Clyde from Georgia, the floor is yours.

Mr. CLYDE. Thank you. Thank you, Mr. Chairman.

Director Swagel, thank you for being here today.

And I know that the CBO provides invaluable information for Congress. In fact, I would say that the CBO analysis of bills coming to the floor can indeed be a determining factor in passage of the legislation as it provides insight into the effects that a bill is likely to have on Federal spending, revenue, and deficits.

In addition, CBO provides analysis of the economic outlook of our Nation, routinely updating to account for new laws. Over the past 2 years, Congress has passed several large spending bills accounting for trillions more in Federal spending. The average American can certainly understand the economic effects this spending has had on inflation, and CBO reports confirm the detriment that excess spending has on the economy.

So, in your opinion, do omnibus bills that have come to the floor with a short timeframe, et cetera, do they create more work for the CBO than, say, individual appropriation bills and single-subject bills?

Mr. SWAGEL. They are challenging, yeah. I mean, the answer is yes. I mean, it is a compressed timeframe, and I will give you one example with the last omnibus. I will be fast, which is, for the omnibus legislation, the healthcare provisions, we were sort of up in the air. There are two paths. We actually prepared two full cost estimates for those provisions, you know, bigger and smaller, because we didn't know which way the—you know, the legislation would go, and it was decided very late in the process, you know, rather than sort of in a committee process——

Mr. CLYDE. Uh-huh.

Mr. SWAGEL [continuing]. And so that is the sort of—there is extra effort. Look, we did it. It is our job.

Mr. CLYDE. Right.

Mr. SWAGEL. But it—but the answer is yes.

Mr. CLYDE. So, therefore, having regular order, having single-subject bills, having 12 individual appropriations, all right, is much better for the CBO and allows you to do your work more effectively and more efficiently. Is that a correct statement?

Mr. SWAGEL. That is right. And we will work—however the Congress works, we will work——

Mr. CLYDE. Right.

Mr. SWAGEL. But, for sure, that is correct.

Mr. CLYDE. Okay. Great. Great.

Okay. According to your presentation on "The Budget and Economic Outlook 2023 to 2033," from February 16th of this year, you stated the cumulative deficit over the next 10 years—next 10-year period is $3.1 trillion larger in CBO's current baseline projections than it was in May of 2022 projections, so we are growing faster in debt.

Additionally, you wrote, Federal debt held by the public is projected to increase in each year of the projection period and reach 118 percent of GDP in 2033, higher than it has ever been. In the two decades that follow, growing deficits are projected to push Federal debts higher still to 195 percent of GDP in 2053.

You know, these figures are not only extremely concerning; they are actually frightening to me. CBO projections clearly illustrate the dangers of spending beyond our means. It is imperative that we begin reducing deficit spending, and realistically that means we

must look for smart and targeted ways to reduce annual appropriations levels while maintaining the integrity of essential government services.

In your testimony, you cited technological improvements for maintaining a hybrid working environment as part of the justification for the fiscal year 2024 budget increase. And we know that the remote working increases cybersecurity risks. And you have acknowledged this, because a portion of your budget justification references improvements to IT and cybersecurity, specifically for a hybrid work environment.

So what percentage of CBO's workforce is currently hybrid, and how many days a week are they working remotely?

Mr. SWAGEL. Ah, okay, and very good.

We have a couple of dozen employees—it is probably in the—say, 20 who are fully remote. And so what we did is we went position by position and said, what jobs in principle could be remote if the person wants to?

So I will give you an example. We have an editing staff, and they work with everyone, but it is generally by email and by documents. And we said to the editors: If you want to be remote, you can.

There is—several are in the office all the time. There is a couple who wanted to be home—you know, kid—you know, kids in high school; they want to be there when they get home, things like that.

Most of the positions, so 250 people, are in the office. Everyone is in the office Tuesday and Wednesday, so we have told everyone: Those are core days.

Everyone is there.

Other people are there. I schedule Monday, Tuesday, Wednesday, Thursday, Friday. So my meetings are 5 days a week, and people come in. The other days, Monday, Thursday, Friday, there is a mix. You know, Friday, I—the Ford Building is a ghost town. Monday and Thursday, it is pretty busy. You know, our floor.

Mr. CLYDE. Okay. In last year's fiscal year—in the budget request from last year for fiscal year 2023, the CBO hearing, when asked about the effects or impairment of remote working, you agreed that—and I quote—"being in person is definitely better." Okay? So does CBO—does the CBO have a plan to return to a full-time, in-office working environment for everyone?

Mr. SWAGEL. Yeah. No. I agree; it is better. I don't see how we will get there to a 5-day-a-week. I think that would be a real challenge for our ability to retain staff. And, you know, there is some—it is a mix, right? For younger staff, the ones we hire right out of college, being in person is a draw. For the older staff, it is in the other direction. And so that is why I just don't see us getting back to 5 days a week. I am there 5 days a week. It is a benefit. So I just don't see us getting there.

Mr. CLYDE. But, yet, it is better being in person? I mean, doesn't that kind of ring a bell, like, you know, the CBO isn't working in person; they are not being as efficient as they possibly can be?

Mr. SWAGEL. No. I—I agree with you. I am just weighing the tradeoff. If I said to everyone, "We are all coming back 5 days a week, even when, you know, Congress is out of session," whatever, I would lose staff. I mean, it is just—it is just a reality. So I have to weigh that tradeoff.

Mr. CLYDE. Okay. All right. Well, thank you.

And I yield back.

Mr. AMODEI. Any other questions from——

Okay. I have got a few, Dr. Swagel. Following up on Mr. Clyde's last stuff, do you have any quantification where, you know, you are here, you are not here? Is there any productivity curve to measure that against? So, of those folks that are there only on Monday or Tuesdays, do we have any——

Mr. SWAGEL. Ah.

Mr. AMODEI. Do we have any database that says, "Hey, by the way, those people, whether they are doing X, Y, or Z, are just as productive"? Do we have any fallback on that?

Mr. SWAGEL. Yeah.

Mr. AMODEI. And I heard you when you said: Well, I think, if we went to 5 days, that we would lose people.

I guess the question is: Are we losing productivity because we are accommodating them? That, I think, is the bottom line.

Mr. SWAGEL. Yeah.

Mr. AMODEI. So, if you could check into that and give us a database on that.

And then the second thing is maybe to send a message to some folks is, well, how many—not who—there is probably some rules against who—how many do you—what would happen to your workforce if you said, "Hey, those—those oversight people think you should be here"?

Mr. SWAGEL. Uh-huh.

Mr. AMODEI. Try to quantify that.

Mr. SWAGEL. Okay.

Mr. AMODEI. And then the last thing—and I meant to say please if I didn't.

And then the last thing is: Part of the thing that the people on this committee are going to have to do when we recommend a bill to the whole committee is it is a value judgment. Here is what we think Swagel's outfit ought to have for money going forward.

And so, when we follow up on a little bit of what Mrs. Bice was talking about, it would be helpful in terms of informing that decision to know what the effect of—because you have talked about procedures on the floor for this, that, and the other sort of thing.

I know there is discussion—serious discussion about, hey, open rules. Anybody who wants to have an amendment on the floor gets to have one. What is the quantification on—and historically this committee goes first, so you have got a little bit of a Guinea pig. I mean, we won't historically have as much fun as Defense or Interior or, you know, all the other ones. But, nonetheless, if open rules is, hey, and by the way, we want to know what—what Amodei's amendment is going to happen—you know, in whatever the sense, or Espaillat or whoever, it would be nice to have that—some idea in terms of that is fine, but here is what happens to operations at these levels.

Mr. SWAGEL. Okay.

Mr. AMODEI. Okay?

Mr. SWAGEL. Okay.

Mr. AMODEI. Thank you.

And Mr. LaTurner just showed up because he wanted to be the anchorman on today's questioning, so the gentleman from Kansas has the floor.

Mr. LATURNER. Happy to do it. Thank you, Mr. Chairman.

Most lawmakers understand the value that a CBO report provides when considering legislation and the potential fiscal and economic impacts of certain bills. Your primary, overarching justification for the $7.5 million increase from fiscal year 2023 is that you will be able to fill the growing demand that you forecast for the next year.

You said that CBO has historically been able to review and provide cost estimates for bills ahead of floor consideration about 90 percent of the time.

Mr. SWAGEL. Uh-huh.

Mr. LATURNER. What are some of the determiners of whether or not you will be able to get that information out the door to Congress?

Mr. SWAGEL. Uh-huh. There is two key factors.

One is the suspension calendar. So, in the House, if legislation, right—if we haven't seen a bill and suddenly, right, the—you know, it is—in the last Congress, it was Mr. Hoyer's office—told us this is going on suspension, and it is a challenge for—you know, post office, no problem, but, you know, something more—something complicated, we haven't seen in some committees that are just not used to working with us that—you know, the healthcare committees—you know, they know us. But someone, say, on the justice side might—just they don't interact with us as much. They might not realize we need to see it.

So suspension calendar. And then, outside of regular order, the omnibus, the reconciliation bills, so heavily driven by leadership, that is just difficult for us because we are supporting the committee and the leadership, and we are just sort of stretched—stretched thin.

And, you know, sometimes there will be different groups within the Congress, and so, like, health, there will be four different groups working on legislation, and we are sort of stretched a bit thin. So it is that mix of things.

Mr. LATURNER. Sure. All right. Can you expand on the impact that inflation has had on CBO's standard operating procedures and how you worked within the 2023 levels?

Mr. SWAGEL. You know, thank you for asking. Inflation has affected us, our wages. So last year—this was another constraint of our allocation last year, is that I had to delay the inflation adjustment for all the—most of the staff. Anyone making—anyone at the low income, we held them—you know, we protected them.

Anyone—most of our staff have master's and Ph.D.'s. They are relatively highly paid. Each of them lost about $2,000 to $3,000 because I couldn't give any inflation adjustment that everyone else in the Congress got effectively because of—because of the constraint that we had.

No? No. Okay. So I am—I could be wrong. Anyway—so that was a direct effect. That was a constraint of—I guess I can talk—I can talk for myself. That was, for our agency, that was the constraint. So—and that is inflation, right? Inflation did that. And that was

a—I talked before about delaying some IT and things like that. That was another delay. We delayed COLAs for basically everyone with—anyone with a master's and Ph.D., which is like two-thirds of the staff.

Mr. LATURNER. Gotcha. Some of your nonpersonnel costs go towards paying expert consultants.

Mr. SWAGEL. Yes, sir.

Mr. LATURNER. Particularly when input is needed in high-demand areas like healthcare, immigration, how does CBO determine when outside consultants are needed? And tell me about the collaboration.

Mr. SWAGEL. Ah, okay. So we have two groups—two main groups of outside advisers. One is economic advisers, and one is health advisers. And those, the lists are on our website. The meetings are open to staff—to Hill staff. They are not open to the public, but we invite staff from the economic-focused committees. So that is all done in public as well. And we look to have a broad range of experts. We have people from all the previous administrations, certainly going back to Bush 41, in these.

Once in a while, we have an expert on a particular area. For the demographic report we did, we actually hired a consultant to help us understand the impact of the Dobbs decision, what that would do to fertility. And so that—there is—having—there is an academic who had the research like that.

And we consulted widely with people with very wide—you know, very wide variety of views on Dobbs, but we did hire one expert just because she was set up to do the—to help us with the analysis.

Mr. LATURNER. Understood.

Mr. Chairman, I yield back.

Mr. AMODEI. Thank you.

Reminder to everybody. If we have got outstanding information requests with Dr. Swagel's organization, let us know. Faye, Michelle are here to help facilitate that so the information gets exchanged, anything else like that, so we can get on with drafting the committee bill in this area.

Mr. Clyde.

Mr. CLYDE. Director Swagel, one final comment I would like to make—and I think you would be—you will be happy to hear this—is that, you know, the new Republican rules talk about regular order. They talk about 12 appropriation bills. You know, they talk about single-subject bills, okay? So I think that will greatly improve your ability to deliver to Congress what Congress needs in a timely fashion.

So I just wanted to make sure that you were aware of that.

Mr. SWAGEL. No, I——

Mr. AMODEI. That should free up a lot of your time to deal with open rules and thousands of amendments on the floor.

Mr. SWAGEL. We will support the Congress on whatever——

Mr. AMODEI. With that——

Mr. SWAGEL. However the Congress works.

Mr. AMODEI. With that, the meeting is adjourned. Thank you, all.

Mr. SWAGEL. Thank you.

WEDNESDAY, MARCH 8, 2023.

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

WITNESS

PATRICK N. FINDLAY, EXECUTIVE DIRECTOR, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Mr. AMODEI. The subcommittee will come to order.

I want to welcome everyone. The subject of today's hearing is Fiscal Year 2024 Request for the Office of Congressional Workplace Rights.

I want to thank my ranking member, Congressman Espaillat, committee members, and Executive Director Patrick Findlay.

I have asked Mr. Findlay, as well as other folks—so we know kind of what direction we are headed—to submit their usual justifications in their opening statements, which will be made part of the record. I have also asked him—said, hey, I am pretty sure we are capable of reading that stuff and proceeding accordingly, so feel free to summarize that. Anything that is included in those written comments is obviously fair game.

And so we will go ahead and begin.

I am going to go ahead and reserve on an opening statement. I don't think anybody came here with the expectation of hanging on every word that I might say in an opening statement, so I will save you that.

Mr. Ranking Member, the floor is yours for an opening statement.

Mr. ESPAILLAT. Well, thank you, first, Mr. Amodei, for pronouncing my name right.

Mr. AMODEI. I have been working on it.

Mr. ESPAILLAT. I know that we share a certain complication in that arena.

Mr. AMODEI. That is true.

Mr. ESPAILLAT. Maybe we can work bipartisanly in that way, right?

Mr. AMODEI. I can use all the help I can get. Thank you, sir.

Mr. ESPAILLAT. OK.

But this committee, as you know, has a long history of bipartisan work, and I look forward to working with you in that direction. As you know, the committee also impacts on aspects of the operation of Congress, and without that we cannot serve the people that we represent. So it is critical that we work together as we address the issues that the subcommittee will put forward as a priority.

And, Mr. Findlay, welcome, and we look forward to hearing from you.

As you indicated in your budget request, the Office of Congressional Workplace Rights is responsible for one major program, ad-

ministering the provisions of the Congressional Accountability Act, CAA.

So we look forward to your presentation, and I look forward to working with you.

Mr. AMODEI. Great. Thank you, sir.

I should also add for purposes of the record that the subject of today's hearing is the Fiscal Year 2024 Request for the Office of Congressional Workplace Rights.

And, with that, Mr. Findlay, the floor is yours.

Mr. FINDLAY. Great. Good morning, Chairman, Ranking Member, members of the committee. Thank you for the opportunity to appear before you on behalf of the Office of Congressional Workplace Rights to discuss our fiscal year 2024 budget request.

I became Executive Director just this past November. It has been an incredible privilege to work with our small but dedicated staff to advance workplace rights, safety and health, and accessibility in the congressional workplace.

As you know, the Office of Congressional Workplace Rights is the independent, nonpartisan office that administers the Congressional Accountability Act, including all of the employment- and accessibility-related statutes that apply to Congress through the CAA. For example, through the CAA, Congress has applied to itself parts of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Family and Medical Leave Act, along with several other important statutory provisions.

The OCWR performs many of the same functions for the legislative branch as do multiple agencies within the executive branch. That means that the OCWR operates in several distinct but complementary mission spaces.

We operate in administrative dispute resolution, or ADR program, to resolve CAA claims, including through hearings and appeals. Our ADR program also offers voluntary confidential mediation services to assist the parties in resolving claims on their own.

We provide confidential advising services to covered employees on a privileged and confidential basis to advise employees about their rights and responsibilities under the Congressional Accountability Act in light of their particular circumstances.

We have a robust outreach, education, and training program tailored to the unique needs of the legislative-branch community.

Our Office of General Counsel investigates alleged violations of laws governing hazard-free workplaces, accessibility, and collective bargaining, and they prosecute violations. OGC inspects more than 18 million square feet of legislative-branch facilities and grounds to ensure safety and accessibility.

Our board of directors proposes and, after congressional approval, promulgates regulations to interpret and implement the various statutes applied to the legislative branch through the CAA.

We also administer the statutorily required biennial Congressional Workplace Climate Survey.

With that brief background, I would like to turn to the particulars of our fiscal year 2024 request for just less than $8.55 million. I believe this request reflects our commitment to operating efficiently and as a responsible steward of taxpayers' money.

Funding at the requested level in fiscal year 2024 would keep the OCWR at a steady state. It would not notably expand our capabilities beyond our fiscal year 2023 levels but would allow our currently authorized staff to continue succeeding in our mission.

The OCWR relies on its people to accomplish our varied mission. We don't have highly specialized, expensive equipment or facilities or other capital-intensive things. As in the past, our biggest line item for fiscal year 2024 remains personnel costs.

Approximately 61 percent of our budget request, or $5.2 million, is for the costs associated with our current allotment of 34 authorized full-time-equivalent employees. Though not contemplating any additional staff, this dollar amount represents an increase of 6.7 percent above the fiscal year 2023 enacted level.

The increase has two components: the standard CBO-generated cost-of-living projection that all legislative-branch agencies are to use; and an amount that would allow for merit and tenure increases in salary to ensure our compensation is comparable to the executive branch.

Our request for non-personnel costs and expenses makes up approximately 39 percent of our request, or approximately $3.3 million. This amount represents an increase of 7.1 percent above our fiscal year 2023 enacted amount. This increase covers projected upticks in operational costs related to contract services, including for projected increases in costs associated with IT modernization and security.

As I discuss more in my written statement and as our budget justification covers in even greater detail, a good deal of our non-personnel costs are dictated by, for example, the number and complexity of cases. Put another way, while we are conscious of keeping costs down when possible, circumstances outside of our control, including inflation, mean we cannot cut our non-personnel costs indiscriminately or across the board without a direct impact on our mission.

Because our requested budget is straightforward, efficient, and crucial to the OCWR fulfilling the roles Congress set out for us, I ask that you fund our office at the requested level.

Your support will allow us to continue our efforts to make our legislative branch a model workplace—safe, accessible, free from discrimination and harassment, and which offers equal employment opportunity and treatment for all.

Thank you. I look forward to answering any questions that you may have.

Mr. AMODEI. Thank you.

Mr. Ranking Member, questions?

Mr. ESPAILLAT. Yes.

My first question centers on the impact of the budget and proposed budget cuts. And OCWR received a substantial increase last year. With no new initiatives in 2024, what will happen to the operations if you remain flat or even return to the fiscal year 2022 level? And how do you see the decrease impacting the employees and overall goals of the legislative branch?

Mr. FINDLAY. So, if we remain flat, that would put us at about $8 million and about 500,000 less than we requested.

Because, as I mentioned, so many of our non-personnel costs are fixed—our IT-related things that are essentially non-negotiable; we have to have secure IT systems, that sort of thing—it would almost certainly have to come out of our personnel side.

And so that would mean, to get back to, say, 500,000, from our projection, 200 to 300 of that could come from not giving cost-of-living raises or any other merit increases, anything like that, to our staff.

Some of it could be made up by leaving positions unfilled. But I think, in light of the roles our folks play, most of our staff play unique roles. We only have a couple of positions that have multiple people doing a role. So, depending on who were to leave, how we were to leave those spots open, it could cause delays in inspecting premises.

So, if any of your staff call with a complaint and are trying to get AOC to fix something and they are not, it might take longer for our inspectors to get out there and be responsive to that call.

If your folks call and need confidential advising and that is a position that had to remain open if someone were to leave, it could delay them getting that.

It couldn't prevent and be—just under the statute, we would still have to appoint our hearing officers and process all the cases, but it could cause—if our clerk staff were to be diminished, it could cause delays in that arena.

So every part of our mission could be impacted depending on how it particularly impacted our staff. And I don't think there would be any way, if we were to go back or certainly even farther back, to, say, 2021 levels, I don't think there is any way we could maintain our current level of service. We would have to delay training, we would have to—something would have to give. And I think the impact would be pretty stark and, obviously, not efficient and not ideal.

Mr. ESPAILLAT. Thank you for that answer.

As you know, last year, we passed a resolution guaranteeing protections for staff who try to unionize. How has your office supported these efforts? How many petitions have been filed, elections conducted, or unions approved?

Mr. FINDLAY. So, as you alluded to, the House passed the resolution last Congress to extend to House staff collective bargaining rights. And, since then, 14 petitions have been filed with our office asking for a collective bargaining unit to be recognized.

Seven of them have gone through the process, at least as far as our office is concerned, and have either completed their collective bargaining or are in the middle of their collective bargaining. They don't then have to come back to us once there has been the election. And so they are off and running on their own.

There are seven that are pending at different stages of the process, some earlier than others—the conferencing, trying to settle on what they are going to have as their bargaining unit. Others are about to have an election. Others, you know, are at various other spots.

So, as far as supporting that, of course, the act requires us to run the elections, for instance, and so we hold the elections. And recognizing that House staff are all over the country, we have used an

electronic elections system that I think is a safe, secure, and efficient way to do it and allows district staff to participate on equal footing with DC staff, which is important and required by the act.

So, beyond that, we have our attorneys doing the normal role that you would expect, whether it be House or any other part of the legislative branch.

Mr. ESPAILLAT. Are there any particular concerns regarding this entire process?

Mr. FINDLAY. I don't think so. I think it has been efficient, at least on our end, and I haven't heard any complaints or problems with how we provided the role we are obligated to provide.

Mr. ESPAILLAT. Thank you, Mr. Chairman. I yield back.

Mr. AMODEI. Thank you, Mr. Ranking Member.

We will now go to Mr. Franklin.

Mr. FRANKLIN. I thank the chairman.

Mr. Findlay, of the 34 full-time equivalents you have, are those all filled at this time?

Mr. FINDLAY. They are not. We are at 29 filled right now. I have one posted. I hope to post very soon two others. And then I am looking to fill two more by the end of the fiscal year, and if not early in the next fiscal year, this coming fiscal year.

One of the FTEs actually is not a full-time person. It is distributed among our five board members. So they, together, are considered one of our FTEs.

Mr. FRANKLIN. OK. When were you last at full strength?

Mr. FINDLAY. I don't know.

Mr. FRANKLIN. Is it pretty typical to have vacancies?

Mr. FINDLAY. I know they kept some of the vacancies until I was appointed so that I could, you know, have an impact or say on who it is. I don't know how often—I would think it is typical to have at least some vacancies.

But I don't like vacancies. I want to get them filled. You know, we have work to do.

Mr. FRANKLIN. So what happens to the budget and money if you go through a year and you are funded at a certain FTE level and those positions aren't filled? What happens to the money that is allocated for those salaries?

Mr. FINDLAY. Well, of course, if we have money at the end of, you know, the appropriated period, it would return to Treasury.

Mr. FRANKLIN. All right. Following up on the unionization question, did that require you to add staff?

Mr. FINDLAY. Sort of. It required us to dedicate staff.

It was, well, sometime in the spring last year, I think, after the initial approps that our folks asked for additional funding, as Mr. Espaillat noted. And so, at one point back then, about a dozen of our staff were spending some of their time on the unionization matters.

But now that it is more routine and a system and a process is in place and the computer systems are in place, it is less than one FTE, of a line person. Then, of course, there is the management review and that kind of thing. But at the line level, it is taking up less than one FTE worth of——

Mr. FRANKLIN. So it is mostly a collateral job, or it was, for people——

Mr. FINDLAY. Yes, for the—exactly, the 12. Because that covers training people, technical people, a clerk. It is sort of all aspects of—other than—not—our health and safety inspectors didn't have anything to do with it. But the folks that you would expect certainly had something to do with it.

But now it is mostly one of our attorneys who is in the process that the regs and the statute require, the interacting with the employing office and with the declared union.

Mr. FRANKLIN. OK. Very good.

Thanks, Mr. Chairman. I yield back.

Mr. AMODEI. Next we will hear from Congresswoman Wexton.

The floor is yours.

Ms. WEXTON. Thank you, Mr. Chairman.

And thank you, Mr. Findlay, for coming before us today.

Director Findlay, I am kind of curious about the paid family and medical leave policy that we have here in the Capitol, because my understanding is that each employee gets up to 12 weeks of paid family medical leave for the birth of a child?

Mr. FINDLAY. Right.

Ms. WEXTON. For parental leave. My apologies.

Mr. FINDLAY. For parental—right.

Ms. WEXTON. Yes, parental leave.

So have you inquired about how many people are aware of that? I mean, do you know what the uptake of it is?

Mr. FINDLAY. I don't. And I don't know that we would necessarily know the uptake. I think that would have to come from maybe CAO.

But it is a new—the House did pass regulations in the last Congress to extend the paid parental leave to House employees. And those, of course, are the regulations that our board proposed. And then they became effective for the House employees.

So it is a new requirement, a new opportunity for House staff. I don't know what the uptake——

Ms. WEXTON. OK.

Mr. FINDLAY. I do think, as you noted, it is important that folks do realize they have that opportunity.

Ms. WEXTON. Is your office doing anything to inform people about that opportunity that they have?

Mr. FINDLAY. We are, through our outreach program, in both training—it is now being mentioned as we update our trainings, and there are other—newsletters, things like that, that we have, working with the House to get that message out.

But that is a good point. The right isn't worth anything if folks don't know they have it. And so I think that is crucial.

Ms. WEXTON. And do offices have an affirmative duty to tell their employees about it?

Mr. FINDLAY. I don't know. I don't think they have an affirmative duty to tell their folks about the new paid parental leave, but it absolutely needs to be part of the overall training under the Congressional Accountability Act and in the FMLA training that it is part of. Because, of course, paid parental leave is part of the FMLA, as you noted.

Ms. WEXTON. OK. Thank you.

A few months ago, OCWR released its biennial report to Congress with several recommendations to modify the CAA. The recommendations included protecting whistleblowers from retaliation, requiring offices to maintain records of workplace injuries and illnesses to help prevent workplace hazards, and extending paid child bereavement leave to legislative-branch employees.

Under the CAA, your board has to provide these recommendations and to ensure that we are keeping pace with the private sector—is that correct—as well as well as the executive branch. Is that correct?

Mr. FINDLAY. That is exactly right.

Ms. WEXTON. Right.

So let's talk a little bit about the recommendations to extend the paid child bereavement leave to legislative-branch employees.

I know that with the passage of the NDAA for fiscal year 2022, the executive-branch employees are entitled to 2 weeks of bereavement leave for the death of a child. Is that correct?

Mr. FINDLAY. I think that is right. I would have to verify, but I think that is right. That sounds right.

Ms. WEXTON. OK. And, right now, legislative employees are not allowed to have that—are not entitled to that benefit?

Mr. FINDLAY. They don't have that entitlement because it has not been applied by the House yet.

Ms. WEXTON. OK.

And if your recommendation is adopted, what, if any, challenges do you expect with implementing the leave policy?

Mr. FINDLAY. I don't think there would be on our side. The regulations have already been proposed.

Ms. WEXTON. OK.

Mr. FINDLAY. I don't think there would be one on our side.

Ms. WEXTON. I hope not. I mean, if a child dies, I mean, I don't think that 2 weeks of paid leave is too much for somebody to take, so hopefully we will do that. Hopefully we will do that.

A question about the Congressional Climate Survey that came out recently. And I know we don't have the results from it yet, do we?

Mr. FINDLAY. We do. And so I should——

Ms. WEXTON. It is raw data?

Mr. FINDLAY. The results for the House have gone over to the Committee on House Administration. And, at the high level, our folks who do the analysis were heartened, and I think things are looking good for the House-side offices.

And so those results are in, over to CHA. As far as what sort of granular level is made public or how it is made to various offices is really up to CHA. But our folks were heartened by what——

Ms. WEXTON. Would you say that there was an improvement over the previous Congressional Climate Survey?

Mr. FINDLAY. I think so. Now, keep in mind, we have only done it twice. So there is not a span of year—at least OCWR's. I know there are other surveys have gone on out there, but OCWR has only done it twice. We are now formulating for the next Congress, because, of course, it is a requirement every Congress. So we are early in the process now, working with folks to make it as effective and useful——

Ms. WEXTON. And were there notable changes to the questions that you asked, or were they very similar to the ones that you asked in the previous survey?

Mr. FINDLAY. We try to keep the questions—I think there have been changes to the questions year to year, but try to keep them similar——

Ms. WEXTON. Similar?

Mr. FINDLAY. It is always a—you want the questions, and you want it to be comparable year to year, but you also want to be responsive to events that might be happening or concerns that come along.

But we do—and that is really where we are focused right now, to keep the survey and make it as useful as possible to you all.

Ms. WEXTON. Mr. Chairman, I see that my time has expired. May I ask one more quick question?

Mr. AMODEI. You bet.

Ms. WEXTON. Thank you.

Director Findlay, do you know what the response rate was to the survey? And was it higher or lower than the previous year?

Mr. FINDLAY. I think it was about the same. I would have to check. But it was about 10 percent, which, to me, sounded terrible, but according to the statisticians and the folks that really look at it, they thought it was meaningful and could actually provide useful information. And so that surprised me. But it was about 10 percent, and folks were happy with that.

Now, we will continue and in the next cycle try to get that number up even higher, because of course——

Ms. WEXTON. Based on the number of emails I saw in my inbox about, you know, "Answer your survey," "Answer your survey," Answer your survey," I know that you definitely beat the bushes to get those responses in. So thank you very much.

I will yield back with that. Thank you, Mr. Chairman, for your indulgence.

Mr. AMODEI. Thank you.

Also, in case members are wondering, you are being called on in the order that you arrived. As a fairly junior member in this process, I was always impressed when a senior-ranking person would come in and bump me. So, on behalf of the little ladies and gentlemen of the world, you are called on in the order you arrived.

Which brings us to the gentleman from Illinois, Mr. Quigley.

Mr. QUIGLEY. I thank the chairman.

The ranking member asked you a question about if your budget was flat, stable. But, given the reality, it is not inconceivable that a budget could be proposed within this House that is much starker, perhaps a 20- or 25-percent cut.

At that point in time, are you able to function and complete the duties that you are assigned to?

Mr. FINDLAY. I don't think we could do all the duties. We would have to delay things like training. We would have to sort of see who—leaving positions unfilled, that sort of thing, and having folks backfill for other responsibilities, which might now be collateral, auxiliary responsibilities would become their primary.

But it could slow down our training updates. In an effort to keep our training relevant, useful, to keep folks out of hot water, we reg-

ularly review and update those. I think that process would be slowed or stopped.

It would certainly have an impact on our inspections. We would have to—we would probably miss our target on inspections.

The confidential advising is another area. Pretty much every—because we are so people-driven, I mean—and, with less, that things would have to go.

I wish there was, in looking through the budget, when I pushed folks, "We have however many thousands for Westlaw" that kind of thing, the things that we could cut and save on the margins like that are in the sort of single-digit thousands.

If we were to have a 25-percent cut, it would cut our staff, it would cut into the bone. And we would really have to elevate, you know, which staff, you know, do what at that point. But there is no doubt in my mind that we would be doing less, which means things would slip.

Mr. QUIGLEY. But, in terms of your core functions, you talk about prioritizing. Who ultimately would make those decisions on what you would still do and what you would not do?

Mr. FINDLAY. Well, some of it—processing claims, for instance—we have to do under the act.

And so we would still appoint a preliminary hearing officer every time a claim comes in. If it passes the preliminary hearing officer stage and goes on to a full merits hearing—now, there could be a motion to dismiss, all of that—we have to appoint a merits hearing officer. If the parties request, we have to facilitate mediation. And all of that is done through contracting with our hearing officers and our mediators. And that wouldn't be optional.

We have to promulgate the congressional survey. We have to offer Congressional Accountability Act training. And so it is—I think we would still be doing a lot of those things. We wouldn't be doing it as well, and certainly on a delayed basis.

And it would really—as far as who would decide what we do, I mean, that would be a conversation with you all and with the Committee on House Administration to figure out exactly what can give. But a lot of it can't give, because it is statutorily required. And that is what worries me with a cut of that magnitude.

Mr. QUIGLEY. Does your training or advice include issues related to whistleblowing?

Mr. FINDLAY. I think probably not the type of whistleblowing you are thinking about.

Mr. QUIGLEY. Well, what does it cover?

Mr. FINDLAY. Well, it—so our training covers a whole—everything that is covered by the Congressional Accountability Act. So whistleblowing, because someone raised an Americans with Disability Act claim, for instance, would be covered.

But I think you are probably talking more general whistleblowing: Somebody says, something in my office is not right, there is corruption, there is—any of the more traditional whistleblowing. And that is not covered currently under the Congressional Accountability Act.

Mr. QUIGLEY. But the elements that you describe in more detail, someone can come and explain a situation that is unsafe? Or what exactly would they be able to tell you that you cover?

Mr. FINDLAY. Well, so, for instance, you know, if there is a hazard in their workplace, they could certainly come to us, and our inspectors would go out and take a look at it and cite it or get it rectified.

In their personal—if they felt like they had been discriminated against or weren't given their family medical leave or something like that, that they would raise—they could immediately file a claim, and our process would facilitate that. And they could do it in paper, email, and online system. We try to make it easy, especially recognizing folks in the district offices.

But they also might not know what exactly their rights are or what these circumstances mean to them with respect to our office and the act. So they could call in or Zoom in or walk in and talk to our confidential advisor, who could work with them to understand what exactly their rights are.

And that is a position that was created in the Reform Act a few years back that is pretty unique and provides that sort of service for folks who you wouldn't expect are going to know exactly what their rights are or what to do about it.

Mr. QUIGLEY. Thank you.

I yield back.

Mr. AMODEI. The gentleman from Kansas, Mr. LaTurner, the floor is yours.

Mr. LATURNER. Thank you, Mr. Chairman. I appreciate it.

And thank you, Mr. Findlay, for being here with us today.

I want to talk about cybersecurity. So, as you know, the GAO issued a report 3 years ago talking about the weakness in the cybersecurity surrounding the transition from the legacy system to the e-filing system.

How has your office improved cybersecurity management since then?

Mr. FINDLAY. So I think it has been pretty significant.

We have brought in folks now and recently started a new person who have that expertise.

We work with the Library of Congress, because they are our sort of top-level—they are the ones who provide our internet connection, for instance, and so most of our systems have to go through them. So that has been a terrific relationship, with their IT folks and our IT folks, to focus on security, because security is so crucial to what we do in keeping things confidential and within our system.

And so all of the GAO recommendations we have over the years agreed to and have closed a whole slew of them, they have to be—some of the GAO recommendations have to sort of be processed in order. And so I think that was important, to make sure our base-level systems were secure where they needed to be, and then our online filing, all of the things, the sort of second- and third-order, come into play.

We are currently working on additional policies in that regard and work with GAO and give them updates on a rolling basis. And so I would hope and expect we will have all of the open recommendations closed before we get into fiscal year 2024.

Mr. LATURNER. How many remain?

Mr. FINDLAY. I would have been able to tell you if you didn't ask me. I want to say five or six.

Mr. LATURNER. OK.

Mr. FINDLAY. And they are all related.

But my goal is to get those closed—yes, we can get you the exact number. I have the exact number, I think, in our budget justification. But rather than flip through it, I know we talk about it there.

Mr. LATURNER. OK.

Mr. FINDLAY. But my goal is to get those closed. They have been open a while. And I understand why they had to be open a while; we wanted to do it right. But I want to be done with it and get those closed—realizing, and as we tell GAO, that doesn't mean the process is done. Our IT folks have to monitor all the time, update all the time.

You know, that is another area that I would worry about if we did have a significant cut, just because, of our non-personnel costs, our IT budget is, I think as you would expect, a huge chunk of our non-personnel costs.

Mr. LATURNER. Sure.

Mr. FINDLAY. And I don't want to scrimp there. That worries me.

Mr. LATURNER. I want to talk about—switch subjects—the confidential advising. So that is part of the justification for the increase in your budget request.

There has been an increase of 60 percent in confidential advising from fiscal year 2021 to fiscal year 2022. Over that period, do you have data for how many legislative offices were transitioning back to in-person work post-pandemic and if that transition and the increase have a cause-and-effect relationship? Or could you provide data for a larger timeframe so we could look for a trend of increased request submissions?

Mr. FINDLAY. The confidential advisor only, you know, was created in 2019 through the Reform Act, so we don't have data before then. We do have data going all the way back then.

We don't have data, at least that we generate, with, you know, who is back, how many staff are back full-time, and how many staff are back in a more hybrid model.

We have seen an uptick since sort of a resume or back to normal COVID stance. I think with more folks coming back, there definitely has been an uptick in both the requests for information—now, after the Reform Act, there was a huge uptick because nobody knew what was—but since it settled down, there has been an uptick, and we were at sort of a higher level now.

And we have also noticed that in cases. If you look at our case numbers that we report, there was a spike. Part of that was because of changes in the Congressional Accountability Act back in 2018, 2019.

But I think we are expecting that number to sort of stay at its new higher level. But I hate making predictions like that, so we try not to.

Mr. LATURNER. Would you mind sending us or directing me to all of the years of data that you have?

Mr. FINDLAY. Sure. I want to say it is page—it is 16 of our budget justification that might have our——

Mr. LATURNER. I think we have it.

Mr. FINDLAY. You have it? OK, great.

Mr. LATURNER. Thank you very much.

I will yield back, Mr. Chairman.

Mr. FRANKLIN. Thank you.

Mr. AMODEI. Thank you.

The gentleman from Georgia, Mr. Clyde, the floor is yours.

Mr. CLYDE. Thank you, Chairman. And congratulations on your new role as chair of this committee too.

Mr. AMODEI. Oh, the jury is still out on that. We will see about that.

Mr. CLYDE. As we discuss the budget request for the Office of Congressional Workplace Rights, we must remember that Congress, as defined and written the Constitution, plays a vital role in the separation of powers and the oversight of Federal agencies.

As we delve into the important work of this subcommittee, it is essential to consider the size of our Federal Government. There are approximately 2 million full-time Federal employees, excluding Postal Service workers and Active Duty military.

However, it is worth noting that the estimated 10,500-plus employees that work in Congress, including Members and staff, make up only about 0.5 percent of the total Federal workforce.

This statistic highlights the importance of the congressional support staff as a small but essential part of our government. And, as such, it is imperative that we ensure that the Office of Congressional Workplace Rights is functioning efficiently and effectively.

With that in mind, I have some questions for you regarding the management of OCWR. The first question is about GAO recommendations.

Mr. Findlay, OCWR says it has adopted five GAO recommendations, but GAO has made 11 recommendations to OCWR in the reports on the key management practices and weaknesses in cybersecurity management.

So, as you were talking with Mr. LaTurner and the number of outstanding recommendations didn't come to mind, that would be six, from what I see here.

And so what is the status of those six relating to IT systems and weakness in cybersecurity management?

Mr. FINDLAY. So the status of the six—and that is right. A number have been closed.

So the status of those six are: We are almost there. Some of them require policy updates and procedures that our folks are working on. We are close.

And I think GAO would agree with that. They have been, I think, largely pleased with what we have provided to them. Of course, have closed the majority of them when you include that report and a couple of the others that have come up over the years.

So, as far as the status, we are in the implementation—really, more documentation stage, I think, at this point.

And my goal is to get those—I would love to have them closed out this spring, but I think as we noted in our budget justification, we definitely expect to have them closed before we get into fiscal year 2024, realizing that some of that will be out of our control. And, of course, how long it takes GAO to analyze what we submit to them in our effort to get it closed, you know, is out of our hands entirely.

But I hope in this fiscal year, not the next fiscal year, to have what we think is the full package over to them of our new policies, procedures, sort of the documentation, the receipts, if you will, to show them that we are doing what they recommended.

Mr. CLYDE. Well, OK. Because that kind of conflicts with the information I have here.

Mr. Chairman, I would like to submit for the record GAO Report 20–199 and also the author of that report's email to my office this week stating that "GAO has received no evidence that OCWR has addressed any of the five recommendations" and that the status remains open on their website.

[The report appears at the conclusion of the record.]

Mr. CLYDE. So I am kind of confused here as to—you are telling me that they are closed? You have some that are closed?

Mr. FINDLAY. No. Oh, there are certainly recommendations that are closed.

Mr. CLYDE. And implemented?

Mr. FINDLAY. Closed because they were implemented, of course.

Mr. CLYDE. All right.

Mr. FINDLAY. There are five or six that are—and it sounds like it was six. I would have to go back and look.

Mr. CLYDE. It is six.

Mr. FINDLAY. So six that remain open—do remain open.

We, in preparing our budget justification—because one of the sections of the budget justification is how you are doing on open GAO recommendations. So we reprinted them all there and verified what GAO had on its website. And, at least as GAO reported it, we agree entirely with—and so I don't know about the email, but as reported on gao.gov, on their lookup for each report we agree with how they have characterized our status on each of them.

That said, I hope very soon to get them information that would let them close the remaining handful of recommendations.

Mr. CLYDE. OK. And you think that before the end of the fiscal year?

Mr. FINDLAY. I hope sooner but our commitment and the commitment of our IT folks and other folks who have to be involved in all of this is that we will get that done.

Mr. CLYDE. Because the report came out in February of 2020.

Mr. FINDLAY. Yes It has been a while, absolutely.

Mr. CLYDE. It has been a long time.

Mr. FINDLAY. And I think, as I mentioned, and rightly so—this isn't a criticism of GAO—but a number of the recommendations had the—you had to follow the right order. A had to go before B, which had to go before C.

And so we had to get them, some of them—and we are working on all of them sort of simultaneously, but they are ordered. And so the ones that have been closed obviously are now closed, and we are on to the B's and C's. But it was going to take some time, as I understand it. But we are close.

Mr. CLYDE. Well, I look forward to seeing those closed.

Mr. FINDLAY. Me too. Thank you.

Mr. CLYDE. Thank you.

And I yield back.

Mr. AMODEI. Thank you.

We have a little bit of time. Does anybody have any other questions?

OK. The record should reflect there was a negative response.

Just so—Mr. Findlay, obviously, you are familiar with this process. There is going to be some time now between drafting the manager's amendment and the bill and stuff like that. So, if there are any questions that members have, I encourage you to get with either Faye or Michelle to make sure that Mr. Espaillat and Ms. Wexton and Mr. Quigley, as well as the members on our side, have the understandings they need so they can participate fully in terms of communicating what they think is important as a result of the hearing and going over the budget so that everybody can have their say in drafting the bill for committee markup or be fully prepared to continue their advocacy at the full committee markup.

So I would ask that, if any members have concerns, that they make sure that Faye or Michelle know those so that we can make sure we have robust communications with "we are still waiting on this" or "we are still waiting on that"

If we are not of that opinion, then we will assume that everybody has had their chances. I would encourage you, as you have always done in the past, if a member wants a meeting or a phone call or something like that, that that is a priority since some of our deadlines are not negotiable in terms of producing our work product.

So, since there are no further questions, I would like to again thank you, Mr. Findlay, for being here today.

The members may submit additional questions for the record in the process that you are familiar with.

And the subcommittee stands adjourned. Thank you.

[Material submitted for inclusion in the record follows:]

Committee on Appropriations
Subcommittee on Legislative Branch

Office of Congressional Workplace Rights (OCWR) Budget Hearing (March.08.2023)

Questions for the Record

Submitted by Congressman *Clyde*
[Answers provided by OCWR as of April 14, 2023]

OCWR Congressional Climate Survey (CCS)

The OCWR was appropriated $260,000 for the CCS and released a two-page report for the 116th Congress' CCS. The two-page report did not include, among other things, CCS results for other offices within the CAA covered community.

Question: Does OCWR plan to report or analyze the CCS results for other offices in the CAA covered community?

OCWR Answer:

On July 27, 2020, the OCWR provided the U.S. House Committee on House Administration (CHA) with a comprehensive 135-page report containing results and analysis of the House employee responses to the CCS for the 116th Congress.

On August 27, 2020, the OCWR provided the U.S. Senate Committees on Rules (Senate Rules) and on Homeland Security and Governmental Affairs (HSGAC) with a comprehensive 145-page report containing results and analysis of the Senate employee responses to the CCS for the 116th Congress.

On March 31, 2021, the OCWR provided CHA, Senate Rules, and HSGAC (together, the Committees) with several sets of survey results. Specifically, the OCWR provided the Committees with a comprehensive 148-page report containing consolidated results and analysis of employee responses to the CCS for the 116th Congress from all of the employing offices of the legislative branch other than the House and Senate. The OCWR provided the Committees with individual reports, of more than 130-pages each, containing results and analysis of the employee responses to the CCS for the 116th Congress for each of the following employing offices: the Library of Congress, the Architect of the Capitol, the United States Capitol Police, and the Congressional Budget Office. Finally, the OCWR provided the Committees with a 142-

page report containing results and analysis of the consolidated responses to the CCS for the 116th Congress from employees of all employing offices with fewer than 30 participants.

On August 9, 2022, the OCWR posted a two-page summary of the 116th Congress results for the House on the OCWR website at CHA's request. The format and style of this summary was the result of the OCWR collaborating extensively with CHA to ensure that the summary would provide appropriate transparency and value to readers. This summary is Attachment 1 to these responses and is available online at <https://www.ocwr.gov/wp-content/uploads/2022/08/House-two-pager-116th-Congress.pdf> (visited Apr. 14, 2023).

On June 17, 2022, the OCWR also provided Senate Rules and HSGAC with a two-page summary of the 116th Congress results for the Senate. The OCWR modeled this summary on the House two-page summary described above. That same day, the OCWR provided the Committees with similar two-page summaries of the 116th Congress results for all of the employing offices of the legislative branch other than the House or Senate.

Question: Given the $260,000 dollar amount given to OCWR for conducting the CCS, does OCWR plan to release a more substantial report of its results?

OCWR Answer:

As noted in the answer to the previous question, the OCWR released to the Committees substantial, data-packed reports of the results of the CCS for the 116th Congress spanning more than 1,000 pages. Further release of the reports or summaries is the purview of the Committees. *See* 2 U.S.C. § 1388(d) & (e).

Question: What are OCWR's key takeaways from the Congressional Climate Survey (CCS) conducted for the U.S. House of Representatives, 116th Congress?

OCWR Answer:

The key takeaways from the House employee responses to the CCS for the 116th Congress are in a two-page summary noted in the answer to the first question above. As noted above, the summary is Attachment 1 to these responses and is available at <https://www.ocwr.gov/wp-content/uploads/2022/08/House-two-pager-116th-Congress.pdf> (visited Apr. 14, 2023).

Question: What is the status of the second biennial CCS, administered in 2022? How will OCWR use the survey results to improve the workplace environment and better meet the needs of covered offices?

OCWR Answer:

Last year, the OCWR completed the data collection aspect of the CCS process for the 117th Congress, the second such CCS required per 2 U.S.C. § 1388.

On March 9, 2023, the OCWR provided CHA with a comprehensive 128-page report containing results and analysis of the House employee responses to the CCS for the 117th Congress. On March 16, 2023, the OCWR provided CHA with a two-page summary of the 117th Congress results for the House. At CHA's request, OCWR posted this two-page summary on the OCWR website on March 30, 2023. This summary is Attachment 2 to these responses and is available online at <https://www.ocwr.gov/wp-content/uploads/2023/04/CCS-Summary-117th-Congress_House.pdf> (visited Apr. 14, 2023).

On May 20, 2022, OCWR provided Senate Rules and HSGAC with a comprehensive report providing results and analysis of the Senate employee responses to the CCS for the 117th Congress.

The OCWR expects to provide the Committees with results and analysis of employee responses to the CCS for the 117th Congress from all of the employing offices of the legislative branch other than the House and Senate in the coming weeks.

The OCWR would facilitate, if directed by the Committees, sharing the results with the relevant employing offices to meet the needs of those offices. Congress has not authorized OCWR to release results of the CCS unilaterally nor to dictate how employing offices choose to improve their workplace environments based on the results of the CCS.

General Awareness of OCWR

Question: What steps is OCWR taking to improve awareness of the Office and its function to assist employees with reporting and addressing incidents?

OCWR Answer:

The OCWR works closely with other legislative branch offices, including CHA, the House Office of Employee Advocacy, and the Office of House Employment Counsel, to ensure that covered employees know their rights and the services that the OCWR provides.

The OCWR education and training program offers a robust catalog of trainings through multiple formats, including in-person and via video conference, to teach covered employees about their workplace protections and the services the OCWR offers, including the OCWR Administrative Dispute Resolution program. OCWR trainings support compliance with the CAA and assist employing offices and covered employees in maintaining workplaces free from unlawful discrimination and other prohibited activities. More on the OCWR training and education program is available online at < https://www.ocwr.gov/training-and-education/> (visited Apr. 14, 2023).

More generally, through its Workplace Rights posters, quarterly newsletters, social media posts, and website, the OCWR shares important information with the covered community. This information remains available as a resource. For example, employees who might need assistance reporting or otherwise addressing possible violations of the CAA can follow the "Request Assistance" link on the OCWR website home page to receive just that sort of information, including how such an employee could receive individualized assistance from the OCWR Confidential Advisor. *See* "Request Assistance," OCWR website, available online at <https://www.ocwr.gov/request-assistance/> (visited Apr. 14, 2023). Through these efforts, the OCWR seeks to ensure that covered individuals will quickly find relevant information when they need it in a form that works for them.

United States Government Accountability Office

Report to Congressional Committees

February 2020

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Weaknesses in Cybersecurity Management and Oversight Need to Be Addressed

GAO-20-199

GAO Highlights

Highlights of GAO-20-199, a report to congressional committees

February 2020

OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Weaknesses in Cybersecurity Management and Oversight Need to Be Addressed

Why GAO Did This Study

OCWR is an independent, nonpartisan office that administers and enforces various provisions related to fair employment, and occupational safety and health within the legislative branch. To meet its mission, OCWR relies extensively on external parties, such as the Library of Congress, for IT support. In December 2018, Congress passed the Congressional Accountability Act of 1995 Reform Act (Reform Act) which, among other things, required OCWR to create a secure, online system to receive and keep track of claims related to employee rights and protections, such as sexual harassment and discrimination. To meet this requirement, OCWR initiated the SOCRATES project to upgrade its legacy claims management system.

The Reform Act included a provision for GAO to review OCWR's cybersecurity practices. This report examines the extent to which OCWR (1) incorporated key cybersecurity management activities into project planning for its claims management system upgrade, (2) performed oversight of security controls and mitigated risks for selected systems operated by external parties on its behalf and, (3) established an effective approach for managing organization-wide cybersecurity risk. To address these objectives, GAO compared OCWR IT policies, procedures, strategic plans, and documentation for two selected systems to leading IT project planning, system oversight, and cybersecurity management practices.

What GAO Recommends

GAO is making five recommendations to OCWR to address weaknesses in cybersecurity management and oversight. OCWR did not state whether it agreed or disagreed with GAO's recommendations, but described actions planned or taken to address them.

View GAO-20-199. For more information, contact Nick Marinos at (202) 512-9342 or marinosn@gao.gov.

What GAO Found

The Office of Congressional Workplace Rights (OCWR) did not incorporate key cybersecurity management practices into the planning for its Secure Online Claims Reporting and Tracking E-filing System (SOCRATES) project. While OCWR drafted a SOCRATES project schedule, the office did not finalize and use this schedule to manage cybersecurity activities, such as the time frames for conducting information technology (IT) system security assessments. In addition, the office did not document project cybersecurity risks, such as the office's reliance on external parties to implement responsibilities on its behalf. These weaknesses were due, in part, to a lack of policies and procedures for IT project planning. Until OCWR establishes and implements such policies and procedures, it will continue to have a limited ability to effectively manage and monitor the completion of cybersecurity activities for its IT projects.

OCWR did not fully implement important oversight activities for two selected systems—SOCRATES and the system used to document occupational safety and health violations known as the Facility Management Assistant (FMA)—operated by external entities (see table).

Extent to Which the Office of Congressional Workplace Rights (OCWR) Implemented Selected System Oversight Activities for Two Systems Operated by External Entities

	Establish security and privacy requirements	Plan assessment of security controls	Conduct assessment	Review assessment
Secure Online Claims Reporting and Tracking E-filing System (SOCRATES)	◐	◐	◐	◐
Facility Management Assistant (FMA)	◐	○	○	○

Key: ● Fully implemented ◐ Partially implemented ○ Not implemented

Source: GAO analysis of agency and external contractor data. | GAO-20-199

These shortfalls contributed to concerns with the deployment of SOCRATES in June 2019. For example, important security controls needed to ensure the confidentiality, integrity, and availability of the system were not fully tested before the system was deployed. In addition, penetration testing—where evaluators mimic real-world attacks in an attempt to identify ways to circumvent the security features of the system—was not fully completed before deployment. GAO plans to issue a separate report with limited distribution on its assessment of security controls intended to, among other things, prevent successful attacks.

Although OCWR's strategic plan includes a goal of developing cybersecurity policies and procedures, the office had not fully established an effective approach for managing organization-wide cybersecurity risk. For example, OCWR designated an executive to oversee risk, but had not established the responsibilities of the official in the office's policies. Until OCWR improves its appoach to managing cybersecurity risks, its ability to make operational decisions that adequately address security risks will be hindered.

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February 11, 2020

The Honorable Roy Blunt
Chairman
The Honorable Amy Klobuchar
Ranking Member
Committee on Rules and Administration
United States Senate

The Honorable Zoe Lofgren
Chairman
The Honorable Rodney Davis
Ranking Member
Committee on House Administration
House of Representatives

The Congressional Accountability Act of 1995 (CAA) established the Office of Congressional Workplace Rights (OCWR), formerly the Office of Compliance, to administer and enforce various provisions related to fair employment, and occupational safety and health within the legislative branch.[1] OCWR is an independent, nonpartisan office and its work covers approximately 30,000 legislative branch employees in the Washington, D.C., area, as well as elected officials' district and state offices.[2]

The CAA of 1995 Reform Act (Reform Act), enacted on December 21, 2018, amended the procedures for initiating, conducting the preliminary review, and resolving claims related to violations of employee rights and protections, such as sexual harassment or discrimination.[3] Among other things, the Reform Act required OCWR to establish an electronic system

[1]Pub. L. No. 104-1, 2 U.S.C. §§ 1301-1438.

[2]Generally, the CAA applies to the following employers and their employees: House of Representatives, Senate, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol (including the Office of Congressional Accessibility Services), the Office of the Attending Physician, the Office of Congressional Workplace Rights, the Office of Technology Assessment (not currently staffed), the Library of Congress (except for section 1351), the John C. Stennis Center for Public Service Training and Development, the China Review Commission, the Congressional-Executive China Commission, and the Helsinki Commission. Certain provisions of the CAA also apply to us and our employees.

[3]Pub. L. No. 115-397, 132 Stat. 5297 (Dec. 21, 2018).

to receive and keep track of claims by June 19, 2019. In response, OCWR initiated the Secure Online Claims Reporting and Tracking E-filing System (SOCRATES) project, which is intended to fulfill the Reform Act's requirement of establishing an electronic system for claims. According to OCWR officials, this project is intended to be an upgrade to OCWR's legacy claims management system.

To carry out its required functions, OCWR relies on two external parties—the Library of Congress (Library) and an external contractor—for information technology (IT) services and systems support, including assistance with upgrading its legacy claim management system to SOCRATES. The external contractor also provides hosting and application support for another system—the Facility Management Assistant (FMA)—which is a record-keeping system OCWR uses to document occupational safety and health violations.

Because OCWR is dependent on IT systems to collect and maintain sensitive data, such as the claims of legislative branch employees that their rights and protections have allegedly been violated, the security of these systems and data is vital to public confidence. These systems contain a vast amount of sensitive and personally identifiable information,[4] thus making it imperative to protect the confidentiality, integrity, and availability of this information.

The risks to IT systems supporting the federal government are increasing as security threats continue to evolve and become more sophisticated. These risks include insider threats from witting or unwitting employees, escalating and emerging threats from around the globe, steady advances in the sophistication of attack technology, and the emergence of new and more destructive attacks. Underscoring the importance of this issue, we continue to designate information security as a government-wide high-risk

[4]Personally identifiable information is any information that can be used to distinguish or trace an individual's identity, such as name, date and place of birth, or Social Security number, and other types of personal information that can be linked to an individual, such as medical, educational, financial, and employment information.

area in our most recent biennial report to Congress—a designation we have made in each report since 1997.[5]

In light of the importance of cybersecurity to federal IT systems, the Reform Act included a provision for us to review OCWR's cybersecurity practices. This report examines the extent to which OCWR (1) incorporated key cybersecurity management activities into the project planning for its claims management system upgrade, (2) performed oversight of security controls and mitigated risks for selected systems operated by external parties on its behalf, and (3) established an effective organization-wide approach for managing cybersecurity risk.

To determine the extent to which OCWR has incorporated key cybersecurity management activities into its SOCRATES project planning, we reviewed available OCWR project planning documentation related to establishing a project schedule, a requirements management process, and a risk management process. We then compared the office's available project planning documentation to leading practices for project planning, including those identified by the Software Engineering Institute.[6]

We also analyzed the documentation to determine the extent to which OCWR incorporated key cybersecurity management activities, as identified by the National Institute of Standards and Technology (NIST) risk management framework.[7] These activities include, for example, selecting and implementing information security controls and assessing the security controls. Finally, we interviewed OCWR officials, including the General Counsel and the Director of the IT Governance, Risk Management, and InfoSec Compliance Program.

[5]See *GAO, High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas*, GAO-19-157SP (Washington, D.C.: March 2019) and *High Risk Series: An Overview*, GAO/HR-97-1 (Washington, D.C.: February 1997). GAO maintains a high-risk program to focus attention on government operations that it identifies as high risk due to their greater vulnerabilities to fraud, waste, abuse, and mismanagement or the need for transformation to address economy, efficiency, or effectiveness challenges.

[6]The Software Engineering Institute at Carnegie Mellon University is a Federally Funded Research and Development Center —a nonprofit, public–private partnership that conducts research for the U.S. government. It conducts research and development in software engineering, systems engineering, cybersecurity, and many other areas of computing, working to introduce private-sector innovations into government.

[7]NIST, *Risk Management Framework for Information Systems and Organizations: A System Life Cycle Approach for Security and Privacy*, Special Publication (SP) 800-37, Revision (Rev.) 2 (Gaithersburg, Md.: December 2018).

To determine the extent to which OCWR performed oversight of security controls and mitigated risks for the two selected systems operated by external parties on its behalf, SOCRATES and FMA, we collected and reviewed OCWR's cybersecurity policies, procedures, and documentation (e.g., system security plans) related to the office's two systems and external partners. The external partners were the Library and OCWR's external contractor. We chose these two systems because they process and maintain OCWR's most sensitive information,[8] including claims related to alleged violations of employee rights and protections and reported occupational safety and health violations.[9]

We then examined whether OCWR and its external partners implemented—for each selected system—four oversight activities important for assessing the security and privacy controls of information systems operated by external entities, as specified in federal requirements and guidance, including NIST guidance.[10] The four oversight activities we examined were: (1) establishing security and privacy requirements, (2) planning the assessment of security controls, (3) conducting the assessment, and (4) reviewing the assessment. We chose these activities because of their importance to providing effective oversight of systems operated by external entities. We also conducted interviews with OCWR officials, including the General Counsel and Director of the IT Governance, Risk Management, and InfoSec Compliance Program. In addition, we interviewed personnel from OCWR's external partners, including the Library's Deputy Chief Information Officer.

To determine the extent to which OCWR established an effective organization-wide approach for managing cybersecurity risk, we obtained and reviewed available documentation related to OCWR's information security policies and procedures, management reports, and strategic planning. We then assessed whether the office's approach for managing

[8]OCWR also uses a third externally-operated system for, among other things, accessing information related to the Americans with Disabilities Act of 1990 (e.g., accessibility standards). According to OCWR's General Counsel, this system contains information reproduced in publicly available reports.

[9]Reported occupational safety and health violations may contain sensitive information related to vulnerabilities in legislative branch facilities (e.g., fire safety) that could be exploited to exacerbate the harm caused by a physical attack.

[10]See NIST, *Guide to Information Technology Services*, SP 800-35 (Gaithersburg, Md.: October 2003) and NIST SP 800-37, Rev. 2.

organization-wide cybersecurity risk addressed foundational cybersecurity risk management components identified in NIST guidance, including NIST's risk management framework.[11] These components were the establishment of a risk executive function, cybersecurity risk management strategy, and risk-based security policies and procedures.

We also interviewed OCWR officials, including the General Counsel and Director of the IT Governance, Risk Management, and InfoSec Compliance Program, regarding their efforts to establish an approach for managing cybersecurity risk. See appendix I for a more detailed discussion of our objectives, scope, and methodology.

We conducted this performance audit from January 2019 to February 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Enacted on January 23, 1995, the CAA, as amended, applies 13 federal civil rights, workplace, and labor laws to legislative branch employees who were previously exempted from such coverage.[12] Table 1 lists the 13 laws included under the CAA.

Table 1: The 13 Civil Rights, Workplace, and Labor Laws Included under the Congressional Accountability Act (CAA) As Amended

CAA-covered federal law	Summary of provisions
1. Title VII of the Civil Rights Act of 1964, as amended	Prohibits discrimination in hiring, promotion, and treatment of employees based on race, sex, color, religion, or national origin.
2. The Age Discrimination in Employment Act of 1967, as amended	Prohibits discrimination in hiring, promotion, and treatment of employees based on age.
3. The Rehabilitation Act of 1973	A precursor to the Americans with Disabilities Act; prohibits discrimination against qualified individuals with disabilities with regard to federal employment.
4. The Family and Medical Leave Act of 1993	Provides that employees may use unpaid leave for certain family and medical needs.

[11]NIST, SP 800-37, Rev. 2.

[12]Pub. L. No. 104-1, 2 U.S.C. §§ 1301-1438.

CAA-covered federal law	Summary of provisions
5. The Fair Labor Standards Act of 1938, as amended	Provides for fair compensation for employees for work performed.
6. The Employee Polygraph Protection Act of 1988	Prohibits most private employers from requiring employees and prospective employees to take a polygraph examination.
7. The Worker Adjustment and Retraining Notification Act	Requires employers to provide advance notice of plant closings and mass layoffs.
8. Chapter 43 of title 38 of the U.S. Code (relating to veterans' employment and reemployment)	Provides reemployment rights for employees who serve in the uniformed services.
9. The Americans with Disabilities Act of 1990	Prohibits discrimination in hiring, promotions, and treatment of employees on the basis of disability; requires full and equal access to public accommodations for the disabled.
10. The Occupational Safety and Health Act of 1970	Requires employers to provide a workplace that complies with occupational safety and health standards.
11. Chapter 71 of title 5 U.S.C. (relating to federal labor management relations)	Protects the rights and obligations of employers and employees in labor-management relations.
12. Veterans' Employment Opportunities Act of 1998	Provides hiring preferences for veterans.
13. Genetic Information Nondiscrimination Act of 2008	Protects employees from employment discrimination and denial of health insurance based on their genetic information.

Source: GAO based on the CAA, as amended. | GAO-20-199

The CAA contained a series of specific requirements for the Office of Compliance to meet as it carried out its responsibility to administer and enforce the act. Toward this end, the Office of Compliance took a number of actions, such as administering a dispute resolution process;[13] conducting investigations and inspections to ensure compliance with safety, health, and disability access standards; investigating and managing matters concerning labor management relations, and educating both employees and employing offices about their rights and responsibilities under the CAA.

The Reform Act expanded the office's duties and responsibilities, as well as the number of employees covered by the CAA. These new duties and responsibilities include, among other things:

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

[13]OCWR manages an administrative dispute resolution process to resolve alleged violations of workplace rights and protections, such as discrimination.

- appointing one or more advisers to provide confidential information to legislative branch employees about their rights under the CAA;
- extending CAA protections to unpaid staff, including interns, detailees, and fellows, as well as previously unprotected legislative branch employees;
- conducting a workplace climate survey;
- significantly expanding OCWR reporting obligations;
- creating a program to permanently retain records of investigations, mediations, hearings, and other proceedings; and
- establishing an electronic system to receive and keep track of claims.

The act mandated that OCWR institute some of these requirements, such as changing the name of the office, immediately. Other requirements, such as establishing an electronic system to receive and keep track of claims, were to be met no later than 180 days after the implementation of the act, or by June 19, 2019.

To implement its statutory requirements, OCWR currently has 28 full-time equivalent positions, which includes five part-time members of OCWR's Board of Directors (counted as one full-time equivalent) appointed by congressional leadership. This represents an increase of five full-time equivalents since April 2018.

OCWR Relies on External Entities to Provide IT Services and Systems, Including the Upgrade to Its Claims Management System

OCWR relies extensively on IT services and systems provided by external parties to support its mission-related operations and protect claims data. For example, the Library provides network and end-user computing services for OCWR, including email; network services such as Internet access and file sharing; and end-user services and support, such as desktop support and software management.

OCWR also relied on an external contractor to develop and maintain its legacy claims management system, known as the Case Management System (CMS). Since 2014, the office used CMS to manage claims submitted by covered legislative branch employees using one of four ways: in person at OCWR's office; or by mail, email, or fax. After a claim was received, an OCWR employee would manually enter the claim information into CMS and update the information as it progressed through the dispute resolution process.

In response to the Reform Act enacted in December 2018, OCWR initiated the SOCRATES project to meet the requirement of implementing an electronic system for claims. SOCRATES is intended to enable covered legislative branch employees to file a claim via a web-based form, and an OCWR employee to electronically manage the workflow of claims as they progress through the dispute resolution process.[14] Specifically, the system is expected to maintain and track claim deadlines, generate correspondence, as well as update and store claim information.

OCWR relied on both the Library and an external contractor to upgrade CMS to SOCRATES. As part of its SOCRATES implementation efforts, OCWR first moved the CMS application and claim data from its office to the Library, which began hosting the system in April 2019.[15] Between April 2019 and June 2019, OCWR's external contractor continued work to develop and implement new and updated components for CMS to facilitate the electronic filing and management of claims. In addition, the external contractor worked to develop and implement the web-based form to electronically capture claims. According to OCWR, SOCRATES is comprised of three components that are hosted by the Library:

- **SOCRATES web-based form:** This form is intended to be used by covered legislative branch employees to submit a claim alleging a violation of civil rights, workplace, or labor laws during their employment.
- **Secure information sharing platform:**[16] This platform is intended to be a web-based, secure workflow file collaboration application. The platform allows for the sharing of claim related information between OCWR, the covered employee, the employee's office, and any other relevant parties (e.g., employee representatives).

[14]In addition to filing claims online by accessing the OCWR website and submitting their information using an electronic form, covered legislative branch employees still have the option to file a claim at OCWR's office, or by mail, email, or fax.

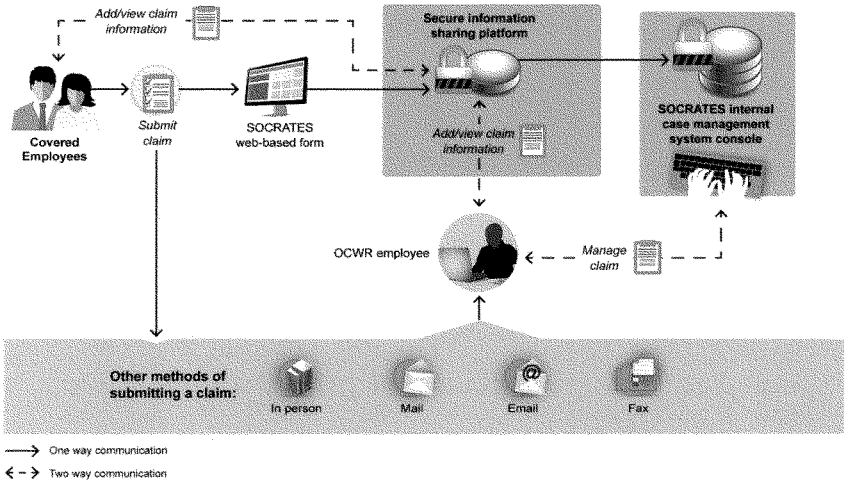
[15]OCWR transitioned CMS to the Library following Congressional concerns about adequate oversight and protection over a third party contractor storing sensitive nonpublic claim information.

[16]In May 2019, OCWR entered into an agreement with another external contractor to support the installation and maintenance of the secure information sharing platform within the Library's environment.

- **SOCRATES internal CMS console:** Based on updated functionality from OCWR's CMS, this console is intended to provide secure, detailed workflow management of each claim that is submitted. Specifically, the console introduces new workflows based on the Reform Act's updated requirements for a claim and allows OCWR employees to internally manage a claim.

Figure 1 shows the updated claim filing process using SOCRATES.

Figure 1: SOCRATES Claim Filing Process



SOCRATES (Secure Online Claims Reporting and Tracking E-filing System), OCWR (Office of Congressional Workplace Rights), Library (Library of Congress)

Source: GAO analysis of OCWR and Library documentation. | GAO-20-199

According to OCWR, testing of SOCRATES the week prior to its June 19, 2019, due date revealed numerous problems with the system. For example, if a user did not submit his or her claim within a certain amount of time, the system refreshed the webpage without saving the user's data, forcing the user to restart the claim. As a result, OCWR delayed the

deployment 7 days to allow time to resolve this issue and others. On June 26, 2019, OCWR deployed SOCRATES and began accepting claims via the web-based form.[17]

In addition to SOCRATES, OCWR relies on the external contractor to provide hosting and application support for FMA. FMA is used by OCWR to document reported violations of the Occupational Safety and Health Act. The CAA requires OCWR to conduct biennial inspections of the legislative branch to ascertain compliance with the act and to report its findings to Congress. The office also reports its findings to the legislative branch agency that is reportedly in violation of the act in a Hazard Summary Report. The agency is responsible for responding, and providing verification of the abatement of violations and hazards documented in the findings, to OCWR.

Federal Information and Systems Are Increasingly Targeted by Cybersecurity Threats

IT systems supporting federal agencies are inherently at risk. These systems are highly complex and dynamic, technologically diverse, and often geographically dispersed. This complexity increases the difficulty in identifying, managing, and protecting the numerous operating systems, applications, and devices comprising the systems and networks. Compounding the risk, federal systems and networks are also often interconnected with other internal and external systems and networks, including the internet. This increases the number of avenues of attack.

Information and systems are subject to serious threats that can have adverse impacts on organizational operations and assets, individuals, other organizations, and the nation. These threats can include purposeful attacks, environmental disruptions, and human/machine errors, and may result in harm to the national and economic security interests of the United States.

In recognition of the growing threat, we have designated information security as a government-wide high-risk area since 1997. In 2003, we expanded the information security high-risk area to include the protection of critical cyber infrastructure. We further expanded the information

[17]The SOCRATES web-based form is accessible at https://socrates.ocwr.gov/.

security high-risk area in 2015 to include protecting the privacy of personally identifiable information.[18]

Cybersecurity incidents continue to impact federal agencies, including those entities in the federal executive and legislative branch. For example, in fiscal year 2017, federal executive branch civilian agencies reported 35,277 incidents to the U.S. Computer Emergency Readiness Team.[19] These incidents included web-based attacks, phishing,[20] and the loss or theft of computing equipment. These incidents and others like them can pose a serious challenge to economic and national security and personal privacy. The following examples highlight the impact of incidents from legislative and executive branch entities:

- In January 2019, the Department of Justice announced that it had indicted two Ukrainian nationals for their roles in a large-scale, international conspiracy to hack into the Securities and Exchange Commission's computer systems and profit by trading on critical information they stole. The indictment alleges that the two hacked into the commission's Electronic Data Gathering, Analysis, and Retrieval system and stole thousands of files, including annual and quarterly earnings reports containing confidential, nonpublic, financial information, which publicly traded companies are required to disclose to the commission.
- In July 2016, the Library announced that it had experienced a significant distributed denial-of-service attack that affected multiple internal and external Library systems and services.[21] Specifically, the attack successfully disrupted services to multiple Library systems and services including email, databases, and public web domains, such as

[18]For our most recent update on this high-risk area, see GAO-19-157SP.

[19]The U.S. Computer Emergency Readiness Team, a branch of the Department of Homeland Security's National Cybersecurity and Communications Integration Center, is a central federal information security incident center that compiles and analyzes information about incidents that threaten information security. Federal agencies are required to report such incidents to the U.S. Computer Emergency Readiness Team.

[20]Phishing is a digital form of social engineering that uses authentic-looking, but fake, emails to request information from users or direct them to a fake website that requests information.

[21]A distributed denial-of-service attack is an attack that prevents or impairs the authorized use of networks, systems, or applications by exhausting resources. It is a variant of the denial of service attack that uses numerous hosts to perform the attack.

Congress.gov. According to the Library, the attack was sophisticated in both the size of the attack and methods that the attack employed.

- In June 2015, the Office of Personnel Management reported that an intrusion into its systems had affected the personnel records of about 4.2 million current and former federal employees. Then, in July 2015, the agency reported that a separate, but related, incident had compromised its systems and the files related to background investigations for 21.5 million individuals. In total, the Office of Personnel Management estimated that 22.1 million individuals had some form of personally identifiable information stolen, with 3.6 million being a victim of both breaches.

Key Cybersecurity Management Activities Relevant to OCWR Have Been Established in Law and Guidance

Recognizing the importance of information security and privacy, Congress enacted the Federal Information Security Modernization Act of 2014 (FISMA),[22] which requires federal agencies in the executive branch to develop, document, and implement an information security program and to evaluate the program for effectiveness. The act retains many of the requirements for federal agencies' information security programs previously set by the Federal Information Security Management Act of 2002.[23]

As legislative branch entities, OCWR and the Library are not subject to FISMA. However, OCWR's Executive Director and the Library's Chief Information Officer have chosen to follow aspects of the law's requirements. For example, an interagency agreement between OCWR and the Library describes plans to protect OCWR's CMS application and

[22]The *Federal Information Security Modernization Act of 2014*, (Pub. L. No. 113-283, Dec. 18, 2014) largely superseded the *Federal Information Security Management Act of 2002* (FISMA 2002), enacted as *Title III, E-Government Act of 2002*, Pub. L. No. 107-347, 116 Stat. 2899, 2946 (Dec. 17, 2002). As used in this report, FISMA refers to the new requirements in FISMA 2014, and to other relevant FISMA 2002 requirements that were unchanged by FISMA 2014 and continue in full force and effect.

[23]The Federal Information Security Management Act of 2002 was enacted as *Title III, E-Government Act of 2002*, Pub. L. No. 107-347, 116 Stat. 2899, 2946 (Dec. 17, 2002).

claim data using NIST guidance that is intended to satisfy FISMA requirements and relates to managing risks to the information system.[24]

The 2002 act also assigns certain responsibilities to NIST, which is tasked with developing standards and guidelines for systems other than national security systems. These standards and guidelines must include, at a minimum, (1) standards to be used by all agencies to categorize all of their information and information systems based on the objectives of providing appropriate levels of information security, according to a range of risk levels; (2) guidelines recommending the types of information and information systems to be included in each category; and (3) minimum information security requirements for information and information system in each category.

Accordingly, NIST developed a risk management framework[25] of standards and guidelines for agencies to follow in developing information security programs.[26] The framework addresses broad information security and risk management activities to be followed in developing information systems, including categorizing the system's impact level; selecting, implementing, and assessing security controls; authorizing the system to operate (based on progress in remediating control weaknesses and an assessment of residual risk); and monitoring the efficacy of controls on an ongoing basis.

[24]NIST, Guide for Applying the Risk Management Framework to Federal Information Systems, NIST Special Publication 800-37 Revision 1 (Gaithersburg, Md.: February 2010). In December 2018, NIST published updates to its risk management framework in SP 800-37 Revision 2. According to NIST, SP 800-37 is intended to help organizations manage security and privacy risk and to satisfy the requirements in FISMA, among other laws, regulations, and policies.

[25]NIST, SP 800-37, Rev. 2.

[26]As legislative branch entities, OCWR and the Library are not required to follow NIST standards and guidelines. However, OCWR's Executive Director and the Library's Chief Information Officer have chosen to follow these standards and guidelines.

GAO Has Previously Reported on OCWR Project Management Challenges and Information Security Weaknesses within the Library's IT Environment

In December 2019, we reported that OCWR faced management challenges in implementing its new requirements under the Reform Act, such as establishing a program to permanently retain records of investigations, mediations, hearings, and other proceedings.[27] Specifically, we determined that OCWR did not always use project schedules to manage the implementation of the requirements of the Reform Act. For example, we noted that the office used a project schedule for developing the workplace climate survey, but did not use a project schedule to manage the SOCRATES project. We also determined that OCWR did not address risks associated with its records retention program. For example, we noted that the office had not yet developed policies and procedures to address the risks associated with permanently retaining sensitive records, such as ensuring they remain confidential when stored in multiple locations.

Our report also identified weaknesses in OCWR's IT planning, including that the office did not develop long-term strategies for recruiting and retaining staff with critical skills and competencies needed to achieve current and future agency goals. Accordingly, our report included six recommendations for the office related to incorporating key management practices into project planning and ensuring that it has the necessary skills and capacity to meet its mission. OCWR agreed with our recommendations and described plans to address them.

We have also previously reported on weaknesses with the Library's information security program, as well as specific security controls that support OCWR's systems and services.

- In March 2015, we issued a report that identified weaknesses in the Library's information security program.[28] We made 10 recommendations to the Library aimed at better protecting IT systems and reducing the risk that the information they contain will be compromised. These recommendations included, among other things, developing contingency plans for all systems and conducting comprehensive and effective security testing for all systems within the time frames called for by Library policy. The Library generally agreed

[27]GAO, *Office of Congressional Workplace Rights: Using Key Management Practices Would Help to Fully Implement Statutory Requirements*, GAO-20-222 (Washington, D.C.: Dec. 30, 2019).

[28]GAO, *Library of Congress: Strong Leadership Needed to Address Serious Information Technology Management Weaknesses*, GAO-15-315 (Washington, D.C.: Mar. 31, 2015).

with our recommendations and described planned and ongoing actions to address them. As of January 2020, the Library fully implemented nine of the 10 recommendations and has taken steps to implement the remaining recommendation. We have work underway to determine whether the steps taken by the Library fully address the remaining recommendation.

- In a related June 2015 limited official use only report, we made 74 detailed security recommendations aimed at addressing specific weaknesses in the Library's security controls. The Library generally agreed with our security recommendations and described planned and ongoing actions to address them as well. As of January 2020, the Library had fully implemented 72 of 74 detailed security control recommendations from this report and had plans to implement the remaining two recommendations by February 2020.

OCWR Did Not Incorporate Key Cybersecurity Management Activities into Project Planning for Its Claim Management System Upgrade

Effectively managing a project entails, among other things, developing a project schedule, defining and managing requirements, and effectively managing project risks.

- **Project scheduling.** The success of a program depends, in part, on having an integrated and reliable master schedule that defines, among other things, when work activities will occur, how long they will take, and how they relate to each other. A reliable schedule provides a road map for systematic execution of a program and a means by which to gauge progress, identify and address potential problems, and promote accountability. GAO's Scheduling Assessment Guide[29] lists 10 best practices associated with a high-quality and reliable schedule, including capturing and sequencing all activities, as well as establishing the duration of all activities.
- **Requirements management.** Requirements establish what the system is to do, how well it is to do it, and how it is to interact with other systems. The Software Engineering Institute's Capability Maturity Model Integration® for Acquisition (CMMI-ACQ)[30] and Capability Maturity Model Integration® for Development (CMMI-

[29]GAO, *GAO Schedule Assessment Guide: Best Practices for Project Schedules*, GAO-16-89G (Washington, D.C.: Dec. 22, 2015).

[30]Carnegie Mellon University's Software Engineering Institute, *Capability Maturity Model Integration® for Acquisition*, Version 1.3 (CMMI-ACQ V 1.3) (Pittsburgh, Pa.: November 2010).

DEV)[31] note that requirements management processes are important for enabling programs to ensure that their set of approved requirements is managed to support planning and execution needs. This should include steps to obtain stakeholder's review and commitment to the requirements and to manage changes to requirements as customer needs evolve.

- **Project risk management.** The discipline of risk management is important to help ensure that projects are delivered on time, within budget, and with the promised functionality. According to leading practices for acquisition,[32] the purpose of risk management is to identify potential issues that could endanger achievement of critical objectives before they occur. A continuous risk management approach effectively anticipates and mitigates risks that can have a critical impact on a project. Organizations that plan to acquire IT products and services for a project should also identify and assess risks associated with the acquisition process.

Incorporating cybersecurity management activities (such as the selection and implementation of security controls) into each of these project planning areas can help to reduce cybersecurity risks and better protect critical assets. For example, according to NIST's risk management framework, integrating system security requirements into a project's planning activities, such as scheduling, can help to ensure that resources are available when needed and that project milestones are met.[33] In addition, the framework notes that defining the system security requirements early and integrating them with other system requirements can result in a system having fewer deficiencies, and therefore, fewer security vulnerabilities that can be exploited in the future. The framework also describes the importance of identifying security risks early in a system project and addressing such risks on an ongoing basis.

However, OCWR did not effectively manage the SOCRATES project because it did not establish a schedule, develop and manage requirements, and manage risks. Consequently, the office did not

[31]Carnegie Mellon University's Software Engineering Institute, *Capability Maturity Model Integration® for Development, Version 1.3* (CMMI-DEV V1.3) (Pittsburgh, Pa.: November. 2010).

[32]CMMI-ACQ V1.3.

[33]NIST, SP 800-37, Rev. 2.

incorporate key cybersecurity management activities into each of these project planning areas. Specifically:

- **OCWR did not manage the SOCRATES project using an established, approved project schedule that identified when cybersecurity activities would be completed.** As discussed earlier, we previously reported that OCWR did not establish a project schedule to manage the SOCRATES project.[34] Although the office drafted a project schedule in January 2019, this schedule was not finalized and used during the project. According to OCWR's Director of the IT Governance, Risk Management, and InfoSec Compliance Program, the schedule was not used due to, among other things, challenges encountered in managing the interdependencies of SOCRATES development with the implementation of other Reform Act requirements (e.g., modifying the administrative dispute resolution process).

  Consequently, OCWR did not use a project schedule to manage key SOCRATES cybersecurity activities, including those to be completed by OCWR, the Library, and the contractor. To its credit, the Library provided an early project schedule with certain cybersecurity activities they performed related to CMS. For example, the Library's project schedule documented initial activities the Library was to perform that related to procurement of equipment, installation of software, security testing, and vulnerability remediation in order to move CMS from OCWR to the Library. However, OCWR did not use a project schedule for the upgrade of CMS to SOCRATES that included the time frames for key cybersecurity management activities, such as selecting and documenting security controls, implementing controls, and assessing controls.

  The lack of a project schedule likely hindered OCWR's ability to respond to changes during the project and execute key cybersecurity management activities in a timely manner. For example, in May 2019, OCWR made a decision to use a locally hosted platform at the Library for its secure information sharing platform instead of a cloud-based solution.[35] Without a project schedule, OCWR was unable to assess

[34]GAO-20-222.

[35]As defined by NIST, cloud computing is a means for enabling on-demand access to shared pools of configurable computing resources (e.g., networks, servers, storage applications, and services) that can be rapidly provisioned and released.

the impact of this late change on the time available for completing remaining cybersecurity management activities.

- **OCWR did not establish a requirements management process or develop a set of detailed system requirements, including cybersecurity requirements.** OCWR did not establish a requirements management process that included steps to obtain stakeholders' review and commitment to the requirements and to manage changes to the requirements. Instead, the office established a set of business flow diagrams, which identified how claim information would move within OCWR and SOCRATES. Further, OCWR did not establish a set of detailed system requirements, including the cybersecurity requirements (e.g., what cybersecurity controls were to be implemented).
- **OCWR did not document and manage risks to the SOCRATES project, including those related to cybersecurity.** OCWR did not document and manage risks for the SOCRATES project. Specifically, the office did not document and manage risks related to cybersecurity and did not mitigate those risks that could have had a critical impact on the project. For example, OCWR was not able to ensure that the Library tested all moderate-level security controls[36] for the SOCRATES web-based form and secure information sharing platform before the system was deployed. However, this was not documented or managed by OCWR as a risk.

  In addition, as discussed later in this report, there were also risks associated with OCWR's reliance on the Library and its external contractor that were implementing cybersecurity responsibilities on its behalf. For example, we identified shortfalls in the OCWR's oversight of the planning and conducting of system security assessments.

[36]Federal Information Processing Standard Publication 199 (Standards for Security Categorization of Federal Information and Information Systems) establishes security categories for both information and information systems. The security categories (low, moderate, and high) are based on the potential impact on an organization should certain events occur which jeopardize the information and information systems needed by the organization to accomplish its assigned mission, protect its assets, fulfill its legal responsibilities, maintain its day-to-day functions, and protect individuals. Potential impact is considered moderate if the loss of confidentiality, integrity, or availability could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals. Potential impact is considered high if the loss of confidentiality, integrity, or availability could be expected to have a severe or catastrophic adverse effect on organizational operations, organizational assets, or individuals.

However, no risks related to the office's reliance on external parties were documented or managed throughout the project.

According to the Director of the IT Governance, Risk Management, and InfoSec Compliance Program, the office did not complete key project planning activities and documentation, in part, because of the compressed time frame associated with the project and the need to complete it by its mandated June 19, 2019, completion date. In aiming to meet this date, the OCWR official added that they held frequent discussions with the contractor and made changes "on the fly" to ensure that OCWR met the mandate. However, frequent discussions with the contractor does not negate the need to document and manage cybersecurity activities using leading project planning practices, including a project schedule, a requirements management process, and a risk management process.

OCWR's project management weaknesses also occurred, in part, because the office lacked policies and procedures for IT project scheduling, requirements management, and risk management. Such policies and procedures are critical to have in place as OCWR plans future IT projects. For example, as of October 2019, the office was planning to move its other key system, FMA, to the Library in 2020. Until OCWR develops and implements policies and procedures for incorporating cybersecurity management activities into its IT project planning using a project schedule, a requirements management process, and a risk management process, it will continue to have a limited ability to effectively manage and monitor the completion of cybersecurity activities and will face increased cybersecurity risks.

OCWR Did Not Fully Implement Oversight Activities for Selected IT Systems Operated by External Parties on Its Behalf

The responsibility for adequately mitigating risks arising from the use of externally-operated systems remains with the agency itself. NIST Special Publications 800-53[37] and 800-53A[38] guide agencies in selecting security and privacy controls for systems and assessing them to ensure that the selected controls are in place and functioning as expected. Additional NIST special publications on IT security services and risk management (Special Publications 800-35[39] and 800-37[40]) identify several key activities important for assessing the security and privacy controls of information systems operated by external entities. The key activities and the steps included in NIST Special Publications 800-35 and 800-37 are shown in table 2.

Table 2: System Oversight Activities and Key Steps from the National Institute of Standards and Technology (NIST) Special Publications 800-35 and 800-37 (Rev. 2)

Oversight activity	Key steps
Establish security and privacy requirements	**Communicate requirements to external entities.** To ensure that agencies can hold external entities accountable, it is important to establish security requirements with external parties in agreements. The information security and privacy requirements for a system should be communicated in the agreements explicitly or by reference. To ensure that requirements are communicated to external entities, agencies should include information security and privacy language in agreements in sufficient detail to ensure that requirements are communicated effectively.
	Select and document security and privacy controls. Agencies should document in a system security plan the (1) security and privacy requirements that federal employees and contractors should adhere to and (2) a description of the controls in place for meeting those requirements. The security plan also includes and refers to other required security and privacy documentation, such as a privacy impact assessment.
Planning for the security control assessment	**Select an independent assessor.** Agencies should ensure that an assessor is identified and selected to be responsible for conducting the security control assessment. For systems with a moderate- or high-impact level, an independent assessor capable of conducting an impartial assessment of security controls should be used.
	Develop a test plan. Agencies should document within a test plan which controls will be tested and select the appropriate assessment procedures for the system.
Conducting the assessment	**Execute the test plan.** Agencies should ensure that the test plan is appropriately executed and that any controls that do not satisfy the assessment criteria are documented.

[37]NIST, *Security and Privacy Controls for Federal Information Systems and Organizations*, SP 800-53, Revision 4 (Gaithersburg, Md.: April 2013).

[38]NIST, *Assessing Security and Privacy Controls in Federal Information Systems and Organizations*, SP 800-53A, Revision 4 (Gaithersburg, Md.: December 2014).

[39]NIST, SP 800-35.

[40]NIST, SP 800-37, Rev. 2.

Oversight activity	Key steps
Reviewing the assessment results	**Develop plan of action and milestones (POA&M).** If remedial actions are determined to be necessary as part of testing, they should be captured in a POA&M, which records the issue, estimated dates for resolution, and any other information necessary to prioritize the remediation.

Source: GAO analysis of NIST special publications 800-35, Guide to Information Technology Security Services and 800-37, Risk Management Framework for Information Systems and Organizations: A System Life Cycle Approach for Security and Privacy. | GAO-20-199

For the two selected systems—SOCRATES and FMA—OCWR either partially implemented, or did not implement, system oversight activities. Table 3 details the extent to which OCWR implemented system oversight activities and is followed by a discussion of each activity.

Table 3: Extent to Which the Office of Congressional Workplace Rights (OCWR) Implemented System Oversight Activities for the Secure Online Claims Reporting and Tracking E-filing System (SOCRATES) and Facility Management Assistant (FMA)

	Establish security and privacy requirements	Plan assessment of security controls	Conduct assessment	Review assessment
SOCRATES	◐	◐	◐	◐
FMA	◐	○	○	○

Legend: ● = Fully implemented oversight activity. ◐ = Partially implemented some, but not all, of the oversight activity. ○ = Did not implement any aspects of the oversight activity.

Source: GAO analysis of OCWR, Library of Congress, and OCWR external contractor data. | GAO-20-199

- **Establish security and privacy requirements.** OCWR partially implemented this oversight activity for both SOCRATES and FMA.
  - *Communicate requirements to external entities.* OCWR communicated certain security and privacy requirements to its external partners for these two systems. For example, the office's agreements with the Library for SOCRATES stated that the system will be secured in accordance with NIST security guidelines, including Special Publication 800-37,[41] and the Library's security policy guidelines.

    However, OCWR did not always include language in agreements in sufficient detail to ensure that requirements were communicated effectively. For example, the office did not always provide sufficient language to communicate privacy requirements related to the protection of personally identifiable information within its SOCRATES or FMA agreements. Further, OCWR's agreements—related to FMA—expired during our review and contained references to retired Library

[41]NIST, SP 800-37, Rev. 1.

guidelines that are no longer applicable or enforceable with regard to OCWR's external contractor.

- *Select and document security and privacy controls.* OCWR worked with the Library to select and document about 300 security and privacy controls and control enhancements[42] for SOCRATES within a system security plan. Further, the office worked with the Library to support the selection of controls by documenting privacy risks and impacts to SOCRATES within a privacy impact assessment—as called for by NIST to assess the privacy risks associated with collecting and using personal information[43]—that was referred to in the system security plan.

  However, OCWR did not adequately oversee the selection and documentation of security and privacy controls in the system security plan that was used to plan and conduct initial control assessments for SOCRATES. In particular, the office did not always ensure that the system security plan for SOCRATES provided an appropriate description of controls to be implemented to meet the security and privacy requirements.[44] For example, in certain instances, the system security plan described SOCRATES as a low-impact system when describing the security controls used to protect the system. These descriptions differed though from its actual classification as a moderate-impact system, as documented within an interagency agreement between OCWR and the Library. As another example, the system security plan for SOCRATES incorrectly described a security control related to the maintenance of SOCRATES as not applicable to moderate-impact systems. However, NIST's classification of this control describes it as applicable to moderate-impact systems.[45]

[42]According to NIST 800-53, Rev. 4, security control enhancements add functionality, specificity, or strength to base security controls; enhancements are used to provide greater protection than the base security control due to potential adverse organizational impacts or based on assessments of risk.

[43]NIST, SP 800-53, Rev. 4, Appendix J.

[44]Following the March 2019 security control test of the CMS portion of SOCRATES, the system security plan was updated to address certain instances where incorrect control descriptions were documented.

[45]NIST, SP 800-53, Rev. 4

For the FMA system, OCWR relied on its external contractor to document a system security plan that generally described security requirements for the system. However, the plan did not document the privacy requirements or the specific security and privacy controls that were expected to be implemented for FMA as a low-impact system.[46] For example, the plan did not specify an authority to report information to in the event of a security incident. Further, the plan did not include or refer to other necessary security and privacy documentation, such as a privacy impact assessment. As a result, OCWR did not adequately oversee the completion of this key step for its FMA system.

- **Plan assessment of security controls.** OCWR partially implemented this oversight activity for SOCRATES and did not implement it for FMA.
  - *Select an independent assessor.* OCWR relied on the Library to select an assessor for SOCRATES who was independent.[47] For example, for SOCRATES, the Library used an external contractor to initially assess the system and reported taking steps to verify that the assessor was independent from the Library. However, the office did not adequately oversee the completion of this key step for SOCRATES and did not ensure that the assessor used for the system was independent from the office. Specifically, OCWR allowed the Library to select the assessor for SOCRATES and did not take steps to verify the assessor's independence.[48] Further, for FMA, OCWR did not select an assessor to review the system.
  - *Develop a test plan.* Although OCWR relied on the Library to develop a test plan for SOCRATES, the test plan used to conduct

[46]OCWR officials stated that the office categorized FMA as a low-impact system based on a legal rationale related to the CAA. However, the office did not provide evidence of a formal system categorization based on the system's security and privacy risks and requirements.

[47]According to NIST 800-53, Rev. 4, independent assessors or assessment teams are individuals or groups who conduct impartial assessments of organizational information systems. Impartiality implies that assessors are free from any perceived or actual conflicts of interest with regard to the development, operation, or management of the organizational information systems under assessment or to the determination of security control effectiveness.

[48]We did not evaluate the assessor's independence to ensure it was impartial to OCWR during our review.

initial control testing was not approved by the office and did not specify the procedures that were to be followed to test each control from the SOCRATES system security plan. For example, the SOCRATES test plan specified a high-level procedure for collecting relevant artifacts but did not specify what particular documentation would be collected or reviewed for each control identified in the system security plan. Regarding FMA, OCWR and its external contractor did not develop a test plan.

- **Conduct assessment.** OCWR partially implemented this oversight activity, which includes executing the test plan, for SOCRATES and did not implement it for FMA. Specifically, OCWR worked with the Library to perform initial control testing for SOCRATES and document the results in an online tracking system; however, as previously mentioned, the office did not ensure that a test plan with detailed procedures to test each control was developed and approved prior to the initial testing of SOCRATES. As a result, the office did not adequately oversee the execution of the test plan by the Library to ensure that controls that were assessed as implemented were effectively operating as intended. For FMA, OCWR and its external contractor did not execute a test plan or document the results of any tests for the system.
- **Review assessment.** OCWR partially implemented this oversight activity, which includes developing POA&Ms for remediation of weaknesses, for SOCRATES and did not implement it for FMA. Specifically, OCWR worked with the Library to develop POA&M data for SOCRATES that included many of the recommended NIST elements,[49] such as estimated completion dates and issue identification. For example, following initial control testing in March 2019, OCWR and the Library worked to develop POA&M data for 62 security control weaknesses, including 24 high-risk and 38 moderate-risk weaknesses. As of November 2019, there were seven POA&Ms, including six categorized as high-risk and one as moderate-risk, that OCWR and the Library had not yet addressed.

  However, as previously mentioned, the office did not ensure that a test plan that included detailed procedures to test each control was developed and approved prior to the initial testing of SOCRATES. Therefore, the office could not ensure that controls were tested

[49]According to NIST 800-37, Rev. 2, elements within plans of action and milestones include tasks to be accomplished, milestones established to meet the tasks, and the scheduled completion dates for the milestones and tasks.

appropriately to identify necessary remedial actions in POA&Ms. As a result, OCWR did not adequately oversee the completion of this step and ensure that key POA&Ms were appropriately documented. For FMA, without an executed test plan, OCWR and its external contractor could not complete or update POA&Ms for the system.

According to OCWR officials, including the office's Deputy Executive Director, part of the reason for these shortfalls was that the office did not obtain expertise in security to aid in the completion of these oversight activities until September 2018 when the office hired a new IT Manager. In addition, OCWR officials, including the Deputy Executive Director, could not explain why the contractor did not produce key oversight related artifacts, such as those related to the security testing of controls, as agreed upon in contracts covering FMA during the performance period. However, a key contributing reason that we identified for the shortfalls in OCWR's oversight of external partners was that OCWR had not documented procedures to direct the office in performing such oversight activities effectively.

The lack of documented oversight procedures and shortfalls in OCWR's oversight of its external partners contributed to concerns with the deployment of SOCRATES. For example:

- As previously discussed, OCWR did not ensure that all moderate-level security controls for the SOCRATES web-based form and secure information sharing platform were tested before the system was deployed in June 2019.[50] For example, a control related to testing contingency plans[51] for the SOCRATES web-based form was not assessed until August 2019, approximately 2 months after the system was deployed.
- Although penetration testing[52] of the CMS portion of SOCRATES was completed in May 2019, OCWR did not ensure that penetration

[50]Following the deployment of SOCRATES in June 2019, OCWR worked with the Library to address areas where security controls were not assessed prior to deployment.

[51]According to NIST, a contingency plan is a plan that is maintained for disaster response, backup operations, and post-disaster recovery to ensure the availability of critical resources and to facilitate the continuity of operations in an emergency situation.

[52]NIST defines penetration testing as security testing in which evaluators mimic real-world attacks in an attempt to identify ways to circumvent the security features of an application, system, or network. Penetration testing often involves issuing real attacks on real systems and data, using the same tools and techniques used by actual attackers.

testing of the SOCRATES web-based form and secure information sharing platform was conducted before deployment. Penetration testing for the SOCRATES web-based form and secure information sharing platform was subsequently completed in December 2019, approximately 6 months after the system was deployed.

Until OCWR develops and implements effective oversight procedures over its external partners, it may not be able to mitigate risks that could result in the loss of sensitive data or compromise of the office's external systems.

We also assessed selected security controls in place for SOCRATES and FMA including, but not limited to, configuration management, patch management, and personnel security. We intend to issue a separate limited official use only report that discusses the results of this review.

OCWR Has Not Fully Established an Effective Approach for Managing Organization-Wide Cybersecurity Risk

NIST's cybersecurity framework is intended to support federal agencies as they develop, implement, and continuously improve their cybersecurity risk management programs.[53] In this regard, the framework identifies cybersecurity activities for achieving specific outcomes over the lifecycle of an organization's management of cybersecurity risk.[54]

According to NIST, the first stage of the cybersecurity risk management lifecycle—which the framework refers to as "identify"—is focused on foundational activities for effective risk management that provide agencies with the organizational understanding to manage cybersecurity risk to systems, assets, data, and capabilities. Additional NIST guidance, including its risk management framework, provides information on implementing foundational activities and achieving desired outcomes that calls for, among other things, the following:[55]

[53]NIST, *Framework for Improving Critical Infrastructure Cybersecurity* (April 16, 2018).

[54]According NIST's cybersecurity framework, there are five stages in the cybersecurity risk management lifecycle: identify, protect, detect, respond, and recover. They are intended to aid an organization in expressing its management of cybersecurity risk by organizing information, enabling risk management decisions, addressing threats, and improving by learning from previous activities.

[55]NIST, SP 800-53, Rev. 4; NIST, *Managing Information Security Risk: Organization, Mission, and Information System View*, SP 800-39 (Gaithersburg, Md.: March 2011); NIST, SP 800-37, Rev. 2.

- **A risk executive** in the form of an individual or group that provides agency-wide oversight of risk activities and facilitates collaboration among stakeholders and consistent application of the risk management strategy. This functional role helps to ensure that risk management is institutionalized into the day-to-day operations of organizations as a priority and integral part of carrying out missions.
- **A cybersecurity risk management strategy** that articulates how an agency intends to assess, respond to, and monitor risk associated with the operation and use of the information systems it relies on to carry out the mission. The strategy should, among other things, make explicit an agency's risk tolerance,[56] accepted risk assessment methodologies, a process for consistently evaluating risk across the organization, risk response strategies, approaches for monitoring risk over time, and priorities for investing in risk management.
- **Risk-based policies and procedures** that act as the primary mechanisms through which current security requirements are communicated to help reduce the agency's risk of unauthorized access or disruption of services. If properly implemented, these policies and procedures may be able to effectively reduce the risk that could come from cybersecurity threats such as unauthorized access or disruption of services. For example, establishing policies and procedures that incorporate NIST's risk management framework can help to ensure that a consistent approach is used to conduct a complete security assessment before a system is deployed and that a designated agency official certifies the system for operation based on progress in remediating control weaknesses and an assessment of residual risk.[57]

To its credit, OCWR's strategic plan for fiscal years 2019 through 2023 includes a goal of developing, among other things, cybersecurity risk policies and procedures. The strategic plan also describes the office's

[56]Risk tolerance is the level of risk or degree of uncertainty that is acceptable to organizations. It affects the nature and extent of risk management oversight, the extent and rigor of risk assessments performed, and the context of organization strategies for responding to risk.

[57]NIST, SP 800-37, Rev. 2. As previously mentioned, NIST's risk management framework addresses broad information-security and risk-management activities to be followed in developing information systems, including categorizing the system's impact level; selecting, implementing, and assessing security controls; authorizing the system to operate; and monitoring the efficacy of controls on an ongoing basis.

plans to ensure compliance with applicable IT and cybersecurity standards.

Nevertheless, OCWR has not yet fully established an effective approach to organization-wide cybersecurity risk management that includes foundational elements. Specifically, although the office's Director of the IT Governance, Risk Management, and InfoSec Compliance Program stated that he was serving as the risk executive, this role and its related responsibilities are not documented in OCWR's policies. In addition, OCWR has not developed an organization-wide cybersecurity risk management strategy or determined a time frame for when the policies and procedures discussed in its strategic plan will be implemented.

According to the Director of the IT Governance, Risk Management, and InfoSec Compliance Program, the reason for these shortfalls in risk management was that the office's top priority was completing work on the SOCRATES system, and then it planned to work on its cybersecurity policies and procedures. Additionally, the official stated that OCWR considers development of documentation to be a continual process, and that the office would like to develop and build procedures to lay a foundation for effective risk management.

However, until OCWR establishes the role and responsibilities of the risk executive function in policy, the office will lack an understanding of who is ultimately responsible for overseeing the cybersecurity risk activities of the organization and what those responsibilities include. Further, until OCWR establishes and implements a strategy for managing its cybersecurity risks using NIST's framework, its ability to make operational decisions that adequately address security risks and prioritize IT security investments will be hindered. Finally, until OCWR establishes a time frame for developing and implementing risk-based policies and procedures, it will lack assurance that consistent steps are being taken to categorize systems; select, implement, and assess system security controls; and make risk-based decisions on authorizing systems to operate.

Conclusions

Although OCWR completed the upgrade of its legacy claims management system through the SOCRATES project, the office did not incorporate cybersecurity activities into the project during planning. As a result, OCWR was left without a complete understanding of potential schedule issues, the system's planned security requirements, and cybersecurity-related risks to the success of the project. These shortcomings existed, at

least in part, because of a lack of OCWR policies and procedures that required cybersecurity management activities be incorporated into project scheduling, requirements management, and risk management. Until OCWR develops and implements such policies and procedures, future IT projects—such as the office's planned transition of its FMA system to the Library—may face unnecessary cybersecurity risks and may not be carried out in an efficient and effective manner.

OCWR made initial efforts to assess the implementation of security and privacy controls for the two selected externally-operated systems, but did not fully implement critical oversight activities. A contributing reason for these shortfalls is that OCWR had not documented procedures for the office to follow in order to perform such oversight of its external entities effectively. This ultimately contributed to OCWR not being able to first test important system security controls for ensuring the confidentiality, integrity, and availability of the system before it was deployed. Until OCWR establishes and implements specific procedures for overseeing external entities, it will have reduced assurance that external entities are adequately securing and protecting the office's information. In addition, the office will face increased risks that system weaknesses may go undetected and unresolved, which could result in the loss of sensitive data or compromise of its systems.

Given the increasing number and sophistication of cyber threats facing federal agencies, it is critical that organizations such as OCWR are well positioned to make consistent, informed risk-based decisions in protecting their systems and information against these threats. To its credit, OCWR has recognized the need for an improved organization-wide approach to its cybersecurity policies and IT governance in its most recent strategic plan. However, important elements of an effective organization-wide cybersecurity approach have not been fully implemented, including establishing the roles and responsibilities for the risk executive function in policy, a cybersecurity risk management strategy, and policies and procedures for managing cybersecurity risks. Until OCWR fully addresses these organization-wide cybersecurity risk management practices, its ability to ensure effective oversight and management of IT will remain limited. Moreover, OCWR may be limited in its ability to strengthen its risk posture, including ensuring effective cybersecurity across its relationships with external entities that are critical to its ability to provide IT services and systems needed to meet its mission.

Recommendations

We are making five recommendations to the Office of Congressional Workplace Rights:

The Executive Director should ensure the development and implementation of policies and procedures for incorporating key cybersecurity activities into IT project planning, including scheduling, requirements management, and risk management. (Recommendation 1)

The Executive Director should ensure the development and implementation of oversight procedures for each externally-operated system that include

- establishing security and privacy requirements,
- planning the assessment of security controls,
- conducting the assessment, and,
- reviewing the assessment. (Recommendation 2)

The Executive Director should ensure the establishment of roles and responsibilities for a risk executive function. (Recommendation 3)

The Executive Director should ensure the development and implementation of a cybersecurity risk management strategy. (Recommendation 4)

The Executive Director should ensure commitment to a time frame for developing and implementing policies and procedures for managing cybersecurity risk. (Recommendation 5)

Agency Comments, Third-Party Views, and Our Evaluation

We provided a draft of this report to OCWR, the Library, and the third-party contractor for review and comment. In response, we received written comments from OCWR, which are reproduced in appendix II. In its comments, the office did not state whether it agreed or disagreed with our recommendations, but described initial actions taken and planned to address them. Specifically, OCWR noted that it has initiated several actions, such as revising the office's IT systems project planning to ensure the development and implementation of policies and procedures incorporating key cybersecurity activities. Further, OCWR stated that it intends to implement additional changes, such as developing and implementing oversight procedures for each externally-operated system. Going forward, OCWR stated that it intends to update us on its progress in implementing the recommendations.

We also received technical comments from the Library's Deputy Chief Information Officer via email, which we incorporated as appropriate. In addition, the third-party contractor indicated via email that it had no concerns about, and worked with OCWR in responding to, the draft report.

We are sending copies of this report to the appropriate congressional committees, the Executive Director of the Office of Congressional Workplace Rights, the Librarian of Congress, and other interested parties. In addition, the report is available at no charge on the GAO website at http://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (202) 512-9342 or marinosn@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.

Nick Marinos
Director, Information Technology and Cybersecurity

Appendix I: Objectives, Scope, and Methodology

The objectives of our review were to examine the extent to which the Office of Congressional Workplace Rights (OCWR) (1) incorporated key cybersecurity management activities into the project planning for its claims management system upgrade, (2) performed oversight of security controls and mitigated risks for selected systems operated by external parties on its behalf, and (3) established an effective organization-wide approach for managing cybersecurity risk.

To assess OCWR's incorporation of key cybersecurity management activities into the project planning for its claim management system upgrade (known as the Secure Online Claims Reporting and Tracking E-filing System, or SOCRATES), we reviewed available OCWR project planning documentation related to establishing a project schedule, requirements management process, and risk management process. This documentation included, for example, a draft SOCRATES project schedule, contract information, and business flow diagrams. We then compared OCWR's documentation to leading practices for project planning, including those identified by the Software Engineering Institute.[1] Three key areas needed to effectively managing projects are developing a project schedule;[2] managing project requirements;[3] and managing project risks.[4]

We also analyzed OCWR's available project planning documentation to determine the extent that it incorporated key cybersecurity management activities, as identified by the National Institute of Standards and Technology (NIST) risk management framework.[5] These key activities are: obtaining a system categorization, selecting and implementing

[1]The Software Engineering Institute is a federally funded research and development center whose mission is to advance software engineering and related disciplines to ensure the development and operation of systems with predictable and improved cost, schedule, and quality.

[2]GAO, *GAO Schedule Assessment Guide: Best Practices for Project Schedules*, GAO-16-89G (Washington, D.C.: Dec. 22, 2015).

[3]Carnegie Mellon University's Software Engineering Institute, *Capability Maturity Model Integration® for Acquisition, Version 1.3* (CMMI-ACQ® V1.3) (Pittsburgh, Pa.: November 2010) and *Capability Maturity Model Integration® for Development, Version 1.3* (CMMI-DEV® V1.3) (Pittsburgh, Pa.: November 2010).

[4]CMMI-ACQ V 1.3.

[5]NIST, *Risk Management Framework for Information Systems and Organizations: A System Life Cycle Approach for Security and Privacy*, Special Publication (SP) 800-37, Revision (Rev.) 2 (Gaithersburg, Md.: December 2018).

security controls, assessing security controls, obtaining an authority to operate, and monitoring of security controls. Further, we conducted interviews with OCWR officials, including the General Counsel and the Director of the Information Technology (IT) Governance, Risk Management, and InfoSec Compliance Program, to assess the extent to which the office incorporated key cybersecurity management activities into its SOCRATES project planning.

To assess the extent to which OCWR performed oversight of security controls and mitigated risks for selected externally-operated systems, we chose two systems—SOCRATES and the Facility Management Assistant (FMA). We chose these two systems because they process and maintain OCWR's most sensitive information,[6] including claims related to alleged violations of employee rights and protections and reported occupational safety and health violations.[7] We then collected and reviewed cybersecurity policies, procedures, and documentation (e.g., system security plans) from the office and its external partners that related to protecting the security and privacy of information and systems.

To assess the reliability of the SOCRATES system security plan and its security control testing data obtained from the Library's online repository, we reviewed related documentation (e.g., security assessment results briefings), reviewed the data for obvious omissions (i.e., fields left blank), and performed electronic testing to identify outliers. We also interviewed Library officials to discuss the reliability of the data. Based on our assessment, we determined that the data were sufficiently reliable for the purpose of our reporting objectives.

We then examined whether OCWR and its external partners implemented—for each selected system—four oversight activities important for assessing the security and privacy controls of information systems operated by external entities, as specified in federal

[6]OCWR also uses a third externally-operated system for, among other things, accessing information related to the Americans with Disabilities Act of 1990 (e.g., accessibility standards). According to OCWR's General Counsel, this system contains information reproduced in publicly available reports.

[7]Reported occupational health and safety violations may contain sensitive information related to vulnerabilities in legislative branch facilities (e.g., fire safety) that could be exploited to exacerbate the harm caused by a physical attack.

requirements and guidance, including NIST Special Publications 800-35,[8] and 800-37.[9] The four oversight activities we examined were: (1) establishing security and privacy requirements, (2) planning the assessment of security controls, (3) conducting the assessment, and (4) reviewing the assessment. We chose these activities because of their importance to providing effective oversight of systems operated by external entities.

Further, we assessed whether OCWR implemented policies and procedures set forth by the office, including contractor oversight activities performed by the responsible official. We also conducted interviews with officials from OCWR, including the General Counsel, Deputy Executive Director, and Director of the IT Governance, Risk Management, and InfoSec Compliance Program. In addition, we also interviewed key personnel from OCWR's external partners, such as the Library's Deputy Chief Information Officer and the President of the external contractor, to assess the extent of OCWR's oversight activities for SOCRATES and FMA.

We assessed selected security controls in place for SOCRATES and FMA including, but not limited to, configuration management, patch management, and personnel security. We intend to issue a separate limited official use only report that discusses the results of this review.

To assess OCWR's efforts to establish an effective organization-wide approach for cybersecurity risk management activities, we used NIST's cybersecurity framework,[10] which identifies foundational components of effective cybersecurity risk management. We also used additional guidance provided by NIST for implementing the foundational components and achieving desired outcomes.[11] These components included the establishment of a risk executive function, cybersecurity risk management strategy, and risk-based security policies and procedures.

[8]NIST, *Guide to Information Technology Services*, SP 800-35 (Gaithersburg, Md.: October 2003).

[9]NIST, SP 800-37, Rev. 2.

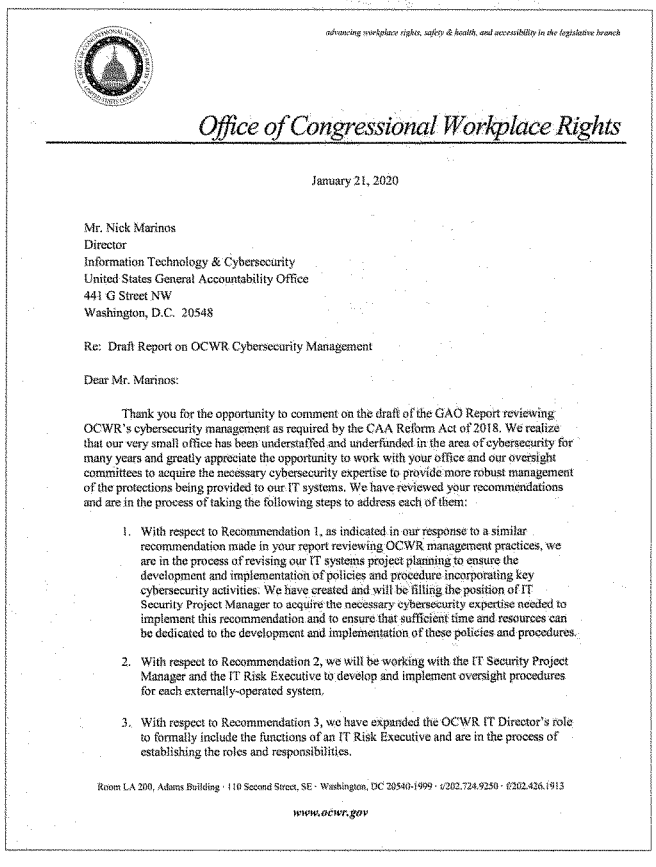
[10]NIST, *Framework for Improving Critical Infrastructure Cybersecurity* (Apr. 16, 2018).

[11]NIST, SP 800-53, Rev. 4; NIST, *Managing Information Security Risk: Organization, Mission, and Information System View*, SP 800-39 (Gaithersburg, Md.: March 2011); NIST, SP 800-37, Rev. 2.

We then evaluated OCWR's organization-wide cybersecurity risk management approach by, among other things, analyzing available policies and plans, management reports, and strategic planning documentation against the foundational cybersecurity risk management components identified in NIST guidance. Further, we conducted semistructured interviews with relevant OCWR officials with responsibilities for managing their efforts to establish an approach for managing cybersecurity risk, including the General Counsel and the Director of the IT Governance, Risk Management, and InfoSec Compliance Program.

We conducted this performance audit from January 2019 to February 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comments from the Office of Congressional Workplace Rights



advancing workplace rights, safety & health, and accessibility in the legislative branch

Office of Congressional Workplace Rights

January 21, 2020

Mr. Nick Marinos
Director
Information Technology & Cybersecurity
United States General Accountability Office
441 G Street NW
Washington, D.C. 20548

Re: Draft Report on OCWR Cybersecurity Management

Dear Mr. Marinos:

Thank you for the opportunity to comment on the draft of the GAO Report reviewing OCWR's cybersecurity management as required by the CAA Reform Act of 2018. We realize that our very small office has been understaffed and underfunded in the area of cybersecurity for many years and greatly appreciate the opportunity to work with your office and our oversight committees to acquire the necessary cybersecurity expertise to provide more robust management of the protections being provided to our IT systems. We have reviewed your recommendations and are in the process of taking the following steps to address each of them:

1. With respect to Recommendation 1, as indicated in our response to a similar recommendation made in your report reviewing OCWR management practices, we are in the process of revising our IT systems project planning to ensure the development and implementation of policies and procedure incorporating key cybersecurity activities. We have created and will be filling the position of IT Security Project Manager to acquire the necessary cybersecurity expertise needed to implement this recommendation and to ensure that sufficient time and resources can be dedicated to the development and implementation of these policies and procedures.

2. With respect to Recommendation 2, we will be working with the IT Security Project Manager and the IT Risk Executive to develop and implement oversight procedures for each externally-operated system.

3. With respect to Recommendation 3, we have expanded the OCWR IT Director's role to formally include the functions of an IT Risk Executive and are in the process of establishing the roles and responsibilities.

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www.ocwr.gov

4. With respect to Recommendation 4, we will be working with the IT Security Project Manager and the IT Risk Executive to ensure the development and implementation of a cybersecurity risk management strategy.

5. With respect to Recommendation 5, once the position of IT Security Project Manager is filled and the IT Risk Executive functions are formalized, we will develop and commit to a time frame for developing and implementing policies and procedures for managing cybersecurity risk.

We appreciated the opportunity to work with your very knowledgeable team on this project. We will provide you with updates as we make further progress on implementing the recommendations.

Very truly yours,

Susan Tsui Grundmann
Executive Director

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www.ocwr.gov

THURSDAY, MARCH 9, 2023.

FISCAL YEAR 2024 REQUEST FOR THE UNITED STATES GOVERNMENT PUBLISHING OFFICE

WITNESS

HON. HUGH NATHANIAL HALPERN, DIRECTOR, UNITED STATES GOVERNMENT PUBLISHING OFFICE

Mr. AMODEI. The subcommittee will come to order.

I am going to yield back the time for my opening remarks since nobody seems to be missing them much.

The purpose, the subject of today's hearing is fiscal year 2024 budget request for the Government Printing Office, but I am going to yield at this point in time to Mr. Espaillat for any opening remarks you may have.

The floor is yours.

Mr. ESPAILLAT. Thank you, Chairman. Thank you for your collegiality.

And thank you, Mr. Halpern, for coming before us. Thank you for appearing before our subcommittee today. We appreciate your time here to discuss the fiscal year 2024 budget request for the Government Printing Office.

And congratulations to the GPO for being named by Forbes Magazine as one of America's best places to work 2 years in a row, not 1 but 2 years in a row, and one of the Nation's best employers for veterans.

So thank you for the work culture that you have maintained in your outfit. And this is quite an accomplishment.

With that, Mr. Chairman, I yield back.

Mr. AMODEI. The ranking member did mean to inquire before we get into the guts of the budget if there are any openings at that wonderful place to work for people who are maybe past their prime and a government employee since——

Mr. HALPERN. We are hiring, so——

Mr. AMODEI. We will keep that in mind. I think there is a rule about approving a budget that you are going to apply for a job in, so we won't put anybody in that position.

We are going to go right into questions.

Mr. Clyde, since you made the mistake of getting here first, you are the lead-off hitter. The floor is yours.

Mr. CLYDE. Well, thank you, Chair.

Good morning——

Mr. HALPERN. Good morning.

Mr. CLYDE [continuing]. Mr. Halpern. I appreciate you being here.

I noticed in the information that you have given us that you said that you had a net positive income of $26.2 million in fiscal year

2022, and it marked the first time in 5 years in which GPO added employees.

So since you had a net positive income of $26.2 million, and I believe you are asking for 132—is that correct, in the appropriation?

Mr. HALPERN. In appropriations.

Mr. CLYDE [continuing]. In appropriations, does that mean then that you are going to be asking for 106, or how does that work?

Mr. HALPERN. So let me explain GPO's business model. So we operate very much as a commercial enterprise. We provide printing and publishing services for all three branches of the Federal Government.

Our appropriations request for fiscal year 2024 represents only about 11 percent of our projected revenue for fiscal year 2024, which should be about $1.1 billion.

What we are requesting are funds for services that we are going to render. So the bulk of that request is for Congress' own publishing needs. So, if you think of it as—the technical term is it is a deposit account.

So what happens, say, for fiscal year 2023, we have about the same amount of money, about $83 million in that deposit account. So, when you introduce a bill, the work that it takes to produce that bill, publish it on GovInfo and produce the paper copies all get billed back to that account.

The surplus that we get is reinvested in our capital needs. So our single biggest product is one that isn't appropriated at all, and that is the U.S. passport. So we print blank passport books.

So, to the extent that we have a net positive income, we are reinvesting that in our capital needs. So purchasing new equipment for other areas that may not be appropriated as well as trying to invest in our overhead and our other infrastructure.

So our buildings are about a hundred years old here in DC, so we need to keep those up. We have got—elevators are actually a huge problem for us because it is not like having a whole bunch of passenger elevators like you do here in the Capitol or the office buildings. We have got fairly heavy-duty freight elevators. So they have got to be able to carry a forklift plus a 3-ton roll of paper. And those are showing their age.

So, to the extent that we have a net positive in any given year, that is going to get reinvested in some of those capital needs so we don't have to come back to the Appropriations Committee to ask for more money.

Mr. CLYDE. Okay. So, when you receive revenue from your customers, does that then go back into the general fund and this is basically just a net request, or——

Mr. HALPERN. It goes into—we have what is called the Business Operations Revolving Fund that has a permanent appropriation that we can then draw on. So that is where those funds—when we bill a customer, that is where that money goes and where we can draw from.

So, like I said, we operate very much like a commercial enterprise. Most of our budget, we aren't coming back directly to the Appropriations Committee to get that funded every year.

And, for instance, with respect to passports, we charge the State Department—it depends on volume and month and their order size

and a lot of other things—anywhere between $24 and $28 a book for the current generation passport.

In addition to that, the State Department will often fund other capital investments we need to make in order to upgrade our ability to produce those books for them.

So there are a lot of different sources that come into that revolving fund. In addition to what we actually produce, we have about a $400-million-a-year contracting operation where we contract print and publishing services for other Federal agencies. Department of Defense is a very large customer for that. When your constituents get the "Medicare and You" booklet, that is done through our customer services contracting operation.

So what we are asking for in terms of the appropriation are really items largely specific to Congress. So it is Congress' own printing and publishing needs.

The second category are sort of our public information programs, programs we run on behalf of Congress. So that includes the Federal Depository Library Program, where we provide publications and access to materials for about 1,100 libraries nationwide, and support for GovInfo. GovInfo is the world's only ISO-certified trusted digital repository, and that is where all of this digital information resides and is preserved and is accessible.

And then sort of the third category are special appropriations to the revolving fund for priorities that Congress has.

So one of the key priorities for us, I think for Congress, and for the rest of our customers is upgrading the software stack that we use to print. So, since the early 1980s, when you go to Leg. Counsel and you say, "produce a bill," and they hit control-P, our software takes over on that process.

Unfortunately, the same software we wrote in 1982, 1983 is still in use today. So that is a huge vulnerability for the legislative branch. We have a replacement program that we have been, frankly, pouring a lot of resources into. The good news is we hit sort of that release 1.0 this past fall. It is in testing with both House and Senate Leg. Counsel, and I am hopeful that that will move to production in the summer or the fall.

So those are sort of the three big categories of what we are asking for in direct appropriations, and they are really defined priorities that are Congress'.

Mr. CLYDE. I have got one more question for you: In your congressional publishing account, I notice it is pretty flat from 2019 through 2022.

Mr. HALPERN. Yes.

Mr. CLYDE. And then it takes about a $4 million increase there in 2023 and then projected also the same for 2024.

Is that because you are printing less and expense of——

Mr. HALPERN. So congressional publishing covers a lot of different activities. So the short answer is yes, we are producing far less paper.

Mr. CLYDE. Paper, right.

Mr. HALPERN. But the work that goes in on the front end to produce the Congressional Record every night, bills, reports, enroll and engross measures, all of that is actually fairly labor-intensive.

So, for instance, again, we will use the bill example. You drop a bill into the hopper, whether that is electronically through the e-Hopper or physically by going up to the floor. After the clerk does her work with that, that comes over to GPO's congressional desk and eventually to the proof room.

The proof room, we are going to have a proofreader who, because paper is the media of record, will take the electronic copy and compare the paper copy to it to make sure that they are identical. Once we do that, it goes into what we call a markup process to make sure that formatting and typography and all of that kind of stuff is set.

And then, once all of those things are done, somebody basically hits a button, and it goes a bunch of different places. It will go to our new digital inkjet process for the paper copies. It will go to GovInfo for electronic availability, where it will also get picked up by Congress.gov and other folks who use our data. And it will also go to the Archives for them to archive in the future.

Mr. CLYDE. Okay. Well, thank you. And just some good info for you, the only bill that has ever made it to the House floor of mine, actually made it through the Senate, it was only a page and a half.

Mr. HALPERN. There you go.

Mr. CLYDE. That should help you out.

Mr. HALPERN. That probably went to our digital print center. So we didn't even need to put that on the big presses.

Mr. CLYDE. Thank you. I yield back.

Mr. AMODEI. Well, with that, we probably want to recall that whole thing and take another look if it went through that fast. There must be a problem at GPO.

Questions from the ranking member, Mr. Espaillat. The floor is yours.

Mr. ESPAILLAT. Thank you, Chairman.

Thank you for your testimony. And, given today's climate and plans to reduce government spending, what challenges would GPO face if your budget remains flat for the fiscal year 2023 enacted levels or even reduced further to the fiscal year 2022 levels? What impacts will be directly felt by the GPO?

Mr. HALPERN. So I think the most important thing for all of you to know and remember is we get our work done. So we will figure out a way to make sure that Congress gets taken care of.

But, with fewer resources, that means we have got to refigure priorities. And we take those resources and we really focus on what is our day-to-day work. So, with that respect, we are going to make sure that things like bills, reports——

Mr. ESPAILLAT. Passports, right?

Mr. HALPERN. Passports, but passports are paid for separately. State Department pays us for those. So, you know, if the State Department gives us an order for—we are at 18 million for this year?—18 million passports, as those come off the assembly line we send them a bill, and they essentially send us a check.

Mr. ESPAILLAT. So whatever level.

Mr. HALPERN. Whatever level.

Mr. ESPAILLAT. It will not impact that.

Mr. HALPERN. This process is sort of separate from that process.

With respect to Congress' work, because that is really the bulk of what we are talking about, we would really focus on the basics. So making sure that we are getting work out the door as quickly as we can, given the resources we have. But that will also mean that some of our initiatives, like some of the modernization initiatives, some of the investments in technology that we would otherwise make would get deferred.

So, for instance, the work on XPub, our next-generation composition engine, this piece of software that is really key to all of the work that the House and Senate do. That means that we might not be able to deliver it feature-complete in fiscal year 2027, as we are planning. It might go out to fiscal year 2028 or fiscal year 2030.

It needs to be done. That is a huge vulnerability for the legislative branch because we are operating on this decades-old piece of software that—not to malign Microsoft, but every time they come out with an update, it takes us a long time to make sure that this old software will continue to work with modern operating systems.

So we have really got to move to a new platform. But, again, it is a little bit like going to Best Buy and you want to buy the $500 TV with the $400 gift card. If you don't have enough, you have got to make some tradeoff someplace. And it may mean you are not buying that TV today, you might need to wait another month or two, or it may mean that you buy a lower cost TV.

And, you know, ultimately, if Congress decides that we don't have the resources we are asking for, we will figure out how to manage and get it done without them, but that will necessarily mean some tradeoffs.

The other thing that I really want to flag for the committee, my single biggest issue that I am facing near term is the fact that about half of my workforce will be eligible to retire in the next 4 years. That means one out of every two proofreaders, press people, bookbinders, electricians, carpenters, you name it, they are eligible to retire.

Mr. ESPAILLAT. So what are you doing to recruit new talent?

Mr. HALPERN. We are working really hard to try and do that. So we are looking at two different angles there. First, we have restarted our apprentice program, and we have restarted with proofreaders in the proof room.

So our first class is eight folks. Next year, we hope to expand the apprenticeship program to 20 folks across a variety of different trades.

We are also looking at new innovative ways to try and recruit and recruit qualified folks. We created a whole new position where, particularly for our passport work, folks could come in and have a 3-year on-the-job training program where, at the end, they are a full journeyperson bookbinder.

And then we are also using the Recent Graduates Program to try and get folks in more of our white-collar jobs. But telework has actually been a huge incentive. It works for us really, really well for our white-collar jobs, our knowledge workers. And it has been a huge recruiting tool, and we have been able to recruit all over the country because we have made the investment in telework and remote work, and it works for us.

Mr. ESPAILLAT. Thank you. I yield back.

Mr. AMODEI. Thank you, Mr. Ranking Member.

Mr. Franklin, the floor is yours.

Mr. FRANKLIN. Thank you, Mr. Chairman.

Mr. Halpern, thank you for being here. As a new member of the committee, I enjoyed learning more about how your organization works. It did feel like it has more of an entrepreneurial, business-like spirit than a lot of the others that we get reports on, but I wanted to touch a little bit deeper on the workforce issue because we are hearing that across the board. We are hearing it in the private sector. There is a lot of, you know, brain drain that is coming with the boomers all retiring out of the workforce.

With half of your folks leaving in the next 4 years, I am concerned, because we get kind of conflicting messages, about the impact of telework on the ability to transfer this information to the next generation.

I get for older workers it is nice. You know your job already. You don't have the hassle of the watercooler talk and all the distractions all day. You can focus and get the job done. But there is a great benefit of a lot of that to the younger workers coming into the force.

Are you concerned that—and some of that knowledge work, can you recruit and bring that knowledge in the door immediately? Or, if it has to be transferred, how does that happen if you have got folks who are not working with their junior colleagues?

Mr. HALPERN. So that is a great question. And a couple things to keep in mind. So GPO is about 1,600 people, a little less right at the moment, but we will probably hit close to 1,600 at some point during the year.

Two-thirds of those folks come to work every day. They run a printing press. They are bookbinders. They can't do their jobs at home. So the folks who are craftspeople who are working in the different trades, they are coming to work every day, and they are involved in the training of that next generation.

And, frankly, it is hard for us to attract folks to some of these more traditional trades. Every time there is a local firm, a local printing firm that is shutting its doors for whatever reason, we are pouncing on those folks to try and recruit them to come to GPO. And we think it is a great opportunity for folks.

But trying to get that next generation in there also to work alongside those folks, that is a challenge but not one that is insurmountable. We are working with high schools, and we are working with other folks to try and attract tradespeople to come to GPO.

With respect to our knowledge workers, our white-collar workforce, you are absolutely right that the in-office contact, there isn't as much of that, and that is a potential deficit. But that is one of the things we recognized when we put together our strategic plan last year, was, one, in our broad strategic imperative, we need to develop our workforce because we have got to make sure that we have people to do these jobs going into the future.

Part of that was figuring out knowledge transfer, and that is both on the trade side, making sure that, you know, a journeyperson, a journeyperson press person, for instance, can train that next generation coming up.

But that is also true for our accountants, our IT folks, our human capital folks. And all of those folks, even though they are working remotely, it doesn't mean that knowledge transfer isn't happening. It is just happening differently, and it requires a different kind of management.

Where I think folks run into trouble with remote work and telework is when they try and do that and manage the same way they did when everybody was in-person.

And what I tell my executive team and what I expect them to tell their next-line managers and their next-line supervisors is that it requires a lot more work on the part of the manager. You need to be communicating with folks a lot more than you would otherwise because you don't have that sort of incidental communication.

So far it works really well for us. We have seen productivity go up. We have seen employee engagement go up. It may not work in every workforce, but it works for us.

Mr. FRANKLIN. Passports. So the State Department is backlogged. We hear that from our caseworkers back home. Is GPO part of that backlog at all, or are you caught up with the demand State Department requires?

Mr. HALPERN. So we are ahead of model, right? Yeah. So the short answer is, is that—well, let me back up.

Last April, there was a change in the actual passport. The blue what we call ePassport you probably have with the chip in it, that was end of life. That was about 15 years old. We have replaced that with what we call the next-generation passport.

And the way you can tell the difference between the two is the identity page is made up of polycarbonate material. We actually manufacture that material for the State Department. We built facilities to do that, both here in DC and at our other facility in Stennis, Mississippi.

The short answer is, we are supplying State Department with the number of passports they have ordered. My guess is most of the backlog is in the personalization process, and we have been helping the State Department make sure that process can be more efficient and, with the new equipment and new books, is working well.

So I think they are trying to dig themselves out, both from COVID and the change in product, but I have heard good things, that they are starting to close that gap. But, as far as delivering what State has asked for, we are current with them.

Mr. FRANKLIN. Thank you.

I yield back, Mr. Chairman.

Mr. AMODEI. The gentlelady from Oklahoma is recognized. The floor is yours Mrs. Bice.

Mrs. BICE. Thank you, Mr. Chairman.

And, really, you have answered a lot of the questions that I had wanted to ask in regards to staffing issues as well as the new passport structure.

The only other thing that maybe could be a little bit expounded on is you have mentioned that you have one of the best—you received the Forbes Award for Best Midsize Employer, which is a pretty big accomplishment.

What are you doing for your employees that you feel like is different that maybe others could learn from?

Mr. HALPERN. So, when I came to GPO about 3½ years ago—prior to coming to GPO, I was here. I was here for three decades, far longer than my wife wanted me here.

But one of the cultural things that I experienced as a member of the floor team and leading the floor team is we communicated all the time. Everybody, whether it was me in the Speaker's Office or my colleagues in the majority leader and whip's office and even on the Democratic side, we were talking all of the time.

And one of the things that I really felt strongly about coming into this organization was being honest, open, and transparent with everybody, both our oversight folks and everybody else who works at this organization. And I started day one with some really basic expectations for everybody that eventually morphed into our agency values.

So we are honest. We are kind to one another, and we get results. And those are really some of my three key items. And I have really been trying to drive that culture throughout the organization. I think we have been successful. We have also been willing to try new things.

So, when COVID hit, we were very much like a lot of other Federal agencies. And you were occasionally allowed to telework one day a week, and, you know, we weren't quite counting mouse clicks, but everybody sort of looked askance.

And I sort of approached it from the standpoint of I am going to treat you like an adult until you give me a reason not to, and I am far more concerned about your output and about your productivity and getting the job done than I am about, you know, fitting into some of these bureaucratic silos.

So that is the culture I have really tried to imbue. I am actually backed up by a great team. Our executive team is mostly career folks. Our deputy, Patty Collins, brings two dozen years in the Army dealing with the needs of some of our most elite folks. And she is a great teammate in terms of helping deal with those day-to-day operations.

And I take a team approach to everything, and I think that has shined through. And I am very, very flattered by the Forbes recognition because that comes from our folks. The question is, would you recommend where you work to a friend or a family member? And being able to make that list means people are happy, and that is a good thing.

Mrs. BICE. Can you tell me the FTE count for GPO?

Mr. HALPERN. So we are just under 1,600. I think right at the moment we are like 1,573, 1,574. Our total FTE count is actually above 1,600. We just can't fill all of the jobs. But we have everybody from cutting-edge software design folks to bookbinders who practice an art that has been around for 1,500, 2,000 years. So it is a fantastic place, and I would invite all of you to come visit. We would love to host.

Mrs. BICE. Fantastic.

That is the end of my questions, Mr. Chairman. I yield back the balance of my time.

Mr. AMODEI. Thank you.

Mr. Clyde, would you make sure that Mr. Franklin knows, since you are the two Navy folks, that the Director has indicated the key

performance of a former Army officer in his office. I don't want to put too fine a point on that, but, nonetheless, I want to make sure it is in the record.

Mr. CLYDE. Absolutely, Mr. Chairman.

Mr. AMODEI. Next we will go to the gentlelady from the Old Dominion. Ms. Wexton, the floor is yours.

Ms. WEXTON. Thank you, Mr. Chairman.

And thank you very much, Mr. Halpern, for joining us today. It is good to see you.

So I think, just like Mrs. Bice, most of my questions have already been answered by you. You have one other thing, one other honor that I don't know whether you have gotten to yet, which is that you are one of the best places to work for veterans in 2022. Is that correct?

Mr. HALPERN. That is.

Ms. WEXTON. Yeah. So, in Virginia, we have the Virginia Values Veterans Program. I don't know; do you participate in that as a participating employer?

Mr. HALPERN. I don't know that we—do we? I don't think so.

Ms. WEXTON. How do you recruit veterans to come and work for you?

Mr. HALPERN. So, you know, through USAJobs is a great resource for us, and I think we have just gotten a good reputation as a great place for veterans.

One of the things that GPO offers that most of the Federal Government doesn't offer is more of a trade or craft environment. Now, I don't like the blue-collar/white-collar labels but——

Ms. WEXTON. You don't have to sit behind a desk all day.

Mr. HALPERN. Right. You are working with your hands. We have got—let's take our passport operation. You know, much of that equipment we purchase but then have to heavily modify to make sure that we are building the product that our customer at the State Department wants.

And I think you can find folks who may have a little bit of college education or no college education at all, and they came out of the Army or the Navy. They may have come out of the Navy.

Mr. AMODEI. Doubtful.

Ms. WEXTON. Let's say they came from the Navy.

Mr. HALPERN. We actually have a couple of Marines who do okay.

But, you know, you get that sort of hands-on——

Ms. WEXTON. Right.

Mr. HALPERN. Opportunity.

He is going to be angry with me, but I use my own son as an example. My son enlisted in the Army straight out of high school. The Army taught him what he needed to know. You know, high school was—he was in high school during COVID, and it was kind of a garbage fire like it was for everybody.

But he showed up at his job training, and they are like: Okay, we are going to start with math, and we are going to start with addition and subtraction.

Three weeks later, he was at trig. And then they started with physics, and they moved on from there.

And he has gotten a great practical education there, one that he can then—if he decides to go to college later, that is great, but if he doesn't, he has got a great base to work from in the future for a Federal employer like GPO or like a lot of others.

So we are looking for really smart, really good people. And I don't necessarily care which piece of paper they have. If they can demonstrate a skill and they can demonstrate a willingness to work, that is great; we want them.

Ms. WEXTON. That is wonderful. And I think that it helps because they have something tangible at the end of their workday——

Mr. HALPERN. Absolutely.

Ms. WEXTON [continuing]. Which we don't always have in our employment here. We don't have the same sense of accomplishment that they get.

And so I would recommend that you take a look at Virginia's V3 Program, because we have a lot of veterans coming out to live in Virginia, who are nearby, so that would help.

Mr. HALPERN. Awesome. We will take a look.

Ms. WEXTON. Of those 1,500 to 1,600 employees, how many of them live locally in the DC metro region?

Mr. HALPERN. So I can get you the exact breakdown a little later. We have got—obviously, the majority of folks who work here in DC work in the greater local area, I would say—and this is more by feel than actual data—probably most of our folks are in the Maryland area. We do draw from Virginia as well.

Ms. WEXTON. Not unusual.

Mr. HALPERN. But we also have folks who commute every day from as far away as Pennsylvania, West Virginia. And those are killer commutes, but because they are working here, they get the higher DC locality pay and that kind of thing.

Ms. WEXTON. Yeah. They can also carpool and things like that.

Mr. HALPERN. Right, exactly. We have always had a distributed workforce. So our customer services folks, basically our sales team, they were originally in physical offices all over the country, about 10 to 12 physical offices.

One of the things that telework and remote work has enabled us to do is we actually are in the process of closing all of those physical spaces, and all of those folks are working remotely. And it has been a huge boon for morale. It has been a huge boon in productivity. You know, we did $400 million in sales to Federal agencies last year.

And it lets us have a high degree of flexibility. So, if you have got somebody who, say, is living in rural Virginia, but they are willing to work the hours to service our west coast customers, that works just fine for me. I don't care where you are physically located if you are doing the work and you are meeting our needs and we are meeting your needs.

I think there are some real opportunities there for folks to have a great career with GPO, and it seems to be working for everybody at the moment.

Ms. WEXTON. It sure does. Thank you so much, Mr. Halpern.

I yield back with that. I am out of time. So I do have one more question, but it is kind of a long one, and I don't want to subject the whole committee to it.

Mr. AMODEI. Well, you can if you want. I was just going to say, does anybody have any other questions?

Ms. WEXTON. Actually, I do. It is kind of a long one, though.

Mr. Halpern, I used to serve in the State legislature, and we had something called the Virginia Legislative Information System, which was fantastic. It was very interoperable. And, when you got a bill, it had links on there to what the previous version of it was. It had a redline version, all that sort of thing.

So Congress.gov does not have anything like that in there. And it just seems like it would be very beneficial to us to have something interoperable like that actually gives you some information about what the previous version said, what other Code sections are nearby in the Code, things like that, to really help you do a better job as a legislator.

Mr. HALPERN. So I can get up on my soapbox if you would like.

Ms. WEXTON. Really, my question for you—because I know it is probably going to be something that resides mostly with the Library of Congress. But my question for you——

Mr. HALPERN. Well, actually, it is a legislative branchwide initiative. So we work very well with our partners over at the Library of Congress and folks here, both in the House and Senate, through the Congressional Data Task Force.

Ms. WEXTON. Right.

Mr. HALPERN. And we are trying to deliver a more modern experience.

Ms. WEXTON. Okay.

Mr. HALPERN. The best way to put this is the folks who started this institution 226 years ago made some really poor decisions that don't scale very well.

So, unlike Virginia, unlike most other State legislatures which, say, have a unified code of law, the U.S. does not have one single code of law. We have the U.S. Code, some of which are positive laws, some of which are not. We have the Internal Revenue Code. We have got a whole bunch of other things. So there is not a single body of law that you can easily amend and build these systems around.

Similarly, when we decided how we were going to write law, the Founders made the decision that it was going to be expressed in terms of instructions to an unseen clerk: Page 6, strike this, insert that.

That causes problems when you are trying to scale this up to modern information systems.

Ms. WEXTON. Right. When you are trying to look at the legislation and see what it actually means——

Mr. HALPERN. Exactly. It makes it very hard to compare.

Ms. BICE. Yes.

Mr. HALPERN. So I know that the House has done the Comparative Print Project. That came out of a rules change back when I worked for the House Rules Committee. And that project has been doing really, really well and is a great, great boon forward.

The other thing I would point to is our changeover to XPub, our new composition engine, is really key to this as well because our current composition system was designed for typesetting. It was designed to describe how things look, not what they are, not what the data is.

The new system, XPub, is based around the legislative branch's standards for XML for data. And those systems look at legislative elements as data. What is it? This is a paragraph. This is a clause. This is a title.

And it is easier to relate those pieces of data to other pieces of data. And so, when we are able to fully move to XPub, we are going to have much better data coming to our partners. You can then use that, whether you are at the Library of Congress or you are some private entity out there.

Ms. WEXTON. They will be using XPub as well? They will be using XPub as well, or they will talk with one another?

Mr. HALPERN. The data will be based around something we call USLM, the United States Legislative Markup, standard. And that will be an open standard that anybody can use. XPub will be proprietary largely for the legislative branch.

Actually, now that Mr. Quigley is here, one of our hopes——

Mr. QUIGLEY. We can begin.

Mr. HALPERN [continuing]. And one of our areas for growth in the future will be with complying with the congressionally mandated reports——

Ms. WEXTON. Those are—yeah.

Mr. HALPERN [continuing]. Legislation. So what we would like to be able to do is offer to those agencies that you all task with reporting to Congress saying: Hey, here is your Word template. If you just use this template and use the styles and things like that we built into this template, we will have a website where you can upload that file and get back good typeset copy and good machine-readable copy.

Now, that is several years away at this point. And we are working really hard just to meet the deadlines in the bill to get the system up and running. But, in terms of where we would like to go, that is where we would like to go. And we are working hard to try and build the pillars to make that happen.

Ms. WEXTON. That is wonderful. Thank you so much. I just hope I get to stick around here long enough to see it happen, come to fruition.

Mr. HALPERN. Me too.

Ms. WEXTON. Thank you so much. I have no further questions for you.

Mr. AMODEI. The gentleman from Illinois, Mr. Quigley, the floor is yours.

Mr. QUIGLEY. Thank you, Mr. Chairman. Sorry I was——

Ms. WEXTON. I was stalling until Mr. Quigley got here.

Mr. AMODEI. You did a good job.

Mr. QUIGLEY. Thank you.

And thank you, sir, for your service. And I just want to—appreciate your efforts to congressionally mandated reports, and we look forward to working with you on that.

But, in your notes, you talk about improving efficiency in the office. Can you tell us if any of that relates to sustainability efforts, reductions on waste production and so forth?

Mr. HALPERN. So we recycle as much as we physically can. And that is everything from wastepaper to the aluminum plates that we use for offset printing. But, beyond that, we are trying to use new technology to just cut down on waste to begin with.

So one of the things to keep in mind is the older style printing, offset printing, actually creates a lot of waste because it takes you a lot of prints to make sure that everything is working and that you are getting the quality out of the print and everything like that.

So, for instance, if you are trying to do color on an offset press, there are actually four different plates that have to line up exactly for each image so you can mix the inks to get the colors you need.

That is very expensive from a labor standpoint because you need really talented craftspeople who know how to do that, but it is also expensive from a materials standpoint because you have got all of that waste that you are creating to make sure that you got that right.

What we have shifted to for much of our production work—and we are going to continue this trend—is we have shifted to digital inkjet presses for things like the Federal Register or the Congressional Record or even large bills reports, Code of Federal Regulations.

And what that lets us do, there is far less waste in that process because they operate very much like a large office copier. Think that inkjet that is probably sitting next to your desk the size of a panel van.

And we don't have all of that set up. We don't have all of those kinds of things. And we can just print basically pages in order and then we have got other machines that will cut those pages apart, assemble them into a book, and move them out the door.

Changes like that are huge changes in terms of sustainability. We are using less paper. We are using less ink. Those inks tend to be less toxic. And it helps us keep our costs down because those are highly efficient presses.

And it is actually a very clean, very easy, very nice place to work in the plant. Like, you don't feel like you are in a traditional industrial area when you are in the area with those presses.

We would love to have you over to GPO and show you what is operating there. So——

Mr. QUIGLEY. Sounds good.

Mr. HALPERN. Thank you, sir.

Mr. QUIGLEY. Very good. I yield back.

Mr. AMODEI. Nobody on the committee should think that I am telling them what to do, and it has been a while, but it is a fascinating operation over there.

And I will tell you that the Director's office, while it is not the Oval Office or the Speaker's Office or anything like that, it is pretty neat from a historical standpoint. And those book people that do that wavy stuff on the edge——

Mr. HALPERN. Marbling, yeah.

Mr. AMODEI. That is pretty neat stuff too.

I do want to, before we adjourn the meeting, just put on the record that we have given you, Mr. Director, a question regarding proof room operations, congressional work, that sort of stuff. So we will look forward to your response for that.

And who is the lady who had an extra copy of the directory from a couple Congresses ago?

Mr. HALPERN. Sarah Wheeling.

Mr. AMODEI. Would you tell Sarah—I am putting it on the record. Thank you very much, Sarah. I will be over to thank you personally.

Mr. HALPERN. Absolutely. I actually mentioned it to her the other day. I saw her in the hall. So thank you.

Mr. AMODEI. You bet.

If there are no further questions, I would like to again thank you, Director Halpern, for being here today. Members may submit any additional questions for the record.

The subcommittee stands adjourned.

[Questions and answers submitted for the record follows:]

Committee on Appropriations
Subcommittee on Legislative Branch
Government Publishing Office (GPO) Budget Hearing
(March.09.2023)
Questions for the Record

Submitted by Congressman *Clyde*

Agency Compliance with Title 44 Obligations

Federal law (44 U.S.C.) requires that, with limited exceptions, all federal printing be performed by or through GPO. However, according to July 2013 Government Accountability Office (GAO) report No. GAO-13-636, certain government agencies, in particular the Department of Defense (DOD), used in-house printing plants. Of the 32 agencies operating in-house printing plants, 17 at the time reported that all their in-house printing was conducted on high-speed duplication machines; another 14 agencies reported operating some duplication equipment in addition to conventional printing presses. In total, 84 in-house printing plants were reported.

Question: Can you speak to the progress GPO has made, and what GPO is doing, to address any non-compliance with statutory Title 44 Requirements?

GPO is aware that there are a number of agencies that operate their own printing plants. In some cases, those plants have been authorized by the Joint Committee on Printing (JCP) in the past, but GPO does not currently have a definitive list of those authorizations as we do not have those records. GPO is also not an enforcement agency; we cannot "force" an unwilling agency to submit print jobs to GPO, particularly when that agency is in another branch of government.

The most direct way we work to bring about compliance is by demonstrating GPO's value proposition to its customers. GPO is proud of the array of services we provide for our Federal agency customers and of the historical role we have played in helping our customers accomplish their printing and publication goals under title 44. We can produce materials ourselves in our facilities, procure print services on behalf of a customer, or provide self-service options, such as our partnership with FedEx Office through the GPOExpress program or programs to bulk purchase printing and copying machines for our customers.

GPO's Customer Services business unit engages in a number of outreach activities to promote GPO services, demonstrate our capabilities, and encourage compliance with title 44. Customer Services' Sales and Marketing department conducts monthly outreach to Federal customers through marketing emails and free webinars regarding the products and services available from GPO. These interactions frequently include surveys designed to help GPO improve the customer experience, and the Sales and Marketing department maintains a Federal customer database and email list of more than 25,000 contacts.

In May 2021, Customer Services introduced GPO Publish, on online ordering portal designed to make placing orders through GPO easier for Federal agencies. Through April 8, 2023,

approximately 1,500 Federal customers have registered to use Publish. New features are still being implemented which will increase the use of Publish and improve the customer experience.

GPO's Customer Services business unit also monitors the System for Award Management (SAM.gov) website administered by the General Services Administration (GSA) for any printing solicitations. When Customer Services comes across such solicitations, Customer Services contacts the relevant agency to offer to provide print-procurement solutions to meet any requirements that they may have at that time and in the future.

Customer Services has also created a FAR 8.8/Title 33 Marketing email which it sends to agencies to remind them of title 44 statutory requirements and the multitude of procurement solutions GPO offers its customers that provide significant value to soliciting agencies.

GPO has also exhibited at the National Contract Management Association shows which typically host a significant number of Federal contracting professionals, in order to try to reach those agencies not using GPO for their print-procurement requirements. GPO also attends the National Association of Government Communicators conferences to try to reach public affairs and other Federal communications professionals who often have printing requirements.

To the extent that we receive requests from agencies to procure printing services directly, we will evaluate the request and provide a time-limited waiver to allow the procurement if it is ultimately in the interest of the taxpayer.

Question: Can you provide any update on efforts to address Title 44 issues related to GPO's role as the publisher of official documents, particularly with regard to challenges from certain stakeholders in the DOD?

GPO Customer Services personnel work in partnership with Defense Logistics Agency (DLA) Document Services team members to support the printing and publishing requirements for all branches of DOD.

DLA Document Services has requested that GPO re-direct any DOD entities that reach out to GPO for printing and publishing procurement support to DLA Document Services to ask that those customers work through DLA Document Services to process the orders that are either produced in-house by DLA, or sent to GPO for procurement support.

Overall, DOD elements appear to be increasing their use of GPO print procurement services. For instance, DLA Document Services, the Department of the Army, and the Department of the Air Force have all increased their print procurements through GPO in FY 2023 over the prior year. Only the Department of the Navy is down on a year-over-year basis.

There may be valid reasons that some DOD entities may operate their own printing plants. For instance, GPO does not routinely print classified materials and certain entities within the intelligence community operate their own plants for that purpose. However, for unclassified materials, GPO works closely with DLA and other DOD entities to provide printed materials at the best overall value for the taxpayer.

Question: What are the current amount of in-house printing plants that, to the best of your knowledge, continue to operate in violation of Title 44? Please specify any agencies and the number of in-house plants utilized. If you cannot provide an exact figure for the present number, please provide the most recent number you have, and the dates these were provided to you.

A number of Federal agencies, particularly larger Federal agencies, likely operate in-house printing facilities, but GPO cannot say for certain as GPO does not have the ability to verify what facilities another agency operates.

We have, however, established partnerships through our 951-M contracting program through which a number of agencies lease multi-function printing and publishing devices that they operate on their premises. Some of these agencies had not previously come to GPO but now operate under the GPO 951-M program allows agencies to leverage GPO's expertise and contractual relationships with multi-function device vendors to deliver print services under an easy to administer contract. Some agencies that participate in the 951-M contracting program include the Department of Veterans Affairs, the Census Bureau, and the National Oceanic and Atmospheric Administration (NOAA).

Agencies that operate their own printing plants have historically been required to file several different types of quarterly and annual reports with the Joint Committee on Printing (JCP), but, to the extent that those agencies file such reports, GPO does not have access to them.

Those reports include:

- the JCP 1 Printing Plant report (quarterly);
- the JCP Commercial report (quarterly); the JCP 5 Annual Plant Inventory (annually);
- the JCP 6 Annual Inventory of Stored Equipment (annually); and
- The JCP 7 Excess Equipment Disposal report.

QUESTIONS FOR THE RECORD FROM CHAIRMAN AMODEI TO GPO DIRECTOR HALPERN

"Over the past few years, especially due to Covid, the GPO proofroom has lost many employees, especially to retirement. Response to Congressional work, particularly to the needs of this committee in its time of markups, has been severely affected and degraded. What kind of assurance can you give us that this is being addressed as we approach the 2024 mark up period?"

GPO will meet the committee's requirements for markup documents in this appropriations cycle and in cycles to come. The work of the Appropriations Committee is second only to work imminently needed for the floor of either chamber (including enrollments and engrossments). We will delay processing of more routine work—such as regular priority introduced legislative measures—in order to accomplish work requested by the Appropriations Committee. While abrupt, last-minute changes are part of the legislative process and GPO will do its absolute best to meet those changing requirements, being open and transparent is vital to everyone's success.

With respect to GPO's ability to staff the proofroom in the future, those challenges long pre-date COVID. The median age for GPO's workforce is 56 years old, several years older than the Federal average. With respect to proofreaders, 42 percent are currently eligible to retire and 71 percent will be eligible to retire within the next five years. This demographic problem is compounded by the fact that there are significantly fewer commercially-trained proofreaders available to hire, largely due to changes in the way newspapers and other publications hire staff.

We have already taken steps to address the impending retirement cliff. While we have been able to onboard several experienced proofreaders over the past several months, we are largely faced with the need to train our own next generation of proofreaders. To that end, we currently have our first class of eight proofreading apprentices working through the first year of their three-year training program. We expect to be onboarding our second class of eight proofreading apprentices in January 2024 and are actively working with high schools, community colleges, and other institutions to attract qualified individuals into these programs. We are also looking at technological solutions that could reduce—but not eliminate—the need for proofroom staffing, though those solutions are at least several years away.

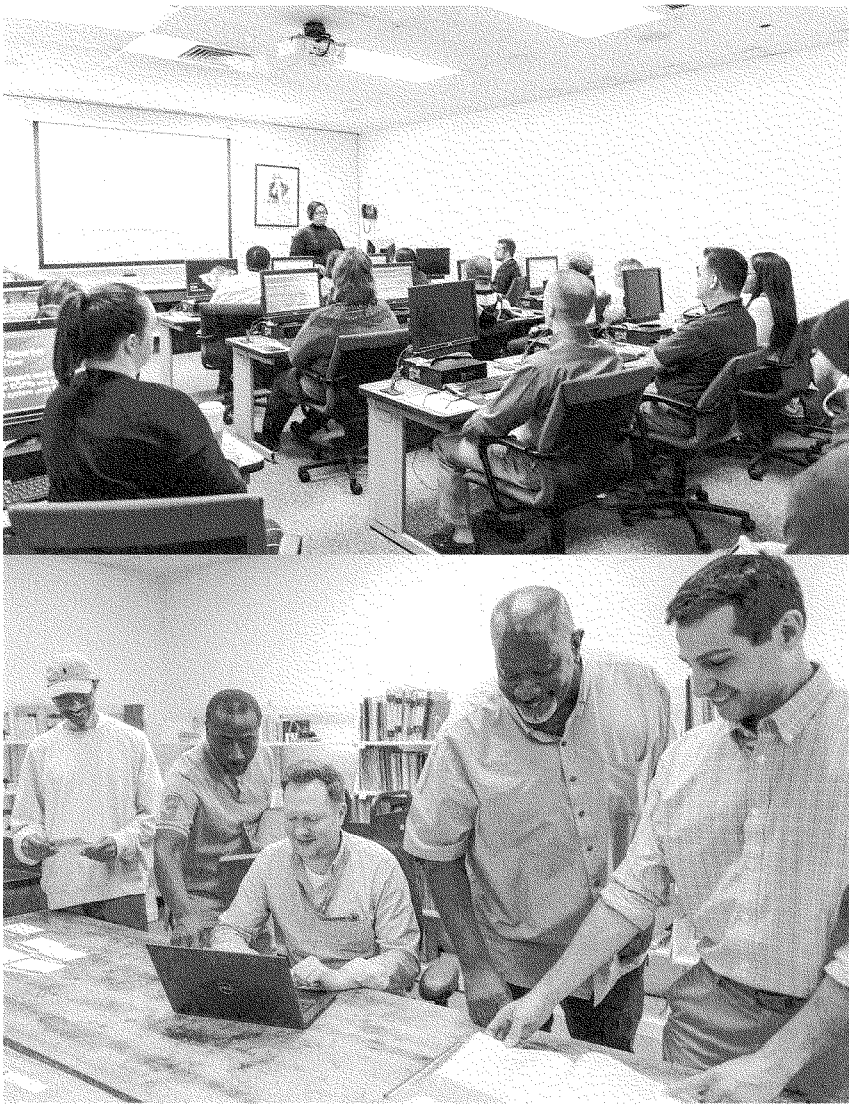
I have attached a copy of GPO's Strategic Recruitment Plan, 2023-2029 which discusses both the challenges faced by GPO as well as our approach to tackling them.

GPO U.S. GOVERNMENT PUBLISHING OFFICE

Strategic Recruitment Plan

2023–2029

Building a Team for the Future



GPO Strategic Recruitment Plan
2023–2029

VISION

America Informed

MISSION

Publish trusted information for the Federal Government to the American people.

VALUES

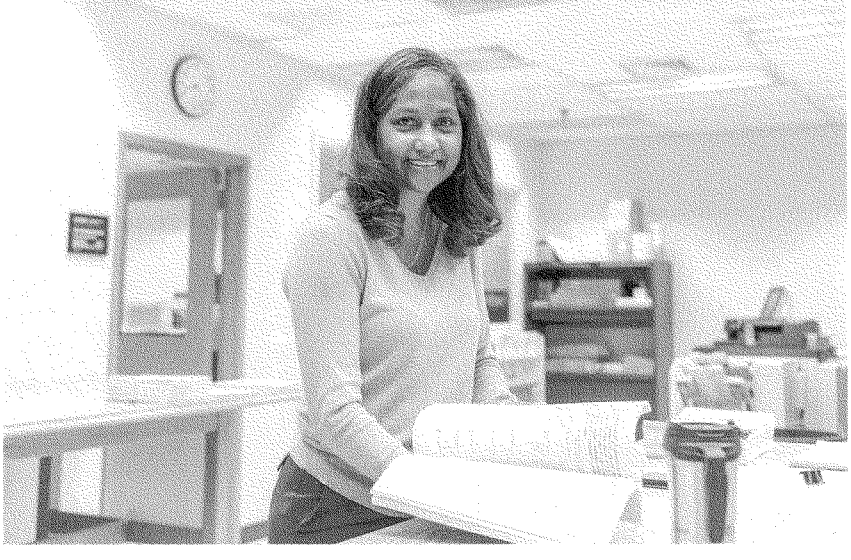
- Honesty
- Kindness
- Effectiveness
- Inclusiveness

STRATEGIC IMPERATIVES

1) Achieve Operational Excellence
2) Modernize and Innovate
3) Ensure Financial Stability
4) Develop the Workforce

The United States Government Publishing Office (GPO) is tasked with the mission of providing convenient and reliable access to trusted information through GPO's many products and services. In order to effectively and efficiently carry out this mission, it is imperative that the agency is staffed and represented by a diverse, motivated, and innovative workforce who have a shared dedication of service to the American people. While carrying out mission objectives, each employee must act in alignment with GPO core values, including communicating transparently with colleagues and customers, treating others with respect, working effectively, and fostering a diverse, supportive, and welcoming environment for all stakeholders.

Over the next seven years, an active recruiting strategy is to be implemented to attract a new generation of employees who can absorb and retain the knowledge of the current workforce, and replenish positions across the agency in order to achieve operational excellence, innovate, ensure financial stability, and become future leaders of the agency.



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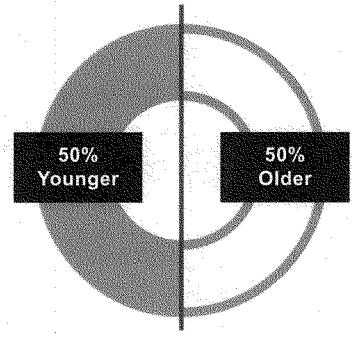
PASSPORT
United States of America
PASSPORT

Current Challenges

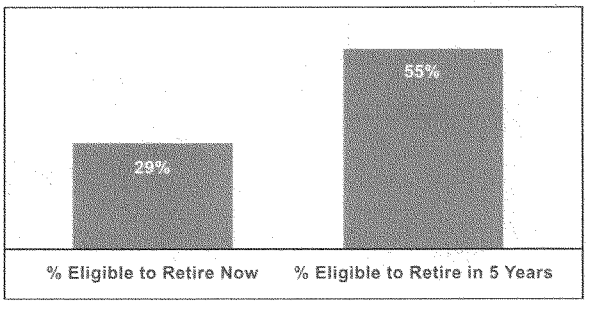
According to Director Hugh Halpern, the most significant challenge the GPO faces is that more than half of the agency's employees are eligible to retire within the next five years.

The average age of the GPO workforce is seven years older than the average age of the Federal workforce. 50-percent of GPO employees are above the age of 55. These employees are skilled and valued, they are critical for operational success. Many of these employees will choose to stay past retirement eligibility and will continue to be positive forces for the agency. For those who do choose to retire, however, it is critical that they can confidently transfer their knowledge, skills, and passion for the printing industry to the next generation of GPO employees and leadership.

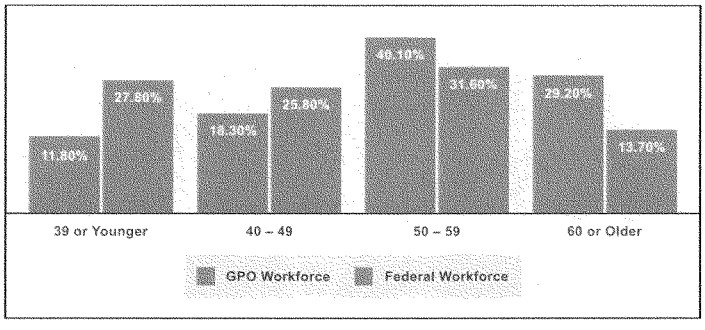
GPO Workforce Median Age: 56



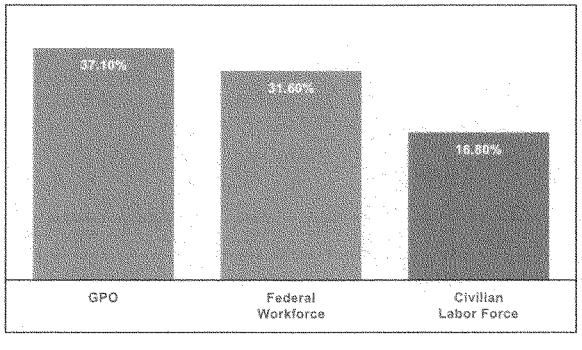
GPO Retirement Eligibility



Age Distribution of Workforce

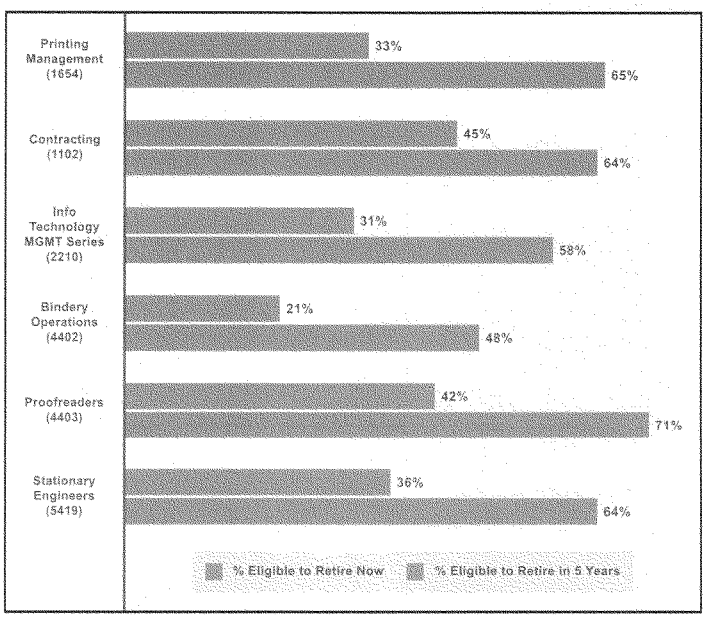


Workforce Percentages: Age 55 – 64



In addition to a senior workforce, GPO has experienced difficulties in filling critical job series' including Printing Management Specialists (1654), Contracting Specialists (1102), Information Technology Management (2210), Bindery Operators (4402), Proofreaders (4403), and Stationary Engineers (5419). These positions are critical to operational success because they require the knowledge and technical skills needed to print and publish trusted information. Moreover, they require specific and unique skillsets. The difficulty in filling these positions is due to changing technologies, market conditions, and a reduction in schools offering programs related to these technical specialties and printing apprenticeship programs.

Retirement Eligibility by Critical Position



Solutions

Over the last couple of years, the Agency created an active recruitment program aimed at solving hiring challenges faced by the agency. The following solutions were implemented:

Reputation

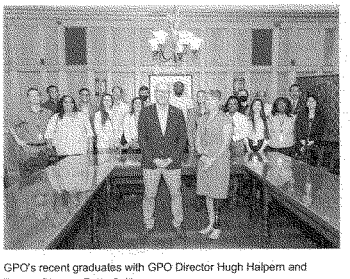
Having a reputation as a good place to work is one of the most compelling recruitment tools. The GPO has worked to improve its reputation as a best place to work with a focus on our core values such as inclusion and kindness. Steps have also been made to improve transparency, expand telework and remote work opportunities, modernize equipment and software applications, and to provide best-in-class workforce development opportunities. We will continue to expand on these opportunities when and where we can to improve our employee value proposition (EVP).

Recent Graduate and Apprenticeship Programs

The Recent Graduate Development Program is a systematic three-year program of instruction and professional learning experience encompassing all of the operations, work processes, and practical and technical aspects of the Printing Grade job series. The program will allow GPO to recruit and develop well-educated and highly motivated individuals to fill professional, scientific, administrative, and management positions while providing career growth opportunities for the GPO workforce.

The Apprenticeship Program is similarly a three-year program of instruction and experience, both on-the-job and in supplemental instruction (usually given in the classroom), on all of the operations, work processes, and practical aspects of highly technical positions. This program provides individuals who are artistically/mechanically/technically-minded a trainable pathway into the previously mentioned critical job series' (4402, 4403, 5419) without prior experience related to the positions.

These programs were created to address future needs and create accelerated pathways for employees to become experts in their fields. In 2022, GPO onboarded 24 Recent Graduates who filled professional and administrative positions in Human Capital, Finance, IT, Customer Service, Plant Operations, and Programs, Strategy, and Technology. Eight apprentices have also onboarded. The success of this program in 2022 led to greater program participation across the agency in terms of requests for hires. Surveys up to this point have shown high satisfaction for both managers and the new employees.

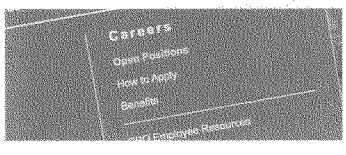


GPO's recent graduates with GPO Director Hugh Halpern and Deputy Director Patty Collins.

Updated Recruitment Tools

The Office of Human Capital has partnered with recruitment websites such as ZipRecruiter, Indeed, LinkedIn, and Handshake to advertise for positions across the agency. Job search websites are the preferred and most popular way to search for job opportunities. These specialized websites and mobile apps simplify the process of searching for jobs. Through these sites, applicants can learn about the job, the agency, and find a direct link to the official job announcement on USAJobs.gov. GPO has found that these platforms attract a more diverse group of applicants due to the ease and cost-effectiveness of accessing these platforms. Moreover, the platforms allow GPO recruiters to speak directly to interested candidates and answer questions about the agency, the position, and the application steps, ensuring successful and timely applications.

These platforms have proven to be extremely successful in attracting talent and filling critical, hard-to-fill positions. For example, GPO has previously experienced difficulties in hiring Bindery Operators (4402). By using these platforms and modernizing search terms and algorithms related to the job announcement, the position received over 1,500 interested applicants. GPO successfully hired 37 bindery operators in 2022. The hiring process has also been streamlined with the implementation of a Position Classification software, allowing managers to quickly create or request Position Descriptions (PDs) from an electronic database.



Partnered With Schools and Trade Organizations

The demand for school programs related to GPO's critical and hard-to-fill series' has decreased over the last decade due to changes in printing technology and a reduction in relevant jobs. In previous years, a select number of colleges across the country offered programs related to traditional printing. Today, fewer programs are offered, but there are still some schools that offer programs related to the needed positions.

We are currently in the process of reaching out to and establishing relationships with these schools to inform them of job opportunities. We have found that students in these programs are often not familiar with the Federal Government application process, so we use programs such as Handshake to directly reach out to students and provide them with information to assist them in their applications.

GPO has partnered with trade organizations who have members interested in printing-related technical careers. SkillsUSA, for example, is a nonprofit national education association that serves middle-school, high-school, and post-secondary students preparing for careers in trade, technical, and skilled service occupations. GPO established a relationship with the organization in 2022 and has attended multiple events, including résumé-building and interviewing workshops. SkillsUSA serves over 300,000 students and instructors annually and has a program specifically focused on printing-related technical trades.

We have also partnered with the National Federation of the Blind, the largest nationwide organization for blind Americans. The NFB provides career support for blind adults through résumé-building and career fairs. GPO attended the annual national

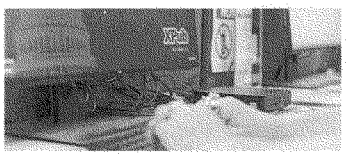
conference and career fair in 2022 and hopes to fill critical positions through the Schedule A path. We have started to build a database of résumés and hope to start Schedule A hires in 2023.

Internal Recruitment

Options for internal advancement have been implemented through the Recent Graduate and Apprenticeship programs. Two of 2022's Recent Graduate hires came internally, and the Apprenticeship program has guaranteed positions for current employees. Workforce Development, Education, and Training has increased its efforts in the overall growth of current employees through professional development and training opportunities.

Improving Recruitment Through the Use of Effective Assessments

A self-rated occupational questionnaire is not an effective assessment instrument to hire the best candidate. Over the past several years GPO has used several initiatives to determine the most effective applicant assessments to identify qualified candidates who are actually capable of effectively performing the duties of the position. Using the appropriate assessments will also reduce the degree of error in making hiring decisions. Well-developed assessment tools to allow the agency to specifically target and identify candidates who possess the competencies and skills GPO seeks.



Recruitment Incentives

In 2021 GPO started offering recruitment bonuses again and increased the amount of relocation allowance we may offer candidates selected for critical hard-to-fill positions. In 2022 we added an additional incentive for establishing annual leave accrual rates based on prior non-Federal or active duty military service work experience for candidates entering the civilian Federal service for the first time.

Future Goals

GOAL 1

Best Place To Work and Recruitment Incentives

Continue to expand on the programs that have brought GPO success in attracting and retaining employees, such as the flexible telework and remote programs, creditable service for annual leave offerings, recruitment bonuses, and relocation incentives. Look for new opportunities for continuous improvement.

GOAL 2

Strengthen Recent Graduate and Apprentice Programs

The Recent Graduate program was designed to address the critical, hard-to-fill administrative positions across the agency, and 24 graduates were hired in 2022. GPO wants to strengthen the program in the future by hiring and successfully onboarding more applicants. Future goals are to assist various Business Units in requesting positions and creating Position Descriptions (PDs), to continue to recruit through various recruiting platforms, to create hurdle assessments that allow us to select the best candidates, and to improve upon the training and development programs to ensure employee satisfaction and retention.

The Apprenticeship program was designed to address the critical, hard-to-fill technical and printing-related positions across the agency, and seven apprentices were hired in 2022. GPO wants to expand on this program by hiring more apprentices in the coming years. Similar to the Recent Graduate program, we must improve upon the training and development programs to ensure employee satisfaction and retention.

GOAL 3

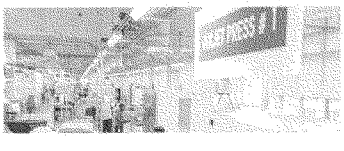
Continue To Establish and Build Relationships With Schools and Trade Organizations

Continue to look for schools that offer printing-related courses. Create a database with contact information for each school so that we can send job announcement opportunities and answer related questions. Improve upon our relationship with SkillsUSA and the National Federation of the Blind and find additional work-related organizations to work with in the future.

GOAL 4

Recruit a Diverse Workforce

Increase recruiting efforts for underrepresented groups throughout the Agency, including those with targeted disabilities. Utilize multiple hiring pathways to ensure that the workforce reflects the Nation's diversity.



GOAL 5

Manager Tools, Knowledge Sharing and Hiring Processes

Develop manager tools to simplify the recruiting and hiring process and share the best practices with all hiring managers. Continuously work to streamline the hiring process by, when appropriate, removing barriers that delay or hinder the onboarding process.

GOAL 6

Forecast Recruitment Needs

Conduct yearly analysis of the workforce and recruitment needs based on workforce data such as retirement projections and other turnover trends. Using this data, we will set short-term (annual) and long-term (2–4 years) hiring strategies and goals.

GOAL 7

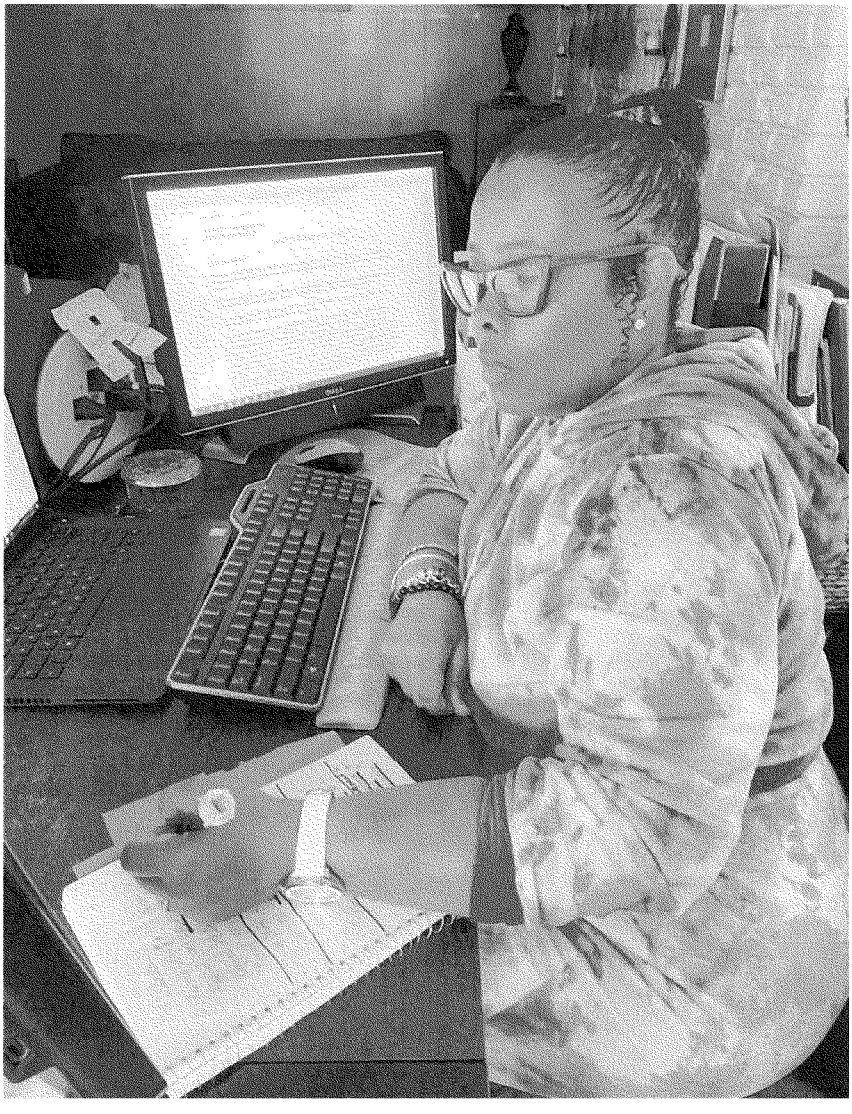
Improving Recruitment Through the Use of Effective Assessment

Expand on our use of effective assessments such as subject matter expert (SME) assessments, work sample assessments, and online assessments such as USA Hire, etc.

GOAL 8

Compelling Job Announcements

Create compelling job announcements that capture the attention of candidates and peak their interest in the GPO. Candidates spend an average of 14 seconds looking at a job description before deciding whether to apply. Compelling, descriptive job announcements, including multimedia recruitment material created collaboratively with multiple business units, can help attract the best qualified candidates, even if they are not currently looking for a new job.



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THURSDAY, MARCH 23, 2023.

GOVERNMENT ACCOUNTABILITY OFFICE

WITNESS

GENE L. DODARO, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. AMODEI. The subcommittee will come to order.

I am going to reserve on any opening remarks, which, if I give some later, will not be opening remarks, so don't anybody sharpshoot me on definitions or anything else like that.

The subject of today's hearing is the fiscal year 2024 request for the Government Accountability Office. I would like to thank our witnesses for being here.

And I would now recognize for opening remarks my ranking member, Mr. Espaillat.

The floor is yours, sir.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Thank you all for being here today.

The Government Accountability Office has a tremendous responsibility to provide independent oversight of U.S. Government programs, activities, and nonpartisan support to Congress.

This subcommittee has a great appreciation of GAO's work. I would like to commend GAO for its work to reinforce Congress's constitutional power of the purse and for dedicating the resources necessary to support this committee.

I would also like to commend GAO for its commitment to recruiting and retaining a diverse staff and its track record of earning a top spot among the best employers for veterans and the best places to work for overall.

So maybe someday I will go work for you guys.

But, anyway, Mr. Dodaro, I look forward to your testimony, and thank you for being here today.

Mr. DODARO. Thank you.

Mr. AMODEI. Thank you.

I want to thank you, Mr. Comptroller General, for your presence here today, and I would now recognize you for a summary of the written testimony that you have submitted.

Mr. DODARO. Thank you very much, Mr. Chairman, Ranking Member Espaillat, Congressman Quigley, Congressman Franklin. I appreciate the opportunity to be here today to discuss GAO's fiscal year 2024 request.

I appreciate the confidence this subcommittee previously has given us and the resources you have provided. I believe we have provided a great return on investment as a result of Congress's provision of funds to us. Last year alone, implementation of our recommendations led to over $55 billion in financial benefits to the government.

On average, over the last 5 years, GAO has returned $145 in financial benefits for every dollar invested in our activities. We do this through our ongoing reviews looking at waste, fraud, and abuse in the Federal Government as well as identifying overlap, duplication, and fragmentation in our government programs and activities.

We also annually, on average, have over 1,200 other benefits that help improve public safety, promote the more efficient and effective use of Federal resources and programs and help Congress craft laws and provide effective oversight over the executive branch. This helps ensure our system of checks and balances works effectively in our government.

GAO serves a wide footprint across the Congress, since our scope is the entire breadth of the Federal Government. On a regular basis, we conduct work for over 90 percent of the congressional standing committees.

We also have been charged with responsibilities in a number of recent laws. The recent National Defense Authorization Act for 2023 has 158 mandates for GAO; the Consolidated Appropriations Act for 2023 has close to 100 additional requirements for GAO studies; the Infrastructure Investment and Jobs Act has over 35; the CHIPS Act, over 10. The Inflation Reduction Act has a broad mandate for GAO. We have 32 different engagements already ongoing or planned in that area.

Congress also has asked us to review the accountability of aid provided to the Ukraine. So we will be looking at both military aid and humanitarian assistance, as well as how DOD is replenishing the materiel that we have provided to Ukraine.

Also, and this wasn't anticipated in our budget request—the recent bank failures of Silicon Valley Bank and Signature Bank triggered a mandate that GAO has to look at any "systemic risk" designation by the regulators and look at the emergency lending facilities set up by the Federal Reserve. We also just recently received a bipartisan request from the House Financial Services Committee on these issues.

I have already signed out letters to the Secretary of Treasury and Chairman of the Federal Reserve and the Chairman of the FDIC to begin our analysis of what went wrong here and what recommendations we would have for the Congress to address this particular situation.

Now, our request reflects the, hundreds of requirements that we have been given by the Congress, it would allow us also, I would like to expand our resources modestly in four areas.

One is science and technology. Congress has given us additional responsibilities to do technology assessments to support the Congress, and to provide technical assistance to the Congress to help them understand the developments in science and technology, which are evolving faster than any time in human history. Congress needs more support in this area, and Congress has been encouraging us to broaden our capabilities. We have done that, but we think we continue to need some additional resources to expand our capacity in that area.

Second is cybersecurity. We designated that a high-risk area across the entire Federal Government in 1997; we added critical in-

frastructure protection in 2003. There are many recommendations we have made in this area, but the requests for us to continue to do work in this area have greatly expanded. And I am not just talking about information systems; I am talking about weapons systems, satellite systems, and other areas, as well as critical infrastructure—electricity grid, financial markets, et cetera.

Third is national defense. With the conflict in Ukraine and strategic competition with China and Russia, a lot of attention has been focused on modernizing, for example, our Air Force aircraft systems. We look at the full range of national defense programs such as the missile defense system, space-based programs, and others. So national defense would be the third area.

Last would be healthcare. Healthcare costs are the fastest growing part of the Federal Government's budget. It is over 25 percent right now. If we are ever going to have a shot at getting our deficit and debt down, healthcare is critical to that path, as well as bringing down net interest on the debt over a period of time. We have a broad portfolio in the healthcare area, and we want to continue to address this critical issue.

In closing, we have one of the most dedicated and talented workforces among audit organizations in the world. I am very proud of our people. They are dedicated, very talented. We are a very diverse, multidisciplinary organization.

As Congressman Espaillat has mentioned, for the last 15 years, during my entire tenure, we have been ranked as one of the best places to work in the Federal Government. The last 2 years, we have been number one across midsize Federal agencies across the government.

So I am very pleased to be here, and I am happy to address any questions that you may have.

Mr. AMODEI. Thanks, General, for your testimony.

We are going to go to members now, based on their arrival.

The gentleman from Illinois, the floor is yours.

Mr. QUIGLEY. Thank you, Mr. Chairman.

Thank you for your service and being here today.

So a lot of requests, a lot of mandates. As well as I can ask this, are you able to do all you need to do given the resources you have?

And if challenged with reduction in resources, you know, how do you prioritize where you spend your resources and what you focus on in order of ranking, I guess?

Mr. DODARO. First, I believe the request I put forward for fiscal year 2024 would provide the resources necessary for GAO to effectively support the Congress in meeting all the mandates. But we need that request to be honored in order to meet those requirements——

Mr. QUIGLEY. Have you been short resources in the past to get things done on a timely basis?

Mr. DODARO. Yes. We have struggled since sequestration back in 2013. We lost about 12 percent, of our authorized staffing levels to get through that period of time.

We have been steadily working with Congress to build back our capability, so we are finally back to the position we were in around 2010. Congress has been giving us additional support in the science and technology area in particular to build that capacity.

So, yes, we have struggled in the past. We are back in a pretty good situation right now. I am hopeful we can continue on this path forward to fully serve the Congress.

Mr. QUIGLEY. Well, what do you do, so far, if you have to limit what you do?

Mr. DODARO. Right.

Mr. QUIGLEY. Is this putting off when you get something, how long something gets done or how many resources you can put toward an analysis? And I want to ask this in a sensitive way.

Mr. DODARO. Sure.

Mr. QUIGLEY. Does it affect how well you are able to accomplish a request?

Mr. DODARO. It doesn't affect how well we accomplish it, but it does affect when we get to the request.

Right now, we have about 800 audits going. We have 88 requests from chairs and ranking members waiting to be staffed in the queue. We have 265 mandates that are waiting to be staffed. But they will be staffed as we go forward.

Now, you asked how we prioritize. We have worked out a prioritization system with the congressional leadership. It is written in our protocols. Priority 1 are mandates that are in law or in committee and conference reports accompanying a law. Mandates are the broadest expression of congressional interest.

Priority 2 are chair and ranking members, requests. To reinforce our nonpartisan status, we treat both parties the same in terms of access to our resources.

Priority 3 are requests from individual Members of Congress, but we haven't had enough resources to do that in about 15, 20 years. Right now a Member would need to get, a chair or ranking member to sign on to a request to get into the queue.

We work with each committee across the Congress to prioritize the work. And it is a constant reprioritization based on ongoing events.

So we get to everything, but the question is when. Now, for the requests that are in the queue, on average, they will be there, because mandates keep going ahead of the request, about 8 months before we can start those requests.

A degradation in our resource commitment would really push off further starting that work or even being able to entertain new requests from committee chairs and ranking members.

Mr. QUIGLEY. Can you characterize the level of cooperation you typically get or if there are outliers that are more problematic than others?

Mr. DODARO. Yes. We typically get good cooperation from the executive branch, as a general rule. But there have been exceptions to that area, and when there are, I will go meet with the agency head.

I just met recently with the Secretary of Education. We were having some issues there. It got resolved within a day or two after that meeting. I have talked to the Department of Justice in the past. Those issues are resolved.

I had trouble during the early stages of the pandemic—because we were given responsibilities for tracking the $4.6 trillion in Federal pandemic aid, and providing monthly briefings to the Con-

gress. And we were having problems at Small Business Administration. I let you know and you were very helpful in helping resolve that situation.

So I meet with all the heads of the executive branch departments and agencies as they are confirmed and try to establish a good, constructive working relationship. So I try to deal with them, and then, if I need the help from Congress, I ask.

Mr. QUIGLEY. Very good. Thank you.

I yield back.

Mr. AMODEI. Mr. Franklin, the floor is yours.

Mr. FRANKLIN. Thank you, Chairman.

And I don't have a lot for questions, but, General, thank you for your testimony. And I am learning, as a new member of the committee, and trying to get my arms around the scope of what these agencies do. And I appreciate that you all have a lot on your plate.

What strikes me—and I understand the line of questioning of, you know, what is going to give if cuts are required. I see that. But I also see, and what concerns me, is, just in the technology space, for example, in a 5–year period from 2019 to what you are projecting at the end of 2024, just the FTE, you know, the number of employees in that one section of what you oversee is going to quadruple.

So, in 5 years, we are talking about head count quadrupling. Clearly—and we are seeing this across every single thing——

Mr. DODARO. Yes.

Mr. FRANKLIN [continuing]. We touch. I mean, government has exploded in the last 5 years.

To me, my perception, my opinion is that is not a sustainable path. But where do you see this going? Five years from now, is this 200 going to turn into, you know, 800?

Mr. DODARO. Yeah.

The 200 would put it around the same size as many of our other teams that conduct work in other areas of government. It is our newest team within GAO. It is like, those horse races where somebody starts, way in the back of the field and then they catch up with the rest of the pack. That is where it is.

The reason it has grown so fast is that Congress debated whether to recreate the Office of Technology Assessment or beef up GAO's resources. Congress decided to go with the approach of beefing up GAO's resources.

So we were given explicit direction, and asked to provide a plan to the Congress to increase our resources and capacity in the science and technology area. We did so in 2019 and have met the plan's goals. We have met that plan. Despite speculation that we would have difficulty recruiting people in that area, we have been able to do that.

So we have met the plan Congress asked us to develop. And our FY 2024 request, would bring us up to a level that is commensurate with the demands. I don't expect it to keep growing exponentially as it has in the past.

Mr. FRANKLIN. Okay.

Well—and looking at the types of things that are contemplated under that, I agree, these are critical needs now. They are areas we need to be focused on. At some point, I would just hope that—

there is a tendency in government programs that, once they come into place—I mean, government never goes away; it only grows.

Mr. DODARO. Right.

Mr. FRANKLIN. But at some point we are going to be forced to make the hard choices to do reallocation.

Mr. DODARO. Right.

Mr. FRANKLIN. So hopefully some things that have, you know, been necessary before, the need may change, and we are just going to have to be willing to make the hard decision to reallocate those resources.

Mr. DODARO. I understand.

Mr. FRANKLIN. I know you do.

Mr. DODARO. I am the auditor of the Federal Government's financial statements.

Mr. FRANKLIN. Exactly.

Mr. DODARO. I understand our position.

Mr. FRANKLIN. Right.

Mr. DODARO. But I also understand GAO provides a lot of return on our investment. So you get more back than——

Mr. FRANKLIN. Right.

Mr. DODARO [continuing]. You put into us——

Mr. FRANKLIN. And you are the watchdog over, you know, ensuring that what we are spending is being done appropriately——

Mr. DODARO. Yes actually——

Mr. FRANKLIN [continuing]. And I appreciate that.

Mr. DODARO [continuing]. We issue an annual report on fragmentation, overlap, and duplication in the Federal Government. And the last 12 years, we have made about 1,300 recommendations. Congress and the agencies has implemented fully or partially 74 percent of these recommendations. This has generated financial benefits of $552 billion. So it is already over the half-trillion-dollar mark.

And believe me, I am judicious in managing our own organization, I only ask for what we need, because I am aware of our fiscal position. But I am also aware that Congress is basically outresourced against the executive branch. And unless you have strong oversight—or, a strong GAO, it is hard to provide effective oversight of what is really going on, as opposed to what the executive branch, puts forward as their position on that issue. So Congress needs independent check and balance——

Mr. FRANKLIN. I agree.

Mr. DODARO [continuing]. And GAO provides that.

Mr. FRANKLIN. Very good.

All right. Thank you.

Mr. DODARO. Sure.

Mr. FRANKLIN. Mr. Chairman, I yield back.

Mr. AMODEI. The gentleman from the Empire State, Ranking Member Espaillat, the floor is yours.

Mr. ESPAILLAT. From the Big Apple. Thank you, Mr. Chairman.

Yes, Comptroller, I know that the Appropriations Law group has done tremendous work, as we seek legal opinions about the different work that we do here. It is so important for us to be in compliance with the Constitution, and with the law, and I know that

they continue to do good work. I also want to commend you for the resources that you have dedicated to that particular group.

Can you share with us, some of the services that they provide that are relevant and important to the work that we do?

Mr. DODARO. Actually, their responsibilities go directly to the heart of Congress's power of the purse.

They are experts in appropriation law decisions. We have issued 42 decisions since March of 2020 as to whether or not the agencies are following the direction given by the appropriation committees and the law, and sometimes we find that they don't heed that. There are provisions, for example, that they consult with the Congress before they make a change; sometimes they don't do that.

Also, we train congressional staff in appropriation law decisions. We have regular classes that we provide in addition to regular rulings in that area.

We also have responsibilities in the Congressional Review Act. We must review major rules promulgated by Federal agencies, congress can act to stop a rule if they don't agree with it. We have issued, a one hundred products in that area.

We also have responsibilities under the Vacancies Act. There is only supposed to be people serving in acting positions for a certain period of time, so we monitor this issue across the executive branch for Congress.

And then, also, very importantly, we issue decisions related to antideficiency Act. Congress's direction is supposed to determine what agencies spend the money on. So we make sure that they spend the money that Congress directed them to. But, on the flip side, if they spend more than Congress authorized, that is an antideficiency violation, and we point that out to the Congress.

Mr. ESPAILLAT. I know that you are also doing work on enhancing cybersecurity. And, just recently, the Washington, D.C., health exchange was compromised, exposing confidential information about our team, and ourselves. This is a growing problem in a very hostile world environment.

Mr. DODARO. Yes.

Mr. ESPAILLAT. What are you doing, what are the priorities of the center, of the Center for Enhanced Cybersecurity, as we move forward?

Mr. DODARO. Yes. I do not believe the Federal Government is operating at a pace of strengthening computer security commensurate with this evolving grave threat.

We have been doing this; I have been pushing this. I mentioned in my opening remarks, we designated cybersecurity across the Federal Government as a high risk area in 1997. We got Congress to pass a series of laws. It is a little better, but most Federal agencies still do not have effective information security programs. And since 2010, we have issued 4,000 recommendations. 860 are still open, so we are going to continue to follow up there.

We are doing more work also in critical infrastructure protection. The Federal agencies, try to encourage voluntary compliance, but basically the Federal Government really doesn't know how prepared the private sector is to deal with these issues until for example, there is a ransomware attack on Colonial Pipeline. So I have been trying to encourage more information-sharing between the

government and the private sector, and capacity building in the Federal agencies.

We have had our center for 25 years now. I have been expanding the size of it. In addition to looking at current threats, we need to look ahead; growing our resources in this area will allow us to do this.

Artificial intelligence will bring new threats in this area. It has a lot of advantages, but like most technologies it also has a darker side. Quantum computing is another example, it has advantages but it could also be used to break all the current encryption techniques.

Another example is blockchain technologies. We have a pilot right now with Treasury that tests new auditing techniques that would be required if they adopt blockchain technology.

In artificial intelligence, we have issued a framework so we can be positioned to audit algorithms used under artificial intelligence. We will continue to focus on artificial intelligence issues.

Mr. ESPAILLAT. Thank you.

Thank you, Mr. Chairman.

Mr. AMODEI. The gentlelady from Oklahoma is recognized.

Mrs. BICE. Thank you, Mr. Chairman.

And thank you for being here with us this morning.

I want to start—you mentioned the cybersecurity aspect. And last Congress, I had the great pleasure of serving on the new subcommittee on House Armed Services focused on cyber. I don't think that there is enough emphasis put on the ramifications of a cyber attack across government.

One of the things that I have been focused on is the, what they call, "rip and replace" of technology hardware that has been installed throughout government, whether that is local, State, municipal, or other agencies, that is equipment from adversarial nations.

Mr. DODARO. Yes.

Mrs. BICE. Do you have a little bit of insight that you can share with us about that rip and replace program?

My understanding is there was $5 billion—or, I am sorry, there was $1.9 billion allocated for that program. There were over $5 billion in requests. There has just now been a first let to be able to start doing that.

But this is an important piece, because the potential harm that can be done by having this equipment within our infrastructure is grave, and I don't know that it has gotten enough attention.

Can you speak a little bit to that?

Mr. DODARO. Yes, absolutely.

On this particular program, I don't think we have done a detailed evaluation. I will check, and if we do, we will let you know.

But the broader issue you bring up is a supply-chain issue. We have done a lot of work on supply-chain issues in information technology. We have come up with a set of best practices. We compared those to what agencies are doing, including Defense; we found them short of those best practices. We issued that report before the SolarWinds incident happened.

So we are very aware of this problem. You are right to be concerned about it. I am too. And I would like to do more work in that area. Because the government is moving to zero-trust architecture,

which is all based upon knowing who, along in the supply chain, you can trust.

Mrs. BICE. And to follow up on that, can you talk a little bit about the technology that GAO is using currently and what you are looking to potentially upgrade in the near future? I know there is a lot of different—whether that is e-discovery software or other things that would be helpful.

Talk a little bit about where you are now and what the future looks like——

Mr. DODARO. Sure.

Mrs. BICE [continuing]. For the organization.

Mr. DODARO. Sure. We are in the process now of moving to the cloud in most of our operations. We have a multiyear IT modernization underway. We are taking steps to ensure it is secure and we have good computer security over the information we collect.

We are replacing our document management system, which is all the records that we keep for our audits. The system we have in place now is over 30 years old. So we are replacing that as we go forward.

Mrs. BICE. How long do you anticipate that process to take?

Mr. DODARO. I am hopeful, if we get the support from the committee, that we can have that done within the next year or two.

Mrs. BICE. And you started that process in——

Mr. DODARO. Well, we started moving to the cloud a few years ago. For example, our email is in the cloud now. But not all of our operations are in the cloud.

Completing our move to the cloud, is a multi-year effort—we are moving at a deliberate pace because we want to be careful about how we are doing it, make sure we have good security and that we have good, access to everything we need. Some of the federal contracts haven't been struck very carefully, and so I want to do that.

For the document management system, we are on track to try to do that next fiscal year.

Mrs. BICE. One of the challenges I see with the procurement and acquisitions structure is that it takes so long to move to new software applications or new technologies. And I think that we are up against a time crunch now. We don't have time to spend waiting for approval at every step. In some cases, we need to really figure out how can we move forward quickly, because we are falling behind——

Mr. DODARO. Yes.

Mrs. BICE [continuing]. And I think that is a really dangerous place for us to be.

So, certainly, anything that we can do to speed up that procurement and acquisitions process, particularly for software and technology, I am happy to help with.

Mr. DODARO. The basic thing would be having stability in our funding. I mean, part of the problem is that, almost every year we are in a continuing resolution process. So we enter a year, and maybe a quarter or half through the year we don't know what our funding is going to be for that year. It is hard to enter into a multiyear procurement without knowing that you are going to be able to honor your commitments that you are making.

We have also created, on our audit side, an Innovation Lab where we are testing new technologies we want to be able to develop and test new audit technologies and methods that are needed as federal activities grow in size and complexity.

And so I am very aware of the issue. Part of the problem we had—and I mentioned earlier in response to one of is that during sequestration we lost 12 percent of our staff. We also stopped a lot of our IT modernizations during that period of time so that we would not have to lay people off. I didn't want to lose our talent base.

So we are still catching up from some of those problems we have had in the past. And I hope that with robust funding we could move quicker.

Mrs. BICE. Great. Thank you.

My time has expired. Mr. Chairman, I yield back.

Mr. AMODEI. Additional questions from any committee members for the General?

Seeing none, General, I have a few.

You have alluded to it in your testimony, but—you know, what we have been asked to do—is 100 percent of your work requirements generated by Members of the House and Senate?

Mr. DODARO. Almost 100 percent. There is a small number, like 5 percent, that I will reserve to determine new areas that we need to invest in. Like, originally, we did a lot of computer security work under my authority. But after we start work on our own Congress starts asking for it.

Part of the work that we do under my authority includes budget scrubs that we do for the Appropriations Committee. We go through the President's budget request every year for major departments and agencies and see where there are unused obligations and therefore, an opportunity where there is a need to reduce funds in some areas that they have carryover money. That work is done under my authority, rather than have requests from the committees every year.

We also work on identifying fraud, waste, and abuse in the government under my authority.

And then I will do some targeted areas. For example, our housing agencies, Fannie Mae and Freddie Mac, they are still in Federal conservatorship from the 2008–2009 global financial crisis. And a lot of the housing risk right now, if there is a downturn in the housing economy, it lays at the Federal Government's footstep, because the Federal Government is either directly or indirectly guaranteeing about 70 percent of individual home mortgages.

And so, I issued a framework for the Congress that they could use in making decisions on how to decide whether to privatize Fannie Mae and Freddie Mac, or use a hybrid model.

But most all of our workload is driven by the mandates and requests.

Mr. AMODEI. So is it fair to say that 100 percent of what you do is either a direct request or related to that oversight function that you play in supporting the Congress?

Mr. DODARO. Absolutely.

Mr. AMODEI. Okay.

And so you are in a unique situation—and, actually, the committee is in a unique situation—that it is no surprise to anybody here that the general atmosphere is going to be, okay, how can we cut, how can we reduce, blah, blah, blah. It is your job to take a look at if people are doing what they were supposed to do, being asked by—the vast majority of those comments, or missions, if you will, are generated by specific legislation, committee chairs, committee ranking members, that sort of stuff.

So if you were going to play the GAO, looking at yourself, when this committee comes forward with its recommendations in front of the full committee and then on the floor, what would you say? "Hey, here is why"—and I am not putting words in your mouth.

Mr. DODARO. Yes.

Mr. AMODEI. They will be your words. But it is like, "If you value oversight, if you value responsiveness, if you value"—go ahead and take off from there.

Mr. DODARO. Yeah. No, absolutely.

First, I would say, if Congress wants to have an aggressive posture on reducing waste, fraud, and abuse in the Federal Government, if Congress wants to generate good ideas, smart ideas on how to cut the Federal Government's spending without harming individuals, and if Congress wants an effective oversight mechanism over the executive branch, you need a strong GAO.

And without us being strong, your ability, Congress's ability, to manage and oversee the rest of the Federal Government will be severely diminished.

Mr. AMODEI. Okay. Thank you.

I want to thank you for your testimony.

Members may submit additional questions, not forever, within—yeah. If you have additional questions, please contact the committee staff so that we can get them to you and they can be meaningful in time for markup and that sort of stuff.

General, thank you very much. Appreciate your appearance and your testimony.

The meeting is adjourned.

[Questions and answers submitted for the record follow:]

Committee on Appropriations
Subcommittee on Legislative Branch

Budget Hearing – Fiscal Year 2024 Request for the Government Accountability Office

(03.23.2023)

Questions for the Record

Submitted by Congressman Espaillat

Investing in GAO

Mr. Dodaro, I strongly support the Government Accountability Office (GAO) and your budget request for fiscal year 2024. Investing in the capacity of the Legislative Branch is critical to ensuring that we have a strong and safe Congress, and as you already stated in your testimony, "Congress is basically out-resourced against the Executive Branch, and unless you have strong oversight and a strong GAO, it is hard to provide effective oversight . . . . Congress needs an independent check and balance." That is one of the many reasons it is so essential that the Congress continue to invest in and build capacity at GAO and across the entire Legislative Branch, which is still recovering from a decade of disinvestment during the Budget Control Act.

Nevertheless, there is a reported proposal to cut the fiscal year 2024 discretionary appropriations back to the fiscal year 2022 enacted level, which could result in a cut of at least 22 percent for critical government programs and activities.

Question: To give this committee a better understanding of the impacts, could you explain the effects such a drastic cut would have on GAO's operations and all of the services that GAO provides to Congress? How would cuts of this magnitude impact GAO's ability to root out fraud, waste, and abuse?

GAO Response: A budget cut of this magnitude would have a devastating effect on our ability to meet the needs of Congress. GAO's mission is to help Congress carry out its constitutional oversight responsibilities and improve the performance and accountability of the federal government. Reducing GAO's capacity would come at a time when federal programs, activities, and spending have grown in size and complexity, which demands more oversight, not less.

[Example from 2015]

Over 80 percent of GAO's budget represents human capital costs. That is, the salaries and benefits of its talented and highly skilled workforce. While we would constrain spending in other areas, such as needed IT improvements and deferred maintenance on GAO's building, this level of budget cut would require us to significantly reduce our human capital costs. We would achieve these savings by stopping all planned hiring, imposing furlough days, and conducting a layoff. We estimate that cutting our budget to the FY 2022 level would reduce our workforce by about 600 FTEs. This would require us to lay off 570 GAO employees, or not replace the over 200 employees that we expect to lose through attrition and to furlough all remaining employees for 42 days each.

This level of FTE reduction would result in us not being able to meet the needs of Congress. Demand for GAO work remains high. We regularly receive hundreds and hundreds of mandates or requests from Congress each year. The FY23 NDAA alone contained 158 mandated studies for GAO. With a significantly reduced workforce, we would likely have to stop work on requests from committee leaders and direct staff to work on mandates only. It would also lengthen the time that it takes for us to begin our reviews, meaning Congress would have to wait longer for the results of our work.

Furthermore, reducing GAO's capacity would undercut its track record of delivering tangible benefits through improving government performance and accountability. GAO has proven to be a good investment. Over the past five years, we have returned $145 in financial benefits for every $1 invested in us. During this period, we also delivered an annual average of over 1200 program and operational benefits that led to improved services to the American people, strengthened public safety, and spurred program and operational improvements across the government.

Through our oversight we also root out fraud, waste, abuse and other questionable uses of federal dollars. For example, in response to our recommendations on strengthening the integrity of the Paycheck Protection Program's (PPP), SBA determined that some PPP borrowers were not eligible for loan forgiveness because the borrowers were ineligible for the loan amounts provided in 2020 or used the PPP loan for unauthorized purposes. This resulted in over $3 billion in loans not being forgiven.

From past experiences with significant cuts to our budget, rebuilding lost capacity will take years. For example, due to budget constraints and sequestration of the early 2010s, GAO's FTE level fell by 15 percent, dropping below 3,000 for the first time since 1935. Since that time, we have worked to rebuild our staff resources. But even with this subcommittee's support, we did not achieve pre-2010s staffing levels until FY 2022. While we were able to rebuild our staffing levels, we continue to play catch-up on IT upgrades that we delayed due to the budget constraints, as we prioritized our talented workforce over other budget needs.

In sum, a reduction in our budget of this size severely jeopardizes our ability to adequately support the Congress in a timely manner, now and into the future. Given the size of the federal budget and the multi-year actions needed to address the seriousness of the government's fiscal condition, investing resources to restore some of GAO's staff capacity would be a prudent and wise investment that will produce positive outcomes for the Congress and our country.

THURSDAY, MARCH 23, 2023.

LIBRARY OF CONGRESS

WITNESSES

CARLA HAYDEN, PH.D., LIBRARIAN OF CONGRESS, MARY MAZANEC, PH.D., DIRECTOR, CONGRESSIONAL RESEARCH SERVICE, MARIA STRONG, ASSOCIATE REGISTER OF COPYRIGHTS AND DIRECTOR OF POLICY AND INTERNAL AFFAIRS, UNITED STATES COPYRIGHT OFFICE

Mr. AMODEI. The meeting of the Legislative Branch Subcommittee will come to order.

Since it seems to be going okay so far and nobody has complained about the chair not doing opening remarks, we are going to stick with that proven formula.

And I am going to recognize the ranking member, Mr. Espaillat, for your opening remarks.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Thank you, Dr. Hayden, for coming here and for your colleagues being here as well today.

The Library of Congress is a national treasure, and it has unparalleled resources, as you know. I appreciate your commitment to making it more accessible to every American across the country and particularly to us here in Congress.

Importantly, we look forward to the unveiling of the Visitor Experience Center in 2025. My team was able to take a peek at that, and they really bragged about it. So we are looking forward to that.

And as ranking member, I am committed to ensuring that the Library has the resources it needs to continue its mission, safeguard its collection, and provide a robust cybersecurity protection for all of us.

I would also like to thank and recognize the staff of the Congressional Research Service, especially the Appropriations Team and Executive Branch Operations Section, for their continued support and essential support to our entire committee.

So I look forward to your testimony. Thank you, Dr. Hayden.

Mr. AMODEI. Thank you, Mr. Ranking Member.

I would like to thank our witness for being here, the Librarian of Congress.

Ms. Strong is also here, representing Ms. Shira Perlmutter for the Copyright Office. And Dr. Mazanec is here, representing the Congressional Research Service. Ms. Perlmutter and Dr. Mazanec's testimony have been submitted for the record.

Mr. AMODEI. And I now recognize you, Dr. Hayden, for your summary of your written testimony. Welcome.

Dr. HAYDEN. Thank you. Thank you, Chairman Amodei, Ranking Member Espaillat, and members of the subcommittee, for this op-

portunity to provide testimony in support of the Library's 2024 budget.

And I am pleased to report that in fiscal year 2022 the Library returned to regular operations. Visitors and researchers returned on site. The reading rooms reopened and in-person events multiplied, while our very popular virtual programming continued.

And with the support of Congress, the Library continued to build collections in multiple formats and engage users in a variety of ways. Today, the physical collections contain nearly 175 million items, and many of those are in digital form. And the Library's digital engagement increased dramatically since 2020.

I would like to express my sincere gratitude for the support from this committee and Congress in general for investing in our recent IT infrastructure; also, the Visitor Experience Initiative. We have raised over—almost—and you see, I am ready to go there—we have raised almost $20 million from donors nationwide for this impactful initiative. And our goal is to have engaging new spaces in the Thomas Jefferson Building open to the public for the Nation's 250–year celebration in 2026.

I come before you today to discuss the Library of Congress's appropriations request for $940.8 million, a 7.5-percent increase over the fiscal year 2023 enacted appropriation. This request includes $45.8 million in mandatory pay and price level increases, and the remaining increases represent critical investments necessary to meet the Library's mission.

With modern IT infrastructure in place, thanks to your support, we are using a continuous development approach to ensure improvements as we manage all of the Library's technology, and our requests build on that: for instance, resources for Congress.gov to build capacity to continue to serve Congress effectively.

The U.S. Copyright Office has reached major milestones toward a new Enterprise Copyright System, ECS, which is transforming the entire copyright process. And the budget request this year asks for a permanent base for continuing to develop the ECS.

The Library's special responsibility to the National Library for the Blind and Print Disabled extends to critical IT systems that ensure accessibility for its patrons and blind staff. The request this year includes staffing dedicated to continuous innovation and development of these systems. Other forms would replace very obsolete talking-book machines with web-based systems and make refreshable Braille e-readers available to patrons.

In addition, we have a request for support for the increasing volume and complexity of the contracts that support the growing IT structure that we have, and that would mean additional experienced staff for the Library's Contracts and Grants Directorate.

Other requests would ensure more responsibility for the service to Congress.

And with the significant increase in the volume and complexity of bills introduced, the CRS, Congressional Research Service, requests additional staff to accommodate the growing Bill Digest workload and to enhance its support for Congress.

There is also a request for a pilot program for quantitative analysis of research and operational big data to meet emerging congressional demand.

We recognize the challenges that result from the current fiscal environment, and we know that our programmatic requests this year represent the most necessary and impactful priorities that will enhance our ability to serve Congress and the American people.

So thank you for your support, and we look forward to your questions.

Mr. AMODEI. Thank you, Dr. Hayden.

And Dr. Hayden's written testimony will be part of our record, as well as the stuff that I have indicated before.

And so the chair now recognizes for questions the Representative from the Bronx, Mr. Espaillat.

Mr. ESPAILLAT. And Manhattan. Thank you, Chairman. I mean, we went from the Empire State to the Big Apple to the Boogie Down Bronx.

Thank you for the opportunity.

Dr. Hayden, I know that all of us really enjoy the Library. And I wanted to get your impression on how you feel the services that you provide will be compromised if the discretionary spending cuts come through. And what will be the impact on the work that you do there?

Dr. HAYDEN. There is no aspect of the Library's work and the people we serve that would not be affected by reductions in resources.

And because the Library is roughly 65 percent pay, and the nonpay is used for the majority of the modernization efforts, some that I referred to just a minute ago, the support to Congress specifically, as well as the people it serves, would be dramatic, depending on the reduction.

For instance, depending on the size of a reduction, we would immediately implement a year-long hiring freeze and not backfill positions from attrition, which would then make our FTE count go down, and you would have fewer people doing more work. We would have to mandate, for instance, furlough days, and that would have a real effect on our ability to provide timely service to Congress.

So CRS is 85 to 90 percent pay. They are people. So when you cut CRS, you are cutting direct service to Congress.

Then, copyright registrations. We have made great strides. We talked about the milestones. But the work on the new copyright system that our public stakeholders are very interested in—that is why our Register is actually in California, at a copyright conference, where they are urging us to continue—that work would stop.

Our other IT systems, the National Library for the Blind and Physically Handicapped, the rollout of the e-readers would curtail. We circulate about 22 million items to the blind and print-disabled each year. And when you think about the impact on that community, people who are really dependent on our services throughout the country—I can go on, with the cataloging of the materials that we provide for thousands of libraries throughout the country.

Digitizing the collection. Our security and IT development would be compromised. And that is one we would have to make sure that we preserve, because cybersecurity is so important, so we have to maintain that.

And then, of course, we would have to reduce the public services, the on-site services in those reading rooms. So some would close, reduced hours. And then things like our signature programming and those things would have to be halted.

So it is the degradation of services, right when we are coming out of really renewing what the Library had to endure in previous years. So——

Mr. ESPAILLAT. And you mentioned cybersecurity, and that is so important to all of us. In fact, the Library of Congress experienced more than 180,000 attempted cyber attacks in a year.

Dr. HAYDEN. Yes.

Mr. ESPAILLAT. What is the Library doing to handle that? What are you proposing to do?

Dr. HAYDEN. Well, thank you for mentioning that, because we are a target, and we know that, and we take it very seriously, and we have a very robust security system.

And we are very fortunate to have a CIO, Judith Conklin, who is here, who is a cybersecurity expert, and who could, if you wouldn't mind, give you even more in depth, because there are certain things we can say publicly, but—Judith is that.

And just as she comes up, she is receiving in a couple of weeks her second award for public service, specifically for what she does with cybersecurity and making sure our systems——

Ms. CONKLIN. Thank you, Dr. Hayden.

Dr. HAYDEN [continuing]. Are not attacked.

Mr. ESPAILLAT. Ms. Conklin, could I have you just hang on for a minute? I wanted to make Mr. Franklin aware, before you started testifying——

Ms. CONKLIN. Oh, sorry.

Mr. ESPAILLAT [continuing]. She is a former Army officer. So I would expect you would be open-minded, based on your military background, to anything she would have to say.

Please proceed.

Dr. HAYDEN. She was a major.

Ms. CONKLIN. But Army.

Thank you for the question. And thank you for your concern about cybersecurity at the Library of Congress. Cybersecurity is a passion of mine, and it is a top priority for me as the CIO.

The cybersecurity program at the Library of Congress really took off in 2002. And it was built in a non-centralized way, and the specialists were down in the businesses.

When, as you know, in 2015, technology needed to be revamped in our agency, and Dr. Hayden arrived in 2016, and she directed centralization, we centralized the cybersecurity roles. And that has strengthened it significantly.

So we have cybersecurity professionals under our Chief Information Security Officer. We have an authorizing official, Steve Elky, that started building it in 2002, and he is very, very well knowledgeable in IT security. And he only allows things on the production network; it takes his signature to do that. Our CISO, Sean Lang, is very technical and works with the legislative branch CISOs also.

From a tools perspective, we are always vigilant. We are always monitoring the network, monitoring our assets, monitoring folks

coming in or attempting to come in. We have a 24-hour virtual SOC, security operations center.

And we have been very lucky to receive support from Congress since 2015 on our IT security initiatives, and that has helped us strengthen the security program.

So I feel very strong that we are very mature in our IT security program, but we continue to mature, because the cyber threats in the world continue to evolve.

Mr. ESPAILLAT. Thank you.

Dr. HAYDEN. I would also add that we have added additional funding to have additional background checks for certain staff members, even the ones that are physically around some of our equipment. So we have stepped that up too, and so that is increased in our budget.

Mr. ESPAILLAT. Thank you so much.

I yield back.

Mr. AMODEI. The gentleman from Kansas, you are recognized. The floor is yours, Mr. LaTurner.

Mr. LATURNER. Thank you, Mr. Chairman.

Dr. Hayden, I wanted to ask about the trend line. Digital engagement increased dramatically since the start of the pandemic. Have you seen that trend continue this year?

Dr. HAYDEN. Yes, we have. And what is very interesting, at certain points, when we post something or we have a special something to put out, like when we had a pop star that used one of our historic flutes, we saw a dramatic uptick, and we were able to see that quite a few people were looking and saying, what else does the Library of Congress have?

Mr. LATURNER. The flute helped.

Dr. HAYDEN. It helped quite a bit, quite a bit, because then they are seeing all of this, and then they look and they say, oh, you have a digital jukebox, or you have old movies, you have photographs, you have maps, you have this, you have that, and people start exploring what we call our digital front door, our website.

And so to see that increase and to see it being sustained is very rewarding.

Mr. LATURNER. Talk about, a little bit, the funds to improve IT contracting.

Dr. HAYDEN. We find—and we are not alone—that the attrition rate for contractors, people who can work in contracting, is rather high. For the Library in general, it averages about 7 to 8 percent attrition. And that area in contracts, it is about 25 percent.

And we share the difficulty with other agencies that those people are very highly sought after, and so we have to do more to recruit them but also to make sure that we maintain staff there.

Mr. LATURNER. Talk a little bit about the plan to develop Congress.gov. What does that look like?

Dr. HAYDEN. Ah. Well, you have Mary Mazanec here, but before she starts, I want you to know that, in terms of impact and budget impact, that would be a system that would be impacted. Because right now, for instance, we are able to have every 3 weeks new improvements to Congress.gov for its continuous improvement in doing that.

So we are on track for that, we have been funded for that, and it is vital to the work.

Dr. MAZANEC. So Congress.gov is also the repository of the bill summaries. And one of the concerns that have been raised is the timeliness of the bill summaries. And if you compare the number of measures introduced from the 115th to the 117th, there has been a 30-percent increase, and the bills are more complex.

So the programmatic increase that we have requested would fund 12 additional slots that would increase the size of the team that does bill summaries by a third, and it would hopefully improve the timeliness of bill summaries by 40 percent. We are also requesting four additional FTEs to help support continuous upgrades and improvement to Congress.gov.

Congress.gov is a joint effort between CRS and other parts of the Library. Also, the Clerk of the House and the Secretary of the Senate, they are also partners in this effort. And so we are constantly trying to introduce new features to Congress.gov that you find useful.

Mr. LATURNER. Sure. I appreciate that. And I see your lanyard. Go Irish!

And I yield back, Mr. Chair. Thank you very much.

Mr. AMODEI. Thank you, Mr. LaTurner, for that.

And the chair now recognizes the gentleman from the Sunshine State, Mr. Franklin.

Mr. FRANKLIN. Thank you, Mr. Chairman.

And thank you, Dr. Hayden. I appreciate learning about your organization. I have always been a fan of it. And, you know, like everything I have experienced around here, there is a lot more to it under the hood as I start diving in.

I guess I am curious to know more on the personnel side, because so many of the entities that fall under leg. branch are people-driven. That is where the source of the budget primarily lies.

How has telework evolved within your organization, pre-pandemic? And then now that we have come back out of that, are you seeing some permanent changes? And what would you consider some of the benefits?

And are there challenges, say, culturally or, you know, transitioning knowledge? As we hear from most branches, you know, we are seeing a brain drain in a lot of areas as people retire from the workforce. How do we transition that knowledge to the next generations? And what challenges do you see when folks aren't always face-to-face?

Dr. HAYDEN. Our post-pandemic telework policy was redesigned to make sure that we have our mission stable, to serve Congress and the public, and then also, though, to provide the flexibilities that we really got a chance to see during the pandemic.

And what we know and the way we have revised the policy is that there are going to be differences based on the unit. For instance, you have CRS, very direct-service-intensive; the reading rooms, people coming in. There are different units that had to look at their own policies.

And there are requirements now that we have where there is a minimum of on site regardless and then there are opportunities for more telework based on what the position is. For instance, IT, they

could do different types of things. So it depends on the type of service that is being provided.

But we made sure that we had some flexibilities, and we learned what those are, but we also wanted to make sure that we maintain a certain level of service. And so those checks and balances are in there with that.

Mr. FRANKLIN. Okay.

I would think, within your realm, that being associated with the Library of Congress would be like the World Series. You know, everyone would want to be affiliated with the organization. It would make your staff very enticing to folks elsewhere. I mean, I would think having experience with the Library of Congress would look very good on a resume.

Do you find yourself—are you poached a lot from universities and other entities trying to hire away your people? And do you have a salary structure that is competitive to keep your best?

Dr. HAYDEN. What the Library of Congress has—and I am speaking as a career librarian—is that it is almost like you are going to the top, all right, and it is the Nation's Library and that. So you have that, even though sometimes the salaries might not be as competitive with universities and colleges. And then in other areas—for instance, IT—you have to look at that.

So we have interesting projects that people could get involved with. But that also gives you more of a turnover. Possibly, people get the experience at the Library of Congress and then industry might take them away.

So we try to keep staff members engaged and to make sure that we at least—and that is when you think about the telework policy, for instance, some flexibilities. Before the pandemic, it was rather rigid.

So we look at our HR policies in terms of being attractive not just for the status but the fact that people—Washington, D.C., physically living in this area is sometimes a challenge.

Mr. FRANKLIN. Okay.

Well, I thank you that you have brought the dinner series back. I am looking forward to participating in those. And as I came in last session as a freshman, I was told really across the board that, of all the events and things you can go to in D.C., those speaker series, the dinners, are one of the best things in Washington. So I am glad to see we are putting that part of the pandemic behind us.

But I don't have any other questions, Chairman. Thank you.

Mr. AMODEI. Thank you. You should know, they also have a lunch series which you don't have to pass an entrance exam for. It is just in the cafeteria every day at noon. That is the one I have been able to go to, but not with a lot of frequency. But they are working on lowering the standards for the other one.

I appreciate that, Dr. Hayden.

The gentleman from the Peach State, Mr. Clyde, you have the floor.

Mr. CLYDE. Thank you. Thank you, Chairman.

Ladies, thank you for being here.

To Dr. Hayden, the offsetting collections that are reported here for fiscal year 2022, I believe that is about $44 million, almost $45

million. That would be on summary tables. How do you handle that? As in, are those collections then used for the next year's budget, or do they decrease the appropriation for the current year?

Dr. HAYDEN. My understanding is they are in Copyright.

Mr. CLYDE. Okay.

Dr. HAYDEN. And that is an area that—and you might want to speak to that.

Ms. Strong is here.

Ms. STRONG. Thank you. Thank you, Dr. Hayden.

Yes. So the Copyright Office is funded in two ways, by appropriated dollars from Congress as well as offsetting collections, which are the payments and fees that we collect for some of our services.

And so we are not a fully fee-funded agency——

But the offsetting collections are those fees that we generate from that. And so that does pay for part of the Copyright Office basic budget.

Mr. CLYDE. Okay. But the question was, what fiscal year? The year that you collect them? Are they used the year that you collect them, or are they the next year?

Ms. STRONG. My understanding is we definitely try to use it the years that collect. We do have a very small prior-year fund of, I believe, $1 million, which we can use to go back to a prior year that would go to the next year.

So we do have a very small fund to use to fund the next year's event—but primarily we aim to execute in that fiscal year.

Mr. CLYDE. Okay. Thank you.

I went back and looked at your 2019 budget, which was about $696 million. And then if you look at offsetting collections, projected for fiscal year 2024 at $45.5 million, that would be a total appropriation of almost $742 million.

Would you be able to make the Library of Congress work efficiently with that kind of an appropriation for fiscal year 2024?

Dr. HAYDEN. You are referring to the 2019?

Mr. CLYDE. I am. The pre-COVID.

Dr. HAYDEN. It would be very difficult.

Mr. CLYDE. Okay. Could you do it?

Dr. HAYDEN. When you say "operate," it would be at a reduced—reduced services, reduced everything, for the public, for Congress which is our primary goal. We are the Library of Congress. CRS would be severely damaged, because they are 90 percent personnel and people.

So services to Congress and the people Congress serves would be severely affected.

Mr. CLYDE. So the current ask is $895 million. This year's enacted was $828.5 million. And this would be, then, 741, 742, so about $75 million less than what you are currently getting?

Dr. HAYDEN. Are you——

Mr. CLYDE. About three-quarters of a billion dollars.

Dr. HAYDEN. And I just want to clarify——

Mr. CLYDE. Sure.

Dr. HAYDEN [continuing]. What you are asking. In terms of the effect on services to Congress and the public?

Mr. CLYDE. Sure, why not.

Dr. HAYDEN. There would be service cuts.

Mr. CLYDE. Okay. All right.

To Director Mazanec, you spent about an entire page of your eight-page testimony, I believe, on talking about diversity, equity, and inclusion training. How much money do you actually spend on that annually?

Dr. MAZANEC. I don't have that figure in my head. We can certainly calculate that and get it back to you.

We try to do quarterly trainings for the staff and for managers on diversity and inclusion topics. It is a priority of mine to recruit and retain a diverse workforce and have a very inclusive work environment.

But I can get back to you with a specific figure.

Mr. CLYDE. Okay. I understand you have a website dedicated to it?

Dr. MAZANEC. We recently introduced——

Mr. CLYDE. And newsletter, et cetera?

Dr. MAZANEC [continuing]. Introduced a website that has all the information on it. I wouldn't call it a newsletter. There is on-site information that staff can look at.

We have expanded our efforts to participate in recruitment events—we did 30 last year; we have done 8 this year—to try to reach populations that are not routinely represented in the Federal workforce.

And I think it has had an impact. At the senior level, which I am involved in, in selecting people, since 2020, we have had eight senior-level hires, senior-level managers. Five have added diversity. So we are making an impact.

Mr. CLYDE. Uh-huh. I only used the term "newsletter" because you used it in your testimony here. That is all.

Okay. I yield back.

Mr. AMODEI. Any other questions from committee members?

Okay.

Dr. Hayden, we learned something this morning in the GAO hearing that I would encourage you folks to do if it is appropriate, and that is to supplement your testimony, because we all know that we are in a challenging fiscal environment. As you go through your presentation, if there are areas where you go, "Hey, here is the value that we are providing," so that—when we look to make the decisions that will inevitably have to be made, I think part of the consideration needs to be, where is the value?

Now, that may be a hard thing to quantify, and if you can't, you can't. But I want to encourage you, so that all committee members can see. It is like, "So here is what we are asking for, and here is what we have done programmatically," but to try to reduce that to a, "By the way, here is the value that we are providing for the dollars that you are spending on us." If you can quantify that somehow, we would certainly encourage you to do that to supplement it.

And we are not picking on you guys. We are going to ask everybody, "Hey, where is the value here?" so that when those decisions are made, it is not just, "Where do we start, and how do we get to where we need to get?" So that if there are cuts, not that you

wouldn't have the discretion to see how you implement those, but we want to be as well-informed as possible.

So I put that out there for you.

Dr. HAYDEN. Thank you.

Mr. AMODEI. And, with that, since there are no other questions or whatever, the members have 10 days—I am making that up, so don't look for the rule—10 days to submit additional questions on behalf of committee members.

Mr. AMODEI. And the meeting is adjourned. Thank you.

Dr. HAYDEN. Thank you.

[Questions and answers submitted for the record follow:]

Committee on Appropriations
Subcommittee on Legislative Branch

Budget Hearing – Fiscal Year 2024 Request for the Library of Congress
(03.23.2023)

Questions for the Record

Submitted by Congressman Clyde

GAO Recommendations
Dr. Carla Hayden, Librarian of Congress:

Dr. Hayden, the GAO and OIG have stressed the importance of cost estimating and scheduling best practices for modernization efforts. However, the Library has not fully addressed two GAO recommendations relating to dating back to 2015[1] on cost and scheduling practices across the agency.

Question: When will the Library fully address GAO and OIG's recommendations to effectively implement these practices? When will the Library 's modernization programs be removed from the OIG's list of top management challenges?

Response: Technology is critical to the Library's success, and we are committed to ensuring we use our IT resources wisely and efficiently. We recognize the importance of effective cost estimating and scheduling for the success of IT projects and programs, and we are diligently working towards fully meeting all GAO recommended practices. Since 2015, we have completely revamped how we manage and use technology at the Library. Our Office of the Chief Information Officer (OCIO) has created a centralized IT Project Management Office (PMO) and formalized the Library's Project Management Life Cycle (PMLC), which provides a standardized set of processes and procedures for IT projects. We have also successfully closed over 430 IT audit recommendations from OIG and GAO.

At this time, the Library can effectively track IT contracts and non-personnel IT expenses, as well as actual labor hours for IT projects, and we have implemented the SEER cost estimating tool to conduct Monte Carlo cost analysis for programs and large projects. We have also established standardized project chartering and scheduling best-practices, and a PMO quality review program, including project phase gates and a monthly quality control review process, to ensure those practices are being consistently implemented.

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[1] See, e.g., *Library of Congress: Strong Leadership Needed to Address Serious Information Technology Management Weaknesses*, GAO-15-315 (Washington, D.C.: Mar. 15, 2015). Library of Congress, Office of the Inspector General, *Semiannual Report to Congress*, September 2022.

With this new foundation in place, we are continuing to mature the practices that ensure our larger, more complex IT programs are managed effectively. We are in the second year of our five-year PMO Execution Roadmap, our plan to implement higher-order management for Library IT projects, including developing Integrated Master Schedules for sets of connected IT programs and projects. Of the aforementioned closed IT audit recommendations, twenty-four OIG recommendations relating specifically to cost and schedule management have been closed since the PMO Execution Roadmap was initiated last fiscal year. We are also working to implement Earned Value Management (EVM), a methodology that integrates schedule, costs, and scope to measure actual project performance against planned performance, for large IT projects.

With the additional PMO support funded in fiscal 2023, and assuming the continued availability of necessary resources, we currently anticipate being able to submit evidence to OIG and GAO that we fully meet OIG cost estimation recommendations and GAO Cost Estimating guidelines by the first quarter of fiscal 2024, and OIG project scheduling recommendations and the GAO Schedule Assessment Guide by the second quarter of fiscal 2024. These additional improvements will put us well on the way to being able to remove IT project management from the list of top management challenges for the Library.

In addition, the Financial Services Directorate (FSD) is hiring a team of Cost Management Analysts that will focus on strengthening the Library's cost estimation practices. This team will collaborate closely with Cost Estimators and project staff in OCIO and the Service Units across the Library. The Library will also develop policy and procedures for Lifecycle Cost Estimates, Independent Cost Estimates and other cost management best practices. These practices will produce more comprehensive evidence to support cost estimate reviews throughout the Library such as the budget formulation process around new and expanded program requests. More rigorous historical and forward-looking cost information will support the development of stronger cost estimates and strengthen data-driven decision making.

Office of Inspector General
Dr. Carla Hayden, Librarian of Congress:

The Library's Office of the Inspector General (OIG) has identified financial management and reporting as a top management challenge since its September 2018 semiannual report to Congress, and has continued to identify weaknesses in the Library's financial reporting—most notably, material weaknesses in the Library's financial statements for fiscal years 2021, 2020 and 2019

Question: Given the OIG's identification of financial management and reporting as a top management challenge, what steps is the Library taking to improve financial controls? When will financial reporting be removed from the OIG's list of top management challenges?

Response:

The Library has addressed all of the OIG's findings of material weaknesses related to financial reporting as identified in the fiscal years 2019, 2020, and 2021 financial statement audits. The Library implemented the OIG's audit recommendations on financial reporting and also took additional corrective actions to cure the root causes of the issues raised in the OIG's reports. The steps taken by the Library to improve financial controls are detailed below:

Increasing expertise and capacity

The Library expanded its staff and aligned skills and capabilities to support the financial management and reporting processes as detailed below:

- The Financial Services Directorate (FSD) established its first Comptroller to oversee the continuous improvement of internal controls within FSD including financial reporting and accounting.
- The Chief Financial Officer implemented an oversight and policy team under the direction of the Comptroller composed of:
  - Two Audit Liaisons to act as the central coordinators of the Library's efforts to resolve financial reporting audit findings and implement corrective actions; and
  - A Policy Specialist to document Library financial policies, processes, procedures, and other institutional knowledge.
- FSD's Financial Reports Division (FR) gained:
  - Two Supervisory Senior Accountants who support the Chief Financial Reports Officer by reviewing financial reporting data and leading, supervising, and training the FR team; and
  - An Accounting Operations Accountant to review and ensure the Library's compliance with federal accounting and reporting requirements.

Improving procedures

The Library reviewed, refined, and documented its financial management practices which strengthened effectiveness and efficiency as detailed below:

- Reduced accounting errors and submitted its fiscal 2022 Financial Statement three months earlier than prior years by:
  - Streamlining its general ledger chart of accounts, accounting transaction posting logic, and financial statement form and content; and
  - Revising its financial statement timeline to begin financial closing activities earlier in the year which spread out the workload across FR.
- Improved workflows and eased bottlenecking of processes by:
  - Delegating the review and approval of financial data to the new supervisory FTEs in FR; and
  - Assigning to the Audit Liaisons primary responsibility for facilitating audits in FSD and coordinating responses to auditor requests—a responsibility once owned by FR management.
- Documented 45 policies and procedures within FSD since 2022 by:
  - Establishing the documentation of work processes and procedures as an Agency Performance Goal and reporting its progress on a quarterly basis to the Library's Strategic Planning and Performance Management Office; and
  - Implementing Knowledge Management, a continuous effort involving an iterative process of capturing, curating, organizing, sharing, and applying the knowledge and information available within FSD that seeks to capture knowledge, enhance career development, minimize risks for oversight, aid in succession planning, and prevent the loss of institutionalized knowledge.

In addition to the corrective actions outlined above, the Library is also on track to receive no repeat findings related to financial reporting for the fiscal 2022 financial statement audit and remains committed to strengthening financial controls and processes. While the Library cannot determine when the OIG will remove financial reporting from its list of top management challenges, the Library is confident that it has taken positive steps toward resolution and takes great pride in the significant progress it has made over the past three fiscal years.

Office of Inspector General
Dr. Carla Hayden, Librarian of Congress:

Regarding the July 2022 Library's Office of the Inspector General (OIG) report[2] that highlighted shortcomings in the Library's management of hardware and software assets.

Question: Can you provide an update on the status of implementing the 13 recommendations from the report? Have all of them been closed, and if not, what is the timeline for addressing these recommendations, especially considering the FY24 programmatic increase request for IT systems?

Response:
The OIG evaluation of the Library's cybersecurity controls maturity, which was reported in July 2022, assessed the effectiveness of the Library's controls in four areas: IT contingency plan (ITCP) testing, hardware asset management, software asset management, and ongoing assessments and authorizations (A&A) for Library IT systems. The 13 recommendations made in the report included one for ITCP testing, three for IT hardware asset management, two for IT software asset management, and seven related to IT security A&A practices and procedures. The Library's Office of the Chief Information Officer (OCIO) has successfully closed the eight ITCP and A&A recommendations, and is diligently working to address the five remaining recommendations to enhance IT hardware and software asset management.

With Library IT centralization completed in 2018, OCIO has implemented comprehensive inventory controls for IT hardware and software, as well as enterprise IT security tools that identify and monitor hardware and software active on the Library network. OCIO has also established a comprehensive Configuration Management Database (CMDB) for the Library, which documents the hardware and software configurations for the more than 200 Library IT systems, sub-systems, and minor applications. With these tools and controls in place, the Library has more transparency into its IT assets than ever before. However, IT asset management is currently managed through a range of disparate processes and tools, which must be integrated and automated to fully meet OIG recommendations.

Based on industry best practices and the recommendations of expert asset management consultants, OCIO is working to implement IT Operations Management (ITOM) and IT Asset Management (ITAM) tools for the Library. Together, these new tools will automate and sustain an accurate mapping between IT hardware and software applications, and ensure the Library's IT assets are accounted for, deployed, maintained, upgraded, and properly surplused and decommissioned when retired.

Given the complex integration of IT systems required to establish and sustain ITOM and ITAM, OCIO is following a three-year implementation roadmap. By the end of calendar 2023, OCIO will have procured both tools and begun configuring them for the Library's network. OCIO is also developing the formal policies and procedures necessary for managing IT assets strategically. The formal policies and procedures will incorporate security controls requirements from National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53,

[2] Library of Congress, Office of the Inspector General, *Semiannual Report to Congress*, September 2022.

Configuration Management (CM-8), and industry practices from NIST SP 800-37 and NIST SP 800-128. In calendar 2024, OCIO will work with contracted implementation experts to configure the ITOM and ITAM tools, and begin integrating the full scope of Library IT assets. Assuming the continued availability of necessary resources, OCIO expects to have ITOM and ITAM fully configured and integrated with the Library's CMDB and provide one centralized repository of Library IT assets by the end of calendar 2025.

Select Committee on Modernization Recommendations
Dr. Carla Hayden, Librarian of Congress:

The Select Committee on Modernization's Recommendation 15 concerns the availability of nonpartisan summaries for bills slated for a floor vote.[3]

Question: Can you discuss how the Library of Congress plans to prioritize this issue and whether additional or reallocated resources are needed to ensure these summaries are consistently available?

Response:

The publication of bill summaries is a function expressly mandated in the authorizing statute of the Congressional Research Service (CRS) and is a critical component of the searchable information made available to congressional users and the public on the Congess.gov website. Bill summaries that are nonpartisan, authoritative, and timely are important for purposes of evaluating legislation and informing legislative debate.

Currently, CRS expedites summaries for bills that are expected to receive floor action. Staff from the Legislative Information Services (LIS) Bill Summary team review House sites and commercial publications to determine which measures may receive floor action. LIS staff then compile a list of bills that are scheduled to be heard on the floor or under the suspension of the rules in the upcoming week. Legislative analysts, research assistants, and reviewers work together to expedite the summaries for these bills. In the months following the Select Committee on Modernization's recommendation, LIS staff have been closely tracking bills on the floor agenda and suspension list on a daily, rather than weekly, basis in order to expedite these bill summaries more efficiently.

In recent months, LIS staff have also begun collecting and analyzing statistics on the timeliness of these summaries in order to better inform data-driven decision-making about priorities and resources. Specifically, at the end of every week, LIS staff evaluate and report to management on bill summary timeliness, including the extent to which bill summaries were published in advance of floor action.

Despite these efforts, the timeliness of summaries for bills receiving floor action remains an area of concern due to limited staff size, immense workloads, lack of capacity in subject-matter expertise, and the increased volume and complexity of bills. Other factors unique to particular bills pose additional challenges. For example, fast-moving omnibus bills have gained popularity in recent years, and these bills are typically very lengthy and hence time-consuming to analyze.

Furthermore, CRS sometimes receives short or inadequate notice that a bill is expected to receive a floor vote. Other times, bill text may not be published with enough notice for CRS to draft and publish a summary.[4] In these situations, additional resources would not allow CRS to *guarantee*

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[3] https://www.congress.gov/congressional-report/117th-congress/house-report/656/1?s=1&r=4

[4] The section's ability to publish bill summaries in a timely way is also affected by variations in the legislative process. For example, while the text for the Consolidated Appropriations Act, 2022 (117 H.R. 2471) became

that bill summaries are available for all bills scheduled for a floor vote. However, CRS can establish a level of resources such that, given adequate notice of imminent action and a published bill text, a summary will be provided in advance of floor action.

CRS is currently in the final stages of determining the level of additional resources needed to support its efforts to ensure that bill summaries are published in advance of floor action. These resources are being evaluated separately from the Library's Fiscal 2024 programmatic increase request, which is focused on enhancing the general timeliness of bill summaries. In the next month, CRS will differentiate and outline these resources in detail in its upcoming report to Congress on the availability of bill summaries on Congress.gov.[5]

available on the Rules Committee site, there was no published bill text to be summarized before the measure received floor action.

[5] This report on the availability of bill summaries on Congress.gov will be provided in response to the directive included on page 39 in the June 24, 2022, report of the House Committee on Appropriations (117-389): *Congress.gov—The Committee directs that no later than 180 days after enactment of this Act, the Congressional Research Service shall provide a report to the Committee on resources necessary to ensure bills receiving a floor vote have a nonpartisan summary available.*

Select Committee on Modernization Recommendations
Dr. Mary Mazanec, Director of CRS:

Question: Dr. Mazanec, in light of last December's recommendations from the Select Committee on Modernization[6], can you elaborate on the steps CRS is taking to adapt its products and services to meet the evolving needs of Congress and improve real-time customer feedback? How does the FY24 budget request contribute to implementing these recommendations?

Response:

CRS has undertaken a number of initiatives to ensure it meets Congress' needs. CRS has diversified the types and lengths of written products available on CRS.gov. In addition to long-form analytical reports on a vast array of issues of interest to Congress, CRS has introduced other, shorter, products that are intended to provide Congress with timely information and analysis on emerging issues of congressional interest. In addition to written products, CRS has introduced several audio and visual products. For example, Members and staff can access a number of infographics and podcasts, including a series entitled "Homeland Security Act at 20" and another entitled "CRS Science and Technology." There are also several videos of varying lengths, including a series on the Farm Bill. The Service continues to explore innovative new product types through the Product Advisory Working Group. This working group is one of several in connection with a robust strategic planning process and regular evaluation of internal CRS processes. New product formats reflect the Service's consideration of customer feedback about the types of products and services that best meet their needs. CRS welcomes feedback, both formally and informally, on all product formats.

For example, CRS encourages real-time customer feedback in the form of surveys of seminar and program participants. Congressional staff can contact the Director, and other senior managers, if they would like to share feedback. Staff may share feedback when they call the request intake line, 7-5700 and that feedback is then shared with the relevant employees. CRS is currently exploring other opportunities for Members and staff to share immediate feedback with the Service.

The fiscal 2024 programmatic increase request to support an expanded program involving data analysis is in direct response to congressional interest. The request supports expansion of CRS analytical capabilities for quantitative data analysis and explores the use of "Big Data" sets.

Finally, CRS is engaged in a multi-year information technology modernization effort. Several of the modernized applications are scheduled for deployment in fiscal 2023.

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[6] https://www.congress.gov/congressional-report/117th-congress/house-report/656/1?s=1&r=4

Submitted by Congresswoman Wexton

Critical Community Services

The Library of Congress puts on a number of programs that are enjoyed by children, families, and students across the nation, including the Teaching with Primary Sources Partner Program, the Veterans History Project, and the Live! At the Library Nights.

Question: Please detail for the committee how these programs serve communities across the country and how they would be impacted if the Library's funding remains consistent with fiscal year 2023 or is reduced.

Response:

Center for Learning, Literacy and Engagement (CLLE)

The Library's *Center for Learning, Literacy and Engagement* expands access to Library collections, experts and services through event support, public programs, and other valuable initiatives for the public, professional audiences, and Congress.

This includes providing support for:

- Congressional meetings and events;
- Constituents and more than a million annual visitors and groups, through both guided and self-guided tours;
- A myriad of opportunities to participate in regular "Family Days," school visits, and the Young Readers Center and Program Lab;
- Extended public hours and live programming Thursday evenings as part of the new Live at the Library series;
- Producing the annual National Book Festival which engages tens of thousands of people both at the event and through virtual programming; and
- Offering dynamic exhibitions that engage public audiences with the Library's collections and expertise.
- The Library also plays host to the American Library Association (ALA) Annual Meeting, supporting the professional Library Community.

If the budget for these programs remained flat at the 2023 level it would lead to:

- A prioritization and reduction, down-scoping, or discontinuance of events, specifically to outreach programs that raise awareness of Library collections, resources, and services, like the Gershwin Prize, National Book Festival, ALA, Live at the Library, exhibits, and Congressional events; as well as

- Other possible actions such as hiring delays or hiring freezes in order to absorb inflationary increases in pay and non-pay items.
- Many operations would be slowed, delayed, or cancelled.
- Furlough plans would be designed and executed throughout the year if needed.
- With reduced backfills or hires it is possible that the number of professional staff engaging with the public would be reduced. The hours the Library is open to the public would also be affected.

Teaching with Primary Sources

The Library's Teaching with Primary Sources (TPS) program serves educators across the grade spectrum, across the curriculum, and across the country by providing easily accessible, high-quality professional development opportunities and classroom materials. These programs and tools, created by Library staff and grantees, help educators effectively use digitized primary sources, event recordings, and other materials from the Library's vast online collections, in their teaching.

In fiscal 2022, the Library awarded TPS grants to 46 diverse organizations and TPS regional partners, to incorporate Library of Congress materials into the educational programs they deliver—growing the TPS Consortium to more than 236 member organizations across the country.

The impact of a flat 2023 budget on TPS will affect the outreach of the program and degradation of TPS's service to its patrons. The Library will continue to distribute grant funding to support such efforts, however, they will be performed at a reduced capacity.

Veteran's History Project

The Veterans History Project (VHP) directly connects Americans across the country to the Library of Congress, and the shared collective history of conflict from World War I to present day. Many Americans are related to someone who served whether as immediate family (according to Pew research surveys: grandparent, parent, spouse, sibling, or adult child) or extended family (aunts, uncles, cousins, chosen). The over 115,000 individual collections of veterans' first-person perspectives were contributed to the Library with the help of voluntary participants from every congressional district. The collections currently grow at a rate of about 300 (each of an individual veteran) per month.

Users of this content, including those served collections in the American Folklife Center Reading Room, employ collections in a wide variety of ways. Film and documentary makers, authors, exhibits, K-12 and college/university educators and students, academics, and Members of Congress all have a particular need or use for the invaluable stories that come from this project. As a constituent service, engaging with VHP enables Members to connect more deeply, including through efforts such as hosting VHP-focused Oral History workshops, directly conducting or facilitating local collaborations for interviews, as well as providing relevant

curricular and life-long learning opportunities to local educators and organizations. As a resource, Members mine the rich VHP content for better understanding of constituents' experiences, and enriching their talking points and policy explorations.

While VHP has a modest no-year funding balance (due to the pandemic reductions in travel and gatherings), that balance will contribute to the launch of a specific effort for veterans whose service included direct support for Natural Disaster and Health Crises Response, such as the Loma Prieta Earthquake, hurricanes, like Katrina, Rita and Sandy, for those who served on the USS Comfort or Mercy, and for Covid 19 testing, vaccination or related efforts.

Impacts of flat 2023 level budgets include:

- These impacts would disproportionately affect the veterans, families and veteran-connected individuals of Vietnam and the Gulf War, who are now the largest living cohort of veterans.
- Reduced support for VHP events and trainings around the country,
- Reduced staffing via attrition (with expected hiring freezes), and thereby slowed progress on digital modernization, management and showcase of veteran's collections.

Additionally, VHP's continuing digitization of already collected materials will also likely slow due to staffing realities, affecting the loved-ones, of World War II and the Korean War, who have long waited for the promise of technology to catch up with universal desire for web-based accessibility to honor their service and sacrifice.

Parent Success in the Workplace

Family and Medical leave policies are critical to parents' success in the workplace. It is important for employees to receive clear and consistent information on how their promotion eligibility will be impacted by the leave policy and that these policies are consistent across the organization.

Question: Please outline for the committee how promotion policies for Congressional Research Service employees take into account family or medical leave, and if this is consistent across divisions.

Response:

Promotion policies and procedures for CRS employees are covered in Article 8, *Promotion Review for Positions in Promotion Ladders*, of the Collective Bargaining Agreement (CBA) and Library of Congress Regulation (LCR) 9-522, *Time-in-Grade Requirements – Bargaining Unit Positions*, for bargaining unit employees, and in LCR 9-521, *Time-in-Grade Requirements – Non-Bargaining Unit Positions*, for non-bargaining unit employees. CRS agrees it is important employees receive clear and consistent information about promotion eligibility and the impact of leave, and that these policies are consistent across the organization. CRS provides guidance to employees in the form of a Q&A on the Promotions page of the CRS intranet, which includes a recently added question on the use of extended leave and the impact on promotion. That Q&A clarifies that employees who submit work files or work summaries for promotion review may include work beyond the period defined in the CBA if they were on extended approved leave, to account for the period of absence.

CRS Employee Satisfaction & Retention

I understand that the results of CRS's most recent Federal Employee Viewpoint Survey showed a number of concerning downward trends in employee satisfaction with the information they receive and their involvement in decisions.

Question: What steps have you taken to improve communication with employees and incorporate their feedback into processes?

Response:

Ensuring that CRS employees are engaged and have the information needed to effectively serve Congress is a top priority for the Service. Throughout the period of the pandemic when the Library of Congress implemented enhanced telework and continuing through the transition to regular operations, CRS leadership leveraged all-staff meetings, email updates, and pieces in the weekly staff newsletter to keep employees engaged and informed. CRS staff are regularly encouraged to share feedback with the CRS Director (including through the Director's Idea Box), division/office management, and the Congressional Research Employees Association (CREA).

Currently, the CRS Director and Deputy Director are participating in all-hands meetings with each division and office. These meetings are designed to provide an open-ended opportunity for staff to ask questions and offer suggestions to CRS senior management. A series of follow-up meetings are expected to be offered in June and July to provide additional opportunities to meet directly with CRS leadership.

The Service is in the process of arranging a facilitator to lead focus groups with various staff groups, including non-supervisory employees, senior managers, first-line supervisors, and groups identified in the analysis of CRS's recent FEVS results (related to the ongoing Barrier Analysis). These focus groups will provide an opportunity to offer candid feedback in a confidential setting.

Additionally, as part of the current agency-wide strategic planning process, the CRS Director established 12 working groups – engaging a wide-range of staff from across the Service – to explore various topics that will guide the future course of CRS. Working group topics include human resources, CRS policy, diversity and inclusion, and products. To engage staff in technology modernization initiatives, CRS established the Technical Advisory Group (TAG), which includes representatives from CRS offices and divisions. In coordination with the IT Steering Committee, the TAG directly informs software development and information technology investment decision-making.

CRS Integrated Research and Information System

As noted in Dr. Mazanec's testimony, the Congressional Research Service has a number of projects under the Integrated Research and Information System (IRIS) initiatives that aim to modernize CRS's mission-critical applications.

Question: What progress has been made to update CRS's internal technology and websites such as CRS.gov?

Response:

CRS, in collaboration with the LOC OCIO, is currently executing several development efforts to modernize CRS's information architecture and mission critical applications. These include Authoring and Publishing (A&P), Document Management System (DMS), Content Management System (CMS), Congressional Request Management Application (CRM-A currently the Mercury application), Text Analysis Program (TAP) and Bill Summaries, and enterprise search. Enhancements to the underlying information architecture are also ongoing and incremental enhancements are being released into production routinely. The modernized information architecture will provide better integration between all modernized CRS systems as well as improve the security of critical data.

Each of these efforts are in varying degrees of development. Several of the selected solutions utilize Microsoft's M365 platform, which aligns with LOC OCIO's defined technology roadmap. These include A&P, DMS, CMS and CRM-A. The M365 platform will provide an ecosystem of capabilities and technologies to include machine learning (ML), artificial intelligence (AI), and no code/low code development that will enable CRS to more quickly adapt emerging technologies to improve our service to Congress.

Three of the modernized applications, DMS, CMS, and CRM-A will be deployed when LOC OCIO completes migration to the M365 platform, which is scheduled for fourth quarter of this fiscal year. In addition, TAP and Bill Summaries applications are currently scheduled to be released in fourth quarter of fiscal 2023 or early first quarter of fiscal 2024. The deployment of these applications will result in improved efficiencies and capabilities while providing greater visibility into CRS's workload, resources, and timeliness and quality of research products.

Question: When can we expect an update to CRS.gov, and will it include measurable improvements to the search feature?

Response:

CRS conducted a formal requirements analysis in fiscal 2022 to guide its modernization of the CRS.gov website. The requirements analysis solicited input from CRS staff as well as congressional stakeholders. The analysis highlighted the need to improve the overall user experience to include accessibility and relevancy of search results for CRS products.

Also, in fiscal 2022, CRS conducted a separate requirements analysis and market assessment of enterprise search offerings to assess the availability of viable solutions to meet CRS's and our congressional stakeholder's requirements and goals. CRS and the LOC OCIO utilized the findings from these two endeavors to issue a proposal request to the vendor community to modernize CRS.gov and CRS enterprise search capabilities.

A contract to upgrade the CRS.gov website was issued and awarded in late fiscal 2022. The upgrade to the CRS.gov website is currently in the development phase and will address the documented usability and accessibility requirements. The upgraded CRS.gov website is scheduled for release in first quarter of fiscal 2024. Continuous improvements, including the enterprise search modernization described below, will be released when available.

Based upon technical dependencies, resource constraints, and acquisition cycles, the enterprise search modernization effort is scheduled to be completed in third or fourth quarter of fiscal 2024. This effort is currently in the acquisition phase and a contract award will be completed in fourth quarter fiscal 2023. The research and analysis conducted in fiscal 2022 formed the basis of the requirements for this solicitation.

Submitted by Congressman Espaillat

Investing in the Library of Congress

Dr. Hayden, as I've stated, I support the Library's fiscal year 2024 budget request, and I am committed to ensuring the Library has the resources it needs to fulfill its mission, safeguard its collections, and provide robust cybersecurity protections. The Library is a national treasure and an unparalleled resource.

Nevertheless, there is a reported proposal to cut the fiscal year 2024 discretionary appropriations back to the fiscal year 2022 enacted level, which could result in a cut of at least 22 percent for critical government programs and activities.

Question: To give this committee a better understanding of the impacts, could you explain the effects such a drastic cut would have on the Library's operations, the services that the Library provides to Congress, and the Library's programs and resources for the American people?

Response:

Reducing the Library's fiscal 2024 budget to the enacted fiscal 2022 budget level or as drastic as a 22% cut would have a substantial impacts on all Library operations. However, the "effective cut" is much greater due to the loss of purchasing power from the high inflationary economic conditions since fiscal 2022. Inflationary pricing increases have nearly doubled, from $23.3 million in fiscal 2017 budget to the $45.5 million projected in fiscal 2024.

Agency-wide Approach and Impacts –

Multipronged Cost Avoidance Approach: A reduction of this magnitude would present huge challenges to the tremendous progress made in executing the Library's strategic plan. To continue operations at such a reduced funding level, the Library would have to implement three separate, but coordinated cost avoidance actions –

- a percentage reduction in non-pay activities, contracts, materials and processes;
- a hiring freeze where retirements and attrition would not be replaced for the entire year; and
- a number of mandatory furlough days for employees.

Not one of these actions individually could resolve the entire amount and would, in fact, further reduce operations. To minimize the degradation impact on operations, a balanced approach of all three actions need to be implemented. This drastic reduction would severely impact the Library's ability to support the Congress and the American people.

Modernization Impacts: This level of reduction would severely impact the implementation of the Library's modernization strategy and compromise its development for several years. This would affect all Library customers including the Congress, Copyright stakeholders, NLS patron base, and the American people.

- The Library would also forego funding for the nine initiatives ($32 million) in the fiscal 2024 budget request, which include funding for the Copyright Electronic Copyright System (ECS) system and NLS IT modernization and new content delivery devices;
- Essentially remove funding for enacted fiscal 2023 initiatives, which include modernization funding for the CRS IRIS project, Enterprise Performance Management (EPM) and the LBFMS;
- Ongoing development and implementation initiatives such as Congress.gov, LOC.gov, LCAP, and the Library's Digital Library Services platform would be significantly compromised ;
- The Library would significantly reduce contract software development support and other non-pay related IT modernization expenses, which would decimate the software development teams that have been established for major IT investments supporting the Library's critical business lines;
- The Library would only support critical IT functions such as email, cyber security, and basic system needs, and continue to rely on fragile legacy systems with limited productivity; and
- Reduce the effectiveness of physical modernization efforts such as the Visitor Experience initiative, shelving replacements, and other facility upgrades.
- Acquisition of new collection material would be reduced compromising current and future research use by all Americans.
- Some necessary preservation activities would be reduce and other less helpful eliminated altogether.

The risk of cutting the Library at this time in the agency's modernization cycle is putting congressional investment at risk, forcing the Library to stop and later restart modernization initiatives.

Staffing Impacts: The Library would immediately invoke a year-long hiring freeze, not replacing positions lost through attrition. These actions would deplete depth, experience, expertise, and corporate knowledge, which in and of itself will curtail operations and create a talent gap that would take several years to reestablish. In addition, it may be impossible to measure the impact on staff morale, under a furlough where talent can and will go elsewhere.

- All operations would be slowed, delayed, down scoped and in some cases cancelled;
- A hiring freeze and attrition would not be enough to absorb this reduction and furlough plans would be designed and executed throughout the year putting significant pressure on the ability to operate and serve customers;
- With reductions of this magnitude and high inflationary conditions, the Library would require furloughs for up to 3 months;

- Pay-centric areas of the Library, like CRS, would have to resort to more extended pay-deferred techniques such as extended furlough, early retirements, and not backfilling or hiring in critical positions;
- Losing a full year of not replacing retirements and attrition would create human capability, capacity, and experience deficit;
- This across-the-board cut would degrade and slow operations in every area and increase risk on customer service, access, and responsiveness; and
- Reduce security guard posts and hours in addition to the other security cuts, increasing the risk to Library staff, the public and assets.

The Library's mission is geared around providing access and services to Congress and the American people, with the staff being at the core of its production and delivery efforts. Severe budget cuts would limit the Library's ability to achieve its mission at an acceptable level.

Congressional Services, Events and Public Service: The Library's congressional support, events and programs would significantly down-size or be cancelled, depending on prioritization, funding, and capacity, as all events and services would not operate at expected levels with degraded funding. This includes reductions in:

- Providing support for Congressional meetings and events;
- Supporting constituents and more than a million annual visitors and groups with guided and self-guided tours of the Jefferson Building;
- Opportunities to participate in regular "Family Days," school visits, and the Young Readers Center and Program Lab;
- Providing extended public hours and live programming, like the new Live at the Library series;
- Producing signature events, such as the annual National Book Festival which engages tens of thousands of people both at the event and through virtual programming;
- Offering dynamic exhibitions that engage public audiences with the Library's collections and expertise;
- CRS production would slow, backlogs and delays in timeliness would increase due to a net loss of expertise;
- Copyright backlogs would increase and stakeholders would see longer processing times;
- NLS patrons would see depleted services and access to new items, and have to work with legacy digital talking book machines and eReaders;
- Reduced acquisition of new collection materials – creating an irreplaceable gap in collections for preservation and accessibility to the public for decades;
- An inability to address facility deficiencies documented in numerous citations;

- Critical operations, including the limiting number of hours or the Library is open to the public and/or possibility of partial closures to public spaces such as the reading rooms;
- Further reduce facilities support reduction of cleaning, sanitation, and pest control; and
- Support services such as contracting, human resources, financial services, and security are human intensive and the furloughs implemented and hiring freeze would limit the ability for the customer-driven, mission-critical, areas of the Library to function at an acceptable level.

In short, this level of reduction would severely impact the Library's ability to wholistically support Congress and the American people, not only in the short-term but for years to come. Much of the progress made in the last six years to address operational deficiencies brought about by years of lack of investment, and documented by the Library's Inspector General and the GAO, would be compromised resulting in a greatly diminished national library that can only minimally serve its designated users.

FRIDAY, MARCH 24, 2023.

MEMBER'S DAY

Mr. AMODEI. The subcommittee will come to order.

Today is our Member Day hearing for the Legislative Branch Subcommittee on Appropriations. I would like to thank our witness, Mr. Kilmer, for being here. I now recognize the ranking member for his opening remarks.

Mr. Espaillat, the floor is yours.

Mr. ESPAILLAT. Thank you. Thank you, Mr. Chairman.

Congratulations on all the work that you accomplished in the Select Committee on the Modernization of Congress over the last 4 years. That committee has passed over 200 recommendations to improve the way Congress works, and this subcommittee has been supported by providing the necessary resource. In fiscal year 2023, we provided $10 million for modernization.

I think what we have heard here so far from most of the witnesses is that we need to really modernize. We are falling behind rapidly, and that is not good for cyber security, that is not food for the way we conduct our business, that is not good for the future of our Nation.

So thank you, Mr. Kilmer, for your commitment.

Mr. AMODEI. Thank you, Mr. Espaillat.

I would like to thank Mr. Kilmer for being here. Hope you are feeling better and going to feel even more so. The floor is yours for your statement. And for the record, we have your statement, which will be made part of the record. And public witness testimonies for all topics related to Member Day will also be part of our record.

Mr. Kilmer, please.

FRIDAY, MARCH 24, 2023.

WITNESS

HON. DEREK KILMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. KILMER. Great. Thank you, Chairman and Ranking Member, and Mr. Clyde, thank you to your staff as well for paying attention to this stuff. Apologies that I look a little like Frankenstein or like unshaven Frankenstein. I had sleep apnea surgery earlier this week, so a little bit the walking wounded.

I wanted to talk about the work of the Select Committee on the Modernization of Congress. As Mr. Espaillat said, our committee over the course of the last two Congresses passed 202 bipartisan recommendations. At this point, 45 have been fully implemented, and another 87 are on their way to implementation. And that is in no small part due to the work of this subcommittee.

The new majority created a subcommittee now as part of House Admin that is going to focus on implementation of the remaining recommendations.

And we covered a whole lot of terrain, looking at how this institution can do a better job of recruiting and retaining and having a more diverse staff, working on having this institution be more civil and collaborative, working on strengthening how our institution does law making and conducts oversight, working on modernizing the workplace and how we use technology as an institution. And while we were able to get a whole lot done, there is a whole lot of work that remains. And I want to thank this subcommittee for helping us move forward where we have.

The omnibus that we passed at the end of last year included funding. And particularly and the thing I want to underscore is for the Modernization Initiative Account. That provides some flexibility to the institution so that we don't have to necessarily micromanage every one of the 202 recommendations and their implementation, but rather gives the CAO some flexibility to move forward.

The omnibus also included funding for the MRA, which was important. As we look to improve the institution, that matters. Funding to provide paid internships and to develop an intern resource office. We heard in House Admin last week that that process is underway so that there can be some—a more systematic way of bringing on interns and making sure that the internship experience is positive for the young people who come and work here.

Expanding the student loan repayment program so that it also covers tuition assistance, if we have a member of our team who wants to take night classes or go get a grad degree while they are working for us. Mr. Espaillat mentioned cyber security. I had a team member who was our MLA who wanted to get an advanced degree in cyber security policy while they were doing defense policy for us. Being able to provide that tuition assistance was a positive change provided in the omnibus.

And working on improving childcare options was something that we heard consistently as we engaged with staff within the institution, and all of that saw some progress in the omnibus. So again, thanks to this subcommittee for that.

As we look at fiscal year 2024, I think the main thing I want to plea for is just level funding for the next year for the Modernization Initiatives Account. That will help move forward some of the recommendations that haven't yet been implemented, with an eye towards reducing turnover, providing more efficiency within the institution, helping the institution be more effective and get its work done.

A lot of the recommendations of the select committee actually save money and with minimal upfront investment. We can actually save a fair amount of money streamlining some of the purchasing across the House and the Senate. Setting up a system where we can have House-wide bulk purchasing of goods and services can cut back on waste and inefficiency, trying to drive more implementation of some of the Government Accountability Office recommendations. Those all are focused on saving taxpayer dollars and were all bipartisan recommendations of the select committee.

Through the—we put into the portal not just a request for money, but a fair amount of report language with directive language to primarily the CAO about where we are hoping that the CAO's office will focus. That includes launching a new calendar tool to reduce committee conflicts for Members so that we can actually attend more of our committee hearings.

Most colleges and universities and high schools have figured out how to deconflict the schedule. For those of us appropriators who, as I was yesterday, were in three subcommittee hearings at the exact same time, we have not cracked the code as an institution on deconflicting the calendar. We—to quote the beginning of the TV show The Six Million Dollar Man, "we have the technology, we know how to fix him."

In that same vein, the Modernization Initiatives Account could fund the select committee recommendation to the chief administrative officer to construct a committee feedback tool that committee leadership could use to solicit Member feedback to improve the operations of our committees. Think about sort of Yelpifying the work of our committees so that we can actually try to improve.

On top of that, the Account can be used to better serve our constituents and implement some of the recommendations that were made around constituent engagement and constituent services, including setting up a best practices hub, making sure that our offices are getting more cutting edge correspondence technology tools so that we can respond to our constituents in a more thorough and timely fashion.

One of the recommendations that we made that was bipartisan and that Members were pretty enthusiastic about was trying to aggregate and anonymize casework data. So Imagine, you know, Mr. Clyde, in your office, if you get three or four messages on the same VA issue, you might say that seems unusual, but if we discovered that every office was getting three or four, suddenly we recognize, hey, there is a systemic problem in the VA, let's go to work on that systemic problem. Same thing with the IRS or Social Security or you name it.

We don't really have a way of aggregating that data, identifying trends, and being able to solve problems. So one of our recommendations that can be funded out of the Modernization Initiatives Account is to do that.

Improving some of the transparency regarding the work of Congress for our constituents so that they can do a better job of providing feedback and offering opinions on pending legislation for staff. The Modernizations Initiatives Account could provide for the automation of obtaining bill sponsors to save staff time and reduce the risk of error.

Having a staff directory so that our staffs can better collaborate on policy issues. Most management consulting firms, including the one I worked for, had a sort of firm intranet, so that if you wanted to dive into a particular area, you could quickly find people who have expertise in that area.

Forming a mentorship program, which is something that we heard from junior staff in particular, that they wanted to see happen within the institution so that they could improve, develop pro-

fessionally, and hopefully stick around so that we don't see the turnover that we have seen here.

I think I will leave it at that. I submitted written testimony to you, but I kind of wanted to hit the highlights of some of the areas where I think, if we move forward with implementation with some of these recommendations, the institution will be better, will be more efficient, will be more transparent to our constituents, will hopefully be more collaborative, and hopefully as an institution, we can get some more stuff done.

[The statement of Mr. Kilmer follows:]

Statement for Rep. Derek Kilmer (WA-06)

House Committee on Appropriations, Subcommittee on the Legislative Branch

Member Day, March 24, 2023

Dear Chairman Amodei and Ranking Member Espaillat, and Members of the Legislative Branch Subcommittee, thank you for hosting today's Member Day hearing and thank you for your work and leadership.

I am here today to talk about the work of the Select Committee on the Modernization of Congress, which I chaired in the 116th and 117th Congresses. I am proud of the 202 recommendations passed in previous Congresses, including 45 recommendations that have been fully implemented and 87 that have been partially implemented, in no small part, due to the support of the Legislative Branch Subcommittee's partnership.

For the 118th Congress, the House Administration Committee has established a new Subcommittee on Modernization, and I have the privilege of serving as its Ranking Member, alongside Subcommittee Chairwoman Bice. This Subcommittee will focus on implementing the outstanding bipartisan Select Committee on the Modernization of Congress' recommendations.

These recommendations address a wide range of topics aiming to make the U.S. House of Representatives a more efficient and effective body. More specifically, our recommendations address issues related to: recruiting empowering, and retaining an experienced, skill, and diverse Congressional staff; building a more civil and collaborative Congress; strengthening lawmaking and oversight capacity; building a more modern Congress; and modernizing our workplace and our district offices. While much has been accomplished, lots of work on implementation remains. I am here to both thank you, and to outline ways your Subcommittee can continue to help.

First, I want to call attention to the significant work this subcommittee has made in driving the implementation of recommendations. In the FY2023 Omnibus bill, we were able to advance 23 Select Committee recommendations. Additionally, the increase in funding for the Modernization Initiatives Account (MIA) will continue to fund numerous additional modernization recommendations to equip the U.S. House of Representatives to better serve the American people.

Funding for the Member Representational Allowance (MRA), funding to provide paid internships and to develop an Intern Resource Office, expansion of the Student Loan Repayment Program to cover tuition assistance, and work on ensuring House staff have child care options—are critical investments in our own capacity provided for in the FY23 Omnibus as well. I urge continued strong support for these items—and again, thank you so much for your past support.

Turning ahead to FY2024, I urge you to continue level funding for this next year for the critical Modernization Initiatives Account. This account will help Congress fund the outstanding Select Committee recommendations designed to solve problems, and over time, save this institution money by reducing turnover and allowing us to complete higher volumes of work more effectively and efficiently. Worth noting, many Select Committee's recommendations focus on where we can save money too. This includes streamlining purchases across the House and Senate, encouraging House-wide bulk purchasing of goods and services to cut back on waste and inefficiency, and driving implementation of Government Accountability Office (GAO) recommendations that will save taxpayer dollars.

Through the Modernization Initiatives Account and related report language requests I will make to this Subcommittee, I am hopeful we can fully implement several outstanding Select Committee recommendations in FY2024. This includes launching the calendar tool to reduce

committee conflicts for members so that we can actually attend more of our committee engagements and be better Members of Congress. In that same vain, the MIA could fund Select Committee recommendation to the Chief Administrative Officer (CAO) to construct a committee feedback tool that committee leadership could use to receive Member feedback to improve committee operations. Further, this account allows us to better serve our constituents and could be used to implement constituent-services related open recommendations. This includes recommendations to stand up a constituent engagement and services best practices hub; getting our offices better industry-leading correspondence technology tools so we can respond to constituents in a more thorough and timely fashion; allowing offices to share anonymized casework data and aggregate it to help us identify House-wide problems and trends; developing a tool to track and manage constituents' tour and flag requests; and developing a public-facing interactive platform for constituents to offer opinions and feedback on pending legislation. For staff, the MIA could provide for the automation of obtaining bill cosponsors to save staff time and reduce the risk of error; result in a House- and agency-wide staff contact directory so that our staff can better collaborate on policy issues and reach agency contacts they need to answer policy questions; and form a mentorship program for more junior staff to learn from more experienced senior staff. Worth noting, this account also will allow continuity of valuable existing services as well.

Making Congress work better for the American people is a worthwhile investment. On behalf of the former Select Committee on Modernization, and the new Modernization Subcommittee, I greatly appreciate your leadership, partnership, and your consideration of these requests. I am happy to provide additional information as you review these requests. Thank you again for the opportunity to testify before the subcommittee today.

Mr. AMODEI. Thank you, Mr. Kilmer.

Mr. Clyde the floor is yours.

Mr. CLYDE. I have no questions.

Mr. AMODEI. Good.

I can tell you that I will sure as hell vote for anything which deconflicts committee hearings. I don't want to say anything about sight unseen, but I will make an exception in that case. So thank you for your work.

I am sorry. Fire away.

Mr. ESPAILLAT. Is there any like—one of the top three—I heard you mention, one of the top three modernization recommendations that your committee worked on that you feel need immediate action?

Mr. KILMER. Yeah. The ones that haven't been yet implemented?

Mr. ESPAILLAT. That is right, that haven't been implemented.

Mr. KILMER. Yeah. I think the committee deconfliction tool is one of the biggies. If you think about, as an institution, if we want policymaking to happen in a thoughtful way, it means we have to be able to show up at committee. The committee is where that work is supposed to happen.

A lot of the discussion in the Speaker's race around getting back to regular order presumes that we can have functional committees. That is really hard when Members right now primarily pinball from committee to committee, by and large show up, make their 5–minute speech for social media and bail because they have got to get to the other committee that they are scheduled in at the same time.

Mr. ESPAILLAT. So you say that is the——

Mr. KILMER. I think that is a really big deal. If we want this institution to get back to being a regular order policymaking institution that allows for more collaborative give and take of ideas, committee has to be a place where that can happen, rather than be a place where people parachute in for 5 minutes and then bail because they are in three other committees at the same time. I think that is a biggie.

A lot of the work around staff matters. This subcommittee, with the increase in the MRA, went a long way towards helping us. And I think data will show over time that we will be able to hang on to staff better with some of the changes that have been made. But there continue to be things that we have to do on the implementation side with regard to staffing. You know, and some of that is underway. The internship office is a good example of that.

You know, if you think about, just as an example, a lot of our junior staff and a lot of eventually senior staff start out as interns. Making sure that those interns are learning the ropes in an effective way matters. The fact that we are now providing payment to interns matters because it means that interns aren't just the children of wealth who can afford to come to Washington, D.C., for an internship, that we are actually able to better diversify the ranks of our interns, and as a consequence, diversify the ranks of congressional staffs. And that is most often the sort of foot in the door.

I think the other thing that I would mention—I mentioned this—the importance of having this tool related to case work. I think we are missing opportunities to fix things that are broken in govern-

ment, because when our constituents reach out to us with a constituent problem with an agency, right now it is a discrete problem that only our office is hearing. And we don't necessarily know whether other offices are hearing the same thing.

My sense is that there is a lot of examples where there is a systemic problem that if we just had a tool for being able to identify that, this institution could go to work on that and drive better accountability for our constituents.

Mr. ESPAILLAT. Thank you.

Mr. KILMER. You bet.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Mr. AMODEI. Thank you, Mr. Espaillat.

Mr. Clyde, still nothing?

Mr. CLYDE. I have nothing.

Mr. AMODEI. Okay. Mr. Kilmer, thank you. I know that, as you described, the institution or whatever, in some instances Member Day, before many committees it is like mandatory fun, but with the—with your presentation and your committee's work, it is certainly thought provoking in terms of how we try to do the right thing as far as what resources are given and where, which happens regardless of who is making the executive budget and that stuff. So appreciate your work.

Mr. KILMER. You bet.

Mr. AMODEI. We expect to be back in contact with you as we move on to the next phase of actually gathering the thoughts of Members and writing the bill.

So thank you, sir. I hope you feel better.

Mr. KILMER. You too.

Mr. AMODEI. Since there are no further questions, the subcommittee will stand adjourned.

TUESDAY, MARCH 28, 2023.

U.S. HOUSE OF REPRESENTATIVES

WITNESSES

HON. CHERYL L. JOHNSON, CLERK, U.S. HOUSE OF REPRESENTATIVES, HON. WILLIAM MCFARLAND, ACTING SERGEANT AT ARMS, U.S. HOUSE OF REPRESENTATIVES, HON. CATHERINE L. SZPINDOR, CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES

Mr. AMODEI. The meeting of the Legislative Branch Subcommittee will come to order.

I am going to, for this meeting, do as I have done in the other meetings, which is forego opening remarks. And as I have indicated on the record in other ones, nobody has complained yet about the lack of opening remarks from the Chair, so we are going to stick with that.

The subject of today's hearing is the "Fiscal Year 2024 Budget Request for the United States House of Representatives." And we will start with an opening statement from our ranking member.

Mr. Espaillat, the floor is yours.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

And good morning, still, to everyone.

Congratulations, Madam Clerk and Ms. Szpindor, on your return to this Congress, as well as congratulations to Mr. McFarland on your acting role as Sergeant at Arms. I am looking forward to working with all of you, obviously, this Congress.

The Committee has always supported the men and women that run our House, and we consider them family. I would like to take a moment to thank all the officers and officials and their staff on their extraordinary work this past year. You do an exceptional job, and we will continue to support you.

The overall fiscal year 2024 request for the House of Representatives is $1.9 billion, which is $55.3 million, or 3 percent, above the fiscal year 2024 enacted level.

So we look forward to hearing from you and working with you and with our chairperson, and thank you.

I will yield back, Mr. Chair.

Mr. AMODEI. Thank you, Mr. Espaillat.

I would now recognize the Clerk of the House, the Honorable Cheryl Johnson, for your testimony in support of your budget.

Ma'am, the floor is yours.

Ms. JOHNSON. Good morning. Chairperson Amodei and Ranking Member Espaillat, members of the subcommittee, thank you for inviting me to testify regarding the Office of the Clerk's operations as well as our fiscal year 2024 budget request.

The past several months have been unique in my tenure as Clerk of the House. The events at the beginning of the 118th Congress

brought an increased awareness by the American public of some of the Clerk's duties in supporting the operations of the House. What the public saw, however, is simply the tip of the iceberg in terms of what the Clerk's Office does to support the House daily legislative activities.

The Clerk's Office, as you know, is a nonpartisan organization composed of 244 full-time staff spread across 9 offices. We provide a wide array of procedural assistance and support necessary for the orderly conduct of official business of the House, its Members, and committees.

My goal throughout my tenure as Clerk has been to harmonize outstanding service with the responsible use of taxpayers' dollars. In other words, I am committed to tying all spending to actual need. It gives me great pride to report that we have continued to strike that balance while tackling new challenges and addressing expanded responsibilities.

My written testimony goes into more detail about our budget request and some of our most important projects, but I would like to take a moment to highlight for you just one area of my budget today, which is maintenance, with an example of how some of those funds are used to support the House.

I have here a Luminex II machine that I will pass around. This machine is used by our official reporters, better known as stenographers, and they use it to record everything from the State of the Union Address and committee hearings to House floor activities.

That machine there costs approximately $6,000, and we have 52 of those machines. And the annual maintenance and licensing costs are approximately $56,000 annually.

To be clear, these are necessary costs to ensure that our stenographers have the tools in proper condition to enable them to provide accurate and timely service to House Members and committees.

Last Thursday, our stenographers supported 42 committee meetings in a single day. Notwithstanding that level of activity, the reporter here with us today, Martin, will produce the transcript for this hearing so it can be reviewed by our editors and will be delivered to you, Mr. Chairman, no later than Thursday.

I appreciate the subcommittee's ongoing support for the operations of the Office of the Clerk. For fiscal year 2024, I respectfully request $44,747,000. The request is a net increase of $3,920,000, or roughly 9.6 percent, above the fiscal year 2023 enacted funding level.

Mr. Chairman, Ranking Member Espaillat, subcommittee members, I want to reemphasize, in conclusion, that my staff and I share a commitment to providing outstanding service while remaining respectful that we are stewards of taxpayers' dollars. That combination provides me with great comfort as I constantly analyze the efficiencies of my office budget.

We are all dedicated to making efficient and effective use of the funds allocated to our efforts in serving this great institution.

Thank you again for your continued support, and I look forward to your questions. Thank you.

Mr. AMODEI. Thank you, Madam Clerk.

The record should reflect, Martin, that when that visual aid was handed back to you, it was in perfect working order.

We will start with the ranking member, Mr. Espaillat.

STAFF. Mr. McFarland.

Mr. AMODEI. Oh, we don't want to give him a little time to see how the first one goes and how that goes?

I am sorry. Thank you for yielding back, Mr. Ranking Member.

Mr. Sergeant at Arms?

First of all, before I recognize you for your testimony, have you brought any visual aids?

Mr. MCFARLAND. No, I did not, sir. Sorry.

Mr. AMODEI. Okay. The floor is yours, sir.

Mr. MCFARLAND. Thank you, sir.

Good morning, Chair Amodei, Ranking Member Espaillat, and members of the committee. I appreciate the invitation to appear before you today and present the Office of the Sergeant at Arms' fiscal year 2024 budget request, which totals $33,628,000.

I am very pleased to sit in front of you today and report that we are able to decrease our funding needs in fiscal year 2024 by 13 percent overall.

It is an honor and privilege to serve this institution and to collaborate with the committee to provide the necessary resources to serve the congressional community and to help keep Members, staff, visitors, and facilities safe and open to the public.

Since I was sworn in as Acting Sergeant at Arms on January 7, 2023, I have focused the efforts of my office on the mission of providing high-quality, customer-serving, nonpartisan services to improve the safety of Members and their families wherever they may be and to ensure that the Capitol complex and district offices are safe and secure to Members, staff, and visitors from across the country.

I am deeply engaged with building our team up to provide you with the best security and safety services our office can offer. We are here to serve you, and my first priority is making sure that my team is appropriately resourced, trained, and aligned to provide you with the services you need to safely represent your constituents.

While you will hear references to security throughout my discussion today, I also must point out that I recognize the challenging harmony that must be struck to improve security while maintaining the right for Americans to petition their elected officials. And it is in this spirit that I want to take the opportunity to highlight a few initiatives in the Sergeant at Arms' budget that will help achieve this goal.

The appropriations request focuses on investing in the Sergeant at Arms' employees, modernizing the Sergeant at Arms Office, and continuing building security and safety programs.

With respect to continuing existing security programs, included in the Sergeant at Arms' budget request is funding for the Residential Security Program. Based on the threat landscape, Member security concerns are not limited to the Capitol complex. To respond to this threat, and with the support of this subcommittee, last year our office was able to repurpose existing funds to start a program

that provides for equipment installation and the monitoring and maintenance of security systems at a Member's residence.

This program has been of significant interest for Members, and I can report that we have a robust, bipartisan participation in the program.

The Sergeant at Arms is committed to modernizing and providing its services in a more customer-friendly and accessible way. This initiative includes a new outreach center located in Longworth House Office Building, and it is designed to make our trainings and services more accessible to the House community.

Furthermore, we are delivering most of our services in a digital format and intend to continue to leverage technology to improve our services. Our office has launched eight digital training courses so Members and staff can receive important training on security best practices and emergency procedures anytime, anywhere, and we intend to expand these offerings.

Included in the fiscal year 2024 budget request are certain digital tools to allow Members and offices to better access our services. One initiative included is a mobile duress capability that will allow Members to request emergency assistance or communicate with the U.S. Capitol Police. There are a number of other technologies available in the marketplace, and we hope to find an appropriate technology with the right controls and features to provide to the House community.

Additionally, I would like to emphasize that the employees of the Sergeant at Arms are our most valuable resource. I want to thank them for their hard work and dedication to Congress.

My funding request includes critical job-specific training for Sergeant at Arms staff in the areas of leadership and management, physical protection systems, emergency preparedness, project management, and customer service.

The fiscal year 2024 Sergeant at Arms' budget request has been prepared in the spirit of zero-based budgeting, remaining fiscally responsible without jeopardizing mission-critical services provided to the House community.

Thank you once again for the opportunity to appear before the committee. I am deeply appreciative for the committee's support and partnership as we strive to maintain the challenging harmony between strong security measures and free and open access to the Capitol complex.

I am happy to answer any questions you may have.

Mr. AMODEI. Thank you, Mr. Sergeant at Arms.

Next, we will recognize the Chief Administrative Officer for the House, Chief Catherine Szpindor.

Ma'am, the floor is yours.

Ms. SZPINDOR. Thank you, Chairman Amodei, Ranking Member Espaillat, and members of the subcommittee. I appreciate the opportunity to discuss the Chief Administrative Office's fiscal year 2024 priorities and subsequent budget request.

Our budget request is $227.9 million, which is $16.3 million, or approximately 7.7 percent, above the fiscal year 2023 enacted budget. To continue to support existing services and respond to new requests, our fiscal year 2024 budget needs to increase.

We are requesting $2.5 million to fund existing personnel, recruitment efforts, and cost-of-living adjustments; $7.9 million increase to enhance cloud security and support licenses for current software and the expansion of a data storage environment for robust data archiving retrieval services; $2.8 million for consultants in the CAO Coach Program to develop content for professional development and training courses and for creative services contractors to work on popular multimedia design and photography services on behalf of the House; $1.2 million for the House Recording Studio to support two audiovisual contractors and the much-needed 7-year-lifecycle replacement of recording studio equipment.

$1.1 million is to support existing logistics and support contractors, the furniture warehouse contract, and the supplies and material costs associated with the Member Furniture Program.

Finally, $750,000 of our requested increase is for sustainment of the House mail contract, the Human Resources Hub, and the House Resume Bank.

With adequate funding, the CAO undertakes projects on behalf of Members and staff. For example, we are modernizing HouseNet, the House intranet, to evolve the platform into a single hub for easy user access to all CAO services in the House. This cloud-based platform has new capabilities, including improved search, user-personalized content, and creates a mobile-friendly and application-based experience. The new HouseNet will launch this year.

In 2023, the CAO begins a multiyear process to modernize and replace our payroll and human resources systems, as the current system is near end of life. During the requirements phase, we will examine how to automate current manual procedures and processes. Also, we will evaluate possible changes to the House pay cycle, which is currently monthly for both Members and staff pay.

The CAO is working with the Modernization Subcommittee for improved e-discovery tools for House oversight and investigative committees. The goal is to select a single platform for managing and expanding the House's institutional oversight capacity. I plan to request funds from the Modernization Account for this initiative next month.

I am proud of the commitment to the CAO's motto, "Member-focused. Service-driven." In the past few years, our services evolved to be more comprehensive than ever. I am confident that we can continue to mature our services while providing the full support and protection that Members and staff need.

It is imperative our cyber defense remains strong—a posture we cannot afford to compromise. Whether it is safeguarding more than 3,000 House servers or deploying more than 250,000 software patches annually, the HIR team blocks approximately 2.8 million attempted cyber attacks against the House every month of every year.

If our fiscal year 2024 funding is reduced, I will work with this subcommittee and the Committee on House Administration to protect core services and ensure Members have what they need to serve their constituents. We will move forward with those initiatives deemed most critical to the successful execution of our services and operations for the House. The CAO staff is talented, resil-

ient, and innovative. We look for opportunities to make the best use of taxpayer funds to ensure quality services for the House.

Thank you again for the opportunity to present the CAO's fiscal year 2024 budget, and I look forward to answering your questions. Thank you.

Mr. AMODEI. Thanks, Chief.

Before we start questions, I don't want to put too fine a point on it; however, these three witnesses are in charge of if you get paid, if your legislation moves, and if you are going to be allowed on the floor to do any of those things.

So, with that, Mr. Ranking Member, you are first up.

Mr. ESPAILLAT. Well, I am glad you brought that up.

Mr. AMODEI. Go get 'em, tiger.

Mr. ESPAILLAT. Thank you all for being here today. But we do want to ask some questions, and I will start with the Clerk, of course.

I know that you have been modernizing, and we saw how nice and slick this new equipment is. What other efforts in modernization are you undertaking to make it easier for us to move forward? Are there any other initiatives that require some funding that you would like to highlight besides this?

Ms. JOHNSON. Well, Congressman, I am certain you have made use of the eHopper that allows Members of Congress now to introduce bills electronically.

The eHopper has gone from a simple email to an actual application. So, in the past, Members would only come to the floor and drop the bill physically in the hopper. Members now can carry out their constitutional duties of introducing bills from their living rooms, which is very convenient for Members and certainly makes the House operate more efficiently and more effectively.

In addition to an advanced eHopper system, we have the Comparative Print Suite, which allows you to look at your proposed bill and look at the law that you are looking to amend and see exactly where that proposal is going to fit in a law that has been on the books for years that may be 500 pages or more. You can actually do a side-by-side comparison and see what your proposal will do and where it is going to fit.

Mr. ESPAILLAT. So, if some of the proposed cuts are implemented, would Mr. Amodei not be able to put the bills on the hopper from a nice tropical beach?

Ms. JOHNSON. We would certainly—as my colleague here said, we would sit down with the stakeholders, which are you, the committee members, and House Administration and the Modernization Committee, and to prioritize. Maybe some of our priorities will be delayed, but we look forward to working with you to find whatever cuts that we can find without impeding the effectiveness of Members.

Mr. ESPAILLAT. Thank you.

And, Mr. McFarland, how is the House Residential Security Program coming along? How is that doing? And could you give us an update on that?

Mr. MCFARLAND. Sure. Ranking Member Espaillat, as I stated in my opening statement, I think we have a great, robust, bipartisan, you know—meaning that basically we are making sure that almost

every Member is knowing about the Residential Security Program and letting people know exactly how to go about doing it.

We have spoken to the Member spouses in both retreats about it. I think they seemed a little bit more excited, that they are looking forward to using it.

So I think one of the challenges we have is getting every Member to use it. We can't talk about the levels, but I think we have a great bipartisan effort going on, and I would like to continue seeing it going on.

Mr. ESPAILLAT. And you mentioned that you are looking at other technologies. So what other technologies are you looking at to make our offices and staff and visitors safer?

Mr. MCFARLAND. Sure.

So we have started, like I said, a mobile duress button that we are currently working with a contractor, that you would be able to hit the button at any given time to let people know if you are in distress, and it would go back to the Capitol Police.

Mr. ESPAILLAT. And you will be able to implement these even with your proposed 13-percent decrease?

Mr. MCFARLAND. Yes, sir.

Mr. ESPAILLAT. Okay. Thank you.

Mr. MCFARLAND. We also have an online portal that is going to make it a lot easier for Members to track their requests to the Sergeant at Arms Office.

And we have a floor-mapping design that will basically be able to help with the evacuation procedures that exist today.

Mr. ESPAILLAT. Thank you, Mr. Chairman.

Mr. AMODEI. Thank you, Mr. Ranking Member.

Going in order of arrival, Ms. Wexton, the floor is yours.

Ms. WEXTON. Thank you so much, Mr. Chairman.

I would also like to say that, it is great to have everybody here. I would not say quite the same things that the chairman did, but, in the Legislative Branch Subcommittee, we love all of our children equally, but we love you guys best. So, great to have you here with us.

Also, I think it is good to note that I don't think anybody needs to worry about me becoming a court transcriber, because this is what I managed to transcribe during this conversation. I got: "You, the defendant, are mad. Have Palm Beach. If it is Social Security or if it is"—something—"all right?"

So that is totally what I heard. I don't know if that is what you said, but, in any event, that is——

Mr. AMODEI. If you would yield back for a minute.

We will pay to fix the machine after she touched it.

The floor is yours again.

Ms. WEXTON. Thank you very much, Mr. Chairman.

Now, Mr. McFarland, we talked a little bit about including cybersecurity as one of the parts of the home security program. How is that going?

Mr. MCFARLAND. Ma'am, we have been actually talking with the CAO in conjunction with trying to include this into the Residential Security Program. We are all on board with it. We are just trying to figure out exactly the right path to go about getting the right vendors involved.

Ms. WEXTON. Very good.

And do you think—if you can do it administratively, or are you going to need statutory language in order to make that happen?

Mr. MCFARLAND. No, I think we can do it administratively.

Ms. WEXTON. Very good. Nice. And please keep us posted and let us know when it happens.

Mr. MCFARLAND. Yes, ma'am.

Ms. WEXTON. Ms. Johnson, you were speaking my language when you were talking about modernizing the way that you display the bills and stuff like that. Because it really is one of my pet peeves that we can't look at the code and actually see where—you know, not just see the changes to the code but actually get, a red-lined version to the code. So thank you very much for that.

Do you have any idea when that might actually take place, when the actual——

Ms. JOHNSON. It is in effect now. There was a pilot program most of last year. But the Comparative Print Suite is fully up and running.

And we actually also have a help desk for Members or staff that need assistance with it. And if you would like a demonstration, we would be

Ms. JOHNSON. We would be happy to arrange to come to your office to give you a demonstration.

Ms. WEXTON. Good. That would be great.

And where is it? It is not housed under Congress.gov? Or where is it housed under?

Ms. JOHNSON. It is housed under compare.house.gov.

Ms. WEXTON. I would love that tutorial. Thank you so much.

Ms. Szpindor, I see that the CAO is currently working on a number of different modernization efforts in Congress, including improvements to the House intranet, pay and human resources programs, and e-discovery tools in order to equip us for oversight and investigative duties.

Can you explain how these tools would work? Some of the things that you are working on, the e-discovery and things like that, can you explain how they work?

Ms. SZPINDOR. How we go about it?

Ms. WEXTON. Yes.

Ms. SZPINDOR. We have our Digital Services team, which we formed a little over a year and a half ago, that is working on many of those projects, particularly the investigative tool that they are looking to roll out.

We have really just started work on that. We are evaluating what it would take and looking at possible tools that we would consider. But it is in its formation stage. We kind of got a discussion going on that earlier this month and the last part of February.

Ms. WEXTON. Is it for internal investigations within CAO, or is it just for, the Oversight Committee and things like that, to be able to use that tool?

Ms. SZPINDOR. We would be developing it probably along with any partners that we decide to bring in to help us with it——

Ms. WEXTON. Uh-huh.

Ms. SZPINDOR [continuing]. Technology partners to help us with it, looking at vendors and things of that sort, along with the intent of including any of the committees that would be using that tool.

Ms. WEXTON. Very good.

Ms. SZPINDOR. We have to, because they have the expertise on what they are going to need.

Ms. WEXTON. Right. Yeah.

Ms. SZPINDOR. We can work in partnership with them to make sure that we deliver it as needed.

Ms. WEXTON. Wonderful.

Ms. SZPINDOR. So it would be very much a partnership.

Ms. WEXTON. My last question with the time I have remaining: Could you just please explain a little bit about the services of the Congressional Excellence Program and what the sort of issues you have——

Ms. SZPINDOR. Sure. I would love to do so.

The Congressional Excellence Program is a program we started in pilot last year. It was intended specifically for the Members and their staff, to work with them to help them set a vision for their office, be able to help them set strategic objectives for what they want to accomplish during their term in Congress, and to really sit down and work with them in a partnership with their staff to define how they are going to accomplish the Member's vision for what he wants to have as his accomplishments while he is in the Congress.

Currently, the Congressional Excellence Program is working with about 30 Members. We have added some more, quite frankly, since I first mentioned it during the Modernization hearing a couple of weeks ago.

Ms. WEXTON. As more Members heard about it.

Ms. SZPINDOR. It is just a way to improve the distinction of the office and what the Member wants to do with his time here in the House.

Ms. WEXTON. Uh-huh. Very good.

And does that communication between that consultant and the Member office stay privileged between those two offices?

Ms. SZPINDOR. The consultant works as a partner with the Member office.

The consultants we use are skilled consultants, have been doing this, working with corporations, working with other government agencies, working with major issues that corporations have had, to kind of set the mission and vision for them so that they can improve upon the operations of their business and things of that sort. That is the background that they have.

They are here. They are talented. They have a world of experience to provide to the House and to provide to our Members.

I hope the Members do take advantage of what we have to offer there.

Ms. WEXTON. Thank you so much.

And I will yield back. Before I yield back, Mr. Chairman, I would just say that we have many great programs here in the House of Representatives. I think one of the issues is just awareness of them, I think. So I hope that now people are more aware of some of those good things that we have going on here.

Thank you.

Mr. AMODEI. Thank you for that. You know, goals, effort, teamwork—I am not sure we can support any of those sorts of things, but we will certainly take it.

Mr. Franklin?

Mr. FRANKLIN. Thank you, Mr. Chairman.

I guess my questions—I just want to sort of zero in a little bit more on cybersecurity, because that scares me to death when I start looking across all of our agencies and all the things we do. So a couple things for you, Mr. McFarland, also CAO.

On the Residential Security Program, I was looking into that and talking with some vendors, and I was very pleased to see that there are some requirements in there about, you know, the camera systems that we use. And a lot of that goes—the requirements, if I remember right—and you can correct me if I am wrong or even if you want to elaborate—go back to some NDAA language that was put into place. For example, these cameras—like, if you wanted to put in security cameras, they can't be Chinese cameras, and there is a laundry list of approved vendors.

Can you talk a little bit about that?

And I guess, really, where I want to go with that is: Are we just lucky that that happens to be there? Should we be doing more robust guidance across all of our departments as to the equipment we buy? What is the vetting process? And do we have the bumpers, the guardrails in place now that we should, now knowing how much of this stuff is being exploited?

Mr. MCFARLAND. Mr. Franklin, what I can tell you about the vendor list: We did a vetted vendor list for the Residential Security Program just to make sure that the right people are using it—or, right people are providing the services.

With that, we are also—if there is somebody that is more comfortable with their mom-and-pop security, you know, we do recommend that they reach out to the U.S. Capitol Police so that they can do a security assessment and then be able to provide that information to the Member and let them make that determination if they still want to use the mom-and-pop or go to the vetted vendor list, is what we try to do.

As it relates to more of the cybersecurity, Catherine is the expert at that, but I do want to say that, in my 30 years of being on Capitol Hill before leaving and coming back, I do know that I have seen different things that have been concerning to me regarding technology that comes into the Capitol. I think we used to do some things that—we wanted to make sure that the right companies were coming in. Some were mostly USA companies, but we would see some getting underbid by foreign companies.

And we would still try to make that argument today, that, listen, we want to try to go USA first in this. But mostly the foreign companies, they come in at a lower bid, and unfortunately they get the work.

Mr. FRANKLIN. Well, unfortunately, even if it is an American company, they are price-conscious, and they know that the job is going to go to the lowest bidder, so a lot of the components that they are purchasing are where the vulnerabilities lie. So, I mean, that is what worries me.

I have a group back in my district that is working with the DOD looking at, just as an example, they have one weapon system they have been looking into, and they found over a thousand vulnerabilities just in this one piece of military gear from the subcomponents. And I just—I really—I worry. That is more of a broader concern.

But I am glad to hear that the program is being looked at. And is that—I think some of your budget decrease year over year is from one-time expenses that have fallen off, but is that——

Mr. MCFARLAND. Correct.

Mr. FRANKLIN. Is that a recurring line, the residential program, in your budget amount?

Mr. MCFARLAND. Yes, sir, that is a recurring line.

Mr. FRANKLIN. And how much was that for?

Mr. MCFARLAND. The residential program was a 60–percent decrease, but that was for residential program as well as a lifecycle replacement of escape hoods and VRU units.

Mr. FRANKLIN. Okay. So that is something that comes up every few years or——

Mr. MCFARLAND. That comes up every 10 years, is what we have.

Mr. FRANKLIN. Ten years. Okay. All right. Thank you.

And, Ms. Szpindor——

Ms. SZPINDOR. Yes.

Mr. FRANKLIN [continuing] I would like to hear a little of your thoughts on the DC Health Link breach.

And, again, back to vendors, what is our process for vetting outside parties? And I feel pretty confident, I know there is a high awareness on the Hill of strengthening our networks and making sure our things are in order. But when we are relying on outside parties, what is our process for making sure vendors we choose are doing the things they should be doing?

Ms. SZPINDOR. Well, we do have a process within the CAO's office whereby we do vet vendors. We work very closely with our Acquisitions Management group, which is part of the CAO, as well as my Admin Counsel that I have. They work with our technology staff. We review the soundness of companies that we are working with.

We do not purchase outside of the United States, companies that are not corporately registered within the United States. We go with just those that are.

I will get to your point about components in a minute, but we do have a process that we follow. We vet all of the vendors that we are using. Any contracts that we enter into have to meet certain requirements, as far as speech and debate rules, as far as anything that could hold us accountable to the vendor. We make sure that we have the proper language in place in all of our contracts.

Now, I can identify with what you are saying, and it keeps me up at night, worrying about a possible situation where there is a component piece that is used in a product or software that is pushed from a vendor that has a vulnerability in it.

We have experienced some of this in the past. We have been able to prevent anything bad from happening because I have one of the best cybersecurity groups, I think, that any government agency has, in my organization.

We have grown significantly with our cybersecurity program since I have been at the House in the past 12 years. I worked to champion additional improvements in cybersecurity when I was CIO. I am very, very conscious of how we have to constantly be upgrading our strategies for cybersecurity and ensuring that we do not take our foot off the gas.

We have outside consultants. I don't have a piece of equipment, but I do have a chart. We have outside consultants that come in periodically to review how we are doing on cybersecurity.

Back in 2017, we knew we needed help, so we had them come in and evaluate where we were in comparison to other corporations, other agencies, other individuals, as far as cybersecurity at that point in time. You can see the gray bars here. That is pretty much where we were. We were not in good shape.

We had the same company come back a year ago and give us another comparison on where we were in cybersecurity. The blue line indicates where we are today. We have made substantial progress, but we are not where I want us to be. We have to continue to improve.

Mr. FRANKLIN. But what is the process for the vendors? For example, like, all of, you know, our health information that has been compromised, I have no choice——

Ms. SZPINDOR. Yes.

Mr. FRANKLIN [continuing]. I have to provide that information. I trust that, you know, we are using vendors that are reliable and will keep that data secure, and then they don't.

I mean, what are we doing to ensure that those vendors are doing what they tell us they are going to do when they win the business?

Ms. SZPINDOR. For the vendors I work with—and DC Health Link was not one that we chose, okay? Me and my team, in particular James Butler here, have spent I don't know how many extra hours over the past 3 weeks because of that. It infuriates me, okay, basically.

For our vendors, we go with companies that we know use good cyber practices themselves. Our vendors are not individuals that come in, as I have said before, and just are here and maybe a company that doesn't even understand cybersecurity. We are very cautious, and our cybersecurity team takes great strides in reviewing any submission by a vendor, any products coming in by a vendor.

We have had, probably about 2 years ago, one of our CMS vendors—and I won't mention the name, but a CMS vendor who had a vulnerability. It was not good, what happened. I moved immediately to begin the process of no longer having that vendor here. So they are gone. They are no longer a part of the House and no longer support us.

We had accountability that we had to talk with one of the vendors about a year ago. Many of you may have heard about VMware, which we use, which is a reliable vendor, by all estimates, and we still use. But when they rolled out an upgrade to some of the server software, they had an issue with some of the upgrade. It had a vulnerability in it. Luckily, nothing was taken from us, but there was a possibility where they could have allowed individuals to get into our system.

And they tried. As soon as a vulnerability comes up, any hacker around will start trying to take advantage of it. So, as soon as they broadcast that they had a vulnerability, we knew that we better check really, really quick. Our cybersecurity team went to work, and they found that they had tried to get in, but they did not compromise any of the data for the House.

It scares me. I worry about our constituent data and protecting it. I worry about all of our financial data. All of the things that we work very, very hard to protect here at the House keeps me up at night.

Mr. FRANKLIN. All right. Thank you.

Ms. SZPINDOR. Thank you.

Mr. AMODEI. Before we go to Mr. Clyde, Ms. Szpindor, you said, referring to a vendor, that that particular vendor was not somebody you selected. Who selected that vendor?

Ms. SZPINDOR. DC Health Link was not selected by our firm. I think this was years ago. OPM was the one who selected that vendor for use by the House.

Mr. AMODEI. Okay. Thank you.

And since Mr. Franklin used up all of Mr. Clyde's time, I trust you Navy guys will work that out.

Mr. Clyde, the floor is yours.

Mr. CLYDE. I am going to come in over top.

Thank you, Mr. Chairman, Ranking Member.

And thank you to three very important individuals for the operations of the House.

Ms. Szpindor, the fiscal year 2024 budget request includes significant increases for transition activities, from $6 million to $13 million, and business continuity and disaster recovery, from just over $22 million to $27 million. And before that, it was $14 million in 2022, so literally almost double in 2 years, and that is a significant amount.

Can you please provide more details on the specific projects and initiatives that will be funded by these increases and how they align with the financial priorities of the House?

Ms. SZPINDOR. Sure. I will try not to take as long as I did with the cybersecurity part.

Mr. CLYDE. No. One minute would be good.

Mr. AMODEI. That is all he has left.

Ms. SZPINDOR. So, usually, when we enter into contracts with companies, like Microsoft or Oracle for PeopleSoft particularly, we have multiyear contracts with them. On the years when those contracts come due, we usually have a pretty significant increase, because we know that they are going to be higher than what they were before. We just know. It always is. Every option year we have with a contract, there is usually an increase. It could be 2 percent, 3 percent, 4 percent, but there is usually an increase, particularly with contractors. I think everyone here experiences that.

So we know that we have a 7-year replacement of our recording studio equipment that we have to do this year. I think it is in all of our best efforts to make sure that it gets done if we want to continue to have the hearings that we are having and everything and be able to support them adequately.

We know that we have a major option year renewal with Microsoft for all of our email, for Teams, which is the teleconferencing that we use, and there will be additional dollars for that.

We also have ongoing needs for our servers in our data centers. We have almost 3,000, I think, servers that we have that we support, and those have lifespan associated with them. That adds to the cost.

So we are wanting to continue to grow and expand some of the services that we have been able to provide to the House over the past couple years, which, I think, to me, is the reason the CAO is here, to provide those services and make sure that you have what you need to run your offices.

And we have really done a wonderful job with our CAO Coach Program, delivering training to our staff and to your staff, hosting conferences for the caseworkers, for the chiefs of staff, and others so that they can be able to better understand what their jobs are within each Member office and be able to perform more.

Mr. CLYDE. Where do you hold those conferences?

Ms. SZPINDOR. We hold them here at the Capitol.

Mr. CLYDE. Okay.

Ms. SZPINDOR. Last year, we held three conferences, and it was a bipartisan group of individuals that we offered this to, from both sides of the House. We had hundreds of individuals here from the districts. I met with some of them. They were very supportive of the information that we were providing to them. We had our CAO coaches, who, by the way, are ex-staff from Member offices, sit down with them. We had discussions, roundtable-type discussions, with them for them to better understand.

Mr. CLYDE. Let me ask you another question.

Ms. SZPINDOR. Uh-huh.

Mr. CLYDE. In your written testimony, you mention a $7.9 million increase for enhancements to House cloud security and enterprise licenses for software like Zoom and Webex.

You know, now that the Capitol has reopened, Committee business is conducted in person, we are not using Webex and Zoom anymore. In fact, it is prohibited. Witnesses are required to appear in person. Proxy voting has been eliminated. Why such a significant need for funding for Zoom and Webex? I mean, we are prohibited from using Zoom and Webex.

Ms. SZPINDOR. For hearings, yes.

Mr. CLYDE. For hearings, yes.

Ms. SZPINDOR. Yes. There are individuals in quite a few offices that still use the Zoom and the Webex for other teleconferencing and meetings outside of hearings.

Office 365, the Teams that is offered—comes bundled into everything you get with your email anymore. We usually have, on an average basis, just between our organizations, thousands of those meetings that occur every week.

A lot of it is because we are dispersed. We have individuals—I have individuals at our data centers out in Manassas. I have individuals in Ford and O'Neill and here. If we are meeting and—like everybody else, every hour you have a meeting, just about. Many of mine are in person, but many of mine are still over Teams, because of our ability to be able to get from one place to the other.

So, even though it is not used for hearings, it is still being used within the House.

Mr. CLYDE. Okay. Thank you.

Ms. SZPINDOR. Now, one thing we might be able to do is take a pulse from the different Member offices and find out how much do they really need Zoom and Webex any longer and look to reduce the number of licenses that we are providing.

Mr. CLYDE. I think my office has used it maybe once in the last 3 months. So, just some info for you.

Ms. SZPINDOR. Yeah, that is helpful.

Mr. CLYDE. And just one last real quick note for Mr. McFarland, our Sergeant at Arms.

I appreciate the opportunity to speak with you yesterday. And I appreciate that your number-one concern is the safety of Members of Congress, wherever they reside. And, as we spoke yesterday, probably, you know, the greatest vulnerability is in traveling, in traveling either back and forth from here to where we reside.

And I appreciate your efforts in working with us to make sure that there are no policies in the Sergeant at Arms or the Police Board—because you are a member of it—that would inhibit us from protecting ourselves, as well, when you are not there or when others are not there. So I appreciate your efforts in that regard.

Mr. MCFARLAND. Thanks.

Mr. CLYDE. And I yield back, Mr. Chairman.

Mr. AMODEI. Thank you.

According to my clock, Mr. Quigley, you have 4 hours and 32 minutes. The floor is yours.

Mr. QUIGLEY. I got a text from the Air Force that they usually get done on time, and I think Navy does.

Ms. Johnson, I want to—it is interesting, I have been here 14 years, and you keep learning about how this place operates. I want to at least help educate the committee and the public on one of your other roles, and that is the role your office plays when Members leave office before they——

Ms. JOHNSON. Vacant office.

Mr. QUIGLEY. Yeah, leave their office. And there is a dark-humor joke in Chicago politics that the only time a Chicago alderman leaves office, there is a box involved—a ballot box, a jury box, or a pine box. It is different here; people somehow leave.

But you told me there is a range, that at one time—you currently have zero that you are operating, but it has been as high as what number?

Ms. JOHNSON. In the 117th Congress, we had 22 vacant offices. We never had more than 7 at one time, but we had a total of 22 vacant offices.

Mr. QUIGLEY. So I am curious how you budget for that. And then I want you to elaborate on what your roles are. I mean, how do you budget for a year? Do you know something we don't know about how many of us aren't going to be here?

Or, more specifically, that range is so involved, but, you know, if you could elaborate a little bit of just what role you do play when this takes place and how long that time can be before there is a new Member and, again, how you plan to budget that.

Ms. JOHNSON. And, fortunately—the House rules state that all staff that are on the payroll at the time of the vacancy remain on the payroll. Also, fortunately, the budget for the vacant office comes out of the vacant office account. In a sense, that Member's MRA continues. It does not come from the Clerk's Office.

Mr. QUIGLEY. But it is a snapshot. You can't change what they are doing internally.

Ms. JOHNSON. We cannot. I cannot increase any of the staff salaries. The staff continue to operate, because they are providing constituent services, so they continue to order supplies. But that is deducted from their vacant office account.

We provide resources. We provide management. My human resource director—so, in addition to managing and paying attention to the annual leave of the 240 Clerk staff, she is now looking at another 100, 120 staffers that are from the vacant offices.

And it is a matter of management more than anything else. It is not necessarily budgetarly. But it is taking resources from our time that we would dedicate to our own office staff.

Mr. QUIGLEY. So are you able to—you know, just to maintain the services that district deserves, what would happen if you had to hire somebody?

Ms. JOHNSON. In a rare instance, the Member might take half of his staff or staff might begin seeking other jobs. We will not let the office fall below three staffers. And we are able to hire new staff.

Mr. QUIGLEY. You mean three over the whole thing?

Ms. JOHNSON. Three in the DC office, maybe two in the district office, because those constituents are still entitled to have constituent services.

Mr. QUIGLEY. What I am going to suggest is, on passports alone right now, we need three people. But it just seems like a low number when you have to help people get the services they need.

Ms. JOHNSON. I will tell you, in a case where staff leaves, if there are 15 in the DC office and 12 leave and you are down to 3, it is very difficult to hire additional staff because it is for a short period of time. You want qualified people, so you are asking a person who may already have a permanent job to come and work in an office for 3 months or 4 months. It is very difficult to hire for a vacant office.

Mr. QUIGLEY. Very good. Thank you.

I yield back.

Mr. AMODEI. Normally, this is the point where I would ask if there are any additional questions. However, at this point, I would only offer that to the ranking member and Ms. Wexton, who were very conscious of the committee rules.

If there are additional questions from the ranking member or the lady from the Old Dominion, the floor is yours.

Mr. ESPAILLAT. No, Mr. Chairman.

Ms. WEXTON. Thank you, Mr. Chairman. I think you all did a great job of answering all my questions already.

Mr. AMODEI. Thank you all very much.

I have a couple of questions—briefly, so I am not a hypocrite.

Mr. Kilmer from Washington State, who is on the Modernization Committee, testified during Member Day and talked about this mythical thing that I guess is out there for all other legislative—

or, many other legislative organizations but not us, and it is called meeting deconfliction software.

If we gave that to them, would that be under your office?

Ms. SZPINDOR. Yes. We are giving it to them, actually, the product.

Mr. AMODEI. So we don't need to fund that? It is already paid for?

Mr. CLOCKER. Oh, no, we need lots of money.

Ms. SZPINDOR. No. We have been working on that. We met with Representative Kilmer and also some of his staff and also with Representative Timmons back before the first of the year and understood better what they were asking for.

We have our Digital Services team, once again, which is doing a great job right now, to work with different committees and come up with a system that should allow us to better understand when there are some conflicts in schedules with the Members in the committee.

Mr. AMODEI. Well, we can help you. There is absolutely no consideration given to schedules when meetings are scheduled, at least in the 118th Congress. So what I would like is, if we could get kind of an update on where you are at, since if that ever happens, it will be under your umbrella so we can intelligently draft the bill accordingly.

Ms. SZPINDOR. Yes. We will do that.

Mr. AMODEI. Thank you.

Ms. SZPINDOR. We will work with you.

Mr. AMODEI. One other thing. Following up on Mr. Clyde's questions, I know when I go to use the House studio, I am charged for that out of my MRA, and appropriately so. For Zoom services and stuff like that, is that not something that is charged back to the Members?

Ms. SZPINDOR. We have not in the past. We negotiated the contracts, and we have given each Member office X number of licenses—I don't know the exact total—who called and asked for assistance. This started a couple years ago, when we first started distributing that.

But there are a lot of services that we do that we do not charge the offices for. We do it through our budget.

Mr. AMODEI. So those Members that rely on it particularly heavily, that is just kind of part of general admin; and those that don't use it, thanks for being a team player.

Ms. SZPINDOR. But we do support most of the services that we provide to the users and to the staff and your offices without any charge.

Mr. AMODEI. Okay.

And I am just thinking out loud here; that doesn't mean it is entitled to any attention. However, at a time when we are being asked to economize—and we will see what that is defined as. But when we look at MRA, whatever you call it, allocations because those are not going down, at least yet. And so that is something that maybe we want to think about if this end is being funded—and I know there is a lot of pressures on everybody, including running an office, but that is just a thought out loud.

Madam Clerk, the side-by-side thing, that is—I think that is something that has been around in other legislative organizations for a while. But, now, if I understood your testimony correctly, once you know it is out there, as a Member or a part of a leg. shop or chief of staff or whatever, it is like, hey, learn how to use it, and that is a great tool in terms of efficiency, so you are not sitting there, like some of us not-so-young people used to do, going——

Ms. JOHNSON. "Delete" or——

Mr. AMODEI. Yeah. Okay.

Ms. JOHNSON. Yeah.

Mr. AMODEI. Do you have an idea of how that is—if its utilization is cool, medium, hot? I mean, is that something that has been accepted? Or is there an opportunity for more, going, "Hey, by the way"? LDs or somebody?

Ms. JOHNSON. The question is, are we continuing to enhance it? Or are you asking how much is it being used currently?

Mr. AMODEI. Are you publicizing its availability?

Ms. JOHNSON. Oh, yes. Yes. We have sent a couple of "Dear Colleagues." And the staffers are taking advantage of it, particularly committee staffers, because that is where the legislation is made.

Mr. AMODEI. Okay.

Ms. JOHNSON. For the longest, it was only a pilot program, only available to Committee staffers, but now it is House-wide.

Mr. AMODEI. Okay. Thank you.

Before we close, I do want to say that we also have here in the room—for members, if you have questions, this is your opportunity to get with those people and schedule further meetings or something else like that, but—Office of Diversity and Inclusion, Dr. Moon—thank you, ma'am—Inspector General Mr. Picolla—thank you, sir—General Counsel Matthew Berry, Law Revision Counsel Ralph Seep, and Legislative Counsel Wade Ballou.

Thank you folks for coming.

Please feel free to accost them at your leisure, on your own time.

And so, if there are no further questions—and there aren't—I would like to thank all the House witnesses here today. Your testimonies will be reflected in the record.

Members may submit additional questions for the record.

Mr. AMODEI. The subcommittee stands adjourned.

Thank you.

[Material submitted for inclusion in the record follows:]

STATEMENT OF MATTHEW BERRY, GENERAL COUNSEL
OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES

REGARDING THE FISCAL YEAR 2024 BUDGET REQUEST
OF THE OFFICE OF GENERAL COUNSEL

BEFORE THE LEGISLATIVE BRANCH SUBCOMMITTEE
OF THE COMMITTEE ON APPROPRIATIONS

MARCH 28, 2023

Chairman Amodei, Ranking Member Espaillat, and Members of the Subcommittee, I appreciate the opportunity to testify about the fiscal year 2024 ("FY 2024") budget request of the Office of General Counsel ("OGC") of the U.S. House of Representatives ("House"). OGC requests $1,987,200 for FY 2024, a sum that includes $1,768,000 for personnel costs and $219,200 for non-personnel costs. This budget request represents an increase of less than four percent over the appropriation that OGC received for FY 2023. In this testimony, I will first discuss the important work carried out by OGC and then set forth the justification for OGC's FY 2024 budget request.

Functions of the Office

Pursuant to Rule II.8(a) of the Rules of the House (118th Cong.), OGC 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. With respect to litigation matters involving the House, OGC 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 furnish an exhaustive list of the types of advice and representation that OGC provides, OGC is involved in the following types of matters with some frequency:

- **Judicial Proceedings**: OGC represents the House in litigation, and also represents House 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 declines 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, for immunity orders for witnesses.

- **Committee Subpoenas**: OGC provides advice to House Committees in connection with the preparation, service, and enforcement of 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, and FOIA requests) from governmental agencies (including the Department of Justice), as well as from private parties.

- **Privileges**: OGC provides advice to House Members, Committees, Officers, and employees 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.

- **Social Media Guidance**: OGC advises House Members, Committees, Officers, and staff regarding best practices for the use of official social media accounts.

- **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.

- **Constituent Casework**: OGC provides advice to Members and their staffs regarding legal issues related to 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.

- **Tax Matters**: OGC advises House offices and vendors regarding applicable tax exemptions for official purchases.

- **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.

Demand for OGC's services has been extensive in recent years, as has the number of complex and high-profile legal matters that the office has been asked to handle.

Justification for the FY 2024 Budget Request

At normal staffing levels, OGC is comprised of the General Counsel, Deputy General Counsel, several senior attorneys with extensive legal experience, multiple law clerks, and an office administrator/member services director.

Based on the proposed funding level set forth in OGC's FY 2024 budget request, I expect OGC to be able to continue to deliver the same level of effective service we currently provide to the House. The significant bulk of OGC's budget request, almost 90%, is for the personnel compensation needed to retain the highly qualified attorneys and staff who handle the majority of OGC's workload.

As noted in our budget request, there exists a distinct probability that OGC will be required to undertake significant litigation during FY 2024. 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. It is therefore critical that OGC have the resources necessary to maintain a staff of talented attorneys capable of skillfully handling such matters.

In past years, OGC has on occasion utilized private attorneys to handle certain cases. Such legal services have been provided to OGC by private attorneys on a pro bono basis or OGC has entered into contracts with private attorneys for paid legal services. Previously, such contracts have required the reprogramming of funds to increase OGC's budget. In FY 2024, OGC will utilize its own staff to litigate cases wherever possible. And if the need for private attorneys should arise, OGC always will first seek to have such legal services provided on a pro bono basis; during FY 2024, OGC will only enter into contracts for paid legal services with private attorneys as a last resort.

Non-personnel costs represent roughly 10% of OGC's budget request. The primary drivers of non-personnel costs include: servers, computers and technology, printing costs for court filings, subscription access to research platforms, and standard office supplies and equipment. Additionally, as the country returns to a pre-COVID posture, we anticipate increased travel-related expenses for OGC attorneys to represents the interests of the House in courtrooms outside of Washington, DC.

In conclusion, it is an honor to serve the House and to lead OGC's talented team of professionals. OGC's FY 2024 budget request will give us the resources necessary to continue to provide the House with high-quality legal advice and representation. Thank you for considering this request, and I would be pleased to respond to any questions the Subcommittee might have for me today.

Statement of E. Wade Ballou, Jr., Legislative Counsel
Office of the Legislative Counsel
U.S. House of Representatives

Before the Subcommittee on Legislative Branch Appropriations

Mr. Chairman, Ranking Member Espaillat, and Members of the Subcommittee, thank you for the opportunity to present the fiscal year 2024 appropriation request of $14,671,000 for the Office of the Legislative Counsel (Office).

I am pleased and honored to appear before you today in my capacity as the Legislative Counsel of the House of Representatives. I thank you and your staff for your past support of the Office and I look forward to working closely with you in carrying out our mission of advising and assisting the House, and its committees and Members, in the achievement of clear, faithful, and coherent expressions of legislative policies.

Office Budget Request

For fiscal year 2024, I am requesting $14,671,000 for the salaries and expenses of the Office, an increase of $1,214,000, a 9 percent increase. Our personnel account (entitled "Draft") comprises over 90 percent of our total expenses.

This request continues the implementation of our Strategy for Increasing Capacity, which was submitted to the Committee on Appropriations on April 1, 2022. Our strategy is a multi-faceted approach to address the needs of the House for legislative drafting services. It has 3 primary components: people, educational opportunities for our clients, and technology.

Meeting Legislative Service Needs

The following table depicts the increase in the number of legislative drafting requests:

Measure	114th Congress	117th Congress	Percentage Increase
Emails to HOLC Front Office	18,094	24,083	33%
HOLC Prepared Discrete Drafts	39,615	51,942	31%
HOLC Prepared Drafts—All Versions	121,954	165,165	35%
HOLC Prepared Pages	2,194,954	3,097,187	41%
GPO Count of House Measures	10,721	13,955	30%
GPO Count of Pages of House Measures	143,408	231,586	61%

The Office has increased its personnel to meet this demand, as the following table depicts:

Staff	114th Congress	117th Congress	Percentage Change
Attorneys	46	61	33%
Average Attorney Experience Years	17	12	-29%
Support Staff	18	21	17%
Average Support Staff Experience Years	12	19	58%

The staff percentages reflect a net gain of 11 attorneys and 4 support staff. Together, the two tables show that the increase in legal services is being provided by Office staff with fewer years of service, with our seasoned attorneys bearing much of the work.

People

The primary component of our Strategy is people. We strive to live by the motto "A happy drafter is a good drafter," a quote by Larry Filson, who served as Deputy Legislative Counsel from 1972-1989.

Pay and Benefits.—Pay and benefits are the cornerstone for compensating and caring for our staff. The Speaker's Pay Orders of the last Congress have been helpful to our retention efforts. The cost of living in the Washington, DC metro area, especially the cost of housing and childcare, is a heavy burden and harms staff morale. It is important that staff pay continues to keep up with these costs and inflationary pressures.

Work Location.—The Office uses a flexible approach to work location. Our staff is comprised of knowledge workers. We developed our ability to work well remotely in response to the 9/11 and anthrax attacks of 2001. Due to our 2014 move from Cannon to Ford and an increased use of email across House offices, in-person meetings declined and email became the dominant mode of client contact. There are drawbacks to using email as the primary way of communicating with clients because it is impossible to replicate the give and take that happens when people speak to each other in real time. Fortunately, in 2019 our Office was participating with House Information Resources (HIR) in the rollout of Office 365 and we were an early adopter of MS Teams, which allowed us to move seamlessly into remote work at the onset of the COVID Pandemic. Today MS Teams is used for both intra-office meetings and client meetings, which most attorneys find is far more efficient and effective than email, especially due to screen sharing and access to online tools.

We are paying close attention to our hybrid and remote work to ensure that we continue to carry out our mission as well as care for our staff. Our teams typically coordinate in-office days to maximize in-person opportunities that are important to some meetings, bonding, team cohesion, and Office culture. Seventy-one (71) of our 80 FTEs (88 percent) are on a hybrid work schedule. Remote work allows us to turn commuting time into productive time when necessary. It also allows staff to better meet the unexpected and sometimes conflicting surges in drafting demands that lead to late night and weekend work, often without notice, which is all too common to the legislative

process. Remote work has also proven helpful in retaining key staff who otherwise would have left the office due to situations such as the transfer of a spouse and illness. The 11 percent of our staff who are full-time remote come to the Office several times during the year.

Recruiting and training.—The Office continues to grow. During the 2022 recruiting season, we contacted 50 law schools from all over the Nation. We expect 6 new attorneys to begin in FY2023 and to recruit 6 new attorneys for FY 2024. We filled our summer associate positions for 2023 and will recruit for these positions in 2024. Extensive training and mentoring is required to become a proficient legislative drafter. Our formal training is a rigorous 2-year program designed for learning drafting fundamentals, legislative procedure, client management, and technology tools, all of which are required to serve our clients in the fast-paced legislative process of the House. We train by apprenticeship supplemented by classes. Our senior attorneys serve as the trainers, typically two senior attorneys for each new attorney. Thirty-six attorneys are involved in the apprentice program: 24 senior attorneys teaching and mentoring 12 new attorneys. This limitation means that the number of attorneys hired for a year must be balanced against the anticipated drafting needs. By necessity, some drafting capacity is sacrificed for future gains. Training that is rushed or inadequate risks producing undertrained and overwhelmed attorneys, which leads to poor client service, departures from the Office, and reduced return on the time invested in recruiting, on-boarding, and training.

Education

The second component of our Strategy focuses on education. Clients who are knowledgeable about the drafting process and our role are better able to provide the information we need to express their policies clearly, faithfully, and coherently. We provide educational information in the law and procedure with each request for service. To reach the House legislative community generally, the Office has several courses on offer through the Congressional Staff Academy (CSA) as well as offerings through the CAO Coach Podcasts. In addition, the Office recently collaborated with the American Law Division of the Congressional Research Service to offer a well-received joint program entitled Tips for Translating Policy Ideas into Effective Legislation. Upon request, staff in our Office present to Member offices and various staff groups. We have a special focus on Member relations through a team led by our Deputy Legislative Counsel and continue to look for opportunities to connect with Members and staff. We are open to other ideas to meet with House staff to share questions, goals, ideas for improvement, and concerns.

We also want to expand educational opportunities for our own staff. We encourage them to take advantage of offerings through the CSA and the Library of Congress. These initiatives include improving our partnerships with other congressional service offices, such as the Congressional Budget Office and the American Law Division of the Congressional Research Service. Additionally, the Office would like to establish a reimbursement program for our staff to take courses to deepen their expertise in the subject matter areas in which they work to better equip them to meet client needs more effectively.

Technology

Generally.—The third component of our Strategy is technology. The major non-personnel expenditures of our Office are associated with acquiring, maintaining, and enhancing Office

technology (hardware and software) to support our mission. As much as possible, we seek to work in collaboration with the Office of the Clerk, House Information Resources, and the Government Publishing Office to plan, test, and place into service tools that improve our processes and allow the wider House community to better interact with us and legislative text. HIR hosts our servers. Our drafting tools (XMetal and the XML data format) are provided by the Clerk of the House. We regularly participate in the Congressional Data Task Force meetings.

Comparative Print Suite and Statute Compilations.—The Office, in partnership with the Clerk of the House, achieved a significant milestone in October 2022 with the release of the Comparative Print Suite of tools to the entire House. The Comparative Print Suite provides on demand comparison prints depicting how a bill changes current law, how a bill changes the law in effect on the action date of the measure compared, and the differences between two measures (bill-to-bill differences). The Comparative Print Suite provides significant self-service capabilities to our clients, allowing them to understand more quickly and conveniently the changes to, and impact of, their legislative text. These tools utilize the XML standard known as USLM (United States Legislative Markup). We plan a major addition to the Comparative Print Suite in 2023 by providing a component that will depict how amendments change a bill.

Statute Compilations.—A key component of the Comparative Print Suite, and a product in its own right, is the Statute Compilations. The Comparative Print Suite depends on a database comprised of the positive law titles of the United States Code (created and maintained by the Office of the Law Revision Counsel) and the Statute Compilations (created and maintained by our Office). A Statute Compilation is a public law that—

1) either does not appear in the U.S. Code or has been classified to a title of the U.S. Code that has not been enacted into positive law, and
2) incorporates the amendments made to the underlying statute since it was originally enacted.

There are 2,410 Statute Compilations posted at GPO as of March 17, 2023. This database is also used within the Office for drafting and preparing the comparative prints (known as Ramseyers) required by clause 3(e) of House Rule XIII.

Our Ramseyer team creates and maintains the Statute Compilations and creates the required Ramseyers for bills ordered reported from committee, including for the Committee on Appropriations. This team published 323 new compilations during the 117th Congress and updated many existing compilations.

Collaboration

I have briefly described above how the Office serves our clients, the House, its Members and committees, today. In comparison, when I joined the Office in 1983, a main frame computer with 20 megabytes of memory (ATEX) had just been introduced for the use of the Office. Our office made computer tapes of introduced and reported bills for GPO to aid in the typesetting process. My handwritten drafts were typed by our clerical staff, and much of our work was dictated. Committee work in progress was often sent to GPO for overnight printing so that discussions could continue the next day. Members introduced typed drafts, often with handwritten changes, and members could introduce a handwritten bill and expect GPO to typeset and publish the public print.

Today, the mere process of creating a draft with XMetal, our current drafting tool, is itself typesetting in the proper format. As a result, the Offices of the Legislative Counsel for the House and Senate and those Committees who have the drafting tool, including the House and Senate Appropriations Committees, typeset most of the drafts from which GPO produces the public prints. Computers are ubiquitous. There is general agreement on the need for a better integration of this technology into the drafting process.

In response to a request by the Committee on Appropriations, our Office, together with the Clerk of the House, submitted a report on collaborative legislative drafting on October 19, 2022. Our next steps are to develop a written project vision and plan that includes user discovery, a possible market review, and a feasibility study of available tools and approaches for improving legislative drafting and the collaborative work required. We expect to request funds from the fiscal year 2023 House Modernization Initiatives Account for this purpose. As we undertake this work, we must ensure that the developed capability must do the following:

1) Complement the existing workflow and responsibilities of the Office, the Clerk, and GPO.
2) Preserve document integrity so that the only changes made to a document are those authorized by the Member or committee on whose behalf the document is prepared.
3) Maintain the quality of the legislative language submitted to the Hopper and at other points in the legislative process.
4) Ensure that the document reflects a clear, faithful, and coherent expression of the policy, which can be analyzed by asking several questions:
    a. How well do the enacted words carry out the intended policy?
    b. Can the bill draft be interpreted correctly?
    c. Can the legislative language be implemented?
    d. Can the legal policy intent of the legislative language be applied correctly?
    e. Are the only ambiguities those that are intended?
    f. Is the document internally consistent?
    g. Do the amendments execute technically and fit into current law appropriately?

Conclusion

Thank you for the support this Subcommittee has given our Office. With it we have provided efficient and expert drafting assistance to the Members and committees of the House. With continued funding, we look forward to continuing to meet the increasing legislative drafting needs of the House.

I, and all of our staff, are extremely proud of our work to consistently meet the legislative needs of the House, particularly during the exceptional circumstances of recent years.

This completes my testimony. I am happy to answer any questions that any Member of the Subcommittee may have.

E. Wade Ballou, Jr.
Legislative Counsel

U.S. HOUSE OFFICE OF DIVERSITY & INCLUSION

Written Testimony
By Dr. Sesha Joi Moon
Director, Office of Diversity and Inclusion, U.S. House of Representatives

Before the Legislative Branch Subcommittee of the House Committee on Appropriations
"FY2024 House Budget Hearing"
March 28, 2023

Introduction

Good morning, Chairman Amodei, Ranking Member Espaillat, and Members of the Legislative Branch Subcommittee of the House Committee on Appropriations. My name is Dr. Sesha Joi Moon and as Director of the Office of Diversity and Inclusion (ODI), it is an honor to speak today on behalf of my office, which is committed to helping ensure that the workforce within the U.S. House of Representatives (USHR or House) is representative of every corner of the country. For anyone joining today's hearing who may identify as visually impaired, I am a Black woman (she, her, hers) wearing – *Insert Visual Description.*

At the start of the 118th Congress, Speaker of the House Kevin McCarthy and House Democratic Leader Hakeem Jeffries both acknowledged that the many faces that makeup the fabric of this country is our greatest strength and in that same spirit, our office recognizes that this same concept of representation within the congressional workforce serves as our greatest asset within the USHR.

Extant research has demonstrated the importance of representation among employees in helping to advance innovation within organizations, which in turn helps to drive performance, productivity, and profitability. In Congress, this advantage translates into enhancements in constituent services because by maintaining a workforce that reflects the nation, employing offices are better positioned to make policy decisions that best serve the American people.

ODI shapes its definition of "representation" based on the concept of proportional representation as set forth within United States Constitution. This definition extends across several dimensions of representation, such as but not limited, to age, race, ethnicity, gender identity, sexual orientation, religion, individuals with disabilities, military members and spouses, caregivers, first generation degree holders and/or professionals, immigrants, returning citizens, speakers of other languages, and individuals in rural areas, persistent poverty areas, and areas with limited broadband access. Through this definition, ODI endeavors to ensure that every segment of society sees themselves in the work of our office as the USHR aspires to form a more perfect union through "*we the people.*"

Overview

ODI was established with bi-partisan support to guide employing offices in advancing a representative workforce across the full employee lifecycle and the Select Committee on the Modernization of Congress (ModCom), which continues to function as part of the Committee on House Administration (CHA), recommended the perpetual standing of the office as part of the Rules of the House.

The mission of the office is to serve as a non-partisan and non-legislative support to employing offices in helping to create and cultivate a congressional workforce within the USHR that reflects the American people. The office envisions to serve as an essential resource in helping to advance representation in the congressional workforce by delivering optimal services to the House community.

The office demonstrates its commitment to this mission and vision in support of its overarching goal, which is to *"put the people in the people's house"*, through the tenets of commitment, service, belonging, collaboration, and integrity as core values. In addition to maintaining capabilities for communications, operations, and financial management, ODI provides candidate services, member services, research and data analytics, professional development, and programming as its five primary service offerings.

ODI currently maintains eleven full-time positions and two paid internships across the abovementioned capabilities and service offerings, which accounts for approximately 65% of the office's annual year funding. To ensure continued service delivery, ODI is requesting $3M in funding for FY2024, to include $2M in annual funding and $1M in no-year funding. This request does not consider any anticipated changes in the current staffing level and reflects a reduction in the current funding level by $500,000. This reduction is achieved by streamlining the number of studies conducted by the office, as well as the potential transition of the office's professional development offering to another support office, which will help save taxpayer dollars by decreasing redundancies in service delivery across the congressional landscape.

Funding Areas

Candidate Services

The candidate services offering endeavors to be a trusted service that connects a representative pipeline of qualified candidates to careers in Congress by helping to ensure that employing offices have greater access to the broadest possible pool of top talent necessary to meet the nation's growing challenges, while also reflecting the rapidly changing demographics of the American people. This service offering includes but is not limited to conducting resume reviews, mock interviews, and LinkedIn Profile reviews.

While the USHR will maintain independent hiring authorities among its over 435 employing offices, this fragmented framework can create siloes when trying to connect with a representative and qualified pool of potential candidates, which can cause inefficiencies in the recruitment process for hiring managers with an already limited bandwidth. Considering, ODI leverages traditional resources, such as the House, Republican, and Democratic Resume Banks, to source candidates who are pre-vetted through our office for referral to employing offices. Since its inception, the candidate services offering has emerged as a mission-critical function across the House community as ODI has assisted approximately 2,621 candidates and conducted over 1,466 consultations with employing offices in search of a representative pipeline of qualified talent. During these consultations, over 6,099 resumes have been shared and after receiving candidate services from our office, approximately 720 jobseekers have successfully landed career opportunities in Congress.

As another success metric, approximately 381 employing offices, to include but not limited to member, district, leadership, committee, conference, and caucus offices, have engaged our office's candidate services offering. This engagement includes over 225 offices within the majority and 156 offices within the minority across a total of approximately 337 districts. Additionally, the House Committee on Appropriations currently consists of a total of 61 members and approximately 75% of members across both sides of the aisle have used this service. Moreover, 7 out of 8 members from the Legislative Branch Subcommittee have leveraged our office's resources and our office looks forward to continuing to assist the committee and subcommittee when in search of a representative and qualified pipeline of candidates for consideration for future positions.

Through our work, ODI recognized an opportunity to better establish a strategic human capital management system that can help streamline support services for employing offices while driving greater effectiveness, efficiency, and economy across the applicant and employee lifecycles. In response, as part of the 118th Congress, ODI launched the House LinkedIn Recruiter Pilot Program, which is designed to enable employing offices to leverage the leading talent solutions platform across the global workforce within the private sector.

Since launching the pilot program, ODI has secured participation among a representative sample of employing offices and posted a total of 27 vacancy announcements, which has helped the House-wide page to appear in approximately 103K searches, garner over 19K new visitors, and attract nearly 6K new followers. But most importantly, the office recently helped an employing office successfully recruit an applicant for placement through the platform. As for the platform's ability to identify a representative and qualified pipeline, approximately 51% of applicants who volunteered to disclose their race and/or ethnicity identified as White, 25% as Black or African American, 15% as Hispanic, Latino or Spanish, 7% as Asian or Pacific Islander, 2% as Middle Eastern or North African, and 6% as More Than One Race. Additionally, about 53% of respondents identified as women and 45% as men, and 12% identified as an individual with a disability. Additionally, approximately 32% of applicants resided in the Northwest, 26% in the National Capital Region, 16% in the Southeast, 11% in the Midwest, and 5% in the Southwest. As for educational attainment, approximately 66% of respondents have an undergraduate degree and 22% have a graduate degree. Additionally, around 3% of respondents have military experience.

In FY2024, ODI will allot approximately $815K in funding to continue to deliver candidate services to employing offices, as well as to expand participation in the House LinkedIn Recruiter Pilot Program. This funding will also support the office's continued collaboration with the Chief Administrative Officer (CAO) to help establish a centralized capability for internships and fellowships as an essential resource to help advance a representative and talented workforce.

Research and Data Analytics

The research and data analytics offering endeavors to examine the state of representation across the House workforce through the *House Workforce Representation Study* and *House Witness Representation Study*. The office's research and data analytics portfolio also includes the publication of a yearly report to capture our annual activities and a district-level directory of marginally-serving institutions and/or organizations designed to help identify a talent pool from entities in alignment with common congressional competencies.

Each Congress since the 112th has broken the previous session's record for the most representative membership composition in the history of the USHR and the 118th Congress has yet again broken this record. For example, this congressional session includes approximately 54 Black or African American Members, 47 Hispanic, Latino, or Spanish Members, 14 Asian or Pacific Islander Members, 4 Indigenous Members, and 4 More Than One Race Members across both sides of the aisle, as well as the first Member from Generation Z.

Yet, while the House has made great strides towards advancing the state of representation across the congressional workforce, data suggests that there is still more progress to be made. The most recent *2021 House Workforce Representation Study* (formerly the *House Compensation and Diversity Study)*, which had a response rate of 52.5% among 10,995 employees, found that in 2021, Black, Indigenous,

and/or People of Color (BIPOC) accounted for approximately 30.7% of the congressional workforce when controlling for race – which according to the U.S. Census Bureau, is below parity when compared to the national population at approximately 40.7%.

In preparation for today's testimony, ODI used a set of secondary sources to examine the state of representation for the current congressional session based on race and/or ethnicity and gender among the following senior-level positions – Chiefs of Staff, Legislative Directors, and Communications Directors. Based on preliminary findings, BIPOC members are more likely to achieve parity with the national population by demonstrating a greater likelihood of hiring a more representative workforce within their immediate offices. More specifically, based on reported data for occupied positions, the majority of senior-level positions are currently occupied by White employees – with White Members employing White Chiefs of Staff at a rate of 93.2%, White Legislative Directors at 93.1%, and White Communications Directors at 98.5%. Additionally, Chiefs of Staff and Legislative Directors are more likely to identify as men at 62.4% and 58.7%, respectively, and Communications Directors are slightly more occupied by women versus men at 52.1%. As the office prepares to conduct its own primary data collection through the upcoming iteration of the *2023 House Workforce Representation Study*, ODI will expand this definition of senior-level positions to include Staff Directors and District Directors.

These findings were echoed in the *2022 House Workforce Barriers Study* (formerly the *House Diversity, Equity, Inclusion, and Accessibility Barriers Analysis Study)*, which found that among 296 participants in 41 focus groups, most believed in the USHR's commitment to workforce representation. However, employees also acknowledged a need to better establish a standardized infrastructure of policies, practices, processes, programs, and performance metrics within all employing offices to ensure proportional representation in the congressional workforce at all organizational levels.

In FY24, ODI will allot approximately $650K in funding to streamline the *House Workforce Representation Study* and *House Workforce Barriers Study* into a singular mixed-method analysis on an annual basis. In the following fiscal year, this rescoped study will transition from being contractor-led to an in-house capability alongside the *House Witness Representation Study,* which is designed to examine the demographic composition of non-governmental witnesses testifying before committees.

Professional Development

The professional development offering endeavors to enhance access to learning opportunities that help to educate on the role of representation across the House workforce. This offering supports the office's charge to "direct and guide employing offices to recruit, hire, train, develop, advance, promote, and retain a (representative) workforce."

In 2021, ODI worked with Welcoming America – a non-profit and non-partisan organization whose mission is to support communities by building a society where everyone can fully shape our shared prosperity – to develop a professional development course curriculum, consisting of three sessions with interactive activities lasting 1.5 hours in duration. The session on "Barriers in the Workplace" (formerly "Implicit Bias in the Workplace") focuses on exploring the impact of biases at work, "Belonging in the Workplace" (formerly "Diversity, Equity, Inclusion, and Belonging in the Workplace") focuses on defining the idea of creating a welcoming work environment, and "Bringing Yourself to Work" focuses on creating a community at work that benefits from employees as fully-actualized human beings.

Since developing the curriculum, ODI has conducted a total of 13 sessions with 9 employing offices. Based on post-session evaluations, approximately 93% of participants rated the sessions as "Excellent" or "Good" and the same percentage indicated that they would be "Most Likely" or "Likely" to recommend the session to others. However, based on findings from the *2022 House Workforce Barriers Study*, employees indicated a desire to expand the current curriculum to include a session on subtle acts of exclusionary behavior and promising practices to help advance representation in the congressional workforce.

Given the growing need to further streamline services among support offices for employing offices, ODI recommends transitioning its curriculum to the Congressional Staff Academy (CSA) within the CAO. While the office would continue to serve as facilitators, this transition would provide employing offices with greater access to the curriculum by incorporating the sessions into Cornerstone and diversifying the delivery formats to include both in-person and virtual sessions for individuals and teams, as well as for staff and supervisors. Additionally, as ODI prepares to scale the House LinkedIn Recruiter Pilot Program across all employing offices, this transition will strategically align to the professional development curriculum offered by the CSA through LinkedIn Learning.

In FY2024, ODI will allot $200K in funding to support the development of the 2 additional sessions and aid in the transition of the full curriculum to the CSA.

Programming

The programming offering endeavors to enhance access recognition and resources that help amplify the importance of representation across the House community. This offering includes special observances byway of heritage and awareness days, weeks, and/or months that highlight a workplace that is representative of the nation.

ODI leverages programming to help support the candidate services offering by using strategic partnerships with internal and external stakeholders to identify a representative pipeline of qualified candidates for careers in Congress. For example, ODI has completed over 185 strategic recruitment activities with approximately 125 colleges and/or universities from across several states and territories over the lifetime of the office. For example, the office collaborated with Representative Jenniffer González-Colón (R-PR) and Representative Scott Peters (D-CA) to host district-level programs on "Careers in Congress".

The office also maintains a set of recurring programs targeted towards the congressional workforce, to include but not limited to Resume Review Workshops, Mock Interview Workshops, Accommodations and Thrift Savings Plan Webinars, ODI Headshot Happy Hours, ODI Open Houses, ODI Fireside Chats, and ODI Office Hours. Also, ODI has hosted approximately 75 programs with over 8,500 registered participants across the House community, to include engagements with but not limited to the Asian Pacific American Institute for Congressional Studies (APAICS), College to Congress (C2C), Congressional Black Caucus Foundation (CBCF), Congressional Hispanic Caucus Institute (CHCI), Congressional Hispanic Leadership Institute (CHLI), National Association of Latino Elected Officials (NALEO), and Running Start. Additionally, the office hosted a program with undergraduate and graduate students from over 58 marginally-serving institutions in collaboration with the White House Initiative on Historically Black Colleges and Universities (HBCU) as part of the National HBCU Week Conference.

In FY2024, ODI will allot approximately $235K in funding to continue to host special observances, as well as its current campaign to bring "Congress to Communities" by leveraging a bidirectional recruitment and outreach strategy that covers both a physical and virtual footprint across a wide-range of postsecondary and/or professional entities – spanning both the district and across districts.

Other Services Offerings and Capabilities

As a support office, ODI interfaces with both internal and external stakeholders across the House community. For example, as part of the 118th Congress, ODI introduced member services as a new service offering, which endeavors to be a trusted service that advises employing offices on available resources to help drive representation in the House workforce. This offering includes consultations with employing offices to develop customizable strategic human capital plans and pathways.

To ensure optimal service delivery, ODI maintains an operations management capability, which includes oversight of physical footprints in the Longworth and O'Neill House Office Buildings to ensure convenient accessibility for both congressional membership and candidates.

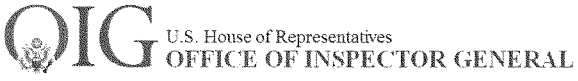
The office also maintains a communications management capability, which provides oversight of a website, weekly newsletter, and several social media platforms as the office understands that it must meet the American people where they are – both in-person and virtually. In addition to its website and weekly newsletter, which maintains over 3,300 subscribers, ODI uses a full suite of social media platforms to communicate with the House community, to include Facebook, Instagram, Twitter, YouTube, and LinkedIn – totaling approximately 152,330 followers with an engagement rate of around 52%. This oversight includes management of the House LinkedIn page, which consists of over 142,836 followers and nearly 9,900 employees with a reach across approximately 2.5M potential candidates for careers in Congress.

Additionally, ODI maintains a financial management capability, which provides oversight of the office's annual budget, to include a monthly recording of activities and associated expenditures, which are reported to the CHA for oversight and accountability purposes.

In FY2024, ODI will allot approximately $850K in funding to continue to provide member services and operations, communications, and financial management capabilities, as well as to cover additional personnel costs. Additionally, the office will also earmark approximately $250K as reserved funds.

Conclusion

On behalf of the Office of Diversity and Inclusion, I would like to express my appreciation to the Chairman, Ranking Member, and Subcommittee for inviting me to share more about our mission-critical office as it helps to reaffirm membership's commitment to advancing representation in the congressional workforce as part of the 118th Congress. In closing, I would like to thank my team – Jeyben, Diego, Katrina, Rachel, David, Marina, Fariha, Kristina, Ednise, and Kim – who in addition to helping prepare today's testimony, also serve as a reflection of the best and brightest who belong to this country.



Statement Before the House Subcommittee on the Legislative Branch Appropriations

– on the –

Fiscal Year 2024 Budget Request for the House Office of Inspector General

March 28, 2023

Joseph C. Picolla
Inspector General

Request Summary

Chairman Amodei, Ranking Member Espaillat, and Members of the Subcommittee, thank you for this opportunity to share with you the important work of the Office of Inspector General (OIG, Office) and our Fiscal Year (FY) 2024 budget request.

The OIG's FY 2024 budget request seeks total funding of $5,512,000, an increase of $374,000 (7.28%) above our FY 2023 appropriation. The budget request covers the OIG's Audit (AAIS), Admin (Admin-Ops), and Training (TPDEV) programs. The composition of the requested increase is:

- $211,000 (4.11%) due to FY 2023 increases in the House Schedule, the cost-of-living allowance (COLA), and the projected COLA for FY 2024.
- $28,000 (0.54%) due to price level increases (inflation).
- $135,000 (2.63%) due to program changes.

Organization History

House Resolution 423, the *"House Administrative Reform Resolution of 1992,"* established the U.S. House of Representatives, Office of Inspector General. Since the House's first Inspector General was appointed in November 1993, this Office has worked closely with House Leadership, the Committee on House Administration (CHA), House Officers, and this Subcommittee to 1) improve the operational effectiveness of the House and reduce inefficiency and costs, 2) improve service to Members and Committees, 3) identify and deter fraud, and 4) identify risks to the legislative process and to the House. Today's OIG offers traditional audit services as well as forward looking analysis and guidance through its management advisory services. Experienced, dedicated professionals staff the Office, all of whom hold a bachelor's or higher degree, one or more relevant

professional certifications, and have extensive public and/ or private sector work experience.

Highlights of the 117th Congress

The OIG completed 18 reports across our diverse range of services including financial, performance, and information systems audit services as well as management advisory services during the 117th Congress. The reports addressed the following general areas: 1) Members/ House-wide Support, 2) Back-office Operations Efficiencies, 3) Physical Safety, 4) IT Cyber Security and Resiliency, 5) Post-pandemic Planning, and 6) Financial Statement Audit Support.

In addition to traditional audit or advisory services provided, the OIG also delivered other types of support and advice to House Officers and Officials. For instance, our Management Advisory Services (MAS) Division produced a special advisory project for the House Office of the Chief Administrative Officer (CAO) as part of its response to a Select Committee on Modernization request. This division also provided periodic input/ ideas to the CAO on payroll cycle questions and research.

The OIG, with the House Officers and under the policy direction and oversight of the Committee on House Administration (CHA), worked together to reduce risk in the House environment by examining the open recommendations from previous OIG reports. The OIG collaborated with House Officers and the CHA to reduce the number of open recommendations so that our collective efforts could be focused on those remaining. Through periodic discussions and monthly reporting with the House Officers and the CHA, we continue to emphasize acting upon open recommendations so the risks they represent are addressed timely and appropriately.

Focus for the 118th Congress

The House will face some familiar and some new challenges and opportunities during the 118th Congress. There are relentless threats to the House cyberspace presence, House facilities and people, and House information. This Office will be relentless in our efforts to identify and suggest ways to help address these threats. We will find and present opportunities to improve the effectiveness and efficiency of House operations, safeguard people, property, and information, help ensure proper and effective program management, and help ensure that accounting for and the use of assets follow the House rules, laws, and regulations. Finally, recognizing the work environment is evolving, we will find and present opportunities for the House to consider how physical space could potentially be used in new and perhaps more effective ways.

This Office will continue to engage and encourage stakeholder, process owner, and oversight involvement to work together to *focus the OIG's work on topics that*

matter to the House. Our annual work plan process is the cornerstone of this work, and this process begins with the views of those who run and oversee the House. The process iterates through various levels of management and oversight. The resulting work plan is focused, risk-based, and centered on the most critical aspects of House operations. Overall, the OIG's services will continue to deliver relevant, accurate, and timely information that helps improve the efficiency of House operations, reduces the risk of financial losses, damage to the House's reputation, harm to its people and visitors, misuse of or damage to House assets and property, mishandling of, and unintentional or malicious damage to its information, and delays and disruption to its operations.

Overview of the Budget Formulation Approach

Our FY 2024 budget request funds the OIG's essential mission consistent with our history of value-added services and rigorous fiscal stewardship. Our request is based upon our work plan and is formulated to help ensure that the OIG can quickly respond to special projects as needed.

Each year, we take considered, deliberate steps to reduce costs without sacrificing fundamental office needs, product quality, or our mission to provide recommendations to improve performance and accountability with House resources including financial, administrative, and technology-based operations. We do this in part by using existing House-wide licenses and bulk purchase agreements, negotiating favorable pricing for contract purchases, and streamlining internal processes through automation or simplification. The focus upon stewardship also enables us to proactively release funds for reprogramming when our funding exceeded our projected spending.

We are proud that, over the years, our office has been able to minimize our requested budget increases while continuing to fulfill the OIG's important mission to the House. This achievement is underpinned by two key values. First, we highly value ongoing, open communication with stakeholders to understand their needs and challenges, especially though the annual work plan planning process.

Second, we invest in our staff through training and mentoring. As part of our staff's professional development -- and consistent with our core values of integrity, excellence, and innovation -- we provide training and performance feedback to help build each person's knowledge, skills, confidence, and teamwork. During the 117th Congress, our staff attended 694 classes totaling 2,153 training hours at an expenditure over $28,800. This tangible demonstration of our appreciation for the staff's abilities, dedication, and contributions while concurrently reducing the need for costly outside experts is a "win-win" for the staff and the House.

Fiscal Year 2024 Budget Request Details

The OIG's FY 2024 budget request seeks total funding of $5,512,000. Our overall FY 2024 budget request is $374,000 (7.28%) over the amount funded in the *Consolidated Appropriations Act, 2023,* per P.L. 117-328. Our FY 2024 request includes $4,220,874 for mandatory items, $28,000 (0.54%) in price level increases (inflation) $1,127,832 for program current services, and a $135,294 (2.63%) increase for program changes.

Notably, over half of our requested increase ($211,000, 4.11%) is directly attributed to the salary increases in the House Schedule, the COLA increase in FY 2023, and the projected COLA for FY 2024. Specifically, this part of our request reflects changes in the Speaker's Pay Order (SPO) effective January 2023 that led to adjustments in the Personnel Base Adjustment-HEPCA and Personnel Base-SPO. It also reflects the calendar year 2023 salary increases to the House Schedule, a COLA of 4.86%, and a 4% COLA increase to salaries that, in the 2022 House Schedule, had been excluded from receiving any COLA.

Other internal budget adjustments and reductions were based in the zero-based budgeting process which enhances our forecasting for recurring program needs and making realistic estimates for each program's execution. As noted earlier, we continue to negotiate advantageous pricing and achieve cost-savings through leveraging House-wide licenses and bulk purchase agreements, negotiating contract pricing through the CAO Office of Acquisitions Management, and investing in staff through training and mentoring that minimizes the need and cost for outside experts.

Our programs' current and continuing services include funding for the annual audit of the House financial statements by an external certified public accountant firm; software licensing and support agreements; publications, resources, research services, and guidance for audit, advisory, and investigative work; supplies and equipment; communications service plans; technical service support; staff training to increase in-house knowledge and to remain in compliance with government audit standards; and when necessary, external specialized subject matter experts to support the wide range of engagements performed by our office.

Conclusion

Chairman Amodei, Ranking Member Espaillat, and the Members of this Subcommittee, thank you for this opportunity to present the work of the OIG and its FY 2024 budget request. This Office looks forward to working with the Subcommittee, the Committee on House Administration, Leadership, and the House Officers and Officials to continue our role of providing risk-based audits, advisories, and value-added recommendations. Our focus will continue to be on issues of high importance to the House and its capabilities to conduct its

operations efficiently and effectively considering risks, compliance with applicable laws and rules, and applying best practices.

Finally, please know that every person in the Office of Inspector General *believes in our mission and is honored to be of service to the House.* Thank you for considering my testimony. It is my honor to answer any questions you may have for me.

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

NOT FOR PUBLICATION UNTIL RELEASED BY THE COMMITTEE ON APPROPRIATIONS

TESTIMONY 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 2024. The Office was "established in the House of Representatives" by section 205 of House Resolution No. 988, Ninety-third Congress, which was enacted into permanent law by Public Law 93-554. The Office continues to fulfill its mission and appreciates the continuing support given to us by the Subcommittee and Congress.

Budget Request

For fiscal year 2024, I am requesting $3,900,000 for the Office to sustain operations with respect to existing personnel and ongoing technology needs.

Continuing Operations.--The amount of $3,900,000 represents a 4.1 percent increase over the amount appropriated by the Consolidated Appropriations Act, 2023, Public Law 117-328. 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 2024 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.

Timeliness of Publication; Improvements in Organization

Publication.—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 consistently published online updates in a timely manner 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 approximately 36 times during the Second Session of the 117th Congress. Bulk data is currently made available for download in a variety of formats (XML, XHTML, PDF, and locator text files) with every update, although this may change when USLM version 2.0 becomes the new standard for Code data. 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 timely updates of the Code through innovative editorial practices that take advantage of emerging technological possibilities.

Improvements in Organization.—As part of its ongoing mission to produce both a useful and a usable Code, the Office undertakes reclassification projects to identify areas of law that have become difficult to navigate or convert into XML and to improve their organization. Some past projects have improved the organization of laws within various existing titles of the Code, and others have even created new editorial titles containing material that had been scattered throughout the Code. More detailed information on these projects is available at http://uscode.house.gov/editorialreclassification/reclassification.html. In addition to carrying out the reclassification projects themselves, the Office drafts and submits bills that amend existing statutory references so that they reflect the newly reorganized provisions.

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 twenty-seven positive law titles and twenty-six non-positive law titles (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 an intricate 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 118th Congress, the Office is updating and resubmitting ten bills to the Committee on the Judiciary. The bills were previously submitted to the Committee, but not enacted, in previous sessions of Congress. Two of the bills, title 6 "Domestic Security", and title 48, "Territories and Insular Possessions", will enact those titles into positive law, and the other eight are bills that will 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 2024 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 XML-based 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. The bill classification component of the new system is substantially complete, and work continues on the editing and updating components. The goal is to transition to the new system for Code production later in 2023.

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 the 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. Critical updates for the software supporting the backend of the website were deployed during fiscal year 2021.

The website provides the United States Code to Congress and the public as a thoroughly searchable reference, functions as a portal for access to the United States Code in bulk data format and provides information to users about positive law codification bills, editorial reclassification projects, and frequently asked questions about the Code. The Code is updated throughout the year on the website, which also provides bulk data download functionality. The website also tracks for Congress and the public the Office's codification bills and editorial reclassification projects as these projects proceed to publication. The services of the contractor are required to maintain the website and address minor functionality issues as they arise. 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 2024 budget request of the Office of the Law Revision Counsel and for the Subcommittee's support for the Office. This support has enabled the Office to maintain, update, and improve the United States Code. I will be pleased to respond to any questions that you may have.

TUESDAY, MARCH 29, 2023.

ARCHITECT OF THE CAPITOL

WITNESS

CHERE REXROAT, ACTING ARCHITECT OF THE CAPITOL AND CHIEF ENGINEER

Mr. AMODEI. The subcommittee will come to order.

I will yield back on opening remarks.

Welcome, everyone. The subject of today's hearing is the "Fiscal Year 2024 Budget Request of the Architect of the Capitol."

I would like to thank Ms. Rexroat—how bad did I do that?

Ms. REXROAT. You got it right.

Mr. AMODEI. Don't get used to it—for being here.

I now recognize the ranking member from the congressional district with the Apollo Theater, Mr. Espaillat, for his opening remarks.

Mr. ESPAILLAT. That is a great jump from the Empire State to the Apollo Theater, huh?

Mr. AMODEI. I am training, but quickly.

Mr. ESPAILLAT. Well, thank you, Mr. Chairman, and for everyone here.

And thank you, Ms. Rexroat, for being here today. Today is your first time, I believe. Is it your first time?

Ms. REXROAT. I had the Senate last week.

Mr. ESPAILLAT. Oh, the Senate.

Mr. QUIGLEY. We are much nicer.

Mr. ESPAILLAT. You know what Tip O'Neill used to say: The opponent on the other side of the aisle is the Senate.

So, anyway, congratulations to you and the entire AOC team for your hard work and commitment and contributions to the 118th Congress and the transition.

You requested $1.1 billion for fiscal year 2024. This request includes, of course, key security upgrades and addresses critical infrastructure needs across the Capitol complex.

So I am here to help, and I am sure the chairman is also here to help, and we are happy that you will be here answering questions. Thank you so much.

I yield back, Mr. Chairman.

Mr. AMODEI. Thank you, Mr. Ranking Member.

Please proceed with your opening statement.

Ms. REXROAT. Thank you, Chairman. Thank you, Ranking Member Espaillat and members of the subcommittee. Thanks again for the opportunity to provide testimony for the Architect of the Capitol's fiscal year 2024 budget request.

To begin, I would like to acknowledge and thank the dedicated AOC employees who work diligently every day to support the functions of Congress, the Supreme Court, and the Library.

I am proud to have served with the agency in various roles over the past 5 years. Since assuming this new role, I have met with the subcommittee's clerks and the House and Senate oversight staff to learn more about key initiatives and identify areas of concern.

I am now taking all of this into account to outline a plan for the future and to formulate recommended solutions.

The AOC's $1.128 billion fiscal year 2024 budget request is focused on three key priorities: security, safety, and accountability.

Security remains the agency's top budgetary requirement. With the recommendations and the support of this subcommittee, the AOC has made significant progress to improve the security posture across campus. While some of these security changes are more visible than others, we will continue to balance and maintain the critical physical infrastructure while remaining prepared to respond rapidly to any new developments.

Safety is another key priority. Across the agency, we dedicate time and attention to safety training, processes, procedures, and operations. This budget request recognizes these essential measures, with a concentrated effort to avoid hazards, risks, and interruptions.

Last but not least is accountability—fiscal accountability, especially as it relates to the overall AOC culture and corresponding cultural change to be good stewards of the taxpayer dollar.

Our typical budget approach has been activity-focused, which allocates resources based on historic spending patterns. Moving forward, we need to reevaluate this approach to make sure the most important parts of the budget are prioritized to provide the most value, which is required to meet mission objectives. This value proposition is fundamental when looking at future operations, the pooling of resources, major building upgrades, and Capitol renewals.

At the same time, we must continue to evaluate our current siloed organizational structure. This structure is antiquated, sluggish, and rigid. It has not kept up with current industry standards, setting an inconsistent approach to policies and procedures. This causes inequities in application, thus impacting agency morale. This inconsistency has resulted in a lack of accountability, as we have seen, and if not solved now, it will remain our standard, business-as-usual practice.

Serving as the Chief Engineer, I am very familiar with the AOC's project management processes. We have traditionally managed our programs through a design, bid, then build environment, prompting the completion of one step before starting another. This process causes inefficiencies through duplications of effort, lack of clarity of roles and responsibilities, resulting in unbalanced workload assignments, thereby delaying project development, leading to redesign, scope creep, and modifications.

The above, mixed with the ongoing economic and labor challenges, has resulted in what we have seen with our increased project costs and schedule delays. The Cannon House Office Building Restoration Project, for example, experienced COVID-related

impacts, limited availability of materials, and skilled-labor shortages. These factors, combined with working on a historic structure while remaining operationally open, produced some of the recent cost increases.

To keep up with current standards of practice, the AOC needs to realign operational functions in order to streamline management and form a collaborative, matrixed organization. These challenges will be considered as we look forward to the future renewals of the Rayburn and Longworth.

Ultimately, we have to change how we operate to ensure that we are achieving our goals to deliver value while speaking as one AOC with one voice. So I ask for your support as we continue to transform and modernize the agency.

Chairman Amodei, Ranking Member Espaillat, and members of the subcommittee, thank you again for your consideration of the Architect of the Capitol's fiscal year 2024 budget request.

Mr. AMODEI. Thank you, ma'am.

Mr. Ranking Member, the floor is yours.

Mr. ESPAILLAT. Okay.

We know that cybersecurity is a major concern, and threats and attacks have unfortunately become too familiar for all of us. At the AOC particularly, concerns are the takeover the grid, the power grid, or heating and cooling systems of the Congress and Supreme Court being compromised.

What is AOC doing to avert cybersecurity attacks?

Ms. REXROAT. Thank you, sir.

Currently underway—it was funded in 2021—we did have an exercise to take a look at an initial assessment of our overall structure. That effort was also continued in 2022, and, as of 2023, we are still preparing some follow-on evaluations.

Mr. ESPAILLAT. And what will your fiscal year 2024 request—how would that enhance—what particular enhancement will we see in your cybersecurity posture?

Ms. REXROAT. Let me take that one back, sir, and I will have to get back to you on that one. I will definitely be able to answer that for you.

Mr. ESPAILLAT. Thank you.

Mr. Chairman, I yield back.

Mr. AMODEI. Mr. Quigley.

Mr. QUIGLEY. Thank you, Chair.

One of the things your predecessor talked about was sprinkler systems here. I am not sure if you have had time to brief up on that, but they expressed concerns that, if there was a fire, without support from the outside, it would be very difficult to suppress a fire and a significant amount of damage would take place.

I see sprinklers in some parts of the Capitol complex but not in all. What is your understanding of where we are with that and if there are plans to do more?

Ms. REXROAT. I will get back to you definitely on the overall plans, but I know we have made progress in getting some of the fire sprinklers updated and integrated into some of our buildings, I know here in the Capitol, for instance, for one. But we are not complete by any way, shape, or form.

So I will get back to you and provide——

Mr. QUIGLEY. Yeah. I mean, what percentage of it is covered?

Ms. REXROAT. I will get back to you on that, sir.

Mr. QUIGLEY. Okay.

Mr. QUIGLEY. And you may have to do the same with the power plant, an assessment of its status or what improvements it needs. Obviously, it burns natural gas with the coal backup, if that is still the situation, I believe?

Ms. REXROAT. It is my understanding, but I can verify that for you.

Mr. QUIGLEY. Okay. And what the plans are and, if any, to use sustainable energy, to shift toward that in the future. If there are plans, if you could let us know as well.

Ms. REXROAT. Will do, sir.

Mr. QUIGLEY. All right. Thank you.

I yield back.

Mr. AMODEI. Mr. Clyde.

Mr. CLYDE. Thank you. Appreciate you being here today.

I thank you, Mr. Chairman.

One of the projects that AOC has been working on is Cannon House Office Building. And you all mentioned it; you mentioned it in your statement. I mean, my office is there. I was on the fifth floor last term, so I had to vacate the fifth floor, and I have had nothing but construction to deal with my entire time in Congress.

So I am a little bit concerned about that project. From what I understand, the initial cost was $752,700,000. Is that right?

Ms. REXROAT. Correct.

Mr. CLYDE. And the current projected costs to complete it, are they still $971,300,000?

Ms. REXROAT. To date, yes, sir.

Mr. CLYDE. To date. Okay. That is a $220 million increase. So how could they go so wrong, in such a huge disparity of projected cost and then actual cost? That is a lot.

Ms. REXROAT. Let me do some homework on that for you, sir, to get the answers to your question.

I know for projects we have seen just over the years, the majority of our projects have increased in cost. One of the examples to that is the fact that we did design so early in just the overall planning process. So, with design starting early, the cost estimates starting early, and then, as I noted in my statement, as factors come into play, those factors can exponentially increase the cost.

But I can get back to you for specifics on——

Mr. CLYDE. Okay.

Mr. CLYDE. When are you actually going to finish?

Mr. QUIGLEY. When are you leaving?

Ms. REXROAT. I didn't say that.

Current schedule right now is 2025. We have some completion within the courtyard that we need to do, so——

Mr. CLYDE. 2025. Like, December 31, 2025?

Ms. REXROAT. As of right now, yes, sir.

Mr. CLYDE. All right. Okay.

So what kind of steps have you taken, are you taking, do you plan to take, to keep the current projected cost at where it is and in the next 3 years we are not adding another $100 million to this cost, to the final phase of Cannon?

Ms. REXROAT. We do, at each end of the phase, take a look at lessons learned. We are taking those and we did take those into consideration as we——

Mr. CLYDE. Okay.

Ms. REXROAT [continuing]. Moved into this phase four.

Mr. CLYDE. Okay.

Ms. REXROAT. We will continue to do that. And we will continue to track any change order requirements that come in from the contractor to make sure that those are addressed appropriately.

And then, ideally, too, as construction progresses, if there is anything that does—for example, an unforeseen that comes up, we will be able to address those and tackle those early, and then, of course, get back to you or the committee, as need be, with any updates on those things.

Mr. CLYDE. Is this, like, a cost-plus contract or——

Ms. REXROAT. No, sir.

Mr. CLYDE [continuing]. Just a—it is a fixed-price contract?

Ms. REXROAT. Correct. Correct.

Mr. CLYDE. It is a fixed-price contract?

Ms. REXROAT. Yes, sir.

Mr. CLYDE. Okay.

And the last question I have for you is: According to a February 2023 report, AOC has still not satisfied Office of Inspector General requirements for $16,500 in unsupported costs. Additionally, the AOC has determined that nearly $30,000 in unallowable reimbursements from phase zero and one are not possible to recover.

How do you account for paying the contractor money that he actually isn't owed and then not being able to get it back?

Ms. REXROAT. I am familiar with that one. I have not had an opportunity to dive into the entire report to take a look at that for you, so let me do some research on that one as well, sir.

Mr. CLYDE. All right.

Mr. CLYDE. Thank you very much. And I am counting on you being done, okay?

Ms. REXROAT. Okay. Before you go. Gotcha.

Mr. CLYDE. Yeah. Thank you.

And I yield back.

Mr. AMODEI. Thank you.

When you responded to Mr. Clyde, if it is appropriate—I am not telling you what the reasons are, but, to the extent that there is COVID-related stuff, supply-chain-related stuff, those sorts of things—now, if there aren't, there aren't, so I don't expect you to—but, anyhow, I think that is part of, you know, figuring out how it is $200 million more than when it started, which is a fair question to want to know the answer to.

Any other questions?

Mr. Quigley.

Mr. QUIGLEY. No, sir.

Mr. AMODEI. Okay.

Then thank you, Ms. Rexroat, for appearing today. We will look forward to working with you as we go through drafting the bill.

Members may submit additional questions for the record.

Mr. AMODEI. The subcommittee stands adjourned.

[Questions and answers submitted for the record follow:]

Committee on Appropriations
Subcommittee on Legislative Branch

Budget Hearing – Fiscal Year 2024 Request For The Architect Of The Capitol
(03.28.2023)

Questions for the Record

Submitted by Congresswoman Wexton

Howie Liebengood Center for Wellness Timeline

The Architect of the Capitol (AOC) has been working on the Howie Liebengood Center for Wellness. I understand that the project has undergone several updates since you began coordination and design.

Question: You do not currently have a confirmed timeline for the Liebengood Center's completion, correct?

- **Response:** It will take approximately nine months from the date the contract is awarded for the contractor to mobilize and build out the new space in the Fairchild Building.

Question: Can you please provide my staff with an update when the Liebengood Center's completion timeline is confirmed?

- **Response:** The AOC will provide an updated completion timeline once the contract is awarded.

As we have previously discussed, having a space within the Longworth, Cannon, or Rayburn House Office Buildings or the U.S. Capitol Building could allow the Liebengood Center to better serve the U.S. Capitol Police (USCP).

Question: Have you examined the potential availability of space within these buildings that the Center could use? If not, would you be able to do so?

- **Response:** The AOC is coordinating with the USCP on the required space for satellite Wellness Centers. Once we have confirmed requirements, we will work with the appropriate House points of contact to identify potential locations.

WEDNESDAY, MARCH 29, 2023.

UNITED STATES CAPITOL POLICE

WITNESS

J. THOMAS MANGER, CHIEF, UNITED STATES CAPITOL POLICE

Mr. AMODEI. The subcommittee will come to order.

I am going to forego my opening remarks.

The subject of today's hearing is the fiscal year 2024 budget request for the United States Capitol Police.

I would like to thank our witness, Chief Manger, for being here today.

And I now recognize the ranking member from the congressional district with the highest percentage of people living in buildings with 20 or more units, Mr. Espaillat, for his opening remarks.

Mr. ESPAILLAT. My God, Mr. Chairman. All these—are you looking to run against me?

Mr. AMODEI. No. No, sir.

Mr. ESPAILLAT. Well, let's make sure we—I have got to check your registration first.

But thank you, Mr. Chairman.

Chief Manger, thank you for everything you have done. Thanks to the men and women of the Capitol Police for their relentless efforts to assist us, to help us, particularly during the January 6 insurrection. They were so critical to preserving our democracy and ensuring we were all safe.

Particularly, I want to also highlight, Mr. Chairman, a Sergeant Aquilino Gonell, who is not from my district. He is actually from the People's Republic of Brooklyn. And—he is of Dominican descent. I am of Dominican descent. I am the first Dominican American elected to Congress, and I am not a shortstop or a pitcher, but I did play third base here and there.

But Mr. Gonell proved also to be very courageous during January 6. I met him and his family, and I want to wish him—he retired now, but I want to wish him the very best, and, again, stress to you, Chief, that you proved to be critical that day.

And the funding that—whatever funding we agree on, Mr. Chairman, which I hope is not a decrease, will never be enough for the courageous men and women of the Capitol Police. We should be doing more. And they should be protected, because of course, you know, they are on the front lines. They are in the trenches. And, if I am ever in a foxhole, I want to be there with a Capitol Police officer.

So thank you, Chief. I yield back.

Mr. AMODEI. Thank you, Mr. Ranking Member.

I would like to thank our witness, Chief Manger, for being here today.

And, Chief, the committee understands how important this budget cycle is to you in terms of following along with what happened in the last budget cycle as far as your appropriations and what you have done with that to make that appropriation look smart in how we follow up on lessons learned and going forward.

So, with that, Chief Manger, the floor is yours for the summary of your budget submittal.

Chief MANGER. Thank you. Chairman Amodei, Ranking Member Espaillat, and members of the subcommittee, thank you all for allowing me to present the United States Capitol Police budget request for fiscal year 2024.

I am joined here today by my senior staff, and I am also honored to be joined by the chairman of my Fraternal Order of Police, Gus Papathanasiou.

The Department greatly appreciates the subcommittee's consistent support of the women and men of the Capitol Police who courageously carry out their duties every single day.

Congress' support has been invaluable in providing the resources needed to continue our transformation into a stronger, more effective, protective-oriented law enforcement agency while meeting the dramatic workload increases and increasing volatile threat environment.

The United States Capitol Police is unique among Federal law enforcement agencies. We patrol a campus that is completely open. Our officers work 24/7 to keep you safe, whether you are here on Capitol Hill, whether you are traveling to your home districts, whether you are traveling abroad as part of a congressional delegation. We staff doors, corridors, plazas, garages, street corners—in sum, every square foot of the Capitol Grounds, which includes, of course, you know, the Capitol itself, the 8 Congressional Office Buildings, as well as three Library of Congress buildings, and the botanical gardens.

Prior to the pandemic, the Capitol was visited every year by an estimated 7- to 10 million people from around the world. Now that the campus is fully reopened, the Department is once again managing this increased level of visitor activity, all within the context of evolving and increasing threats against Members of Congress and their families. The fiscal year 2024 budget request reflects this reality.

Thanks to the Emergency Security Supplemental Act that was enacted in fiscal year 2023, the Department was able to direct its efforts into bolstering salaries, general expenses, mutual aid to partner law enforcement agencies as stopgap measure. These appropriations, while invaluable, represented the next step in the United States Capitol's evolution but not our final destination.

Thus, the fiscal year 2024 budget is predicated upon the Department's continued transformation, one increasingly defined by evolving technologies, an increased threat climate, and a shift towards a more protective model of law enforcement.

In my testimony today, I will present the fiscal year 2024 budget request within the context of three general themes that explain the Department's forward trajectory and support our request for funding needed to keep us on the path.

I will talk about the enduring impact of the deficiencies and failures of January 6, as well as the impact of the pandemic, the Department's future challenges and continued transformation, and the need to usher in a new phase of protective policing.

The January 6 attack on the Capitol exposed failures and weaknesses within the organization that were profound. There were more than a dozen after-action reports that shifted the Department's priorities and accelerated the timeline for executing them. Working closely with Congress, we have increased staffing levels for our Intelligence and the Interagency Coordination Division, formally established the Howard Liebengood Center for Wellness, procured additional civil disturbance equipment for our sworn officers, provided funding for our dignitary protection agents to travel and protect Members of Congress, update Department technology to enhance investigative—I am sorry—intelligence analysis and investigative capabilities, provided iPhones to the entire sworn workforce for information dissemination, and supported the Department-wide specialty training.

The emergency appropriation also allowed for the installation of physical barriers at vulnerable vehicular access points on Capitol Grounds. Congress' support at that time cannot be sufficiently overstated. It was absolutely vital.

The Department has—as a result of the pandemic and those challenges that it brought, the Department has had to manage the delayed recruitment efforts due to the closure of the Federal Law Enforcement Officer Training Center, a move that affected the hiring and deployment of new sworn officers, essentially bringing our sworn hiring to a halt.

Low officer morale, the public's declining confidence in law enforcement put a further strain on the organization. Hiring within law enforcement remains a challenge in the post-pandemic environment, not just for our Department but nationwide.

January 6 and the pandemic were unforeseen crises. The Department's overall resource and staffing needs were not sufficiently recognized or addressed internally in order to develop more appropriate budget requests. Thus, the fiscal year 2023 and 2024 budget requests reflect a critical reality—that, prior to January 6, the Department was operating at a reduced staffing and resource baseline.

Subsequent requests, therefore, have been attempts to rightsize the Department by elevating its budgetary baseline to a more normalized level. The fiscal year 2024 budget request incorporates both the lessons learned from January 6, as well as the Department's articulation of its vision for the future as it moves toward a more protective law enforcement model.

It reflects the need to improve intelligence functions by increasing analytical expertise and operational planning and support.

It reflects the need to strengthen physical security, fortify the capability of our civil disturbance frontline responders, and enhance coordination with the Nation's Capital regional partners, strengthening our physical infrastructure, and expanding dignitary protection and security.

While the fiscal year 2024 budget request is asking for increased salaries to fund 2,126 sworn officers at a full-year rate and 78

sworn officers at a half-year rate, which equates to 2,165 full-time sworn employees, the Department requests also funding for 555 civilian employees at a full-year rate and 81 civilians at a half-year rate, which equates to 596 full-time civilian employees.

The general expense request is 228.672 million. The total fiscal year 2024 budget increase is 106.366 million.

I fully recognize the Department's request increase is significant, but equally significant are the Department's growing responsibilities and challenges. Unlike all law enforcement—unlike other law enforcement agencies, we have been asked in the last 2 years to develop and implement transformational, structural, and strategic changes with extremely compressed timelines, while simultaneously maintaining the staffing and resources needed to carry out the Department's daily core mission.

The opening of doors throughout the congressional campus exemplifies this challenge. Adequately staffing a campus door requires three to four officers per shift to ensure the proper level of security, three shifts per day, often 5 to 6 days per week. Long lines are not only an inconvenience to Members, staff, and visitors; they represent a security risk that, in these increasingly volatile times, the Department must address.

While the big-picture reforms are significant and important, staffing daily mission requirements are critical. We engage in a no-fail mission every day recognizing there is no tolerance for leadership or organizational failures post-January 6.

The Department's 2024 budget request reflects the realities that the Department's mission environmental changes have evolved. So too must its staffing and resources evolve. Therefore, the United States Capitol Police fiscal year 2024 budget request focuses on nine areas that continue to be central to its efforts to grow and transform.

They are continued normalization of sworn and civilian staffing levels; enhanced intelligence capabilities; expanded dignitary protection capabilities; expanded capabilities to address threats against Members, cybersecurity, and investigative activity; expanded physical and technical security capabilities to secure the Capitol complex; enhanced event planning, command, and control coordination; enhanced response and special operations capabilities; strengthened training capabilities for recruit officer, in-service, physical skills, professional development, and leadership development; and, finally, enhanced administrative support infrastructure to support operational and mission-oriented requirements.

The increase in the number of threats against the Members of Congress, approximately 400 percent over the past 6 years, requires new and innovative techniques to identify, deter, and mitigate threats before they materialize. Upcoming elections, the campaign activities that precede them, and the increasingly heated political rhetoric further heighten the prospect of future security risks and challenges.

The fiscal year 2024 budget request accounts for these growing risks. The Department recognizes the new and evolving challenges that will continue to emerge, rendering it imperative that the United States Capitol Police be positioned, equipped, and resourced

to meet and defeat threats to the Members of Congress and the Capitol complex.

Strategic planning, forward thinking, proactive versus reactive policing is the new operational model that is best suited to confront the operational challenges facing the Department today and in its future.

The USCP's traditional model of law enforcement no longer applies to the current situation. The old approach of Member protection has been replaced by the need to protect a Member's environment as well as a Member's family. Keeping you and your family safe is our paramount objective.

While the Department has made significant strides toward rightsizing its number of personnel and pivoting toward a more protective operational model, more work remains to be done. Thus, it is critically important to maintain this momentum. The United States Capitol Police has risen to meet emergency challenges at every turn, and the fiscal year 2024 budget reflects the Department's determination to continue this upward trajectory.

Mr. Chairman, we thank the subcommittee for its support and greatly appreciate our continued partnership with Congress.

I welcome any questions or comments.

Mr. AMODEI. Thanks, Chief. I appreciate that.

And I also want to point out for the record that anybody who can pronounce Mr. Gus' name correctly on the first try in a public testimony setting like this has obviously got quite a few skills. That is noted for our record.

And I now yield to our ranking member, Mr. Espaillat, for your questions. The floor is yours.

Mr. ESPAILLAT. Thank you. My name is equally challenging. It is hard to pronounce but easy to remember. So, at another time, Mr. Chairman, I am going to give you an exercise to see if you can roll that R, and it is: Que rapido corren los carros para ferrocarril.

Mr. AMODEI. You know, we try to avoid showing off in this committee, so I would appreciate it——

Mr. ESPAILLAT. All right. Well——

Mr. AMODEI. The floor is yours, sir.

Mr. ESPAILLAT. But thank you.

Thank you, Mr. Manger. You have eloquently explained to us how critical your work is to not just our safety and the safety of our families and our staff and visitors but of democracy really. And I just want to know, how do you feel a cut—a budget cut would impact the department? Will it dramatically impact that goal and objectives that you have set forward as a Department?

Chief MANGER. Well, it would have a dramatic impact. We are still—as I mentioned, we are still addressing the more than 100 recommendations that came to us as a result of after-action reports from January 6. So we are addressing those, and we are, I think, over 80 percent completed with those recommendations.

But, along the way, things have changed since January 6. The threat level against Members of Congress, the threat levels against families, the fact that we can't just say, "Well, we will—as long as you are on the Capitol campus, we will protect you, you will be safe, but as soon as you leave here, you are on your own"; we can't do that anymore. And just—I think the new reality is that the pro-

tection that we provide has to extend all—from here all—while you are traveling until you get to your destination, to your home, or to codels where you travel.

We can't do that with the budgets that we had pre-January 6 or even in the couple years after that because these are new challenges that have emerged. And these aren't things that I would—I could look any Member of the Congress in the eye and say, "Well, look, we will—you know, let's cross our fingers and hope that, you know, we can get money next year or the year after that or year after that to address these threats." We have got to do this now. It is imperative.

I mentioned in my comments we operate every day on a no-fail mission.

Mr. ESPAILLAT. Uh-huh.

Chief MANGER. That is, we cannot fail. If we fail, someone could get hurt or worse. And so we have had enough failures over the years that we have got to learn by those. And what I am asking for I think I can explain fully about what we are trying to accomplish with that money.

And I do realize—and the elephant in the room is the increase that we have seen in our budget from, you know, back before I was here to what we are asking for today. And I heard on the news today that, you know, it is—oh, our budget is going to be bigger than several cities in the United States.

Well, our—there is not a city in this country that has a national responsibility. We do. This police department does have national responsibilities. We have national—

Mr. ESPAILLAT. That is correct.

Chief MANGER [continuing]. Jurisdiction, and we have responsibilities all over this country. And so it is—we are not being—we—compare apples to apples.

And I realize that what we are asking for is a huge increase. But, again, if you look at the workload, if you look at the expectations of the Members of Congress, and if you look at the threats that we are facing, I am asking for the resources to be able to address those because, again, that is our responsibility. And I would be derelict in my duty if I didn't point out what the issues were and what we are trying to do to fix them.

Mr. ESPAILLAT. Thank you, Mr. Manger.

Now, you know, I have been very concerned that—Mr. Chairman, I will share that concern with you—that another attack may not necessarily be a racist mob. It could be a bomb. We saw how two bombs were placed outside of campus. It could be a drone attack. It could be of a different nature.

And so I am very concerned about three buckets, right, which is a bomb—and I know you have increased the K–9 unit, and I have asked that last time around; drones; and then, of course, cybersecurity. Those three things are areas that are not sort of, like, the traditional area, the ones they look at when considering a potential attack, but it is very much possible that it won't be the same.

So I want to know what are the results of your expansion of the K–9 unit and the sweeps that you do. And let me just say that I am glad to see the sweeps going on before we come in to vote. I don't know if you have seen them, Mr. Chairman. The dogs are

around sweeping every car that comes in—I think—that is important—inside the Capitol campus.

But also in the perimeter, I will say going as far as Union Station and the botanicals and the RNC and DNC buildings, where we saw a distraction, right, during January 6 by some mobs being placed there.

So I just want to know how we are doing with regards to that?

Chief MANGER. So this is all part of, as I mentioned in my earlier remarks, of being—taking a proactive approach versus a reactive approach. We learned lessons from January 6. We have learned lessons from looking at other incidents around the country. We have learned lessons from attacks on Members of Congress and their family.

And, with each one of those incidents, we understood that our responsibility is to put something in place where we would prevent something from happening again. And so what you talked about with the—a bomb—you know, a bomb threat, a drone attack, cybersecurity attacks, these are realities. And every single one of those things, we are working proactively to deal with. We are not going to wait for something to happen and say, "Oh, guess we ought to, you know, staff up our K–9s so we can do more sweeps."

In fact, that has been done. And we are currently working on legislation to give us more authority and more ability to address drones. We have things in place now, but that could be improved on, and we are working on that.

And then the cybersecurity, trying to keep—you know, to make sure we are keeping pace with the bad guys, with those that would do us harm, that is a part of what our threats folks and our criminal investigation folks are dealing with.

But, in addition, there is preventive measures that we need to take to prevent those kinds of attacks from occurring in the first place. And we are working with both Sergeant at Arms on that as well. So—but all of these things that you mentioned are one of the many reasons that our budget continues to increase because we know our responsibilities and the threats. The reality of the threats that we deal with are increasing.

Mr. ESPAILLAT. Thank you, Mr. Chairman. I yield back.

Mr. AMODEI. Thank you.

Ms. Wexton, the floor is yours.

Ms. WEXTON. Thank you, Mr. Chairman.

Chief, it is great to see you again.

Also, I really want to commend you on everything you have done since you were last before us because you have done a lot in terms of getting the Department staff back up. I saw the recruits out there in the morning doing their PT and everything, having a nice time, and——

Chief MANGER. Were they smiling?

Ms. WEXTON. They seemed to be, yeah. They seemed to be happy. I saw them running down Constitution Avenue. They were, "Good morning, ma'am, Good morning, ma'am, Good morning"——

Chief MANGER. Yeah. If they were going downhill, they might be smiling.

Ms. WEXTON. They were coming from downhill. They had to go back up. I don't think they were very pleased about that. But, in

any event, yeah, they looked really happy to be here, and it is great to have them, so—as you know, Howard Liebengood was my constituent. His birthday would have been yesterday. So it is good to—I really appreciate you guys, everything you have done with the Liebengood Center and making sure it is up and running and everything is running well.

For anybody who is not familiar with the work of the Liebengood Center, can you please tell us a little bit about what it is about and what it does there?

Chief MANGER. I would be very—be honored to.

The Howard Liebengood Center, prior to January 6, we—employee assistance was available through other——

Ms. WEXTON. Other entities?

Chief MANGER [continuing]. Entities, you know, and——

Ms. WEXTON. Yeah.

Chief MANGER [continuing]. We really didn't have anything on our own within the United States Capitol Police.

January 6 certainly pointed out that we needed—we needed two things. We needed, one, an employee assistance program that addressed just comprehensively——

Ms. WEXTON. Numerous things, right.

Chief MANGER [continuing]. You know, issues, whether you—it was health issues, whether it was, you know, exercise; whether it was financial issues, just a whole host of anything that could help our employees live healthier and live better.

But we also needed to address the trauma that occurs——

Ms. WEXTON. Yeah.

Chief MANGER [continuing]. You know, in a police officer's life, and anybody that works within a police department, both sworn and civilian. And so we—we have not only put together a world-class employee assistance program, but we have brought in trauma-informed counselors so that we can address the trauma that occurs with—you know, with our employees on a day-to-day basis and whether it is responding to a particularly critical incident or just, you know——

Ms. WEXTON. The intensity——

Chief MANGER. Just over the years, as it builds up.

Ms. WEXTON [continuing]. Each and every time you go to work.

Chief MANGER. Yeah.

Ms. WEXTON. Yeah. Yeah.

Chief MANGER. So I am very proud of the center that we put together. And one thing I did want to mention to you is that we are—we want to make sure that folks are able—that we—we continue on the path to best practices with regard to our wellness center and the Liebengood Center, and so we are going to—I want to put together a group to—that makes sure that we continue on the right track and give folks, not only the family members of our fallen, but the FOP, the—you know, just a cross-section of the Department that gives them—continues to give them a voice about the work that the wellness center is doing to make sure that we are being responsive to the needs of our employees.

Ms. WEXTON. And one other thing that you may be aware of is that one of the things that we keep hearing from officers is that one thing that would be very helpful to them would be having a

space within the Capitol Grounds within, the House or Senate office Buildings that they might be able to go and see somebody in the middle of their shift, just things like that, like on their lunch break because, right now, they have to go all the way back to the D Street headquarters——

Chief MANGER. Right.

Ms. WEXTON [continuing]. And it makes it kind of hard for them.

Chief MANGER. Right.

Ms. WEXTON. So——

Chief MANGER. Yeah. Yeah. Well, the Fairchild Building.

Ms. WEXTON. Yeah.

Chief MANGER. Yes.

Ms. WEXTON. Yeah. So thank you for that.

And thank you also for whatever role you played in helping the DOJ do the right thing and declare Howie's death a line-of-duty death. So it means a lot to the family. I just want to express my appreciation as well.

We talked a little bit about some of the training that you have been going through, you know, we have been having the officers engage in. And I know that we talked last time about crowd control, that not only the CTU is going to do that; you are going to have all the officers doing crowd control training.

How is that going?

Chief MANGER. It is going well. In fact, we are—you know, one of the big issues on January 6 was the fact that officers didn't have the equipment that they needed this—the Civil Disturbance Unit. We are now to a point where we are about 98 percent deployed with equipment—good, new, state-of-the-art equipment for our Civil Disturbance Unit folks.

But, in addition, you—we have been doing—and I appreciate Congress' willingness to let us train where we work. And this is so critical if you want to do training right. We are doing active-shooter training in the buildings.

Ms. WEXTON. Right.

Chief MANGER. Typically on the weekends when nobody is here.

Ms. WEXTON. I happened to come here on a Sunday. I was giving a tour to some friends of mine who were in from out of town, and then we—they had the—the CVC was closed down for active-shooter drills. They had five different scenarios. It sounded like it was really cool and everybody really learned a lot out of it, so——

Chief MANGER. Well, this is critical. I mean, I think—and you just need to look at what happened in Nashville when you can see where officers are properly trained and equipped, how they can react to an active shooter versus a department that doesn't invest in the training.

And, you know, it has got to become routine. It has got to become instinctive. And what the training does, it gives the officers the confidence that, when they go into a very dangerous situation like that, that they are going to be able to accomplish their mission.

Ms. WEXTON. Thank you very much.

And, Chief, I would just add one more thing, which is that, when you think about the long-term plans for the physical space and everything for the Capitol Police, one thing that I heard over and over again from cops is that they want to have a gym within the

Capitol Grounds here. And there was a space in the CVC that was set aside for them, and it got taken over, so——

Chief MANGER. I would love to.

Ms. WEXTON. I would say eventually.

Chief MANGER. Yeah.

Ms. WEXTON. It may be a little beyond our budget at this moment, but something just for the long-term planning, even though you don't have a women's locker room in the House gym, but, I think it would make sense for you guys to get that, so——

Chief MANGER. Yes, ma'am.

Ms. WEXTON. That was my final thought.

And, Mr. Chairman, I will yield back. Before I—one thing I will say before that is that, you know, Mr. Chairman seemed very sympathetic to your budget plates in his opening statement, so I don't know whether that is a good sign for you or not, so thank you.

Mr. AMODEI. The chair wishes to extend its thanks to Congresswoman Wexton for her help on that. I appreciate that.

I also—before we go to Mr. Quigley, I want to let the ranking member know on the record that he challenges me to roll my Rs, but yet nobody on his side of the committee has an R in their name, so I will have to butcher some Republican names in order to prove how much work I need on that.

Mr. Quigley, the floor is yours.

Mr. QUIGLEY. And there will be lessons on how to talk Chicago later.

Chief, thank you and all for your service. I was in the room on January 6. I wasn't sure—not sure I would be here without the extraordinary efforts on that day. Thank you.

You were, in your testimony, talking about retention, hiring. If you could go a little bit deeper on that, the challenges of recruitment you talked about earlier. What are the advantages and disadvantages the USCP has compared to other local police jurisdictions, and what additional resources might help you in that vein?

Chief MANGER. Well, so I brag to my friends, my fellow colleagues, police chiefs around the country that, when I hear them talking about how desperate they are in terms of recruiting and they can't get folks and they are operating hundreds of positions below their staffing levels, and we have been very blessed that our—we have not had a problem recruiting, getting people through the door. It is always a challenge to make sure you are hiring the right people for the job, but we have got plenty of people applying.

And the reason for that is—I think is severalfold. One, the—Congress passed a new pay scale for us, so it makes us very competitive in terms of our starting salary. In fact, when an officer graduates from the academy, their first day out of the academy, they are making about $74,000 a year. That is—compared to other police agencies around the country, that is really good.

Mr. QUIGLEY. What about locally, compared to, like, suburbs of Maryland?

Chief MANGER. I can tell you it is easily 10- to $12,000 more than other agencies in the region.

We have also been very blessed that, in the last few years, that Congress has approved a retention bonus. And this is—you know, while a number of agencies around the country are getting money

for signing bonuses, they are—there is one agency—former agency that I worked for that is going to give somebody $20,000 over the course, I think, of a couple of years if they sign on and come on the department.

I would rather invest in the officers—the great officers that I have here now in keeping them here. And so the retention bonuses that we have had in the last couple of years has lowered our attrition. It has lowered the number of people that have left.

Mr. QUIGLEY. But through time—you talk about the initial pay coming out of the academy. Through time, you are still competitive with the——

Chief MANGER. Yes.

Mr. QUIGLEY [continuing]. Proximities as well?

Chief MANGER. Yes. Yes. The—we are also—I have extended—the mandatory retirement age for Federal law enforcement and for Capitol Police is 57 years old. Frankly, I think that is very young, and I have extended it to 60. And so—and I have gotten great feedback from a lot of officers who were looking at, you know, having the mandatory retirement. And this ability to stay on for a few extra years, it is a win-win.

It is great for us because we are keeping good, experienced officers. And, frankly, it is good for them, because they want to continue to work. And they would leave here and go work somewhere else. Why can't we keep those good employees here?

So we put a number of strategies in place, student loan repayment program. We need to continue, and we will continue to hire about 280 officers per year to keep pace with the increased workload that we have, to stay ahead of attrition. I mean, one of the things that——

Mr. QUIGLEY. I am sorry. You mentioned student loans. Do you have a minimum requirement of education coming in?

Chief MANGER. I believe it is a high school—yeah. High school diploma, but most of the officers that we hire have some college. And then—I mean, every—every academy graduation, it is pointed out to me we have a couple of people that have master's degrees. So we are doing very—we can be very selective with the folks that are applying here.

But we—the key for us is to stay ahead of attrition, which we were not doing right after January 6. And we have—so we are adding—every year, we have, I would say, around a hundred more officers that are deployed out in the Department. And it gives us—it is starting to be able to allow us to fix one of the big problems that we had, and that was officers being burned out because they are being held over, forced to work overtime, you know, because we were short of minimum staffing.

That still occurs. It is getting a little bit better, but it still occurs, so we have still got some work to do to make sure that we continue to add the number of officers so that these officers can get the days off they deserve, that—when they—you know, if they—if they think they are getting off at, you know, you know, 5 o'clock in the afternoon, that they actually get off instead of being told, "No, I am sorry, you have got to work extra hours because we are short in the following shift."

Again, that still happens a little bit too often to suit me. And I am sure that Gus would agree with me. And so we will continue and have to continue to keep our recruitment and hiring at the level that we have done in the last couple years. It is critical for us to get—every other goal we have is conditioned on our ability to increase our staffing.

Mr. QUIGLEY. Very good. Thank you, Chairman.

Thank you, sir.

Mr. AMODEI. Thank you, Mr. Quigley.

The chair now recognizes Mr. LaTurner. The floor is yours.

Mr. LATURNER. Thank you, Mr. Chairman.

Thank you for being here today, and thank you for your service.

I want to talk about—you have talked about in your testimony and you have talked about it a little bit today, but specifically what do you think the future is when it comes to making sure that Members and their families are safe and protected at home?

And I think we have made a good—you know, with the—the allowance for home security is a great step, but what is the future of this because I see no reason to believe that the huge increase we have seen in threats is going to go down.

Chief MANGER. Yeah, I am afraid you are right about that. And so I think that the allowance for the security systems in folks' homes is a good start. But I think there is more that we can do, and that is to get—we want to set up—and one of the things that—one of the goals we have with—in our fiscal year 2024 budget is to set up a protective operations room so that we can monitor not only the leadership who have protection details, but, you know, we—I would love to get to a point where we are monitoring every Member of Congress, monitoring their home security system.

I realize that the alarm company that puts things in, but having that redundancy and having that—one of the things that we are expanding and part of—in answer to your question is more partnerships with State and local police.

We have now dozens and dozens of memorandums of agreement with State and local police departments, but every Member—and you may live in a jurisdiction that has a large police department that covers your area, and so it would be very easy for us to have an agreement saying: Look, put—put this Member in the computer-aided dispatch file so that, if you get a 911 call from this address, they know it is a Member of Congress lives at that address, you know, that responding officers know that. Make sure that, if—if we call you and say that Mr. LaTurner is going to a townhall meeting and expects, you know, 3 or 400 people, and there could be counter-demonstrators or whatever at the—that, you know, could you assign a couple of officers to be there for security?

And the incentive there is we have the money to reimburse them for doing that, and this is the way we are getting the cooperation from the State and local, is—look, having been on the other side of this for many years, when people call and say, "Hey, could you have a couple officers do this or do that," you know, sometimes you can do it; sometimes your staffing just doesn't allow it. But if I can say, hey, I can pay somebody overtime to do it, or I can, you know, bring somebody in off duty who wants to, you know, make a little

bit of extra money, you know, and someone else is—will reimburse the Department for that, it is much more easily accomplished.

So I think that we have got to continue to work with State and local. We have got to continue to look at, whether it is when you are traveling, when you are at your home—when you are at your home district, whether you have—the offices in your home district, we are—activities in your home district. All of those things, I think we can enhance what we are doing with additional resources.

And, frankly, I think we need to establish a baseline of at least having every—not just—and I think it is just the Members of the House that are getting the allowance now. It needs to be every Member of Congress that gets it. And—you know, and, frankly, I think it is a good start. My recommendation would be, instead of, you know, "Oh, here is some money, get what you want," I would rather have a standardized package of here is the money, here is the standardized package of what—you know—and, look, people have different sized houses. They have different needs.

And some people don't—may or may not want cameras, you know—and I am not talking about cameras inside the house. I am talking about cameras outside their house. Everybody has got different preferences, but I think that we should standardize that so that everybody has a good baseline of security when they are at home.

Mr. LATURNER. Undoubtedly. And I know from your testimony there is more that you want and believe needs to be done here. But I—to me, this is going to be the biggest issue in the future going forward as threats continue to increase.

We had a—and I want to publicly thank you and your Department. We received a death threat this last year and went through the arrest and the trial and the whole—we have gone through all of that. And—and the Capitol Police were great to work with throughout the process, and great coordinating with local law enforcement so that—you know, so that there was a proper security.

For me—and I think virtually every Member of Congress would agree with this—it is not so much that—I am not thinking about security for myself. I don't feel concerned about it. It is family back home when you are here. That is the biggest issue.

Chief MANGER. Right.

Mr. LATURNER. So, anyway, I thank you, and I look forward to continuing to talk to you about this because it is a major issue that we are, sadly, going to be keep dealing with.

I yield back, Mr. Chairman.

Mr. AMODEI. Thank you.

The gentlelady from Oklahoma, the floor is yours.

Mrs. BICE. Thank you, Mr. Chairman.

And thank you, Chief, for being here. I had the great pleasure of visiting the headquarters last week and was sorry that we missed you, but learned a lot and got a lot of great insight.

So a couple of questions for you. You mentioned that you were looking to extend the retirement age from 57 to 60 to be able to retain some of those employees. Can you talk a little bit about retirement enhancements or benefits that may be offered along with that?

Chief MANGER. So I think there are some opportunities to look at retirement enhancements. I mean—and I know that Gus would actually be a much more expert—because Gus has, you know, actually talked about some of the proposals that I think make good sense.

The question is, look, I would—you know, do we want to calculate in overtime, you know, into the retirement calculation? And, you know—there are just questions that I think we can look at.

But I guess my experience in—because, as a police chief in two other jurisdictions, I actually was able to get retirement enhancements done. But here is what my—I learned. They have got to be sustainable, and this is—and what I don't want to do is say, "Oh, yeah, let's do this and this and this," and—whatever we do needs to be sustainable, because I would love to see these enhancements done, but I don't want them to go away 5 years from now and people say, "Oh, my God, we can't afford this."

And you only need to look at some States around this country where there is 15 different, you know, retirement systems because people—you know, they got things, and then they realized they couldn't continue to afford them.

So I think there are some enhancements that—and I would be happy to get back to you. In fact, I think Gus and I could probably get back to you together to give you some ideas that we both support. But, you know——

Mrs. BICE. That is great. Yeah, I appreciate that.

Let me pivot, if I may. You mentioned—and I am sorry that I missed some of the earlier comments, but you mentioned when I arrived that you are on pace to hire 280 officers annually. Is that correct?

Chief MANGER. That is the goal.

Mrs. BICE. What is your—goal, yes, you are correct.

What is the current staffing numbers for Capitol Police, and what is the projection of where you should be?

Chief MANGER. So my staff gave me that, and I am going to—here we go. Good.

So I have sworn, as of just this week, we have—we are authorized 2,126. We have filled 1,977.

Civilian, we authorized 567. We have filled 403.

Mrs. BICE. Okay. So, based on these numbers, you only have about a 200-person shortage, 150, something like that?

Chief MANGER. True, but——

Mrs. BICE. For sworn officers. Is that right?

Chief MANGER. Yeah, but if I hire 280, I will lose 120 through retirement, resignation, whatever, so—but we have made progress in terms of attrition over the last couple of years, but we have still got a—we have still got a ways to go.

Mrs. BICE. There was a conversation we had at the headquarters about contract officers that you all have. I think it is a fairly low number; 50 to 60, as I recall.

Chief MANGER. Correct.

Mrs. BICE. Is that something that you are looking to expand?

Chief MANGER. The short answer to the question is no. I think we have identified the posts where they are appropriate, and I—there are—I think there is certain posts that require an armed

United States Capitol Police officer. And there are some secondary posts that I think are appropriate for the contract security officers, and so I would like to keep them for as long as we need them.

But I would say—you know, 10 years from now, hopefully we are at a staffing level where everything will be back to Capitol Police. So, to me, it is a temporary thing, but it is a long-term temporary. But I don't have any—I don't have any notion that there are additional posts that we could—that they would be appropriate for. I think we are at the level we are going to be for a while.

Mrs. BICE. As we were walking through the Capitol to visit the headquarters, we passed some of those folks, and I think Chairman Steil and I sort of joked that, you know, they are internal, and they are providing sort of assistance, but not necessarily doors or providing security, per se.

Chief MANGER. Right.

Mrs. BICE. Everybody——

Chief MANGER. Everybody that they see should have already been——

Mrs. BICE. Screened?

Chief MANGER [continuing]. Gone through security and been screened.

Mrs. BICE. Excellent. Last question that—well, I want to say thank you. You have a difficult job. I recognize that there has been some challenges over the last couple of years. I am new to this committee and fairly new to Congress. And I know it has been a difficult couple of years, but thank you for the service to you and to the men and women that serve underneath you.

And, Mr. Chairman, with that, I yield back.

Mr. AMODEI. Mr. Clyde, the floor is yours.

Mr. CLYDE. Thank you. There we go.

Yeah. Thank you, Mr. Chairman.

And thank you, Chief Manger, for being here.

First, I want to give my utmost appreciation for all the officers of the U.S. Capitol Police who work day and night to ensure our safety, both Members and the safety of the legislative process and the Capitol Building and all the folks that work here. So thank you.

Chief MANGER. Thank you.

Mr. CLYDE. You bet.

Now, since the events of January the 6th, 2021, a number of reports have surfaced detailing the significant intelligence failure that transpired that day, including numerous reports detailing poor decisions and failures at the helm of the U.S. Capitol Police's lead intelligence component, the Intelligence and Interagency Coordination Division, or, for this—for my use, I will just call it the Intelligence Division.

According to a Government Accountability Office report from February of this year, the Intelligence Division did not consistently incorporate complete information into assessments of threats prior to the events of January 6.

And, furthermore, the GAO report finds that the Intelligence Division did not properly share threat assessments agencywide, resulting in some officers, agents, and intelligence staff not having complete information on that day.

Additionally, the five Members of—that former Speaker Pelosi rejected from her so-called bipartisan select committee released their own report detailing the massive intelligence failures at the helm of the Intel Division that her committee's report did not address.

The testimony of these officers and analysts details how the still standing assistant director to the Intelligence and Interagency Coordination Division, Ms. Farnam, sent the division into chaos and confusion in the weeks leading up to January 6.

Page 53 of the report details how Ms. Farnam turned the lead Intel Division of the Capitol Police to become, quote, "nonfunctional," explaining how, at the time of January 6, that they were not doing proactive searches of social media like they had been before. Furthermore, the report details how Ms. Farnam designed 3 analysts of the division's 12 total analysts at the time to compile research on—and I quote—all political assassinations in the history of the world in December of 2020, just a few weeks prior to the violence at the Capitol.

Chief Manger, you have previously testified in committee hearings regarding your plans to overhaul the intelligence-gathering arm of the Capitol Police. Therefore, I would like to ask you, first, is Ms. Farnam still in the same position as the assistant director of Intel?

Chief MANGER. I would—I believe so, yes. I mean, I don't know her title, but——

Mr. CLYDE. Okay. All right. Well, that is what the report says, all right?

So how can we be sure that the Capitol Police's intelligence-gathering operations have improved if this person responsible for their failure still runs the division?

Chief MANGER. So I think that this goes back to, you know, where we assign blame, and I will tell you that, with—the day that I took this job, there were over a dozen after-action reports, and many of them, if not most of them, focused on the intelligence failures——

Mr. CLYDE. Right.

Chief MANGER [continuing]. Which were significant.

Mr. CLYDE. Uh-huh.

Chief MANGER. And it was not—the intelligence failures were not the result of one person, two persons. I mean, you could—there was a director of Intelligence. There were—there was an assistant chief. There was a chief. There was Sergeant at Arms. Everybody had a—either a—an oversight responsibility or a direct responsibility for the way we handled our intelligence.

Mr. CLYDE. Uh-huh.

Chief MANGER. But you can look back at, prior to January 6, and just the way we operated then and how we interacted in the intelligence community was deficient from the start. And you can blame whoever you want to blame for that. But that is what needed to be changed, and that is what has changed.

We have a—we do have a new director of Intelligence. He has been here a year now. He has made great strides, but we have—as a Department, we recognized that we needed to change our pos-

ture in the intelligence community. We didn't have people on task forces. We were basically consumers of intelligence, all right?

If you are an intelligence agent, you tell me what you think I should know. We weren't actively participating in the intelligence community. We are now. We have, I think, at least eight, if not more, task force analysts that are with the FBI, Homeland Security, with other regional intelligence operations.

So we have people in the intelligence community that are gathering information, analyzing information, disseminating information, and making sure it gets back to us so that we can use it for operational planning.

Sir, the—we could talk for a week about the deficiencies——

Mr. CLYDE. Uh-huh.

Chief MANGER [continuing]. In our intelligence operation, and every bit of it is absolutely true.

Mr. CLYDE. Uh-huh.

Chief MANGER. But that has been one of the things that we have overhauled and ensured that we have got the right people in charge, the right oversight, and we are doing the right things.

It has taken an investment. I mean, a lot of what we have asked for in the past few budgets and what we continue to ask for is to bolster our intelligence operation so that it is where it needs to be. And we—and I—right now, I have great confidence in the work that our analysts are doing, that we are gathering that information; we are sharing it; we are interacting with other—again, throughout the intelligence community. And that is exactly what we should have been doing several—you know, prior to January 6, but that is what we are doing now.

And, if folks aren't on board with it, then they don't need to be with the Capitol Police. But the folks that are on board, everybody who is on board, from my director to the assistant chief that oversees it, all those folks understand the critical nature of this—and that we are—and I said this a couple of times already—that we have a no-fail mission.

Mr. CLYDE. Uh-huh. I hear you.

Chief MANGER. And there will be no tolerance, no patience from—if we have failure like that again. And there is not one person—me at the top of the list—that I should be held accountable if there is ever any other failure like that. And I have done everything I know how to do to make sure that that won't happen again.

Mr. CLYDE. Well, I appreciate that, because I see you have a nearly $4 million increase in your intelligence analysis budget for this particular year.

One last thing I want to ask you real quick, if the chairman will indulge me: You are a member of the Police Board, of the three, the Architect of the Capitol, the——

Chief MANGER. Yes.

Mr. CLYDE [continuing]. Sergeant at Arms.

Chief MANGER. Yes.

Mr. CLYDE. Right. And one of the things that greatly concerns me, because I believe that, you know, one of your priorities is safety of every Member, and I think some of the—our greatest vulnerable times are when we travel, either to and from the Capitol, going home, or coming in in the morning, like we saw the Con-

gresswoman that was assaulted in her apartment complex in the morning, and then going home at night, et cetera.

And I am very concerned that we do not have the ability to protect ourselves because of policies that the Police Board has put forward, and I mean carrying—personally carrying.

So I would really like your attention to that and the entire Police Board's attention to that, that would allow us to more easily carry and protect ourselves when you are not there because——

Chief MANGER. Understood.

Mr. CLYDE. Okay.

Chief MANGER. Yeah. And, you know, it is—wouldn't it be nice if the Police Board could just wave a wand and say, "Okay, this is what we are going to do"? But we do have—there are laws in place both in the District of Columbia as well as statutes that we have to abide by, so it—there is—it is—I think that we do need to pay more attention to the safety just in those kinds of situations.

And so I—we are taking a more comprehensive look, but I think—but including what—you know, your suggestion, we can certainly look at that, but I think we shouldn't limit ourselves. We should look at what—everything that we can do in terms of——

Mr. CLYDE. I concur.

Chief MANGER [continuing]. Enhancing people's safety.

Mr. CLYDE. Absolutely concur with you.

Thank you very much, and I yield back.

Mr. AMODEI. Mr. Ranking Member, do you have any further questions?

Mr. ESPAILLAT. Just one quick one, Mr. Chairman.

I know that, Chief, that there is, over 400 officers that are scheduled to retire or to be on that list. What is the reality in that? How many of them will actually leave, and do we have a plan to recruit to replace them?

Chief MANGER. Yes. I think—yes, I think that many of them will leave because there was a big hiring push around 9/11, and so those folks are now eligible to go if—and so we have got to continue, I think, to employ the strategies where we extend the—and, look, I am administratively extending the mandatory retirement age from 57 to 60. Let's just—I mean, my preference would be let's just change the law, you know, and do it permanently.

Frankly, somebody who is 60 years old still—I advocate for old people. So I think that that would make sense. But to continue with the retention bonuses——

Mr. ESPAILLAT. Us 35-year-olds are not with you.

Chief MANGER. Trust me, I have got to—yeah. I got a couple of young people that live in my house that aren't with me either.

But I think to continue the retention bonuses, to continue the incentives that we have been able to incorporate in our budget to keep officers—you know, incentivizing them to stay, we have got to just keep that up. There is going to be people that go, that want to go, and—but—and that also puts the pressure on us on the front end to make sure we continue to hire the number of officers that we will hire so that we stay ahead of attrition.

But I am very attentive to that, and I think that the biggest thing to hold them is the ability for them to stay a few extra years and the retention bonus, which gives them incentive to stay, you

know, one year at a time, you know, and that is—I think it is helping a lot so far.

Mr. ESPAILLAT. Thank you. Thank you so much.

Mr. AMODEI. Mrs. Bice.

Mrs. BICE. Thank you.

One final question. Actually, sort of—or comment that ties into what Representative Clyde brought up, and that is safety and security in D.C. We have seen all of these really awful situations—carjackings, stabbings of the staffer, that sort of thing.

Also something to consider—and I didn't really think about this until last night, but there are buildings in this city that house many Members.

Chief MANGER. Uh-huh.

Mrs. BICE. And I think that should also be something that is maybe, you know, brought forward and thought through and how we make sure that, in a particular building that has dozens of Members, how we ensure that they are kept safe.

So thank you. I yield back.

Chief MANGER. And we, in fact—one of the things that we make sure of is that we actually have officers that patrol, and they—we know where those buildings are, and we ensure that they are patrolled regularly. So—and, again, I think there is additional—with additional resources, we can have additional enhancements in terms of making sure that the folks that live in and around the complex—and I know we are—I don't want to belabor this, Mr. Chairman, but one of the things that I heard when I first came to this job was, you know—you know, when my officers, you know, would make an arrest somewhere, you know, on the campus or maybe a couple blocks from the campus, what are they doing there? Why aren't they on the campus?

I am telling you, the work that they do—that officers do who patrol around here keep this campus safer.

Mrs. BICE. And I think we learned that in visiting your headquarters, that that radius around the actual Capitol Grounds is where a lot of incidents occur and that we are able to apprehend those individuals that maybe have nefarious thoughts, yeah.

Thank you. I yield back.

Mr. AMODEI. If there are no further questions, I would like to thank you, Chief Manger.

I want to just add a couple of things. One is I don't think there is any argument that it is cheaper to pay them than it is to replace them. If you folks have a figure of what you figure your cost is, if you could get that to the committee in terms of, if Gus there decides he is leaving, by the time you go through the recruiting process, identify your people, put them through your screening, put them through their formal training, blah, blah, blah, what that cost is, because I know it is not minimal, and I just think it is an important fact for us to have as we move forward in making some of those decisions.

I also appreciate your comments where you talk about a no-fail mission every day and that, quite frankly, your organization's responsibility is a national one. I think those hit home pretty well.

I also want to tell you that, while this process is anything but predictable, this committee has a challenge to walk that fine line

between how do we go forth responsibly with Federal dollars. But I can tell you this: As long as I am around, which could be not tomorrow or a long time, we aren't going to defund our own police.

So I want to thank you for your testimony.

And members may submit any additional questions they want for the record.

I would like you, if you could, to remain a few minutes after adjournment because I need to talk with you about a couple other things offline.

And, with that, the committee is adjourned.