



The Capitol Visitor Center: An Overview

Stephen W. Stathis

Specialist in American National Government

January 16, 2009

Congressional Research Service

7-5700

www.crs.gov

RL31121

CRS Report for Congress

Prepared for Members and Committees of Congress

Congressional Operations Briefing— Capitol Hill Workshop

Congressional Operations Briefing and Seminar

The definitive overview of how Congress works.

This intensive course is offered as a
3-day public Briefing and as a tailored
on-site 3, 4 or 5-day program.

Public Briefings are offered throughout the year in Washington, DC.
Space is limited.

Dates, Agenda, Previous Faculty, and Secure Online Registration:

TCNCHW.com

On-site Congressional Briefings and
Capitol Hill Workshops for agencies:

CLCHW.com

202-678-1600 TheCapitol.Net



TheCapitol.Net

Non-partisan training and publications that show how Washington works.™

PO Box 25706, Alexandria, VA 22313-5706
202-678-1600 • www.thecapitol.net



TheCapitol.Net is on the
GSA Schedule, 874-4,
for custom on-site training.
GSA Contract GS02F0192X



Courses approved for CEUs from George Mason University

All of our courses and workshops include extensive interaction with our faculty, making our courses and workshops both educational as well as mini-consulting sessions with substantive experts.

Our Upcoming Schedule of Courses can be seen online on our web site or at TCNCourses.com.

All of our courses and any combination of their topics can be customized for on-site training for your organization—we are on GSA Advantage, Contract GS02F0192X.

thecapitol.net
202-678-1600

Summary

On June 20, 2000, congressional leaders of both parties gathered to participate in a symbolic groundbreaking ceremony for the Capitol Visitor Center (CVC). The center, which is officially open to the public on December 2, 2008, was designed to enhance the security, educational experience, and comfort of those visiting the U.S. Capitol. The decision to build a subterranean facility under the East Front Plaza, largely invisible from an exterior perspective, was made so the structure would not compete with, or detract from, the appearance and historical architectural integrity of the Capitol. The project's designers sought to integrate the new structure with the landscape of the East Capitol Grounds and ultimately recreate the park-like setting intended by landscape architect Frederick Law Olmsted Sr. in his historic 1874 design for the site.

The cost of the center, the most extensive addition to the Capitol since the Civil War, and the largest in the structure's more than 200-year history, is an estimated \$621 million. The project was financed with appropriated funds, and \$65 million from private donations and revenue generated by the sale of commemorative coins.

In March 1999, the Architect of the Capitol was authorized \$2.8 million to revalidate a 1995 design study of the project. To simplify the approval process for the design and construction phases, Congress transferred that authority to the Capitol Preservation Commission in September 1999. Three months later, a revised conceptual design for the center was approved by the commission. A design and engineering obligation plan was approved by the House and Senate legislative appropriations subcommittees in November 1999 and January 2000, respectively.

On January 31, 2000, design development work for the center was begun, and in mid-October 2000, the Capitol Preservation Commission approved the final design plan for the center and authorized the Architect of the Capitol to prepare final construction documentation. Subsequently, a construction management firm was hired to supervise the project, an \$8 million contract was awarded to relocate utility lines, a \$99,877,000 contract was awarded for Sequence 1 (foundation/structural work), and a \$144.2 million contract was awarded for Sequence 2 (electrical, mechanical, plumbing, and finishing work).

Also, a firm was retained to oversee the development of the CVC exhibition gallery; a tree maintenance contractor was hired to help assure the protection of trees on the East Capitol grounds; historic preservation workers temporarily removed historic Olmsted landscape features from the grounds for their safeguard; and temporary visitor screening facilities and media sites were constructed.

Throughout the entire construction of the nearly 580,000 square foot underground facility, the project was monitored closely by congressional appropriators.

Contents

Introduction	1
Rationale for the Center.....	2
Safety and Security	3
Visitor Education.....	4
Visitor Comfort	4
Functional Improvements.....	5
Additional Space for the House and Senate	5
Planning for the Center.....	6
Impetus for Final Approval	7
Cost of the Project	8
Estimated Cost of the Center.....	8
Funding for the Center	9
Appropriated Funds	9
Private Funding.....	10
Pre-Construction Phase	11
Construction of the Center.....	12
Construction Management Firm Selected	12
Utility Work Contract.....	13
Sequence 1: Foundation/Structural Work.....	14
Sequence 2: Electrical, Mechanical, Plumbing and Finishing Work	14
Bids Higher Than Expected	14
Reaction of Appropriators.....	14
Contract Awarded.....	15
New Completion Schedule Eyed	15
Other Activities	16
On Site Security	16
Historic Preservation.....	16
Noise Reduction.....	16
Temporary Visitor Screening Facilities.....	17
Alternative Media Sites.....	17
Development of Exhibition Hall.....	17

Figures

Figure 1. “Bird’s-Eye” Rendering of East Front Plaza with Completed Visitor’s Center	1
Figure 2. Floor Plan of Visitor’s Center	6

Appendixes

Appendix. Congressional Action.....	18
-------------------------------------	----

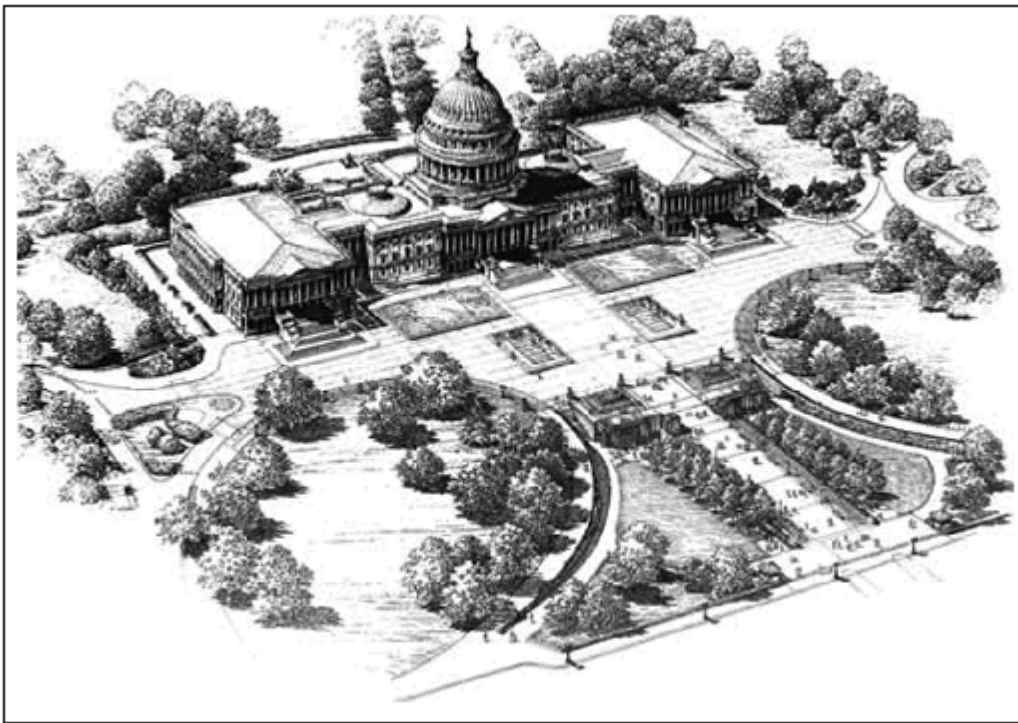
Contacts

Author Contact Information	58
----------------------------------	----

Introduction

The Capitol Visitor Center (CVC), under the East Front Plaza, was designed to enhance the security, educational experience, and comfort of those visiting the U.S. Capitol. The decision to build a subterranean facility largely invisible from an exterior perspective was made so the structure would not compete with, or detract from, the appearance and historical architectural integrity of the Capitol. The project's designers sought to integrate the new structure with the landscape of the East Capitol Grounds and ultimately recreate the park-like setting intended by landscape architect Frederick Law Olmsted Sr. in his historic 1874 design for the site.¹ The cost of the center, the most extensive addition to the Capitol since the Civil War, and largest in the world-famous structure's more than 200-year history, is an estimated \$621 million.

Figure 1. "Bird's-Eye" Rendering of East Front Plaza with Completed Visitor's Center



Source: Architect of the Capitol.

The footprint of the new center covers approximately five acres (196,000 square feet) and is larger than that of the Capitol (175,000 square feet). The square footage of the three levels of the center (580,000 square feet) is nearly two-thirds that of the Capitol itself (780,000 square feet). The hole contractors dug for the center was three levels deep and the equivalent of five football

¹ U.S. Architect of the Capitol, "Historic Landscape and Tree Preservation," <http://www.aoc.gov/cvc/faqs/preservation.cfm>, visited Apr. 17, 2007. Alan M. Hantman, Architect of the Capitol, Comments at the Public Safety and Historic Places Conference, Washington, DC, Jan. 22, 2002, http://www.aoc.gov/aoc/press-room/challenges_020122.cfm, visited Apr. 17, 2007. For additional discussion, see Jennifer Yachnin, "Sticking to the Plan: CVC Officials Use Original Olmsted Landscaping Blueprint," *Roll Call*, Sept. 9, 2002, pp. B52-B53.

fields long. During the excavation of the site, more than 500,000 cubic yards of soil was removed, enough to fill 53,000 dump trucks.

Above ground, the former asphalt parking lot located adjacent to the East Front of the Capitol was replaced by a plaza of broad lawns, granite paving stones, stone benches, reflecting pools, and tulip poplar trees. Visitors enter the center through doorways located at the bottom of two gently descending pathways centered on the East facade beneath two large fountains that were part of the original Olmsted design. Visitors are also able to access the center by a broad stairway or an elevator.

The major structural work on the center was completed in December 2004. Construction workers then focused on finishing work inside the structure, including the mechanical, electrical, and plumbing systems.

A number of factors pushed back the project's completion date and increased its cost. Unusually wet weather in 2003, the discovery of asbestos in the part of the Capitol that is connected to the center, and an unknown century-old well under the construction site were all unanticipated. Added expenses were incurred because of higher-than-expected bids; several design changes; security upgrades following the terrorist attacks of September 11, 2001; an unplanned air filtration system; fitting out House and Senate expansion space; extra expenses associated with working around the Capitol, such as security screening for thousands of construction workers and thousands of construction vehicles that entered the construction site; and millions of dollars in outside consultant fees.

While the center was being constructed, it was not without its detractors. Opponents expressed concern over its cost, the destruction or relocation of dozens of trees on the East Front grounds of the Capitol, a design said to destroy the visual and spatial relationships of the East Lawn, the disruption caused by such a large project, and the loss of parking spaces at the base of the Capitol.² Just prior to the official opening of the Capitol Visitor Center, however, it was praised in a *New York Times* editorial as offering “a magnificent way to enter one of the great living monuments to American democracy.” Although the opening of the center was long overdue, and cost “an eye-popping \$621 million,” the *Times* concluded, “for that money ... the American people will get a first-class experience.” “It deserves to be used and celebrated,” and “does honor to a history of accomplishment whose impact reaches far beyond Capitol Hill.”³

Rationale for the Center

The main structures of the U.S. Capitol were completed by 1863, at a time when the population of the United States was little more than 32 million, and mass popular tourism had yet to emerge. Although the building and its facilities have been constantly updated and modernized since that time, the structure has remained essentially unchanged since the era of the Civil War. Almost unique in its multiple functions as national monument and museum, tourist attraction, and working office building, by the turn of the 21st century, the Capitol welcomed as many as 3.5

² Carl Hulse, “Workers Set to Transform East Front of the Capitol,” *New York Times*, May 28, 2002, p. A17; Jennifer Yachnin, “Sticking to the Plan: CVC Officials Use Original Olmsted Landscape Blueprint,” *Roll Call*, Sept. 9, 2002, p. B52.

³ Editorial, “The Capitol Visitor Center is completed—finally,” *New York Times*, Nov. 17, 2008, p. A18.

million visitors per year, while simultaneously serving a larger Congress and its staff as the seat of the Senate and House of Representatives of the United States. By the late 20th century, visitors from across the nation and around the world waited at the building's entrances in all kinds of weather to be guided through the Capitol's historic chambers. Despite ongoing efforts, contemporary interpretative spaces to enhance the educational value of the visitor's experience were in short supply, and modern rest, comfort, and dining facilities for visitors were extremely limited.

Safety and Security

A further factor was an increased concern about the security and safety of the Capitol itself as well as those who work in or visit it. Almost alone among the parliaments of the world, the U.S. Capitol has consistently remained "the people's house," open to all visitors, surrounded and enhanced by grounds designed by Frederick Law Olmsted, Sr., the father of American landscape architecture. As the 20th century drew to a close, concerns about security were dramatized by an increasing incidence of attacks on civilian targets, especially those possessing historic or symbolic value, by terrorist groups and rogue states. All these developments contributed to the eventual decision that the need for a facility for visitors to the U.S. Capitol had passed from desirability to necessity.

The arguments favoring a visitor center were detailed in the mid-1970s, when the Architect of the Capitol issued *Toward a Master Plan for the United States Capitol*, which recommended construction of a building to improve security and accommodate the increasing number of visitors to the U.S. Capitol. It was deemed necessary not only to meet the physical needs of visitors to the Capitol, but also to meet the changing nature of visitor expectations and their desire to witness the Legislative Branch in action.⁴

The center is intended to provide a secure environment for managing a large number of visitors while protecting the Capitol building, its occupants, and guests. It is expected to also offer visitors new educational opportunities through exhibits, displays of historical documents, and documentary presentations; and more accessible resources and amenities. "The Capitol," Alan Hantman, former Architect of the Capitol observed, "has continually evolved for more than 200 years to meet the needs of Congress as the nation as grown." The center, Hantman felt, "will meet the needs of the millions of visitors who come to the Capitol each year and have not been properly accommodated in the past."⁵

At a September 10, 2002, hearing of the Committee on House Administration, Architect Hantman emphasized that the CVC "will greatly improve the ability of the Capitol Police and the Capitol Guide Service to regulate and respectively manage the large flow of visitors to the Capitol, which will improve both security and safety for all. Further, the CVC also will facilitate evacuation out of the Capitol Building if necessary."⁶

⁴ Information provided by the CVC Project Office, Mar. 2003.

⁵ Quoted in Bob Dart, "Security Transforms D.C.: Project Offers Protection With Fine Style," *Atlanta Journal-Constitution*, July 11, 2002, p. 1B.

⁶ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Committee on House Administration, *Hearing on Security Updates Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), p. 15.

Also, the center is expected to significantly improve the screening of delivery vehicles that “move tons of equipment, food, and other material into and out of the Capitol every day,” through a remote delivery vehicle screening facility that “will make it easier to deliver goods to the Capitol and safer to accept those goods.” The structure’s design “incorporates blast-resistant features and systems that will minimize the risk of airborne hazards within the Capitol Visitor Center and the Capitol.”⁷

Visitor Education

The center’s 16,500 square foot gallery is the only one in the country dedicated to the history and accomplishments of the Congress and the growth of the Capitol. Included among its interesting and educational exhibits are (1) an 11-foot touchable model of the dome with cutaway interior; (2) historic documents from the Library of Congress and the National Archives chronicling legislative achievements; (3) alcoves devoted to the history of the House, the Senate, and the Capitol Square; (4) House and Senate orientation theaters presenting brief films about the two chambers; (5) exhibits covering everything from subways to grounds-keeping; (6) a photo exhibit featuring the Capitol as a national stage for important ceremonies; and (7) interactive touch screens about Congress and the Capitol.⁸

Visitor Comfort

In addition to serving as the security screening entry for visitors to the Capitol, the center provides improved accessibility for disabled persons; enhanced fire, safety, and security systems; new facilities for routine deliveries and garbage removal; additional educational experiences for visitors; and improved visitor services. Once inside the center, visitors are able to view the Capitol through two 40- by 60-foot skylights. The center facilities include a 530-seat restaurant, 26 restrooms, a pair of 250-seat theaters where visitors may watch a short orientation film on the Capitol, a 450-seat auditorium, the exhibition hall, gift shops, information desks, a first aid center, and constituent meeting rooms where lawmakers can greet large groups.

In locating the center adjacent to, and connected with, the Capitol, Planners also sought to improve both the aesthetics and the functionality of the Capitol. Visitor Center planners designed the facility to handle 3,000 to 3,500 persons per hour, but the Capitol itself can handle a flow of only 1,500 persons per hour. As a result, the Visitor Center serves as a holding area, accommodating 4,500 persons comfortably at any one time. Should the need arise, however, building codes allow for the space to hold as many as 8,000 persons.⁹

⁷ Testimony of William H. Pickle, Senate Sergeant at Arms and Doorkeeper, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2005*, hearings, 108th Cong., 2nd sess., Mar. 31, 2004 (Washington: GPO, 2004), p. 87.

⁸ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2005*, hearings, 108th Cong., 2nd sess., Apr. 8, 2004 (Washington: GPO, 2004), p. 213. See also Testimony of Amita Poole, Chief of Staff and Project Management, Office of the Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative, *Legislative Branch Appropriations for 2005*, hearings, 108th Cong., 2nd sess., May 12, 2004 (Washington: GPO, 2004), pp. 447-448.

⁹ Office of the Architect of the Capitol, telephone conversation with the author, Apr. 18, 2007.

Functional Improvements

The center was designed to “respond to the physical limitations of the Capitol by providing modern, efficient facilities for such functions as truck loading and deliveries, improved connections to the Senate and House office buildings, and improvements to vertical circulation, including new elevators.”¹⁰

Additional Space for the House and Senate

Flanking each side of the center is House and Senate office space. The Senate space includes (1) an expanded and updated TV/radio recording studio, and storage facilities space for the TV/radio studio; (2) the Office of Senate Security, which handles classified materials; (3) the Office of Security and Emergency Preparedness; (4) climate-controlled storage facilities for the Senate gift shop and curator’s office, (5) the Senate’s closed-captioning service, a division of the Secretary’s office, and (6) six meeting rooms.¹¹

The House’s expanded space includes (1) a 3,500 square-foot hearing room flanked on one side by a conference room (2,195 square feet) and on the other side by two conference rooms (1,830 square feet and 945 square feet); (2) new space for the House Intelligence Committee; and (3) additional studio space for the House Radio-TV Gallery.¹²

¹⁰ U.S. Architect of the Capitol, *Capitol Visitor Center Fact Sheet*, Summer 2007, <http://www.aoc.gov/cvc/upload/CVCFactSheetSummer2007.pdf>.

¹¹ Information provided by the Senate Committee on Rules and Administration, April 12, 2007.

¹² Information provided by Office of the Architect of the Capitol, April 17, 2007.



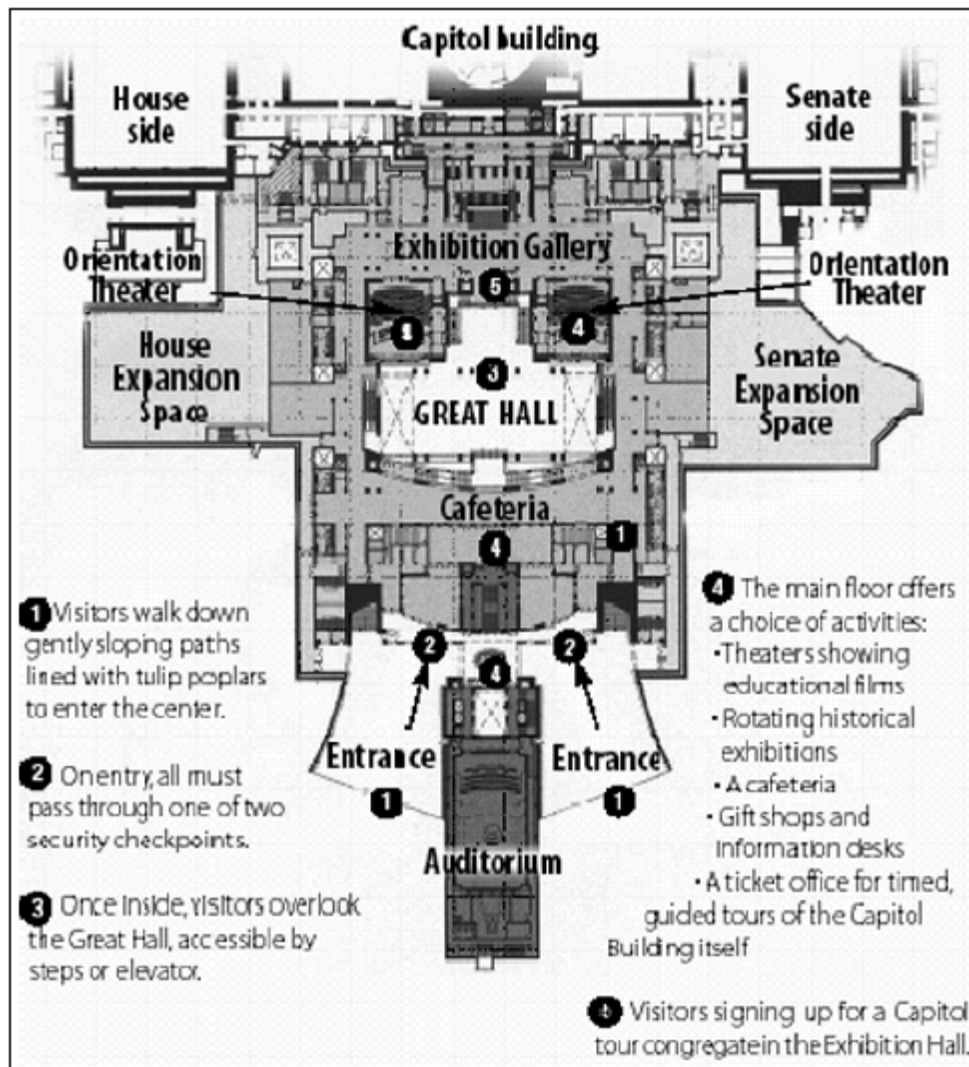
The House of Representatives and Senate Explained

Congressional Procedure

A Practical Guide to the Legislative Process in the U.S. Congress

Richard A. Arenberg

Figure 2. Floor Plan of Visitor's Center



Source: Congressional Quarterly, CQ Today, January 27, 2003, p. 9.

Planning for the Center

Planning for the Capitol Visitor Center began in 1991, when the Architect of the Capitol (AOC) received funds from the House and Senate Appropriations Committees to develop a design concept, which was subsequently approved by the Appropriations Committees and the Senate Committee on Rules and Administration. In 1993, the United States Capitol Preservation Commission allocated \$2.6 million to translate the concept into a formal design, which was prepared by RTKL Associates Inc. In November 1995, the Architect published a report reflecting RTKL's work.¹³

¹³ *United States Capitol Visitor Center: Conceptual Study Submission* (Washington: RTKL Associates Inc., June 17, 1991) in: U.S. Congress, *Concept for an Underground Visitors Center at the East Plaza of the U.S. Capitol; and the* (continued...)

The Architect's 1995 report emphasized that the center had three main purposes: (1) enhance the visitor experience by providing a structure, located under the East Front plaza of the Capitol, which would afford improved visitor orientation, other related programs, and support services; (2) strengthen Capitol security while ensuring the preservation of an atmosphere of public access; and (3) integrate the design concepts of the center with aesthetically and functionally appropriate improvements to the East Front Plaza.¹⁴

"The overall intent" of the visitor center, the Architect explained in the 1995, "is to create a 'visitor-friendly' environment by providing educational opportunities with a wide range of choices, together with amenities such as adequate rest rooms, eating facilities, telephones, and ample weather—protected queuing space, now regarded as expectations of an increasingly well-traveled and sophisticated public."¹⁵ Also included in the plan were full accommodation for persons with physical or sensory impairments,¹⁶ and relocated security screening for visitors to a "point far removed from the Capitol." There is a recognized concern, the report emphasized, "to enhance facilities for dealing with the security needs of the Capitol, which are now addressed in a way that detracts from the dignity of the Capitol and cannot provide the optimum treatment of security needs."¹⁷

Impetus for Final Approval

For more than three decades, Congress has discussed construction of a center, separate from the Capitol building, to welcome and screen the millions of visitors each year that visit what Capitol architect Benjamin Henry Latrobe called "the Hall of the People." Not until after a gunman with a history of mental illness killed two U.S. Capitol Police officers stationed near a public entrance to the Capitol in July 1998, however, did the idea gain momentum.

The September 11, 2001 terrorist attacks at the Pentagon and in New York, and the subsequent discovery of anthrax in congressional office buildings highlighted concerns regarding the potential vulnerabilities of the Capitol and the need for improved security on Capitol Hill. These developments influenced congressional discussions concerning the necessity of spending money on the center, and the final funds needed to begin construction were made available. As *Washington Post* architectural critic Benjamin Forgey observed, "The Capitol undeniably is a magnet for terrorists and deranged individuals. Prudence dictates that the building be made as secure as possible, while remaining open and accessible to the public." "It is clear that the Capitol

(...continued)

Leasing of Space by the Architect of the Capitol in the Judiciary Office Building, hearings, 102nd Cong., 1st sess., Oct. 9, 1991 (Washington: GPO, 1992), p. 35; and U.S. Architect of the Capitol, *United States Capitol Visitor Center: Final Design Report to Accompany Construction Documents* (Washington: Architect of the Capitol and RTL Associates Inc., Nov. 10, 1995), p. 5. See also U.S. General Accounting Office, *Financial Audit: Capitol Preservation Fund for Years Ended September 30, 1995 and 1994*, GAO/AIMD-96-97 (Washington: July 1996), p. 10.

¹⁴ U.S. Architect of the Capitol, *United States Capitol Visitor Center: Final Design Report to Accompany Construction Documents*, p. 1.

¹⁵ *Ibid.*, p. 9. For further discussion of public facilities included in the plan, see U.S. Architect of the Capitol, *United States Capitol Visitor Center: Final Design Report to Accompany Construction Documents*, pp. 1, 5, 9-10, 15-17, 23, 25.

¹⁶ *Ibid.*, pp. 27, 29.

¹⁷ *Ibid.*, p. 6.

Visitor Center as designed,” Forgey explained, “will improve both convenience and security.”¹⁸ Work is now completed on ringing the Capitol grounds with metal bollards to enhance control of pedestrian and vehicle access.

Cost of the Project

Estimated Cost of the Center

The original project budget of \$265 million for the Capitol Visitor Center, Architect of the Capitol Alan Hantman told a March 2003 House hearing, was established in 1999. “At that time,” Hantman said, “the budget provided for the core CVC facilities, including the Great Hall, orientation theaters, exhibition gallery, cafeteria, gift shops, mechanical rooms,” space for the House and Senate, and a truck service tunnel.¹⁹ In mid-February 2006, the Government Accountability Office (GAO) calculated that the cost to complete the center would be about \$555 million “without an allowance for risks and uncertainties.” Because there have been “changes in the project’s design and scope” since construction began, and “more are likely,” early in 2006, GAO estimated “that the project could cost as much as about \$584 million at completion.”²⁰ Subsequently, at an oversight hearing before the House Legislative Branch Appropriations Subcommittee on September 26, 2007, Acting Architect of the Capitol Stephen T. Ayers, and Terrell G. Dorn, GAO’s Director for Physical Infrastructure Issues announced that the expected cost of the CVC had risen to \$621 million.²¹

¹⁸ Benjamin Forgey, “Capitol Disorientation Center: Underground Visitors Facility Will Provide Bathrooms and the Blahs,” *Washington Post*, Nov. 25, 2000, p. C1.

¹⁹ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Rules and Administration, *Oversight of the Operations of the Secretary of the Senate, and Architect of the Capitol*, hearing, 108th Cong., 1st sess., Mar. 19, 2003 (not published).

²⁰ Testimonies of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitors Center*, hearings, 109th Cong., 2nd sess., Feb. 15, 2006 (not yet published); and testimony of Terrell Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Feb. 16, 2007 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T, Feb. 15, 2006, pp. 3, 9-12; and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of February 16, 2007*, GAO-07-507T, Feb. 16, 2007, p. 10.

²¹ Testimonies of Stephen T. Ayers, Acting Architect of the Capitol, and Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Sept. 25, 2007 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of September 25, 2007*, GAO-07-1249T, Sept. 25, 2007, pp. 2, 4; and Elizabeth Brotherton, “It’s a Deal: Visitor Center to Open in Nov. 2008,” *Roll Call*, Sept. 26, 2007, pp. 3, 17.

Funding for the Center

Appropriated Funds

Congress initially appropriated \$100 million for the center in the FY1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act.²² Following the terrorist attacks of September 11, 2001, Congress, in order to meet new security demands, made available \$138.5 million pursuant to the FY2002 Terrorism Emergency Supplemental Act.²³ An additional \$70 million was provided in the FY2002 Legislative Branch Appropriations Act²⁴ for the “build-out of the House and Senate expansion spaces.”²⁵

In 2003, both houses voted to make \$48.622 million available to complete the center in the FY2004 Legislative Branch Appropriations Act.²⁶ In 2004, Congress, in the Consolidated Appropriations Act of 2005, authorized the AOC to transfer \$10.6 million from other accounts to the center.²⁷ In August 2005, an additional \$47.61 million was appropriated for the CVC. This latter figure included \$41.9 million for the center’s construction, \$2.3 million for the center’s operations budget, and \$3.41 million for other costs related to the House portion of the center.²⁸

On February 15, 2007, the President signed P.L. 110-5, the FY2007 Revised Continuing Appropriations Resolution for 2007. The act provides funding for FY2007 essentially at the FY2006 account levels, except where otherwise stated.²⁹ (The 2006 legislative branch bill included \$41.9 million for the center’s construction, \$2.3 million for the center’s operations

²² P.L. 105-277, 112 Stat. 2681-569-570, Oct. 21, 1998.

²³ P.L. 107-38, 115 Stat. 220-221, Sept. 18, 2001. President Bush, under authority granted him in P.L. 107-38, authorized the transfer of \$290.4 million to the legislative branch for “increased security measures, including constructing the Capitol Visitors Center.” Of this amount, \$100 million was for the completion of the center, and \$38.5 million was for security enhancements, a new tunnel to the Library of Congress, vertical circulation improvements, and new House and Senate connections to the center. U.S. Office of Management and Budget, *President Bush Announces \$699 Million in Emergency Funds Assistance for Defense, Northern Virginia, Secret Service and Congress*, news release, Dec. 3, 2001; Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003.

²⁴ P.L. 107-68, 115 Stat. 588, Nov. 12, 2001.

²⁵ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate, Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2005*, hearings, 108th Cong., 2nd sess., Apr. 8, 2004 (Washington: GPO, 2004), p. 213. The FY2002 Legislative Branch Appropriations Act stipulated: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center under this act or any other Act without an obligation plan approved by the chair and ranking minority member of the Committee on Appropriations of the House of Representatives for House space and the Committee on Appropriations of the Senate for Senate space.” P.L. 107-68, 115 Stat. 588, Nov. 12, 2001.

²⁶ P.L. 108-83, 117 Stat. 1026, Sept. 30, 2003. This figure reflects an appropriation of \$36.839 million, reduced to \$36.621 million by a rescission of 0.59%; and a transfer to the center’s account of \$12 million. The transfer was made from previously appropriated funds available to the Capitol Police building and grounds, also funded within the Architect of the Capitol account. P.L. 108-99, 118 Stat. 457, Jan. 23, 2004.

²⁷ P.L. 108-447, 118 Stat. 3184, Dec. 8, 2004. See U.S. Congress, Conference Committees, 2004, House, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4818, 108th Cong., 2nd sess., H.Rept. 108-792 (Washington: GPO, 2004), pp. 380, 1351.

²⁸ U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2006*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 6, 15, 37; and P.L. 109-55, 119 Stat. 570, 579, Aug. 2, 2005.

²⁹ P.L. 110-5, 121 Stat. 8, Feb. 15, 2008.

budget, and \$3.42 million for other costs related to the House portion of the center.³⁰) P.L. 110-5 also contained language stating that “amounts made available ... for projects and activities described under the heading ‘Architect of the Capitol, Capitol Visitor Center’ in the Legislative Branch Appropriations Act, 2006 may be transferred among the accounts and purposes specified in such heading, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.”³¹

In testimony before the House Legislative Branch Appropriations Subcommittee on September 25, 2007, GAO’s Terrell G. Dorn said, “To date, about \$556.2 million has been approved for CVC construction, and AOC has \$18.6 million more that it has not yet received approval to obligate.”³²

Private Funding

Also, Congress in 1999 approved two separate pieces of legislation aimed at raising private sector funds for the construction of the CVC. As a consequence of these two acts and planned contributions of the Capitol Preservation Commission, a total \$65 million in private funds is available for the project.

First, Congress authorized a public commemorative coin issue in observance of the 200th anniversary of the first meeting of Congress in the U.S. Capitol in the District of Columbia. The coins were issued in gold, platinum, and silver, and proceeds from the sale of the coins, less expenses, were deposited with the U.S. Capitol Preservation Commission for the specific purpose of construction and maintenance of the CVC. A total of \$3,527,542 was raised from the sale of the 200th anniversary commemorative coins.³³

Second, conferees included language in the conference report on the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (P.L. 105-277) stipulating that appropriated funds for the CVC had to “be supplemented by private funds.”³⁴ Early in 2000, the Capitol Preservation Commission responded to this requirement by directing the Clerk of the House and the Secretary of the Senate to develop jointly a fund-raising plan for the center. That February, the commission approved the plan for “accepting the unsolicited offer and agreement of the Pew Charitable Trusts to establish a nonprofit 501(c)(3) foundation to solicit and receive private funds for the sole purpose of donating such funds for the visitor center project.”³⁵

³⁰ U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2006*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 6, 15, 37; and P.L. 109-55, 119 Stat. 570 & 579, Aug. 2005.

³¹ P.L. 110-5, 121 Stat. 38, Feb. 15, 2008.

³² Testimony of Terrell G. Dorn, Director, Physical Infrastructure Issues, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Sept. 25, 2007 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of September 25, 2007*, GAO-07-1249T, September 25, 2007, p. 2.

³³ The United States Capitol Visitor Center Commemorative Coin Act authorized three coins: a five dollar gold coin (to be sold for \$35), a silver dollar (to be sold for \$10), and a clad half dollar (made of a composite material, to be sold for \$3). P.L. 106-126, 113 Stat. 1644-1647, Dec. 6, 1999; and Stacy Andersen, spokesperson for the Congressional Liaison Office, U.S. Mint, Mar. 6, 2003.

³⁴ U.S. Congress, Conference Committees, 1999, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), p. 590.

³⁵ The foundation was “an independent, nongovernment entity, and a written agreement establishe[d] a clear working (continued...) ”

Early in 2002, the Fund for the CVC announced that it had reached its \$39 million fund-raising goal, and all of the money would be turned over to the Capitol Preservation Commission.³⁶ The remaining private sector funds available for construction of the center had been contributed to the commission at an earlier date.³⁷ In January 2002, the Capitol Preservation Commission was authorized by law to transfer funds from its Capitol Preservation Fund to the Architect of the Capitol for use in the planning, engineering, design, or construction of the CVC.³⁸

Pre-Construction Phase

A major concern of the pre-construction phase was the potential for damage to plantings on the East Front grounds of the Capitol. Many of the trees were part of Frederick Law Olmsted Sr.'s 1874 plan, while others were memorial or commemorative plantings.

In October 2001, several months before the actual excavation for the footprint of the center began, the Davey Tree Expert Company, a tree maintenance contractor, was hired to ensure that the more 300 trees on the East Capitol grounds were protected, pruned, mulched, and monitored during the construction. Also, a subcontractor, Houston-based National Shade L.P., specialists in large tree transplanting, was engaged to assist in that phase of the work.³⁹ Early in 2002, a canopy misting sprinkling system was installed on each tree to protect foliage from excessive dust.⁴⁰

Prior to the awarding of the tree preservation contract, considerable concern was expressed in the media regarding the preservation of the memorial trees located on the East Front, which had been sponsored by Members of Congress to commemorate and honor former First Lady Patricia

(...continued)

relationship between the 501(c)(3) entity and the Commission." Fund raising was done in accordance with commission-approved guidelines. The commission "retain[ed] control over the planning, design, engineering, and construction." Testimony of Secretary of the Senate, Gary Sisco, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2001*, hearings, 106th Cong., 2nd sess., Mar. 21, 2000 (Washington: GPO, 2001), pp. 264-265. See also: Lauren W. Whittington, "Visitor Center Fund Begins Final Push," *Roll Call*, Aug. 9, 2000, pp. 1, 17.

³⁶ Lauren W. Whittington, "Visitor Center Fund to Close Its Doors," *Roll Call*, vol. 48, Feb. 14, 2002, p. 3; and Christine Cube, "Capitol Visitor Center Fund Reaches \$39M Goal," *Washington Business Journal*, Feb. 22, 2002, p. 9.

³⁷ In June 2001, Clerk of the House, Jeff Trandahl told a House hearing that approximately \$30 million in Capitol Preservation Commission funds were also available for construction of the center. Testimony of Clerk of the House, Jeff Trandahl, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, 107th Cong., 1st sess., June 27, 2001 (Washington: GPO, 2001), p. 263.

³⁸ P.L. 107-117, Title IX, Chap. 9, Sec. 913, 115 Stat. 2324, Jan. 10, 2002. The Capitol Preservation Fund was established in 1988 within the U.S. Treasury to finance the improvement, preservation, and acquisition activities of the Capitol Preservation Commission (P.L. 100-696, Title VIII, 102 Stat. 4608-4609, 40 U.S.C. 188a(a)). The Capitol Preservation Fund "consists of assets derived from deposits of charitable contributions, surcharge proceeds from the Secretary of the Treasury arising from the sale of commemorative coins, and interest earned on the invested portions of the Capitol Preservation Fund." U.S. General Accounting Office, *Financial Audit: Capitol Preservation Fund's Fiscal Years 2001 and 2000 Financial Statements*, GAO-02-587, May 2002, p. 11.

³⁹ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2003*, hearings, 107th Cong., 2nd sess., Apr. 25, 2002 (Washington: GPO, 2002), p. 381; Karen Hosler, "'Seedling' of Md. Liberty Tree Moved," *Baltimore Sun*, Dec. 18, 2001, p. 3A; Carl Hulse, "Workers Set to Transform East Front of the Capitol," *New York Times*, May 28, 2002, p. A17; and Sylvia Moreno, "12-Ton Liberty Tree on the Move at the Capitol," *Washington Post*, Dec. 16, 2001, p. C9.

⁴⁰ Sarita Chourey, "Arborists Prepare Trees for the Summer Heat," *The Hill*, May 1, 2002, p. 12.

By Bradford Fitch

Includes
U.S. Constitution and
Declaration of Independence



Citizen's Handbook

To Influencing Elected Officials

Citizen Advocacy in
State Legislatures and Congress



TheCapitolNet

Nixon, Dr. Martin Luther King, Jr., former Members of Congress, including two Speakers of the House, organizations, eminent individuals, and even states.⁴¹

Although a number of the East Front's 346 trees were temporarily removed while the center is under construction, only 14 of the 85 special memorial trees were affected by the project. Six memorial trees were removed and replaced, and eight were moved elsewhere on the Capitol grounds.

By the time the Capitol Visitor Center was completed, nearly \$2 million was spent moving, removing, and planting trees on the East Front. A total of 85 new trees were planted.⁴²

Construction of the Center

On June 20, 2000, members of the United States Capitol Preservation Commission,⁴³ the 18-member bipartisan, bicameral, board of congressional leaders responsible for the design and construction of the center, gathered on the East Front Plaza of the Capitol for a symbolic groundbreaking ceremony for the center. In November 1999, prior to the groundbreaking, the commission approved a revised conceptual design for the center, and a design and engineering obligation plan was approved by the House and Senate legislative appropriations subcommittees in November 1999 and January 2000, respectively.⁴⁴

On January 31, 2000, design development work for the center was begun, and in mid-October 2000, the Capitol Preservation Commission approved the final design plan for the center and authorized the Architect of the Capitol to prepare final construction documentation. Also, GAO began to serve as a permanent consultant for the project and has made frequent reports to Congress on the construction schedule and project costs.⁴⁵

Construction Management Firm Selected

Over the years, Congress has undertaken construction to meet most of its own needs through the office of the Architect of the Capitol. The Architect of the Capitol, however, and his staff of 2,000 had never undertaken anything involving the size and complexity of the center or requiring such speedy construction. After consultations with the U.S. General Services Administration (GSA),

⁴¹ For a complete list of memorial trees see U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, 107th Cong., 1st sess., June 27, 2001 (Washington: GPO, 2001), pp. 370-371.

⁴² U.S. Architect of the Capitol, "December 2001: Project Update—Tree Preservation Activities Begin," http://www.aoc.gov/cvc/cvc_cont_notice_12_2001.cfm; Sarah Bouchard, "Taking Root," *The Hill*, Oct. 2, 2003, p. 4.

⁴³ The United States Capitol Preservation Commission was established under Title VIII of P.L. 100-696 (102 Stat. 4608-4609; 40 U.S.C. 188a(a)) in November 1988 for the purpose of providing for the improvements in, preservation of, and acquisitions (including works of fine art and other property display) for the United States Capitol. It is comprised of 18 Members representing both houses of Congress.

⁴⁴ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2001*, hearings, part 2, 106th Cong., 2nd sess., Feb. 1, 2000 (Washington: GPO, 2000), p. 358.

⁴⁵ See, for example, U.S. Government Accountability Office, *Capitol Visitor Schedule: Update on Status of Project's Schedule and Cost as of March 13, 2007*, testimony of Terrell G. Dorn, Director Physical Infrastructure Issues, before the Subcommittee on the Legislative Branch, Committee on Appropriations, House of Representatives, GAO-07-601T.

the Army Corps of Engineers, and the Construction Management Association of America, the Architect of the Capitol decided for the first time to engage an outside construction management firm to supervise a Capitol construction. At the request of the Architect's office, GSA developed the documentation needed for the "qualifications-based selection" process, "which eventually drew the interest of 22 firms."⁴⁶

The "best value, source selection process" used to select the construction management firm "evaluates proposals with predefined criteria, which mandates more than consideration of price alone, and is used by GSA, Department of Defense (DOD) and others." The source selection "process provides a standard to differentiate and rank competitors by analyzing past performance and technical management abilities to solve the specific CVC needs, thus allowing selection of a contractor who will give the AOC the best value to construct the CVC."⁴⁷

In January 2001, according to press accounts, Gilbane Building Company, a Providence, Rhode Island, construction management firm, was selected to monitor and inspect the general construction process of the center. Gilbane was also given responsibility "for historic preservation measures, including repairs and alterations to the existing Capitol and modifications that help facilitate the operation and meet revised codes." In addition, Gilbane "performed a security analysis" of the project. "To better control schedules and costs, Gilbane broke its work into three separate packages—utility relocation, foundation, and general conditions, including mechanical, electrical and plumbing."⁴⁸

Utility Work Contract

In November 2001, the William V. Walsh Construction Company of Rockville, Maryland, was awarded an \$8 million contract to relocate the utility lines, which had been installed at various times during the last 100 years, prior to beginning construction of the center. Due to the fact that many of the utility lines were poorly or inaccurately documented on available drawings, relocating them proved to be a delicate and, by far, the most difficult pre-construction task. As it became increasingly apparent that existing drawings were potentially unreliable, much of the utility work was shifted to nights or on weekends, and to extent possible, work was executed around the legislative calendar in an effort to minimize disruption to the Capitol and its occupants. During the fall of 2002, the relocation of utilities was completed and the project's footprint was ready for excavation.⁴⁹

⁴⁶ Debra K. Rubin and William J. Angelo, "Historic Expansion of U.S. Capitol Showcases Its Historic Use of CM," *Engineering News-Record*, vol. 248, June 17, 2002, p. 31.

⁴⁷ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch Appropriations, *Legislative Branch Appropriations for Fiscal Year 2003*, hearings, 107th Cong., 2nd sess., Apr. 17, 2002 (Washington: GPO, 2002), pp. 172-173; and Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2003*, hearings, 107th Cong., 2nd sess., Apr. 25, 2002 (Washington: GPO, 2002), p. 381.

⁴⁸ Debra K. Rubin and William J. Angelo, "Historic Expansion of U.S. Capitol Showcases Its Historic Use of CM," *Engineering News-Record*, vol. 248, June 17, 2002, pp. 31-32; Y. Melanie Nayer, "Building on a Reputation: Gilbane Co. Tackles the Massive Project of Making the Capitol More User-Friendly," *Providence [Rhode Island] Journal*, June 1, 2002, p. B1; and "Enhancing the Capitol," *Gilbane: News Magazine*, vol. 21, fall 2001, p. 11.

⁴⁹ Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003; and Debra K. Rubin and William J. Angelo, "Historic Expansion of U.S. Capitol Showcases Its Historic Use of CM," *Engineering News-Record*, vol. 248, June 17, 2002, p. 32.

Sequence 1: Foundation/Structural Work

On June 12, 2002, the Architect of the Capitol awarded a \$99,877,000 contract for Sequence 1 of the center to Centex Construction Company, Inc., whose Mid-Atlantic Division is headquartered in Fairfax, Virginia. Centex was selected by the competitive source selection process. Centex was one of four bidders to pursue the job. Sequence 1 covers site demolition, excavation of soil, construction of the foundation and walls, installation of load-bearing elements, and portions of site utility work, and completion of the roof plate for the center.⁵⁰ In May 2004, Centex formally turned the project over to Sequence 2 contractor Manhattan Construction Company to begin building out interior spaces and installing electrical, mechanical, and plumbing systems.⁵¹

Sequence 2: Electrical, Mechanical, Plumbing and Finishing Work

Bids Higher Than Expected

In March 2003, Architect of the Capitol Alan M. Hantman told the Senate Committee on Rules and Administration that the bids for Sequence 2 of the center, which includes the installation of electrical, mechanical, and plumbing services, and all stone and architectural buildouts and finishes, were significantly higher than had been originally estimated. The committee also was informed that a Source Selection Evaluation Board, headed by GSA, was evaluating the bid proposals for Sequence 2, which were “approximately 10 to 15 percent above the government estimate, a range that is considered acceptable and reasonable per GSA and Department of Defense governmental standards.”⁵²

Reaction of Appropriators

As a consequence of the increased cost of Sequence 2, House Appropriations Committee Chairman C.W. Bill Young and Ranking Minority Committee Member David R. Obey sent a letter to Architect Hantman on April 14, 2003, stating that they believed he had ignored the prerogatives of the committee and exceeded budget guidelines for the center. “We now find ourselves,” the appropriators wrote, “in a situation that if we do not allow the contract for Sequence 2 to be executed by April 21, 2003, it would have significant monetary and scheduling implications.” They emphasized that the funds for Sequence 2 were being obligated by the committee “with serious reservations.”⁵³

⁵⁰ U.S. Architect of the Capitol, “Capitol Visitor Center; Project Information,” http://www.aoc.gov/cvc/project_info/index.cfm, visited Apr. 18, 2007; U.S. Architect of the Capitol, “Architect of the Capitol Awards Major Construction Contract for U.S. Capitol Visitor Center,” June 2002 (no longer available on website). See also, Suzanne Nelson, “Centex’s \$100 M Bid Wins CVC Contract,” *Roll Call*, June 17, 2002, p. 3.

⁵¹ U.S. Capitol Visitor Center, *Weekly Construction Summary*, May 17, 2004, p. 1, <http://www.aoc.gov/cvc/weekly/2004/upload/May-17-21-2004.pdf>; and Gordon Wright, “Capitol Visitor Center Project Nears Halfway Mark,” *Building Design & Construction*, vol. 45, June 2004, p. 7.

⁵² Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Rules and Administration, *Oversight of the Operations of the Secretary of the Senate, Architect of the Capitol*, hearings, 108th Cong., 1st sess., Mar. 19, 2003 (not yet published). See also Suzanne Nelson, “CVC Bids High,” *Roll Call*, Mar. 10, 2003, p. 18; and Susan Ferrechio, “Bids for the Next Stage of Visitor Center Coming in 10-15 Percent Higher Than Expected,” *CQ Today*, Mar. 20, 2003, p. 15.

⁵³ Letter from Rep. C.W. Bill Young, chairman, and Rep. David R. Obey, ranking minority member, House Committee on Appropriations to Alan M. Hantman, Architect of the Capitol, Apr. 14, 2003 (copy of letter in possession of author). (continued...)

The House appropriators also required the Architect to fulfill the following four conditions in exchange for the funds: (1) provide the committee a monthly financial report that shows he has not varied from the obligation plan he submitted to the committee on April 4, 2003; (2) assure that individual line items in the report follow the format and obligation plans submitted to the committee and that contingencies be managed within the appropriate account; (3) include in the report an assessment of the current status of the project and notify the committee “of any issues that cause the project to exceed its budget, schedule, or diminish quality as specified”; and (4) submit to the committee a “reprogramming request” for “any deviation from the existing obligating plan that exceeds either \$500,000 or 10% of a particular program or activity. Finally, the appropriators “directed that the GAO continue to review these monthly reports and bring to the attention of the Committee any comments and concerns that may impact on the cost, timeliness or quality of the project.”⁵⁴

Contract Awarded

On April 21, 2003, the AOC awarded a \$144.2 million contract for Sequence 2 of the center to the Manhattan Construction Company, based in Tulsa, Oklahoma.⁵⁵

New Completion Schedule Eyed

Earlier in the year, CVC spokesman Tom Fontana in late February 2003 announced that the actual completion date of the center would ultimately depend on what the Sequence 2 contractor felt was realistic. A series of amendments added to the final phase of the project, he explained, had “loosened some of the timing requirements, which could mean a new schedule would need to be presented to the House and Senate leadership for approval when the contractor is selected.” According to Fontana, “the oral presentations that were made by the contractors” caused construction authorities to conclude that the contractor finally selected would need “a little more flexibility and a little more room to be creative in how they can meet our requirements.” Fontana did, however, emphasize that the East Front Plaza would be “substantially complete” for the basic activities of the 2005 presidential inauguration such as motorcades and staging areas for the media, and would be able to “accommodate pedestrian and vehicular traffic.”⁵⁶

On January 20, 2005, the western half of the East Front Plaza of the Capitol was sufficiently complete to support presidential “inaugural activities, including motorcade access and troop reviews.”⁵⁷ Two months earlier, trucks began to use the completed truck tunnel to deliver

(...continued)

See also: Susan Ferrechio, “Appropriators Set Conditions for Capitol Visitor Center Funds,” *CQ Weekly*, Apr. 26, 2003, pp. 1002-1003; Carl Hulse, “At the Capitol, A Big Dig’s Cost Draws Criticism,” *New York Times*, Apr. 14, 2003, p. A20; and Susan Nelson, “CVC Contract Sparks Criticism,” *Roll Call*, Apr. 28, 2003, pp. 1, 18.

⁵⁴ Letter from Rep. C.W. Bill Young, chairman, and Rep. David R. Obey, ranking minority member, House Committee on Appropriations to Alan M. Hantman, Architect of the Capitol, Apr. 14, 2003 (copy of letter in possession of author).

⁵⁵ “April 25, 2003: Project Update—Architect of the Capitol Awards Sequence 2 Construction Contract for U.S. Capitol Visitor Center,” Architect of the Capitol website, http://www.aoc.gov/cvc/cvc_proj_update_04_25-2003.cfm. See also “Capitol Visitor Center Contract Awarded,” *Washington Post*, Apr. 22, 2003, p. B3.

⁵⁶ Quoted in Suzanne Nelson, “Contractors Get Say in CVC Timing,” *Roll Call*, Feb. 24, 2003, p. 3. See also: Editorial, “Uh-oh,” *Roll Call*, Feb. 26, 2003, p. 4.

⁵⁷ U.S. Capitol Visitor Center, *Weekly Construction Summary*, Jan. 18, 2005, p. 1, <http://www.aoc.gov/cvc/weekly/2005/upload/01-17-05.pdf>.

“materials primary in support of the Sequence 2 contract.”⁵⁸ Also, preceding the inauguration, the tower crane in the southwest quadrant was dismantled and removed; and all major structure work by Sequence 1 contractor, Centex Construction, was completed.⁵⁹ With the major structural work for the center now completed, most of the work on the CVC occurred below the roof deck.

A variety of circumstances subsequently led to a series of adjustments in the projected completion date of the center.

Other Activities

On Site Security

Security at the construction site was extensive. An eight-foot fence was built around the construction site, and all construction personnel had to undergo background security checks and were screened daily as they entered the site. Also, each construction vehicle entering the site was examined as it passed through the gates. The U.S. Capitol Police, including canine units, patrolled the site. Photographs and site plans had to be cleared through the police, who suppressed photos or descriptions considered too revealing, such as those disclosing the location of security trailers, new utility lines, or evacuation tunnels.⁶⁰

Historic Preservation

In March 2002, workers began removing the historic Frederick Law Olmsted, Sr. landscape features, including the fountains, lampposts and retaining walls on the East Front Plaza, and the Trolley Stop canopy structure, to clear the area for excavation of the visitor center site. Each of these historic items were catalogued and stored until they were returned to their original locations upon the completion of the new plaza.⁶¹

Noise Reduction

During the summer of 2002, soundproof windows were installed on the east side of the Capitol, to keep the disruptions to Congress at a minimum, and augering drills are being used instead of pile drivers to reduce the noise generated by the project.⁶² The 154 custom windows that were installed on the East Front weigh 600 pounds each and were half an inch thick. Because the

⁵⁸ U.S. Capitol Visitor Center, *Weekly Construction Summary*, Nov. 15, 2004, p. 1, <http://www.aoc.gov/cvc/weekly/2004/upload/11-15-04.pdf>.

⁵⁹ U.S. Capitol Visitor Center, *Weekly Construction Summary*, Dec. 6, 2004, p. 1, <http://www.aoc.gov/cvc/weekly/2004/upload/12-06-04.pdf>, and Dec. 20, 2004, p. 1, <http://www.aoc.gov/cvc/weekly/2004/upload/12-20-04.pdf>.

⁶⁰

Steven Partick, “A New Capitol Visitor Center is Beginning to Take Shape on the East Lawn,” *CQ Today*, Jan. 27, 2003, p. 9. See also, Lauren W. Whittington, “Visitor Center Crews to Get Background Checks,” *Roll Call*, Mar. 4, 2002, p. 8.

⁶¹ U.S. Capitol Visitor Center, *Weekly Construction Summary*, May 27, 2002, <http://www.aoc.gov/cvc/weekly/2002/05-27-02.cfm>; and Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003.

⁶² U.S. Capitol Visitor Center, *Weekly Construction Summary*, Aug. 2002, <http://www.aoc.gov/cvc/weekly/2002/08-05-02.cfm>.

original windows could not be removed, the new ones were placed over the existing windows. The acoustic windows, which cost \$350,000, were removed once construction was finished.⁶³

Temporary Visitor Screening Facilities

In May 2002, Capitol tour operations were shifted from the East Front Visitor Screening Facility, which was closed and dismantled, to new Temporary Visitor Screening Facilities on the north and south sides of the Capitol. While the CVC was under construction, visitors passed through these facilities prior to entering the Capitol at the West Front.⁶⁴

Alternative Media Sites

In July 2002, construction of the center also required the temporary closure of both the House and Senate media sites on the East Front plaza. Temporary alternate sites were established for the Senate in Upper Senate Park opposite the Russell Senate Office Building, and for the House media on the northwest terrace of the Cannon House Office Building.⁶⁵

Development of Exhibition Hall

The firm of Ralph Applebaum & Associates (RAA) was hired to oversee the development of the CVC exhibition hall design with ongoing communication and input from the Capitol Preservation Commission. The content specifications for gallery exhibits were refined by the Exhibit Content Working Group (consisting of the House and Senate historians, Library of Congress officials, and the curator and historian for the U.S. Capitol), based on discussions with the commission.⁶⁶

The 16,500-square-foot exhibition hall is designed to “tell the dual story of the development of representative democracy and the building of the Capitol.” The exhibitions are “organized into sections, including a thematic look at our nation’s ideals through the display of original documents from the National Archives and the Library of Congress. Original artifacts, video, and architectural models” were used to “illustrate the history of Congress and of the Capitol building. The House Theater and Senate Theater are used to present brief films about each of these two bodies of Congress, as well as provide live feeds to the House and Senate when they are in session. Interactive computer stations “allow visitors to investigate Congress as an institution, take a ‘virtual tour’ of the Capitol, and visit the Library of Congress.” The exhibit is designed to “provide an unprecedented opportunity for visitors to learn about the legislative branch.”⁶⁷

⁶³ Sarah Bouchard, “Soundproof,” *The Hill*, Oct. 15, 2003, p. 10.

⁶⁴ Information provided by the CVC Project Office, April 17, 2007. See also: Jennifer Yachnin, “Go West: Tour Operations Get a New Home: Visitors Will Enter Capitol at West Front,” *Roll Call*, May 20, 2002, p. A-27.

⁶⁵ Information provided by the CVC Project Office, April 17, 2007. See also: U.S. Capitol Visitor Center, *Weekly Construction Summary*, July 8, 2002, <http://www.aoc.gov/cvc/weekly/2002/07-08-02.cfm>.

⁶⁶ Information provided by the CVC Project Office, April 17, 2007. See also: Testimony of Jeri Thompson, Secretary of the Senate, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2003*, hearings, 107th Cong., 2nd sess., Apr. 17, 2002 (Washington: GPO, 2002), p. 139.

⁶⁷ U.S. Architect of the Capitol, *The United States Capitol Visitor Center* (Washington: no date) (pamphlet in possession of the author); and U.S. Architect of the Capitol, “CVC Exhibition Gallery,” http://www.aoc.gov/cvc/exhibition_gallery/index.cfm visited Apr. 18, 2007. For additional information on the development of the exhibition gallery see Testimony of Jeri Thompson, Secretary of the Senate, U.S. Congress, Senate Committee on Appropriations, (continued...)

Appendix. Congressional Action

Action in the 104th Congress

During the 104th Congress, bills were introduced in both the House (H.R. 1230) and Senate (S. 954) authorizing the Architect of the Capitol, under the direction of the U.S. Capitol Preservation Commission, to “plan, construct, equip, administer, and maintain” a Capitol Visitor Center, and “reconstruct the environs of the East Plaza to enhance its attractiveness, safety, and security.”⁶⁸ The House Subcommittee on Public Buildings and Economic Development held a hearing on H.R. 1230 in June 1995.⁶⁹ No further action was taken on either bill.

Action in the 105th Congress

Three Proposals Introduced

In the 105th Congress, bills were again introduced in both the House (H.R. 20, H.R. 4347) and Senate (S. 1508) authorizing the Architect of the Capitol to plan, construct, and equip a Capitol Visitor Center under the East Front Plaza of the Capitol, and to reconstruct the plaza. H.R. 20 and S. 1508 authorized the Architect, under the direction of the United States Capitol Preservation Commission, to plan, construct, equip, and maintain a Capitol Visitor Center, and to reconstruct the East Plaza of the Capitol to enhance its attractiveness, safety, and security. Both H.R. 20 and S. 1508 contained amendments to the 1988 act establishing the United States Capitol Preservation Commission. H.R. 4347 authorized the Architect to carry out the project, and omitted any reference to the commission. None of the three proposals were reported by the committees to which they were referred.

Purpose of the Proposals

The stated purposes of the three bills were similar in some respects, but differed in others. The bills called for a center that would

- provide reception and information facilities, educational materials and exhibits, and a gift shop for Capitol visitors (H.R. 20, S. 1508);
- ensure the health and comfort of visitors to the Capitol (H.R. 4347);

(...continued)

Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2003*, hearings, 107th Cong., 2nd sess., Apr. 17, 2002 (Washington: GPO, 2002), p. 139; Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center*, hearings, 109th Cong., 1st sess., May 17, 2005 and June 14, 2005 (Washington: GPO, 2006), pp. 3, 39; and Suzanne Nelson, “Exhibition Space to Enliven CVC,” *Roll Call*, Nov. 4, 2003, pp. 1, 14.

⁶⁸ H.R. 1230 (104th Cong. 1st sess.); and S. 954 (104th Cong. 1st sess.). See also: Sen. Mark O. Hatfield, “The Capitol Visitor Center Authorization Act of 1995,” *Congressional Record*, vol. 141, June 21, 1995, pp. 16794-16795.

⁶⁹ U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, H.R. 1230, *Capitol Visitor Center*, hearings, 104th Cong., 1st sess., June 22, 1995 (Washington: GPO, 1995).

- enhance security of the Capitol (S. 1508); and
- enhance security at the perimeter of the Capitol grounds (H.R. 4347).

Design and Financing Requirements

All three bills required that the center's design be substantially in accord with the Architect's final design report of November 10, 1995. The three bills each offered a different approach to financing the project. H.R. 20 directed the Architect to develop and submit, subject to the approval of the Capitol Preservation Commission, a financing plan "that will enable construction of the project to be completed without appropriation of funds." S. 1508 directed the commission to develop a "detailed plan for financing the project at the lowest net cost to the Government." H.R. 4347 authorized the appropriation of "such sums as may be necessary" to complete the project, but required the Architect of the Capitol to "identify alternatives" for reducing construction costs.

Security

Two of the three bills (H.R. 4347 and S. 1508) identified enhanced Capitol security as a principal purpose of the visitor center. The third (H.R. 20) did not. S. 1508 also made the Capitol Police Board responsible for the design, installation, and maintenance of security systems in the center, and mandated that the U.S. Capitol Police conduct a study to assess the security cost savings and other benefits resulting from the construction and operation of the center.⁷⁰

1997 Visitor Center Hearings

On May 22, 1997, the House Subcommittee on Public Buildings and Economic Development held a hearing on H.R. 20.⁷¹ Hearings were not held on S. 1508, which was referred to the Senate Rules and Administration Committee,⁷² or H.R. 4347, jointly referred to the House Committee on Transportation and Infrastructure, and the House Committee on Ways and Means.⁷³

⁷⁰ H.R. 20 (105th Cong. 1st sess.); S. 1508 (105th Cong. 1st sess.); and H.R. 4347 (105th Cong. 2nd sess.). See also: Del. Eleanor Holmes Norton, "Introduction of the Jacob Joseph Chestnut-John Michael Gibson Capitol Visitor Center Act of 1998," remarks in the House, *Congressional Record*, vol. 144, July 30, 1998, pp. 18314-18315; and Sen. John Warner, remarks in the Senate, "Legislation Authorizing the Construction of a Capitol Visitors Center," remarks in the Senate, *Congressional Record*, vol. 143, Nov. 9, 1997, p. 25586.

⁷¹ Rep. John L. Mica, sponsor of H.R. 20, emphasized that construction of the proposed visitor center, "is an important part of opening up government and the Capitol so that all may enjoy its many contributions." U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, *H.R. 20, The Capitol Visitor Center*, hearings, 105th Cong., 1st sess., May 22, 1997 (Washington: U.S. GPO, 1997), p. 6.

⁷² In his statement introducing S. 1508, committee chairman Senator John Warner stated that the visitor center would "have a tremendous, positive impact on the informational and educational experience afforded visitors to the Capitol." The "most compelling need" for the visitor center, he maintained, was the requirement for "enhanced security for the entire Capitol building and environs." Sen. John Warner, "Legislation Authorizing the Construction of a Capitol Visitors Center," remarks in the Senate, *Congressional Record*, vol. 143, Nov. 9, 1997, p. 25586.

⁷³ "Our foremost obligation," Del. Eleanor Holmes Norton told House colleagues in introducing H.R. 4347, "is to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol." Del. Eleanor Holmes Norton, "Introduction of the Jacob Joseph Chestnut—John Michael Gibson Capitol Visitor Center Act of 1998," *Congressional Record*, vol. 144, July 30, 1998, pp. 18314-18315. The act was intended to memorialize Jacob Joseph Chestnut and John Michael Gibson of the U.S. Capitol Police for their selfless acts of heroism on July 24, 1998, when they were killed in the line of duty while confronting an armed gunman who had entered the Capitol.

FY1999 Omnibus Appropriations Act

Following the tragic violence at the Capitol on July 24, 1998, that left two U.S. Capitol Police officers mortally wounded, the question of Capitol security was thrust to the forefront of public consciousness. During the third week of October 1998, a conference agreement was reached on H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999, that included a \$100 million appropriation to be used by the Architect “for the planning, engineering, design, and construction” of a Capitol Visitor Center. The center, conferees reasoned, “would provide greater security for all persons working in or visiting the United States Capitol” and “enhance the educational experience of those who have come to learn about the Capitol building and Congress.” President William J. Clinton signed H.R. 4328 into P.L. 105-277 on October 21, 1998. The act stipulated that funds for the project had to be supplemented by private funds and each milestone in the project must be approved by the appropriate authorizing and appropriations committees.⁷⁴

Action in the 106th Congress

Accelerated Schedule and Cost Savings Sought

During FY2000 House legislative branch funding hearings on February 3, 1999, concern was raised about the Architect of the Capitol’s projected schedule for construction of the visitor center. Representative John L. Mica urged that the process not be further delayed and Subcommittee Chairman Charles Taylor, and Ranking Minority Member Ed Pastor, indicated they would work to accelerate the schedule laid out by the Architect. A similar view was expressed during subsequent Senate legislative branch appropriation hearings.⁷⁵ A month later, Delegate Eleanor Holmes Norton introduced H.R. 962 (106th Congress, first session), a bill similar to her 105th Congress proposal, which contained guidelines for administering the project, including requirements that the Architect identify construction alternatives to achieve cost savings. H.R. 962 was referred to the House Committee on Transportation and Infrastructure, the Committee on House Administration, and the House Committee on Ways and Means. No further action was taken on the proposal.⁷⁶

Role of Capitol Preservation Commission Defined

Subsequently, a Senate proposal to transfer approval authority for the center to the 18-member, bipartisan, bicameral Capitol Preservation Commission was agreed to in the FY2000 legislative branch appropriations bill (H.R. 1905), which was signed into law on September 29, 1999.⁷⁷

⁷⁴ U.S. Congress, Conference Committees, 1998, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), p. 590; and P.L. 105-277, 112 Stat. 2681-569 and 2681-570, Oct. 21, 1998.

⁷⁵ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2000*, hearings, part 2, 106th Cong., 1st sess., Feb. 3, 1999, p. 409; and U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2000*, hearings, 106th Cong., 1st sess., Mar. 3, 1999, pp. 227-228.

⁷⁶ Del. Eleanor Holmes Norton, “Introduction of the Jacob Joseph Chestnut-John Michael Gibson Capitol Visitor Center Act of 1999,” extension of remarks in the House, *Congressional Record*, vol. 145, Mar. 3, 1999, p. 3580.

⁷⁷ P.L. 106-57, 113 Stat. 427, Aug. 29, 1999.

1999 Revalidation Study (Revalidation of 1995 Design)

Earlier, during the spring of 1999, congressional leaders “asked the Architect of the Capitol to review the initial site selection and design of the U.S. Capitol Visitor Center.” In March 1999, the Architect received approval to use \$2.8 million in funds appropriated for the project to revalidate the 1995 design study. On October 15, 1999, the Architect briefed the Capitol Preservation Commission, which had recently been given primary oversight of the project, “on the results of his review of the 1995 design study and sought the Commission’s approval to proceed to the detailed, pre-construction design and engineering phase of the project.”⁷⁸ The team that conducted the *1999 Revalidation Study* were guided by four fundamental goals for the Capitol Visitor Center:

Security. The Visitor Center must provide a secure public environment to welcome and manage a large number of visitors and to protect the Capitol Building, its occupants, and guests in an atmosphere of free and open access.

Visitor Education. The Visitor Center must establish and present a body of information and accessible resources on the workings and history of the Congress, the legislative process, and the mechanics of our representative democracy.

Visitor Comfort. The Visitor Center must provide the amenities, comfort, and convenience for visitors appropriate to the world’s most recognizable symbol of representative democracy and one of the nation’s most visited tourist attractions.

Functional Improvements. The Visitor Center must respond to the physical limitations of the Capitol by providing modern, efficient facilities for such functions as truck loading and deliveries, constituent assembly rooms, and improved connection to the Senate and House office buildings.⁷⁹

On November 3, 1999, the Capitol Preservation Commission approved a revised conceptual design for the center. A design and engineering obligation plan was approved by the House and Senate legislative appropriations subcommittees in November 1999 and January 2000, respectively. On January 31, 2000, design development work for the center was begun,⁸⁰ and in mid-October 2000, the press reported that the commission had approved the final design plan and authorized the Architect to prepare final construction documentation.⁸¹ The ceremonial ground breaking for the center took place on June 20, 2000.⁸²

⁷⁸ Press release of the United States Capitol Preservation Commission, Oct. 15, 1999, p. 1 (copy in possession of author).

⁷⁹ U.S. Architect of the Capitol, *The Capitol Visitor Center. 1999 Revalidation Study. Executive Summary*, Oct. 1, 1999, p. 7.

⁸⁰ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2001*, hearings, part 2, 106th Cong., 2nd sess., Feb. 1, 2000, p. 358.

⁸¹ Lauren W. Whittington, “Design Plan Gets Unanimous Nod,” *Roll Call*, Oct. 19, 2000, pp. 1, 28; and “Commission OKs Final Design for Capitol Visitor Center,” *National Journal’s Congress Daily AM*, Oct. 19, 2000, p. 3.

⁸² U.S. Architect of the Capitol, “Capitol Visitor Center; Project Information,” http://www.aoc.gov/cvc/project_info/index.cfm, visited Apr. 18, 2007; Ben Pershing, “Leaders Break New Ground: Actual Visitors Center Construction to Start in 2001,” *Roll Call*, June 22, 2000, pp. 1, 33.

Action in the 107th Congress

Bids Solicited/Certain Construction Details Finalized

In 2001, construction documents for the center were finalized and competitive bids were solicited for the first phase of the project,⁸³ and in 2002 the contract for Sequence 1 was awarded.⁸⁴ Also in 2001, work was begun or finalized on three other important construction details: (1) the Architect of the Capitol and the Sergeant at Arms of the House met to begin security planning for the center;⁸⁵ (2) the Clerk of the House told the House Subcommittee on Legislative (Appropriations) that penalty clauses would be built into the center's construction contracts for failure to meet specified completion dates;⁸⁶ and (3) the Architect completed a study on the effects of construction on trees on the east front lawn of the Capitol. Much of the Architect's report focused on how the construction would affect the memorial trees located on the east front which have been sponsored by Members of Congress.⁸⁷ Early preparation work for the center started on December 3, 2001, when workers began removing the first of the memorial trees that had to be relocated before the center could be built.⁸⁸

Appropriations for the Center

FY2002 Legislative Branch Appropriations

In the aftermath of the first-ever evacuation of the Capitol and surrounding office buildings following the September 11, 2001 terrorist attacks, Congress appropriated an additional \$70 million for construction of the Capitol Visitor Center. The funds were contained in the FY2002 Legislative Branch Appropriations Act, signed into law by the President George W. Bush on November 12, 2001 (P.L. 107-68).⁸⁹

⁸³ Testimony of Alan M. Hantman, Architect of the Capitol, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2002*, hearings, 107th Cong., 1st sess., June 26, 2001 (Washington: GPO, 2001), pp. 238-239, 246.

⁸⁴ "Architect of the Capitol Awards Major Construction Contract for U.S. Capitol Visitor Center," Architect of the Capitol website, June 2002 (no longer available on website). See also, Suzanne Nelson, "Centex's \$100 M Bid Wins CVC Contract," *Roll Call*, June 17, 2002, p. 3.

⁸⁵ Testimony of Wilson Livingood, Sergeant at Arms of the House, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, part 2, 107th Cong., 1st sess., June 27, 2001 (Washington: GPO, 2001), p. 231.

⁸⁶ Testimony of Jeff Trandahl, Clerk of the House, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, part 2, 107th Cong., 1st sess., June 27, 2001 (Washington: GPO, 2001), pp. 265-266.

⁸⁷ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations Act for 2002*, hearings, part 2, 107th Cong., 1st sess., June 27, 2001 (Washington: GPO, 2001), pp. 367-371.

⁸⁸ Michael S. Gerber, "Tours of Capitol Set to Resume," *The Hill*, Dec. 5, 2001, p. 3. See also: Sylvia Moreno, "12-Ton Liberty Tree on the Move at Capitol," *Washington Post*, Dec. 16, 2001, C1, C9; and Steven Patrick, "Capitol Visitor Center Trimming Trees, Not Costs," *CQ Daily Monitor*, Dec. 13, 2001, p. 13.

⁸⁹ P.L. 107-68, 115 Stat. 588, Aug. 18, 2001.

FY2001 Terrorism Emergency Supplemental

On December 3, 2001, President Bush, under authority granted him in the FY2001 Emergency Supplement Act (P.L. 107-38), authorized the transfer of \$290.4 million to the legislative branch for “increased security measures, including constructing the Capitol Visitor Center.” Of this amount, \$100 million was for the completion of the center, and \$38.5 million for security enhancements and included funds for a new tunnel to the Library of Congress, vertical circulation improvements within the East Front Extension, and new connections to the center from the House and Senate.⁹⁰ These funds were drawn from the \$20 billion made available to the President following the terrorist attacks for “disaster assistance, for anti-terrorism initiatives, and for the assistance in the recovery from the tragedy” that occurred on September 11, 2001.⁹¹

Action in the 108th Congress

First Session (2003)

2003 House Hearing

During House hearings on the FY2004 legislative branch appropriations bill on June 24, 2003, concern was expressed by several members of the House Appropriations Committee about the rising construction costs and management of the project. Similar concerns were expressed in the committee’s July 1 report on the bill. The committee was particularly “troubled by the lack of timely communication, receipt of conflicting information, and inadequate and inaccurate reporting on the project and [its] financial status.” As a consequence, the committee had “serious reservations about providing additional funding under the control of the Architect [of the Capitol] given the track record of the Architect’s organization and inability to manage.” To address these issues, the committee told the Architect that he “personally, must take immediate action to remedy this situation,” and ensure the completion of the center “without delay and in a fiscally responsible manner.”⁹²

Some members of the House Appropriations Subcommittee on Legislative anticipated that the Senate would include additional funding for the center in its legislative branch bill, and at that point the issue might well be revisited. House supporters, according to *Congressional Quarterly*, attributed the center’s rising costs “to unforeseen circumstances—including tasks added to the original mandate—and typical difficulties in estimating the final costs of major projects.”⁹³

⁹⁰ Office of Management and Budget, *President Bush Announces \$699 Million in Emergency Funds Assistance for Defense, Northern Virginia, Secret Service and Congress*, news release, Dec. 3, 2001; and Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003.

⁹¹ P.L. 107-38; 115 Stat. 220-221, Aug. 18, 2001.

⁹² U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2004*, report to accompany H.R. 2657, 108th Cong., 1st sess., H.Rept. 108-186 (Washington: GPO, 2003), p. 15. See also: Jonathan Allen and Gayle S. Putrich, “Architect, Capitol Police Get Thumbs Down on Requests for Big Spending Hikes,” *CQ Today*, June 20, 2003, p. 6.

⁹³ Jonathan Allen and Gayle S. Putrich, “Architect, Capitol Police Get Thumbs Down on Requests for Big Spending Hikes,” *CQ Today*, June 20, 2003, p. 6.

Pocket Constitution



The Declaration of Independence
The Constitution of the United States
The Bill of Rights
Amendments XI–XXVII



TheCapitol!Net

TCNPocket.com

As predicted, the Senate on July 11, 2003, approved legislation appropriating an additional \$47.8 million for the CVC project. The Senate language stipulated that the Architect of the Capitol “could not obligate any of the funds,” however, without an obligation plan approved by the House and Senate Appropriations Committees. The obligating language was subsequently incorporated in the Legislative Branch Appropriations Act, 2004 (P.L. 108-83).⁹⁴

2003 GAO Cost Estimate

Earlier, in late March 2003, it was announced that the Architect of the Capitol had hired Tishman Construction Corporation, a financial consulting firm, to evaluate the CVC costs.⁹⁵ Tishman submitted its cost analysis in mid-May 2003. Soon thereafter, the General Accounting Office reviewed the Tishman “methodology, assumptions, and support for the analysis ... including contingencies, scope items not included in the estimates, and “risks and uncertainties.” GAO also “conducted a supplemental analysis to identify potential future costs due to additional risks and uncertainties not included” in the Tishman estimate. While GAO “found that Tishman’s analysis was generally reasonable given the scope and assumptions provided by the AOC,” it “identified cost adjustments to Tishman’s analysis of the base project, totaling \$7 million,” that need to be added. These adjustments, GAO Comptroller General David M. Walker reported in a prepared statement for a July 15, 2003, House hearing, increased “Tishman’s estimated cost at completion for the basic project from \$344.3 million to \$351.3 million.”⁹⁶ Walker also told the House Appropriations Subcommittee on Legislative that an estimated additional \$70 million might be needed to complete the House and Senate expansion space, and \$35 million for enhanced security.⁹⁷

Walker went on to emphasize in his prepared statement that “[d]ue to the nature of the uncertainties still surrounding the project’s estimated cost to complete and the limitations of information available,” there would “likely be events occurring in the future that could further materially affect the project’s cost at completion.” These “additional risks and uncertainties,” GAO had determined, “could potentially raise the estimated cost at completion of the base project to between \$380 million and \$395 million.” While “these potential additional costs of between \$30 million to \$45 million do not [now] need to be added to the base project budget,” GAO cautioned that “a number of actions need[ed] to be taken to mitigate known risks,” and “there is a continual need of the AOC to align customer expectations with the project’s scope, quality, and cost considerations.”⁹⁸

⁹⁴ “Legislative Branch Appropriations, Fiscal Year 2004 (Capitol Visitor Center),” remarks in the Senate, *Congressional Record*, daily edition, vol. 149, July 11, 2003, pp. S9272, S9275; and P.L. 108-83, 117 Stat. 1026, Sept. 30, 2003.

⁹⁵ Sarita Chourey, “Consultants to Evaluate CVC’s Escalating Costs,” *The Hill*, Mar. 26, 2003, p. 6; Sarita Chourey, “War Supplemental Has No Money for CVC Overruns,” *The Hill*, Apr. 9, 2003, p. 14; and Susan Ferrechio and Allison Stevens, “Architect of the Capitol Hires Consultant to Review Cost Estimates for Visitor Center,” *CQ Today*, May 9, 2003, p. 12.

⁹⁶ Testimony of David M. Walker, Comptroller General, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2004*, hearings, part 1, 108th Cong., 1st sess., July 15, 2003 (Washington: GPO, 2003), p. 1441. See also: U.S. General Accounting Office, *Capitol Visitor Center: Current Status of Schedule and Estimated Cost*, GAO-03-1014T (Washington: July 15, 2003), p. 2.

⁹⁷ Testimony of David M. Walker, *Legislative Branch Appropriations for 2004*, hearings, pp. 1448.

⁹⁸ Testimony of David M. Walker, *Legislative Branch Appropriations for 2004*, hearings, pp. 1441-1443; and *Capitol Visitor Center: Current Status of Schedule and Estimated Cost*, pp. 2-4.

In addition, Walker stressed the need for the Architect to develop a “fully integrated schedule” for all of the center’s “projects, activities, and long-lead-time procurements,” and “develop a plan to mitigate risk factors.” In addition, he encouraged the Architect and Congress to (1) “expeditiously address the current funding gap” between the amount provided for the project and the updated estimates; (2) “consider how best to address potential costs associated with the risks and uncertainties”; (3) “determine whether to establish and fund a reserve account for any additional” costs “that cannot be priced or estimated at the current time”; (4) “implement controls for approving changes,” work toward achieving a “single and standardized budget and reporting format”; and (5) “expeditiously develop a comprehensive, integrated master project schedule.”⁹⁹

Architect of the Capitol Alan M. Hantman, who also testified at the July 2003 House hearing, stated that unforeseen site conditions had significantly impacted the cost of the project. “These costs, when combined with the higher award amount for the Sequence 2 contract, prompted the AOC to request a review of the overall cost-to-complete.” Also, Hantman said, “it is already evident that the expected cost of a number of line items in the [project cost] estimate, such as utility relocation, tree preservation, temporary visitor screening facilities, and historic preservation, will be exceeded.” These issues, he explained, had in April 2003, prompted a “full and independent review of the cost-to-complete all the remaining work related” to the center, and in mid-May the independent cost-to-complete report was turned over to GAO. On June 9, 2003, GAO presented its findings to the Capitol Preservation Commission.¹⁰⁰

Despite the challenges enumerated earlier and “pending the appropriation of the additional funds identified in the cost-to-complete funding request,” the Architect felt, the project team was “on schedule to meet project completion milestones.” Also, Hantman emphasized that CVC “communications initiatives, most specifically, efforts to keep Members and staff informed about the project, have increased in response to the tremendous demand for CVC information.”¹⁰¹

FY2004 Conferees Add Monitoring Mechanisms

While FY2004 legislative branch appropriations bill conferees ultimately recommended nearly \$49 million in additional funding for the center, they included several mechanisms designed to facilitate monitoring the project’s expenditures. These included (1) directing GAO “to perform quarterly performance reviews of the project so that the Congress is kept abreast of important issues such as cost and scheduling;” (2) limiting to \$10 million the total of federal funds that can be obligated or expended for the tunnel connecting the center with the Library of Congress; (3) prohibiting the Architect of the Capitol from obligating funds for the tunnel until an obligation plan has been approved by the chairs and ranking members of the House and Senate Committees on Appropriations; and (4) urging those responsible for exhibits in the center to consult with the Library of Congress “to ensure that the exhibit presents history of the Congress as well as the role of the Congress in the preservation of the cultural and artistic heritage of the American people.”¹⁰²

⁹⁹ Testimony of David M. Walker, *Legislative Branch Appropriations for 2004*, hearings, pp. 1444-1446; and *Capitol Visitor Center: Current Status of Schedule and Estimated Cost*, pp. 5-7.

¹⁰⁰ Testimony of Alan M. Hantman, Architect of the Capitol, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2004*, hearings, part 1, 108th Cong., 1st sess., July 15, 2003 (Washington: GPO, 2003), p. 1470.

¹⁰¹ *Ibid.*, pp. 171-1472.

¹⁰² U.S. Congress, Conference Committees, 2003, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2004, and for Other Purposes*, conference report to accompany H.R. 2657, 108th Cong., 1st (continued...)

FY2004 Appropriations for the Center

On July 15, 2003, David M. Walker, Comptroller General of the United States, and Alan M. Hantman, Architect of the Capitol, both told the House Subcommittee on Legislative that as much as an additional \$100 million might be needed to complete the House and Senate expansion space in the center and to provide enhanced security.¹⁰³

Ultimately, conferees agreed to provide \$48.839 million in additional funding for the CVC, funded under the Architect of the Capitol Account. The appropriation was similar to the amount considered necessary to complete construction of the center, based upon a GAO review and “assessment of a cost-to-complete estimate prepared by a third party with expertise in construction cost analysis.”¹⁰⁴ After a rescission of 0.59%, the final appropriation was for \$48.622 million.¹⁰⁵

On September 30, 2003, President Bush signed into law the FY2004 legislative branch appropriations bill, which contained the additional funding. Of this amount, \$1.039 million of the funding approved by the conferees was marked for operational costs. Of the amount provided \$48.550 million was no-year money.¹⁰⁶ In its report, the Senate Appropriations Committee emphasized that its recommendation for additional funds “was based on the General Accounting Office’s review of the project and its assessment of a cost-to-complete estimate prepared by a third party with expertise in construction cost analysis.”¹⁰⁷

Second Session (2004)

Architect’s FY2005 Funding Request

Just months after Congress added nearly \$49 million to the CVC budget, significant delays in the project raised concern that the price tag of the project would be subjected to even additional increases. Project spokesman Tom Fontana announced later in January 2004, that unusually wet weather as well as unforeseen site conditions and frequent design changes over the past year had pushed back the project’s completion date to the spring of 2006. Although Fontana said that no additional funding would be necessary, and the AOC had not requested more money for the

(...continued)

sess., H.Rept. 108-279 (Washington: GPO, 2003), pp. 48-49.

¹⁰³ Testimonies of David M. Walker, Comptroller General, and Alan M. Hantman, Architect of the Capitol, *Legislative Branch Appropriations for 2004*, hearings, pp. 1448, 1450-1452.

¹⁰⁴ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2004*, report to accompany S. 1383, 108th Cong., 1st sess., S.Rept. 108-88 (Washington: GPO, 2003), p. 35. The actual appropriation for FY2004 was \$36.839 million, subsequently reduced to \$36.622 million by a rescission. Conferees authorized an additional \$12.0 million to be transferred to the center’s appropriation from previously appropriated funds made available for Capitol Police buildings and grounds, also funded under the Architect of the Capitol account. P.L. 108-83; 117 Stat. 1026, Sept. 30, 2003.

¹⁰⁵ P.L. 108-199, 118 Stat. 457, Jan. 23, 2004.

¹⁰⁶ P.L. 108-83, 117 Stat. 1026, Aug. 30, 2003; and U.S. Congress, Conference Committees, 2003, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2004, and for Other Purposes*, conference report to accompany H.R. 2657, 108th Cong., 1st sess., H.Rept. 108-279 (Washington: GPO, 2003), p. 49.

¹⁰⁷ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2004*, report to accompany S. 1383, 108th Cong., 1st sess., S.Rept. 108-88 (Washington: GPO, 2003), p. 35.

project, Representative Jack Kingston, chairman of the House Legislative Subcommittee reportedly felt costs would increase.¹⁰⁸

Subsequently, at a Senate Appropriations Subcommittee on Legislative Branch hearing on April 8, 2004, Architect of the Capitol Alan M. Hantman requested \$14.5 million in new funding “for the preparation of the opening of the Capitol Visitor Center.” The figure included \$6.3 million for equipment and supplies, for custodial services, and to “support, operate, and maintain the structural, architectural, and utilities infrastructures,” and \$8.2 million “to cover transitional stand-up costs for the operations, administration, and management supporting guide services, visitor services, food services, and gift shop services.” In addition, the Architect requested “35 Full Time Equivalents (FTEs) in preparation for the opening” of the center. The staff positions included 18 FTEs for “facility maintenance,” 16 FTEs “for project and operations support necessary for an orderly startup (tour guide services, restaurant management and gift shops,” and one FTE “to support the Office of Attending Physician.” Hantman made an identical request when he testified at a House Appropriations Subcommittee on Legislative hearing on May 12, 2004.¹⁰⁹

The Legislative Branch Appropriations bill reported by the Senate Appropriations Committee in July 2004, included \$7.6 million for transitional start-up operation costs.¹¹⁰ No start-up funds, however, were included in the House Appropriations Committee bill. The accompanying House report stressed that the “Committee wants it understood that the Architect of the Capitol has no higher priority than to ensure, without a doubt, to the Committee and Congress the completion of the [Capitol Visitor Center] without delay and in a fiscally responsible manner.”¹¹¹

FY2005 Conferees Express Concern

When the House and Senate conferees reported the Consolidated Appropriations Act, 2005 (P.L. 108-447), which included the FY2005 Legislative Branch appropriations bill, they expressed distress “with the Architect’s ongoing inability to provide the Committees with accurate cost estimates and delivery schedules on this very important and high-profile project. Since the commencement of the project, the Committees have made every effort to work with the Architect and staff through these issues, and yet, continue to receive notifications of schedule delays, unforeseen requirements, and escalating costs of the Capitol Visitor Center.”¹¹²

¹⁰⁸ Sarah Bouchard, “CVC Plans Fall Behind Schedule,” *The Hill*, Jan. 27, 2004, p.1; Sarah Bouchard, “Key Members Fear Another Jump in CVC Costs,” *The Hill*, Feb. 3, 2004, p. 4; Susan Nelson, CVC Opening Delayed,” *Roll Call*, Jan. 27, 2004, pp. 1, 17; and Christopher Lee, “Capitol Center’s Opening Delayed Till ‘06,” *Washington Post*, Jan. 28, 2004, p. A19.

¹⁰⁹ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Appropriations for Fiscal Year 2005, Legislative Branch*, hearings, 108th Cong., 2nd sess., April 8, 2004 (Washington: GPO, 2004), p. 211; Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2005*, hearing 108th Cong., 2nd sess., May 12, 2004 (Washington: GPO, 2004), pp. 420-421.

¹¹⁰ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2005*, report to accompany S. 2666, 108th Cong., 2nd sess., S.Rept. 108-307 (Washington: GPO, 2004), p. 28.

¹¹¹ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2005*, report to accompany H.R. 4755, 108th Cong., 2nd sess., H.Rept. 108-577 (Washington: GPO, 2004), p. 23.

¹¹² U.S. Congress, Conference Committees, 2004, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4818, 108th Cong., 2nd sess., H.Rept. 108-792 (Washington: GPO, 2004), pp. 1351.

Conferees Grant Transfer Authority

House and Senate conferees, in discussing the Architect's request, expressed distress with his "ongoing inability to provide the Committees with accurate cost estimates and delivery schedules on this very important and high-profile project. Since the commencement of the project, the Committees have made every effort to work with the Architect and staff through these issues, and yet, continue to receive notifications of schedule delays, unforeseen requirements, and escalating costs of the Capitol Visitor Center." Appropriators did, however, authorize Hantman to transfer \$10.6 million from the Capitol Building account to the center. This authority was subsequently approved by the House and Senate, and included in the Consolidated Appropriations Act of 2005 (P.L. 108-447), which was signed into law by President George W. Bush on December 8, 2004.¹¹³

Action in the 109th Congress

First Session (2005)

FY2006 Funding Request

The legislative branch budget request submitted for inclusion in the President's FY2006 budget included an additional \$36.9 million for the CVC project, and \$35.285 million for CVC operations costs, of which \$19.991 million was to remain available until September 30, 2010. The request included the following caveat: "That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives."¹¹⁴ Also included in the FY2006 legislative branch budget request was \$9.965 million for "supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center ... to remain available until expended."¹¹⁵

Senate Appropriations Hearing (April 2005)

At an April 13, 2005, Senate Appropriations Subcommittee on the Legislative Branch hearing, Architect of the Capitol Alan M. Hantman emphasized the GAO had concluded that approximately 75% of the increased costs of the CVC were largely beyond his control. Hantman went on to enumerate several factors that had increased the cost of the center.¹¹⁶ Together,

¹¹³ U.S. Congress, Conference Committees, 2004, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4818, 108th Cong., 2nd sess., H.Rept. 108-792 (Washington: GPO, 2004), pp. 380, 1351; and P.L. 108-447, 118 Stat. 3184, Dec. 8, 2004.

¹¹⁴ U.S. Office of Management and Budget, Budget of the United States Government, *Fiscal Year 2006: Appendix* (Washington: GPO, 2005), p. 27.

¹¹⁵ *Ibid.*, p. 17.

¹¹⁶ Among the factors cited by Hantman were costs associated with completing the House and Senate expansion spaces, which were originally envisioned as unfinished "shell space;" nearly two dozen design changes that had resulted in major renovations of the Capitol's air conditioning, heating, and ventilation systems; and security enhancements mandated by Congress following the 2001 terrorist attacks. In addition, there had been (1) a significant increase in the cost of building materials, which was 22% in the past year; (2) a reduction in competitive bidding because so many other projects were under construction in the District of Columbia; (3) a need for prospective contractors bidding on a phase of the project to factor in the added hassle and loss of time prompted by security checks of workers as well as (continued...)

Hantman explained, these unanticipated aspects of the project, as well as a number of others identified early, have prompted the GAO to now project that the cost of the CVC could reach \$517 million.¹¹⁷

Senate Appropriations Oversight Hearings (May-November 2005)

On May 17, June 14, July 14, September 15, October 18, and November 16, 2005, the Senate Appropriations Subcommittee on the Legislative Branch, chaired by Senator Wayne Allard, held a series of hearings on the progress of the CVC. Much of the focus of these oversight hearings was GAO reports on the progress of the project. GAO's work, which continues, is being performed in response to requests from the Capitol Preservation Commission and to directives in the conference report on the Omnibus Consolidated and Emergency Supplemental Appropriations Act, FY1999 (H.Rept. 105-825) and the conference report on the Legislative Branch Appropriations Act, 2004 (H.Rept. 108-279).¹¹⁸

At the May, June, and July hearings, GAO emphasized that cost overruns and other problems could increase the price tag of the CVC to "between \$522 million and \$559 million."¹¹⁹ In October, however, Terrell Dorn, GAO's assistant director for Physical Infrastructure Issues, said GAO could not provide an accurate cost estimate of the project "until a completion date is known." Similarly, Bernard Ungar, GAO's director of Physical Infrastructure Issues, indicated that an accurate cost estimate was dependent upon having "a good, solid estimate of the

(...continued)

vehicles entering the site; (4) a Buy America requirement that precluded the option of bidding for stonework on the international market at a savings of approximately \$10 million; and (5) a commitment to using better-quality materials when cheaper materials might have been appropriate for another project. Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2006*, hearings, 109th Cong., 1st sess., Apr. 13, 2005 (Washington: GPO, 2005), p. 98.

¹¹⁷ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2006*, hearings, 109th Cong., 1st sess., Apr. 13, 2005 (Washington: GPO, 2005), p. 90. See also Jennifer Yachnin, "CVC's Last Stages May Go Into 2007," *Roll Call*, Apr. 14, 2005, pp. 3, 15.

¹¹⁸ U.S. Congress, Conference Committees, 1998, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), pp. 1529; and U.S. Congress, Conference Committees, 2003, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2004, and For Other Purposes*, conference report to accompany H.R. 2657, 108th Cong., 1st sess., H.Rept. 108-279 (Washington: GPO, 2003), pp. 48-49.

¹¹⁹ Testimony of David M. Walker, Comptroller General, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., May 17, 2005 (Washington: GPO, 2006), pp. 9, 11; Testimony of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., June 14, 2005 (Washington: GPO, 2006), p. 44; and Testimony of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., July 14, 2005 (Washington: GPO, 2006), pp. 67, 72. See also: U.S. Government Accountability Office, *Capitol Visitor Center: Priority Attention Needed to Manage Schedules and Contracts*, GAO-05-714T (Washington: May 17, 2005), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Effective Schedule Management and Updated Cost Information Are Needed*, GAO-05-811T (Washington: June 14, 2005), p. 2; and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project's Schedule and Costs*, GAO-05-910T (Washington: July 14, 2005), p. 2.

completion date ... because a number of costs are driven by how long the project will continue, including expected delay costs.”¹²⁰

By the November 2005 hearing, Dorn was able to tell the subcommittee that GAO’s preliminary work now indicated “that the CVC project is likely, at a minimum, to cost \$542.9 million.” This figure, he explained, “does not provide any more funds for the remaining risk and uncertainties that may materialize or cover the cost of delays that may occur. It also could change again if the [construction] schedule changes.”¹²¹

Also, GAO pointed out during the hearings that while a majority of the delays and cost increases associated with the construction of the center were beyond AOC’s control, “weaknesses in AOC’s schedule and contract management activities have contributed to a portion of the delays and cost overruns.... To help prevent further schedule delays, control cost growth and enhance worker safety,” GAO reasoned that the “AOC urgently needs to give priority attention to managing the project’s construction schedules and contracts, including those contract provisions that address worker safety.” Such “actions are imperative if further cost growth, schedule delays, and worker safety problems are to be avoided. AOC also needs to see that it reports accurate information to Congress on the project.” Additionally, “decisions by the Congress will have to be made regarding the additional funding needed to complete construction and to address any related risk and uncertainties that may arise.”¹²²

“During the next several months,” GAO concluded, “AOC is likely to face “competing demands for funds that can be used for either CVC construction or operations.” Given this reality, “it will be important for AOC to ensure that the available funds are optimally used.” Additionally, GAO was “concerned that AOC may incur costs to open the facility to the public in September 2006 that it would not incur if it postponed the opening until after the construction work is more or fully complete—that is, in March 2007, according to AOC’s estimates.”¹²³

At the May and June 2005 hearings, Architect of the Capitol Alan M. Hantman told the subcommittee that he felt the CVC could be completed by September 2006, except for the expansion space, which is to be completed in March 2007. Hantman’s projection was supported

¹²⁰ Testimonies of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, and Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Oct. 18, 2005 (Washington: GPO, 2006), pp. 130, 142. See also U.S. Government Accountability Office, *Capitol Visitor Center: Status of Schedule, Fire Protection, Cost, and Related Issues*, GAO-06-180T (Washington: Oct. 18, 2005), p. 4.

¹²¹ Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Nov. 16, 2005 (Washington: GPO, 2006), p. 160. See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Schedule and Cost*, GAO-06-251T, Nov. 16, 2005, pp. 3-4, 12-13, 15.

¹²² Testimony of David M. Walker, Comptroller General, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., May 17, 2005 (Washington: GPO, 2006), pp. 9-10.

¹²³ Testimony of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., July 14, 2005 (Washington: GPO, 2006), p. 67.

by Bob Hixon, CVC project director. Both Hantman and Hixon also told the subcommittee that CVC contractors had taken a number of actions to promote and manage site safety.¹²⁴

On September 15, Hantman told the subcommittee that AOC and its contractors were “creatively and responsibly” striving to meet the scheduled completion date, but “there may well be items ... relating to commissioning, to fine-tuning of mechanical systems and punch list items,” that might postpone the CVC’s public opening. As a consequence, “for planning purposes, it would be prudent to aim for December 2006.” This adjustment would not affect the completion date for the House and Senate expansion space. A month later, Hantman once again emphasized “that December 2006 remains a more prudent date for a public opening than the September 2006 date.”¹²⁵

GAO stressed in its September testimony, however, that “[u]nless the project’s scope is changed or extraordinary actions are taken ... the base project is more likely to be completed sometime in the spring or summer of 2007.” This opinion was reiterated in GAO’s October testimony. Also, at the October hearing, Marvin Shenkler, a representative of Gilbane Building Company, the Visitor Center’s construction management contractor, told the subcommittee the competition date was “overly optimistic” and “not likely to be accomplished.”¹²⁶

By the mid-November 2005 hearing, the opening date for the center seemed even less firm because of a continuing lack of adequate wall stone deliveries. These delays had been prompted by “an ongoing legal dispute in federal court between Pennsylvania-based Annandale Sandstone and the Wisconsin-based Quarry Stone Co., the companies responsible for supplying and fabricating stone for the project.”¹²⁷

¹²⁴ Testimony of Alan M. Hantman, Architect of the Capitol, and Bob Hixon, CVC project manager, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., May 17, 2005 (Washington: GPO, 2006), pp. 3-4, 24-25; and Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., June 14, 2005 (Washington: GPO, 2006), pp. 38-39, 47-48.

¹²⁵ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Sept. 15, 2005 (Washington: GPO, 2006), pp. 92-93; and Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Oct. 18, 2005 (Washington: GPO, 2006), p. 124. See also, John McArdle, “CVC Delayed Again, Until Late 2006 or Even ‘07,” *Roll Call*, Sept. 19, 2005, pp. 3, 27.

¹²⁶ Testimony of Bernard Ungar, director of Physical Infrastructure Issues, and Terrell Dorn, Assistant Director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Sept. 15, 2005 (Washington: GPO, 2006), p. 98; U.S. Government Accountability Office, *Capitol Visitor Center: Schedule Delays Continue; Reassessment Underway*, GAO-05-1037T (Washington: Sept. 15, 2005), p. 2; Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Oct. 18, 2005 (Washington: GPO, 2006), p. 130; and U.S. Government Accountability Office, *Capitol Visitor Center: Status of Schedule, Fire Protection, Cost, and Related Issues*, GAO-06-180T (Washington: Oct. 18, 2005), pp. 2-3. See also, Jackie Kucinich, “Sen. Allard Says Architect’s Reputation is on the Line on CVC,” *The Hill*, Oct. 19, 2005, p. 3; and John McArdle, “AOC Takes More Heat on CVC,” *Roll Call*, Oct. 19, 2005, p. 3.

¹²⁷ John McArdle, “Delivery of Stone to CVC Delayed,” *Roll Call*, Nov. 17, 2005, pp. 3, 18. See also Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Progress of Construction of the Capitol Visitor Center, 2005*, hearings, 109th Cong., 1st sess., Nov. (continued...)

House Appropriations Hearing (May 2005)

While much of the attention at the 2005 Senate hearings focused on the overall construction and cost of the CVC, a considerable portion of the discussion at a May 3, 2005, House Appropriations Committee hearing focused on the specifics of the unfinished House office space in the center. Representative David Obey, ranking minority member of the committee, expressed concern that the “space we are getting seems to be almost all show and very little workspace.” He questioned “that mix,” and asked whether the House was “getting the amount of working space” it needed, and “even at this late date, isn’t there any way that we can get more usable space.” As he saw it, the House was getting only one room that was a public hearing room.¹²⁸ Other House Members expressed concerns over the escalating cost of the center, which AOC Hantman testified is expected to reach \$517 million by the time the structure is completed.¹²⁹

Although the AOC at several points during the hearing stated that the current plans had been reviewed and received the approval of the House Office Building Commission, which includes the Speaker, House Majority, and House Minority Leaders, Representative Obey made it clear that he intended to oppose the project unless changes were made.¹³⁰ By virtue of a provision included in FY2002 Legislative Branch Appropriations Act, Representative Obey could have blocked this phase of the project. As enacted, P.L. 107-68 prohibited the AOC from obligating funds for the House expansion space within the center without the approval of the chair and ranking minority member of the House Appropriations Committee.¹³¹

In subsequent action, the House on May 5, and the Senate on May 10, 2005, approved language in the conference report on the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, that struck the “chair and ranking minority member” requirement in the FY2002 Legislative Branch Appropriations Act. That revision in language was included in P.L. 109-13, which was signed into law on May 11, 2005.¹³²

(...continued)

16, 2005 (Washington: GPO, 2006), pp. 152-153; and Jackie Kucinich, “CVC Needs Nine-Day Weeks, GAO Says,” *The Hill*, Nov. 17, 2005, p. 6.

¹²⁸ Testimony of Rep. David R. Obey, U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for FY2006*, hearings, 109th Cong., 1st sess., May 3, 2005 (Washington: GPO, 2005), pp. 3, 8. See also Jennifer Yachnin, “Obey Blocking CVC Plan,” *Roll Call*, May 4, 2005, pp. 1, 15; and Jackie Kachinich, “AOC Questioned on the House Expansion,” *The Hill*, May 4, 2005, 4.

¹²⁹ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for 2006*, hearings, 109th Cong., 1st sess., May 3, 2005 (Washington: GPO, 2006), p. 39.

¹³⁰ Testimony of Rep. David R. Obey, U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for 2006*, hearings, 109th Cong., 1st sess., May 3, 2005 (Washington: GPO, 2005), p. 47.

¹³¹ The Legislative Branch Appropriations Act, 2002 stipulated: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center under this act or any other Act without an obligation plan approved by the chair and ranking minority member of the Committee on Appropriations of the House of Representatives for House space and the Committee on Appropriations of the Senate for Senate space.” P.L. 107-68; 115 Stat. 588, Nov. 12, 2001.

¹³² U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109th Cong., 1st sess. (Washington: GPO, 2005), p. 66 (Division A, Title VI, General Provisions and Technical Corrections, Sec. 6049). P.L. 109-13, 119 Stat. 295, May 11, 2005. The House agreed to the conference report on May 5, 2005, by a 368 to 58 vote. “Conference Report on H.R. 1268, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005,” *Congressional Record*, daily edition, vol. 151, May 5, 2005, pp. H2997-H3027. The Senate agreed to the conference report on May 10, 2005, by a 100 to 0 vote. “Emergency Supplemental (continued...)”

House Appropriations Committee Markup and Report (FY2006)

On June 16, 2005, the House Committee on Appropriations marked up and ordered reported its version of the FY2006 legislative branch funding bill. On a voice vote, the panel approved a draft spending bill that provided \$36.9 million for the CVC project. The House figure was considerably less than the \$72.2 million requested by the AOC, and did not provide any of the \$35.285 million originally requested by the Architect for the center's operations.¹³³

The House Appropriations Committee also included in its draft bill \$3.41 million in FY2006 for the House portion of expenses related to the CVC. This figure represented a \$6.555 million reduction from the requested amount of \$9.965 million. These funds were to be used for "carpeting, furnishings, wiring, and audio/visual requirements." In addition, the House bill contained a provision establishing a "'Capitol Visitor Center Governing Board' to address the issue of daily operations of the Visitor Center."¹³⁴ The bill was reported to the House on June 16, 2005.

Senate Appropriations Committee Markup and Report (FY2006)

On June 24, 2005, the Senate Appropriations Committee reported its version of the FY2006 legislative branch funding bill. The approved language provided \$41.9 million for the CVC project, excluding center operations. Senate appropriators reporting H.R. 2985 emphasized that because GAO felt the "amount requested by the Architect [\$36.9 million] is unlikely to be sufficient to complete the CAC," the committee had added \$5 million "to the budget based on GAO's recommendation." Also, since the scheduled September 2006 opening of center was "likely to be delayed well beyond the time frame on which budget estimates for operations were predicted," Senate appropriators reduced the budget for center operations from the requested \$35.3 million to \$2.3 million. The Senate version of H.R. 2985 did not contain the House provision for a Capitol Visitor Center Governing Board, but did include a provision authorizing the Architect of the Capitol to appoint an Executive Director of the Capitol Visitor Center.¹³⁵

House Floor Consideration of FY2006 Funding

The House passed H.R. 2985, the FY2006 legislative branch bill on June 22, 2005, by a 330 to 82 vote. The House version of the spending bill, like the House Appropriations Committee report,

(...continued)

Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005—Conference Report," *Congressional Record*, daily edition, vol. 151, May 10, 2005, pp. S4806-S4849. See also Jennifer Yachnin, "Obey Loses Veto Authority Over Visitor Center," *Roll Call*, May 9, 2005, pp. 3, 20.

¹³³ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-139 (Washington: GPO, 2005), pp. 20-21, 40. The original request of \$35.285 million was subsequently revised by the Architect to \$24.355 million. *Ibid.*, p. 20.

¹³⁴ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-139 (Washington: GPO, 2005), pp. 9, 20, 40; and U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2006: Appendix*, "Detailed Budget Estimates—Legislative Branch" (Washington: GPO, 2005), p. 17.

¹³⁵ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-89 (Washington: GPO, 2005), pp. 33-34. The original request of \$35.285 million for CVC operations was subsequently revised by the Architect to \$24.355 million. U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109th Cong., 1st sess., H.Rept. 109-139 (Washington: GPO, 2005), p. 20.

Useful Links

Congress by the Numbers

CongressByTheNumbers.com

Leadership of Congress

CongressLeaders.com

Congressional Schedule

CongressSchedules.com

Congress Seating Charts

CongressSeating.com

Terms and Sessions of Congress

TermsofCongress.com

Senate Classes: Terms of Service

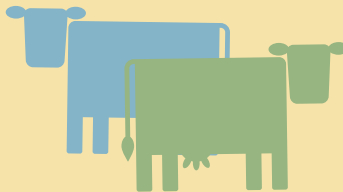
SenateClasses.com

Congressional Glossary

CongressionalGlossary.com

You have 2 cows

YouHave2Cows.com



provided \$36.9 million for the CVC project budget, and \$3.41 million for the House portion of expenses related to the center. The bill approved by the House also contained the provision establishing a Capitol Visitor Center Governing Board that would be responsible for “establishing the policies which govern the operations of the center, consistent with applicable law.”¹³⁶

Senate Floor Consideration of FY2006 Funding

On June 30, 2005, the Senate amended and passed H.R. 2985 by unanimous consent, and then insisted on its amendments and requested a conference with the House.¹³⁷ The Senate version of H.R. 2985, like the Senate Appropriations Committee report, called for \$41.9 million for the CVC project and \$2.3 million for center operating costs. The Senate language also authorized the AOC to appoint an Executive Director of the Capitol Visitor Center.¹³⁸

Conference Committee Report of FY2006 Funding

A little less than a month later, on July 26, 2005, House and Senate conferees, in reporting H.R. 2985, recommended an appropriation of “\$44.2 million for the Capitol Visitor Center, as proposed by the Senate, instead of \$36.9 million as proposed by the House.” This figure included \$41.9 million for the center project, and \$2.3 million for the center’s operations budget. The report also called for \$3.4 million “for other costs related to the House portion of expenses for the center.” Conferees deleted the House language establishing a Capitol Visitor Center Governing Board to handle the center’s daily activities as well as the Senate language authorizing the AOC to appoint an executive director for the center.¹³⁹

Final Action on FY2006 Appropriations

On July 28, 2005, the House by a vote of 305 to 122 concurred with the conferee figures for the Capitol Visitor Center. The Senate followed suit on July 29, 2005, by a 96 to 4 margin. H.R. 2985 became P.L. 109-55 on August 2, 2005, with President George W. Bush’s signature.¹⁴⁰

¹³⁶ “Providing for Consideration of H.R. 2985, Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, v. 151, June 22, 2005, pp. H4936-H4937, H4947, H4949.

¹³⁷ “Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, v. 151, June 30, 2005, pp. S7739-S7749.

¹³⁸ *Ibid.*, pp. S7745-S7746.

¹³⁹ U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2006*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109th Cong., 1st sess. (Washington: GPO, 2005), p. 37. See also *Ibid.*, pp. 6, 15.

¹⁴⁰ “Conference Report on H.R. 2985, Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7031; “Legislative Branch Appropriations for Fiscal Year 2006—Conference Report,” *Congressional Record*, daily edition, v. 151, July 29, 2005, pp. S9334-S9335, S9373; and P.L. 109-55, 119 Stat. 119 Stat. 570 & 579, Aug. 2, 2005.

Second Session (2006)

FY2007 Funding Request

The legislative branch budget request submitted for inclusion in the President's FY2007 budget contained an additional \$20.6 million for the CVC project and \$20.575 million for CVC operational costs. The request included the following caveat: "That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives."¹⁴¹ Also, the FY2007 legislative branch budget request contained \$3.41 million for "supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center."¹⁴²

Senate Appropriations Oversight Hearings (February, April-June, August-September, November 2006)

On February 15, April 27, May 24, June 28, August 2, September 21, and November 15, 2006, the Senate Appropriations Subcommittee on the Legislative Branch held a series of hearings on the progress of the CVC. These sessions focused primarily on factors affecting the project's construction schedule and cost. At the first three hearings, Architect of the Capitol Alan Hantman and CVC Project Director Robert Hixon told the Senate appropriators that they anticipated the CVC would be completed by March 2007, with a formal opening a month later. By the June 28 hearing, however, Hantman conceded that opening of the CVC would be delayed until mid- or late July 2007, and the House and Senate expansion spaces would be available a month later.¹⁴³

Prior to the Architect's announcement, the Government Accountability Office had consistently questioned the Architect's optimistic completion dates. At the February 2006 hearing, GAO indicated it felt the CVC could "be opened to the public with [a] temporary cap on visitor occupancy in May 2007." GAO felt the House and Senate expansion spaces could "be opened beginning in mid-August to early September 2007," and Congress might even "be able to begin occupying the expansion spaces earlier if AOC implements a phased opening plan it is considering." The center, however, could also be finished even later if "AOC experiences major problems completing construction, such as with installing interior stone or testing major building systems." During the subsequent oversight hearings in April and May 2006, GAO expressed similar sentiments regarding a possible completion date for the CVC.¹⁴⁴

¹⁴¹ U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2007*: Appendix (Washington: GPO, 2006), p. 24.

¹⁴² *Ibid.*, p. 16.

¹⁴³ Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Feb. 15, Apr. 27, May 24, and June 28, 2006 (not yet published). See also: John McArdle, "CVC Opening Delayed Again," *Roll Call*, June 29, 2006, p. 1; and Daphne Retter, "Architect and GAO Appear to Agree on Projected Opening of Visitor Center," *CQ Today*, June 29, 2006, p. 14.

¹⁴⁴ Testimonies of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitors Center*, hearings, 109th Cong., 2nd sess., Feb. 15, Apr. 27, May 24, 2006 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T (Washington: Feb. 15, (continued...))

Not until the June 2006 hearing was there finally general agreement on the projected opening of the CVC. Pending further reassessment, GAO stated at the June 2006 hearing, the “AOC’s new July and August 2007 time frames appear to be reasonable tentative targets for opening the CVC and House and Senate expansion spaces.” GAO went on to explain in some detail the various issues that had pushed the CVC opening back to July 2006, and why they concurred with the adjustment. When risks materialized between the June and August hearings, “especially in connection with the CVC’s fire protection system,” and as a consequence of delays in “a number of important activities,” there was a “lessening of [GAO] confidence in the likelihood of the CVC’s team’s meeting the targeted completion dates”¹⁴⁵

By late September 2006, however, the Architect and GAO were once again projecting different completion dates. The Architect had pushed back the completion date to September 2007, while GAO felt that the “project is much more likely to be completed in November to December 2007.”¹⁴⁶ In November 2006, GAO told the Subcommittee the CVC completion day could slip to early 2008.¹⁴⁷

GAO told the subcommittee in April, May, and June 2006 that about \$530 million had already been provided for the construction of the CVC. It estimated “that the total cost to complete the entire CVC project is about \$556 million without an allowance for risks and uncertainties and \$584 million with such an allowance.”¹⁴⁸ Although GAO indicated at the subcommittee’s August 2006 hearing that it had not increased its cost estimate, risks materializing since the previous

(...continued)

2006), p. 3; U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 27, 2006*, GAO-06-665T (Washington: Apr. 27, 2006), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of May 24, 2006*, GAO-06-803T (Washington: May 24, 2006), p. 2.

¹⁴⁵ Testimonies of Bernard L. Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., June 28, and Aug. 2, 2006 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of June 28, 2006*, GAO-06-827T (Washington: June 28, 2006), p. 2; and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of August 2, 2006*, GAO-06-828T (Washington: Aug. 2, 2006), pp. 1, 4. See also John McArdle, “CVC Opening Delayed Again,” *Roll Call*, June 29, 2006, p. 1.

¹⁴⁶ Testimonies of Alan M. Hantman, Architect of the Capitol, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Sept. 21, 2006 (not yet published).

¹⁴⁷ Testimony of Bradley M. James, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Nov. 15, 2006 (not yet published); U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of November 15, 2006*, GAO-07-129T (Washington: Nov. 15, 2006), pp. 3, 22. See also: John McArdle, “CVC Debut Delayed to ‘08, Cost Nears \$600 million,” *Roll Call*, Nov. 16, 2006, p. 1, 20.

¹⁴⁸ U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 27, 2006*, GAO-06-665T (Washington: April 27, 2006), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of May 24, 2006*, GAO-06-803T (Washington: May 24, 2006), p. 2; and U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of June 28, 2006*, GAO-06-827T (Washington: June 28, 2006), p. 3. See also Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Apr. 27, and June 28, 2006 (not yet published).

hearing would likely raise the \$556 million figure.¹⁴⁹ That figure was adjusted upward in September 2006, when GAO told the subcommittee the CVC project would likely “cost about \$584 million without allowance for risk and uncertainties, and as much as \$596 million with an allowance for risks and uncertainties.”¹⁵⁰ In November 2006, GAO increased its minimum estimate by \$8 million, to “about \$592 million.”¹⁵¹

Other aspects of the project arousing concern during the first three of the subcommittee’s 2006 oversight hearings were

- delays in the delivery and installation of the stone being used to complete the interior walls and floors of the CVC;
- “acceptance testing” of the CVC’s complex fire and life-safety systems (which includes more than 5,000 smoke detection and alarm devices, security systems, a smoke evacuation system, a state-of-the-art public address and warning system, and the full integration of these systems with emergency generators); and
- completion of the CVC’s new utility tunnel between East Capitol Street, which has been impacted by the contractor’s concerns with possible asbestos from the existing Second Street tunnel.¹⁵²
- Chairman Wayne Allard set the perimeters for the August 2, 2006, hearing by informing Architect Hantman and other witnesses that he wanted to focus on the challenges facing the final stages of the CVC project and would pursue the

¹⁴⁹ Testimonies of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Aug. 2, 2006 (not yet published); and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of August 2, 2006*, GAO-06-828T (Washington: Aug. 2, 2006), pp. 3, 22.

¹⁵⁰ Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Sept. 21, 2006 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of September 21, 2006*, GAO-06-1058T (Washington: Sept. 21, 2006), pp. 4, 24-25.

¹⁵¹ Testimony of Bradley M. James, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Nov. 15, 2006 (not yet published); and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of November 15, 2006*, GAO-07-129T (Washington: Nov. 15, 2006), pp. 4, 23. See also: John McArdle, “CVC Debut Delayed to ‘08, Cost Nears \$600 million,” *Roll Call*, Nov. 16, 2006, p. 1, 20.

¹⁵² U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Feb. 15, Apr. 27, and May 24, 2006 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T (Washington: Feb. 15, 2006); U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 27, 2006*, GAO-06-665T (Washington: Apr. 27, 2006); and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of May 24, 2006*, GAO-06-803T (Washington: May 24, 2006). See also: Jackie Kucinich, “It’s Deja Vu as CVC Costs Jump Again,” *The Hill*, Feb. 16, 2006, pp. 1, 5; John McArdle, “CVC Opening Pushed to 2007,” *Roll Call*, Feb. 16, 2006, pp. 1, 22; Daphne Retter, “Senators Grill Architect on Asbestos Exposure, Tunnel Repairs at Capitol,” *Roll Call*, Apr. 28, 2006, pp. 26-27; John McArdle, “CVC Watch,” *Roll Call*, May 2, 2006, p. 3; and John McArdle, “AOC Rapped for Poor Communications on Tunnels,” *Roll Call*, May 25, 2005, pp. 3, 24.

problems associated with the Capitol's underground utility tunnels "in a different forum."¹⁵³

House Appropriations Hearing (March 2006)

During a March 14, 2006, House hearing on the FY2007 legislative branch appropriations bill, Representative David Obey, ranking minority member of the House Appropriations Committee, questioned Architect of the Capitol Alan Hantman at some length regarding the escalating cost of the center and frequent changes in its projected completion date. Despite having to overcome "significant hurdles," Hantman told the committee "we've been making tremendous progress," and predicted that the center should be ready for a formal opening in April 2007. Hantman went on to say that the House and Senate office spaces flanking the center would be unveiled during the summer of 2007. Obey countered by reiterating earlier concerns that even with its additional House and Senate office space, the center does not provide enough additional working space for Members and staff. Because of his overall concerns about the project, Obey said he would refuse to vote for another spending bill that included additional funds for the center, and was unwilling "to identify [himself] in any way with the mistakes associated with this boondoggle."¹⁵⁴

Senate Appropriations Committee Hearing (March 2006)

A day after Architect of the Capitol Hantman appeared before House appropriators, he met with the Senate Appropriations Committee, which used the hearing to conduct its monthly review of the CVC project. Once again, GAO officials, as they had at a committee oversight hearing a month earlier, expressed concerns over continuing delays in the project. They did concede, however, that some of those delays were prompted by "redesign resulting from the CVC team's misunderstanding of congressional requirements for certain spaces" as well as "security-related" design changes. GAO Assistant Director of Physical Infrastructure Terrell Dorn reiterated earlier concerns that the AOC's projected completion dates for the project were too "optimistic" and did not allow "enough time for several critical activities to take place, or for risk and uncertainties that continue to affect the project." Hantman, however, remained convinced that the center, except for the House and Senate expansion spaces, would be completed in March 2007, with a formal opening a month later. At the hearing, GAO estimated that the final cost of the project would range from \$556 million to as much as \$584 million. Previously, the estimated range had been between \$555 million and \$584 million.¹⁵⁵

¹⁵³ U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Aug. 2, 2006 (not yet published). See also: John McArdle, "Allard Cuts Tunnel Talk Out of CVC Hearings," *Roll Call*, Aug. 3, 2006, p. 3.

¹⁵⁴ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for 2007*, hearings, 109th Cong., 2nd sess., Mar. 14, 2006 (Washington: GPO, 2006), p. 502. See also Jackie Kucinich, "AoC Criticized for 2007 Spending Request," *The Hill*, Mar. 15, 2006, p. 6; and Jennifer Yachnin, "Architect Pressed On CVC Leak," *Roll Call*, Mar. 15, 2006, pp. 1, 25.

¹⁵⁵ Testimonies of Alan M. Hantman, Architect of the Capitol, Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109th Cong., 2nd sess., Mar. 15, 2006 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Status of Project's Schedule and Cost as of March 15, 2006*, GAO-06-528T (Washington: Mar. 15, 2006), pp. 1-3, 9-10.

House Appropriations Committee Markup and Report (FY2007)

On May 25, 2006, the House Appropriations Committee marked up and ordered reported its version of the FY2007 legislative branch funding bill. During markup, the committee by a voice vote approved an amendment by Representative Obey to transfer “all authorities previously exercised by the Architect of the Capitol, including but not limited to the execution and supervision of contracts; and the hiring, supervising, training, and compensation of employees,” to the Comptroller General of the United States or his designee, effective October 1, 2006, until the “confirmation of a new Architect of the Capitol.” Obey’s amendment, to be included in the final FY2007 funding bill, had to be agreed to by Senate appropriators and a majority of both the House and Senate. Serious concerns about Hantman’s management of the CVC project and worker safety issues prompted the action.¹⁵⁶

The bill reported by the House Appropriations Committee provides \$46,175,000 in additional funding for the CVC project. This amount includes \$16,041,000 for CVC personal services and operations; \$4,534,000 for CVC fit-outs; and \$25,600,000 for construction. The total figure, which was \$5,000,000 more than the request, “reflects the Government Accountability Office’s estimate of the cost to complete which is higher than the Architect’s most current estimate.”¹⁵⁷

In its report, the committee explained that it was “becoming increasingly concerned about the project’s continuing schedule slippages and increasing costs being reported by GAO, the Architect of the Capitol’s inability to fix water leaks, and the late discovery of major security and life safety issues affecting the project, including the recent disclosure that the new utility tunnel being constructed may not meet applicable life safety requirements.”¹⁵⁸

Because of these concerns, the Architect was directed to provide by July 31, 2006, “a report to the Committee on the major schedule, cost, quality, and coordination issues affecting the CVC project and the steps being taken and planned to address these issues.” The Architect was told to include in the report: “(1) an assessment of the effects of recent schedule slippages on the Architect’s proposed opening dates for the CVC and the House and Senate expansion spaces and the steps being taken to prevent further schedule slippages, including the effectiveness of efforts being taken to address trade stacking, late completion of shop drawings, design and scope changes late in the project, and missed milestones; (2) an updated estimate by the Architect’s construction management contractor of the cost to complete the project, reasons for cost increases to date, and steps being taken to prevent further cost increases and assure that adequate information is available on the causes of delays; and (3) steps being taken to coordinate with appropriate authorities to ensure that security and life safety issues that can affect the project’s schedule, cost, functionality, security, and safety are identified and addressed expeditiously.” Also, the report was to “address the steps being taken regarding water leaks in the facility and life

¹⁵⁶ A more complete explanation of Representative Obey’s amendment is found in: U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2007*, report to accompany H.R. 5521, 109th Cong., 2nd sess., H.Rept. 109-485 (Washington: GPO, 2006), pp. 50-51. See also: H.R. 5521, 109th Cong., 2nd sess., sec. 210; John McArdle, “Hantman Fight Overshadows Leg. Branch Bill,” *Roll Call*, May 30, 2006, pp. 3, 13; Daphne Retter, “Vote to Strip Architect’s Office of Power Underscores Ire Over Visitor Center,” *CQToday*, May 26, 2006, p. 6; and “Upset Lawmakers Move to Rein in Visitor Center Builders,” *Engineering News-Record*, vol. 256, June 5, 2006, p. 17.

¹⁵⁷ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2007*, report to accompany H.R. 5521, 109th Cong., 2nd sess., H.Rept. 109-485 (Washington: GPO, 2006), p. 25.

¹⁵⁸ *Ibid.*, p. 25.

safety issues associated with the new utility tunnel being constructed to serve the Capitol Visitor Center.” In addition, the committee requested “GAO to continue to monitor these issues.”¹⁵⁹

House Floor Consideration of FY2007 Funding

The House passed H.R. 5521, the FY2007 legislative branch bill on June 7, 2006, by a 361 to 53 vote. The House version of the spending bill, like the House Appropriations Committee report,

provided an additional \$25.6 million for construction of the CVC; \$16,041,000 for CVC personal services and operations; and \$4,534,000 for CVC fit-outs. In addition, the bill approved by the House included an amendment adopted by the House Appropriations Committee during its markup that transferred “all authorities previously exercised by the Architect of the Capitol” to the Comptroller General of the United States or his designee, effective October 1, 2006. “This delegation of authority [was] to terminate with the confirmation of a new Architect of the Capitol.”¹⁶⁰

Senate Appropriations Committee Markup and Report (FY2007)

On June 22, 2006, the Senate Appropriations Committee reported its version of the FY2006 legislative branch funding bill. The approved language provided \$25.6 million for completion of the CVC, and \$14 million for fit out and operation costs. The Senate bill did not contain the House language, proposed by Representative Obey, transferring the Architect’s duties to the Comptroller General.¹⁶¹

Final Action on FY2007 Appropriations

The Senate did not consider H.R. 5521, and Congress did not enact a regular annual appropriations law for the legislative branch for FY2007. Instead, funds were included in P.L. 110-5, the FY2007 Revised Continuing Appropriations Resolution for 2007. The act provides funding for FY2007 essentially at the FY2006 account levels, except where otherwise stated.¹⁶² (The 2006 legislative branch bill included 41.9 for the center’s construction, \$2.3 million for the center’s operations budget, and \$3.42 million for other costs related to the House portion of the center.¹⁶³) P.L. 110-5 also contained language stating that “amounts made available ... for projects and activities described under the heading ‘Architect of the Capitol, Capitol Visitor Center’ in the Legislative Branch Appropriations Act, 2006 may be transferred among the accounts and

¹⁵⁹ Ibid., pp. 25-26.

¹⁶⁰ “Legislative Branch Appropriations Act, 2007,” *Congressional Record*, daily edition, v. 152, June 7, 2006, pp. H3438, H3442, H3445. See also: John McArdle, “AOC Provision Kept in Spending Bill,” *Roll Call*, June 7, 2006, p. 20; John McArdle, “House OKs Leg. Branch Bill With Swipe at AOC,” *Roll Call*, June 8, 2006, pp. 3, 25; Daphne Retter, “House Bill Would Eliminate Architect’s Office; Senators Unlikely to Go Along,” *CQ Today*, June 8, 2006, p. 10; and Jackie Kucinich, “Allard Unsure About Measure to Strip Hantman of Duties,” *The Hill*, June 13, 2006, p. 4.

¹⁶¹ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2007*, report to accompany H.R. 5521, 109th Cong., 2nd sess., H.Rept. 109-267 (Washington: GPO, 2006), pp. 38-39.

¹⁶² P.L. 110-5, 121 Stat. 8, February 15, 2007.

¹⁶³ U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2006*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109th Cong., 1st sess. (Washington: GPO, 2005), pp. 6, 15, 37; and P.L. 109-55, 119 Stat. 570 & 579, Aug. 2, 2005.

purposes specified in such heading, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.”¹⁶⁴

Action in the 110th Congress

First Session (2007)

FY2008 Funding Request

The Legislative branch budget request submitted for inclusion in the President’s FY2008 budget contained an additional \$20 million for the CVC project and \$13,884,000 for CVC operational costs. The request included the following caveat: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the committees on Appropriations of the Senate and House of Representatives.”¹⁶⁵

House Appropriations Oversight Hearings (February-April, June-July, September, November 2007)

February 2007. At an February 16, 2007 oversight hearing, Members of the newly reconstituted House Subcommittee on Legislative Branch learned that the completion date for the CVC would be delayed an additional six months. The previous November, former Architect of the Capitol Alan Hantman, whose 10-year appointment ended just a few days before the subcommittee’s hearing, told congressional appropriators that the Center would be completed by end of 2007.

Reasons for the delay were explained to the subcommittee by Stephen T. Ayers, who is serving as Acting Architect of the Capitol until a new Architect is appointed by the President and confirmed by the Senate. Although the construction phase of the project was now 90% complete and “major construction activities would begin to wind down” in March, several important aspects of the project remained. “The tasks now left to do,” Ayers said, “largely involve aesthetics and functionality of the space, such as painting, installation of carpet and light fixtures, handrails, as well as the tie-in of the building systems. The final and most complex challenges ahead are the acceptance testing of the fire, security, and life-safety systems, and the commissioning of the sophisticated building systems.” Unfortunately, the complex tasks “were not built into the current schedule or into the fire and life-safety acceptance testing plan.” “After carefully evaluating past contractor performance, schedules and the nature of the issues that remain,” Ayers felt a more realistic schedule would result in the “issuance of a certificate of occupancy in the spring of 2008.” Following the issuance of the certificate, an additional two to three months would be needed to install furniture and furnishings, train staff, and conduct dry runs of tours as well as other operational training scenarios.¹⁶⁶

¹⁶⁴ P.L. 110-5, 121 Stat. 38, February 15, 2007.

¹⁶⁵ U.S. Office of Management and Budget, *Budget of the United States Government*, Fiscal Year 2008: Appendix (Washington: GPO, 2007), p. 21.

¹⁶⁶ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., February 16, 2007 (not yet published). See also: John McArdle, “Appropriators Hit CVC Delay,” *Roll Call*, Feb. 20, 2007, pp. 1, 21; Michael E. Ruane, “Capitol Visitor Center Debut Again Delayed, (continued...) ”

This did not mean, Ayers and CVC project manager Robert Hixon explained, that additional money would not be needed to complete the project above the \$20 million in construction funds already requested for fiscal 2008. Terrell Dorn, director of Physical Infrastructure for GAO, was not as optimistic about the final price tag for the facility. GAO estimated that the Center would cost in excess of \$600 million and the CVC would probably need an additional \$15 million above its current fiscal 2008 request. Subcommittee Chair Debbie Wasserman Schultz called the prospect of having to revise AOC's fiscal 2008 budget request because it had failed to meet unrealistic deadlines a "disturbing" scenario and added she expected AOC to develop more realistic monthly goals to track progress of the project.¹⁶⁷

In her opening remarks, the Chair Wasserman Schultz accented the point that she and the Ranking Subcommittee Member, Zachary Wamp, agreed "we can't do a lot about what happened up to now, but we do need to make sure that we engage an aggressive oversight and accountability for what comes next and see this project through to fruition." She also stressed the importance of focusing "on the present and [making] sure that we don't continue to have interminable delays and that [at] every hearing we don't have to ask the same questions over and over and that there isn't a big—W-H-Y—that I need to prop up in front of this microphone."¹⁶⁸

Several members of the subcommittee noted with satisfaction that the House was finally reasserting its legislative branch oversight role after the subcommittee was absorbed by the full committee in the previous Congress. Several subcommittee members raised concerns relating to the project. These questions focused on:

- CVC's oversight and management structure;
- use of women and minority owned businesses in the project;
- the Office of Compliance not being given appropriate access to inspect the facility for possible health and safety violations;
- why the CVC planned to have a "Great Hall" when the Library of Congress has long been home to Capitol Hill's original Great Hall;
- whether the building would be fully ADA accessible, and would have family-friendly restrooms with changing stations as well as areas for breast-feeding;
- earlier reports of possible asbestos in an existing Second Street tunnel; and
- a security lapse that arose as a consequence of individual running through a perimeter barrier, up the steps of the Capitol, and then into the Capitol.¹⁶⁹

(...continued)

Washington Post, March 9, 2007, pp. A1, A8.

¹⁶⁷ Testimonies of Rep. Debbie Wasserman Schultz, Chair of the House Subcommittee on Legislative Branch, and Rep. Zach Wamp, Ranking Member of the House Subcommittee on Legislative Branch, Terrell Dorn, director of Physical Infrastructure Issues, General Accountability Office, and Stephen T. Ayers, Acting Architect of the Capitol, and Robert Hixon, CVC project manager, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Feb. 16, 2007 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project's Schedule and Cost as of February 16, 2007*, GAO-07-507T, Feb. 16, 2007, pp. 2-3, 10-11.

¹⁶⁸ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Feb. 16, 2007 (not yet published).

¹⁶⁹ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, (continued...)

March 2007. When the Subcommittee was updated on the progress of the Capitol Visitor Center in March 2007, Acting Architect of the Capitol Stephen T. Ayers again emphasized that AOC “continued to believe that a certificate of occupancy will be issued in spring 2008,” and did “not foresee the need for additional FY2008 funds to complete CVC construction.” Ayers did say, however, that it was “not uncommon for contractors to submit claims for contracts of this size,” and AOC expects the contractor to “submit additional claims when the project nears completion.” Since at this point they could “not determine the validity or cost of any potential claims, if any, prior to their being received and evaluated,” additional funds to cover these potential claims would not be needed until FY2009.¹⁷⁰

Ayers told the Subcommittee that AOC “was aggressively implementing all actions identified” in the Action Plan, “which covers all elements of construction, including the House and Senate expansion spaces and the Library of Congress tunnel;” and “increasing oversight of critical activities.” Recent billing statements, Ayers explained, indicated that the project was 91% complete and at the current pace construction would be substantially completed early in the summer of 2007. This would allow the “final fire and life-safety acceptance testing to commence as scheduled. Exterior work, including final landscaping activities, removal of the perimeter fencing, security trailers, and other temporary security elements will continue into the fall.”¹⁷¹

March 2007 testimony by Terrell G. Dorn, GAO director of Physical Facilities Issues, reconfirmed both the agency’s projected cost and completion dates. “Problems in completing the installation, integration, operation, and testing of complex building systems, including the fire alarm, security and HVAC systems,” Dorn explained, “remain the most significant risk facing the project’s schedule.... Barring future construction delays, the House and Senate expansion spaces would be completed before the CVC’s construction, but both the CVC space and expansion spaces will be available for occupancy at the same time, because AOC is planning to test the fire protection and other major building systems in both facilities concurrently.”¹⁷²

April 2007. A further delay in completion of the CVC was announced by Acting Architect of the Capitol Stephen T. Ayers at a House Legislative Branch Subcommittee oversight hearing on April 24. Ayers told the appropriators that AOC anticipated receiving a “certificate of occupation” in June 2008, and the CVC should be opened to the public three months later. “With very little time to assess AOC’s” disclosure, Terrell Dorn emphasized in his testimony that GAO “could not thoroughly assess AOC’s new scheduled project completion date or the project’s estimated cost at completion.” Dorn did say however, that [g]iven the project’s history, the risk of additional communication and coordination breakdowns between the AOC’s Chief Fire Marshall and the CVC team remains, and such breakdowns could affect the project’s overall completion date.”¹⁷³

(...continued)

hearings, 110th Cong., 1st sess., Feb. 16, 2007 (not yet published).

¹⁷⁰ Testimony of Stephen T. Ayers, Acting Architect of the Capitol U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., March 13, 2007 (not yet published).

¹⁷¹ Ibid.

¹⁷² Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., March 13, 2007 (not yet published); and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of March 13, 2007*, GAO-07-601T, March 13, 2007, pp. 2-4, 7-8.

¹⁷³ Testimonies of Stephen T. Ayers, Acting Architect of the Capitol, and Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, (continued...)

June 2007. When Acting Architect Ayers again appeared before the Subcommittee on June 27, 2007, he told the panel that construction of the Capitol Visitor Center was “95 percent complete,” and testing of the fire and life-safety systems was scheduled to begin in the fall. An operations transition team had begun “working to transition the CVC from a construction project to a fully staffed and equipped visitor services operation,” and it was anticipated that a Certificate of Occupancy could be issued in June 2008. One of the top priorities now is “to recruit a Chief Executive Officer for Visitor Services (CEOVS) who “will be responsible for the overall operation of the CVC and the implementation of the policies and programs that fulfill the CVC’s mission of security, visitor comfort, and education.” Once that person is hired, other CVC operations staffing could begin.¹⁷⁴

AOC, Ayers further explained, “had begun to hire staff to attend to the facility’s maintenance which will report to the Capitol Superintendent’s Office,” and awarded the CVC food service contract to Restaurant Associates effective May 31, 2007. In the immediate future, AOC would be working with the congressional leadership on “an advanced reservation system, developing a CVC Web site, stocking and staffing gift shops, working to develop a transportation plan, and reaching out to community, tour industry, and business groups with a public information plan.”¹⁷⁵

Despite Ayers’s assurance that the Capitol Visitor Center would be completed in June 2008, Terrell G. Dorn, GAO director of Physical Infrastructure Issues, stressed in June 27 testimony that AOC would “only meet or come close to meeting its scheduled construction completion date if the CVC team promptly made significant improvements in its execution of the project and the project’s schedule.” Because the project’s expected completion date remained uncertain, GAO had not updated its “cost-to-complete estimate since the November 15, 2006, CVC hearings.” It did, however, “estimate that AOC may need further appropriations in future fiscal years for construction claims.”¹⁷⁶

July 2007. At the Legislative Branch Subcommittee’s next oversight hearing on July 31, 2007, panel members were told by Bernard Ungar, CVC project manager, that a new plan for testing the CVC fire alarm and security system could delay the opening of the center from September to November 2008. Terrell G. Dorn, GAO’s director of Physical Infrastructure Issues, also indicated that the testing of the fire alarm, security, and heating, ventilation, and air-conditioning (HVAC) systems could delay the project a number of months. “Because the project’s expected completion date remains uncertain,” Dorn went on to explain, GAO had not updated its cost estimate of the project. Dorn did suggest, as he had at the Subcommittee’s previous hearing, that AOC “update its

(...continued)

Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Apr. 24, 2007 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 17, 2007*, GAO-07-755T, Apr. 24, 2007, pp. 1.

¹⁷⁴ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House, Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center Progress*, hearings, June 27, 2007 (not yet published).

¹⁷⁵ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House, Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center Progress*, hearings, June 27, 2007 (not yet published).

¹⁷⁶ Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center Progress*, hearings, 110th Cong., 1st sess., June 27, 2007 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of June 27, 2007*, GAO-07-897T, June 27, 2007, pp. 2, 6.

estimate of the cost to complete the project.” Acting Architect of the Capitol Stephen T. Ayers, Leonard Rejcek, president and chief operating officer of the Manhattan Construction Company, the general contractor for the project, and Paul Choquette, chairman and CEO of Gilbane Building Company, who is managing the project, all felt that the Center could still be completed in late June 2008 and opened in late September 2008, as projected. Both Chair Wasserman Schultz and Ranking Subcommittee Member Zach Wamp in their remarks stressed the importance of making sure that the center was open in time to accommodate preparations for the 2009 presidential inauguration.¹⁷⁷

September 2007. Acting Architect of the Capitol Stephen T. Ayers, and Terrell G. Dorn, GAO’s director of Physical Infrastructure Issues, announced at the Subcommittee’s oversight hearing on September 26, 2007, that they had reached agreement on a November 2008 opening date for the CVC, and an updated cost-to-complete figure of \$621 million. Ayers testified that an additional \$39 million in appropriated funds would be needed to finish the CVC, a figure, Dorn said, GAO believed was “reasonable, provided there are no unusual delays.” The revised estimate of \$621 million, Dorn explained:

reflects, among other things, the cost associated with extending the date for completing sequence 2 work and is consistent with our report at the July 31, 2007, CVC hearing that the total cost of completing the project’s construction was likely to exceed \$600 million. The new \$621 million estimate includes contingency amounts for delays, change orders, and remaining uncertainties among other things related to the project’s fire alarm testing. Our review of this estimate indicates that it is reasonable, given the information available at this time, provided there are no extraordinary delays in the future. Although there is still considerable uncertainty about the cost impact of earlier construction delays and future fire alarm testing, we believe reasonable budgetary allowances have been made.¹⁷⁸

November 2007. At the Subcommittee’s next CVC oversight hearing in November 2007, considerable attention was given to complicated operational activities designed to assure the visitor experience in the new center was that envisioned by the nation’s lawmakers. Acting Architect of the Capitol Stephen T. Ayers began by discussing plans for CVC’s visitor services operations, including the efforts of Ms. Terrie Rouse, the CVC’s Chief Executive Officer for Visitor Services. Ms. Rouse, Ayers explained, had been working with the CVC Operations Transition Team on an advanced reservation system, developing a CVC Web site and a transportation plan, and hiring new staff. Those efforts had recently resulted in the award of “a

¹⁷⁷ Testimonies of Rep. Debbie Wasserman Schultz, Chair of the House Subcommittee on Legislative Branch, Rep. Zach Wamp, Ranking Member of the House Subcommittee on Legislative Branch, Stephen T. Ayers, Acting Architect of the Capitol, Bernard Ungar, CVC project manager, Leonard Rejcek, president and CEO of Manhattan Construction Company, Paul Choquette, chairman and CEO of Gilbane Building Company, and Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office. U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., July 31, 2007 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of July 31, 2007*, GAO-07-1149T, July 31, 2007, p. 2; and “Emergency Systems Likely to Delay CVC,” *Roll Call*, Aug. 1, 2007, pp. 1, 18.

¹⁷⁸ Testimonies of Stephen T. Ayers, Acting Architect of the Capitol, and Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office. U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Sept. 25, 2007 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of September 25, 2007*, GAO-07-1249T, Sept. 25, 2007, pp. 2-5; and Elizabeth Brotherton, “It’s a Deal: Visitor Center to Open in Nov. 2008,” *Roll Call*, Sept. 26, 2007, pp. 3, 17.

contract for the development of the advanced reservation system and another for designing the CVC Web site.”¹⁷⁹

Ayers went on to explain that finishing activities were “nearing completion in all the major public spaces within the CVC, and clean-up crews continue[d] to prepare the interior space for the follow-on inspection process.” Also, the fire alarm subcontractor was continuing “to work pre-testing activities,” and the “Project Team [was] continuing to work with the Fire Marshal to refine the scope and approach for completing the remaining phases of the fire and life-safety acceptance tests.” In addition, Ayers provided updates on the finishing touches being made to the Congressional Auditorium, Orientation Theaters, Exhibition Hall, CVC Restaurant, Radio and TV Gallery, House and Senate atriums, Plaza deck, and signage.¹⁸⁰

U.S. Capitol Police Chief Phillip D. Morse told the Subcommittee that between 21 and 143 new officers would be needed to adequately man the CVC depending upon how many days a week it would be open and whether Capitol tours were funneled exclusively through the new center. Since he did not anticipate that the new officers would be hired and trained by the projected November 2008 opening date, current officers would be temporarily called upon to work extra hours, at a cost of between \$2.6 million and \$15.6 million. Chair Debbie Wasserman-Schultz said there were “a number of different ways” to ensure adequate police staffing once the center opened and suggested that the Subcommittee would explore the issue at a future hearing. Relatedly, several Subcommittee members expressed concern that staff-led tours entering the Capitol through the tunnels from the Cannon House Office Building and the Russell Senate Office Building might be scaled back or eliminated once the visitor center opens, an approach Chief Morse said would reduce police staffing demands.¹⁸¹

The Subcommittee was told that the center was still scheduled to open in November 2008, and the \$621 million cost estimate remained unchanged. Terrell G. Dorn, GAO’s director of physical infrastructure issues, however, cautioned that delays in the complicated fire alarm acceptance testing, which “is critical to obtaining a certificate of occupancy for the CVC and preparing for operations,” could still prompt delays.¹⁸²

House Subcommittee on Economic Development, Public Buildings, and Emergency Management Hearings (June and September 2007)

June 2007. Congressional oversight of the Capitol Visitor Center momentarily moved somewhat away from questions directly related to the construction and cost of the project at subcommittee

¹⁷⁹ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Nov. 14, 2007 (not yet published).

¹⁸⁰ Ibid.

¹⁸¹ Testimony of Phillip D. Morse, chief of the U.S. Capitol Police, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Nov. 14, 2007 (not yet published). See also: Kathleen Hunter, “Lawmakers Start Accessing Visitor Center’s Costly Operational Needs,” *CQToday*, Nov. 15, 2007, p. 16.

¹⁸² Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office. U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 1st sess., Nov. 14, 2007 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of October 31, 2007*, GAO-08-227T, Nov. 14, 2007, pp. 1-4.



GOVERNMENT SERIES

The Federal Budget Process

A Description of the Federal and Congressional Budget Processes, Including Timelines



TheCapitolNet

hearings of the House Committee on Transportation and Infrastructure on June 8, 2007. Testifying at the session on “What Visitors Can Expect at the Capitol Visitors Center: Transportation Access, Security, and Visuals,” were Acting Architect of the Capitol Stephen T. Ayers, together with Bernard L. Ungar, GAO director of Physical Infrastructure; Philip D. Morse, Sr., chief of the U.S. Capitol Police; and Emeka C. Moneme, director of the District of Columbia Department of Transportation.¹⁸³

Acting Architect of the Capitol Ayers reviewed the history of the project and then focused on the actions he had personally taken since assuming responsibility for the project in February 2007. He explained that the construction phase of the project was “now 95 percent complete,” and “major construction activities would start winding down this summer.” Most of the remaining tasks “involve the aesthetics and functionality of the space such as painting and installation of carpet, lighting fixtures, and hand railings, as well as the tie-in of building systems. The final and most complex challenges ahead are the acceptance testing of the fire, security, and life-safety systems and the commissioning of the sophisticated building systems.” In response to an April 12, 2007, letter from House and Senate leadership assigning CVC operations and administration to the AOC, a support team was created, “to transition the CVC from a construction project to a fully staffed and equipped visitor services operation.” The expectation continues to be, Ayers emphasized, “that a Certificate of Occupancy can be issued in June 2008,” and that he was committed to completing the “project as expeditiously and as safely as possible while maintaining the exceptional quality of work in the facility.”¹⁸⁴

“The main advantage that the CVC presents from a security perspective,” Capitol Police Chief Morse told the panel, “is the ability for the U.S. Capitol to conduct security screening of visitors in a state-of-the-art facility that was designed for the purpose.” The entryways of CVC “are custom-designed to support security equipment, police officer positioning, and technology to detect and contain threats, all in a seamless welcoming environment, will serve to enhance the visitor experience while mitigating current and emerging threats.” To ensure a smooth transition once the CVC is completed the Capitol Police are 1) “developing a training module for all U.S. Capitol Police personnel that will familiarize them with the facility, the life-safety systems, and emergency response plans”; and 2) “integrating the emergency plans of the CVC with those already in place for the Capitol since the buildings are inter-connected.” Discussions regarding a further security enhancement, to exclude tour buses from select streets within the Capitol Complex, Chief Morse explained, are ongoing and the Capitol Police will continue “to work with the CPC (Capitol Preservation Commission), various House and Senate committees, and city officials” as various alternatives are discussed and implemented.¹⁸⁵

¹⁸³ Marshall E. Purnell, president-elect, The American Institute of Architects, and Leslie Shepherd, chief architect, U.S. General Services Administration, also testified at the hearing, but their remarks, for the most part, focused on the selection of a new Architect of the Capitol, and the role and responsibilities of that individual.

¹⁸⁴ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, *What Visitors Can Expect at the Capitol Visitors Center: Transportation, Access, Security, and Visuals*, hearing June 8, 2007 (Washington: GPO, 2007), pp. 5, 51-53.

¹⁸⁵ Testimony of Philip D. Morse, Sr., chief, U.S. Capitol Police, U.S. Congress, House, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, *What Visitors Can Expect at the Capitol Visitors Center: Transportation, Access, Security, and Visuals*, hearing June 8, 2007 (Washington: GPO, 2007), pp. 20-21, 61-62.

After analyzing the various transportation options for CVC visitors, Emeka Moneme, director of the District of Columbia Department of Transportation (DCDOT), explained that his department “concluded that the most feasible transit solution was the Circulator bus.” The Circulator bus service, which is jointly managed by the District of Columbia Department of Transportation (DCDOT) and the Washington Metropolitan Area Transit Authority (WMATA), was launched in 2005. It is partially “funded by the District of Columbia, the Federal Government, contributions from local business associations, and fare box revenue. Currently, the Circulator offers three routes—The Georgetown to Union Station route, the Convention Center Route to Southwest Waterfront route, and the Smithsonian to National Gallery of Art loop.” The service served more than 200,000 riders in May 2007. Moneme went on to discuss possible ways the CVC might be added to existing routes, and how modifications and upgrades to Union Station would “encourage utilization of the Circulator as a preferred transition option to CVC from Union Station.”¹⁸⁶

September 2007. On September 25, 2007, the Subcommittee held a second CVC-related hearing on H.R. 3315, which provides for “the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.” Chair Eleanor Holmes Norton in her opening remarks emphasized that: “Naming the great hall for the long, unrecognized contributions of slaves will, in some small way, honor the importance of their contributions to their country and our determination to continue to erase the conditions that derive from that period in our history” Using similar language, Representative James L. Oberstar, Chairman of the House Committee on Transportation in a prepared statement described the bill to designate the great hall as Emancipation Hall “as an honor to those unsung workers who worked tirelessly to erect symbols of American ideals of freedom.”¹⁸⁷

Representative Jesse L. Jackson, Jr., and Representative Zach Wamp who introduced H.R. 3315, both testified at the hearing. “As the future entry way and focal point for millions of visitors each year to the nation’s to Capitol,” Representative Jackson said, “Emancipation Hall will serve as a memorial to our country’s struggle and journey from slavery to liberty.” When we look at the history of the Capitol, Representative Wamp told the Subcommittee, “there is a glaring admission: to date there is no mention of the contributions slave labor made to the Capitol in the telling of its history or in the art work displayed. In fact, many people still do not know that it was slave labor that actually built this symbol of freedom.... By naming this space Emancipation Hall we will finally honor those who have gone un-honored far too long.”¹⁸⁸

¹⁸⁶ Testimony of Emeka Moneme, director, District of Columbia Department of Transportation, U.S. Congress, House, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, *What Visitors Can Expect at the Capitol Visitors Center: Transportation, Access, Security, and Visuals*, hearing June 8, 2007 (Washington: GPO, 2007), pp. 23-24, 56-57, 59-60.

¹⁸⁷ Testimony of Rep. Eleanor Holmes Norton, Chair of the House Subcommittee on Economic Development, Public Buildings and Emergency Management, U.S. Congress, House, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, *Emancipation Hall: A Tribute to Slaves Who Helped Build the U.S. Capitol*, hearings Sept. 25, 2007 (Washington: GPO, 2007), pp. 3, 20. Statement of James L. Oberstar, Chairman of the House Committee on Transportation and Infrastructure, Sept. 25, 2007 (copy in possession of author).

¹⁸⁸ Statements of Rep. Jesse L. Jackson, Jr., and Rep. Zach Wamp, U.S. Congress, House, Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, *Emancipation Hall: A Tribute to Slaves Who Helped Build the U.S. Capitol*, hearings Sept. 25, 2007 (Washington: GPO, 2007), pp. 7, 17, 21.

Subsequently, on November 13, 2007, the House, by an overwhelming vote of 398 to 6, approved H.R. 3315. The Senate concurred on December 6, and President George W. Bush signed the bill into law on December 18.¹⁸⁹

House Administration Committee Oversight Hearing (October 2007)

Departing from the usual discussions on various construction aspects of the CVC, the House Administration Committee on October 17, 2007, focused attention on the visitor experience that awaits those who visit the Capitol in the future. Hearing witnesses included Terrie S. Rouse, chief executive officer, Visitor Services, Capitol Visitor Center; Philip D. Morse, Sr., chief, U.S. Capitol Police; and Thomas L. Stevens, director, U.S. Capitol Visitor Service. Once the Center is opened, Rouse emphasized in her remarks, the Capitol Guide Service's professional, highly-trained guides "will be able to tailor our tour to their audiences, whether it is a large group of Philadelphia 8th graders on a class trip, seniors from Grand Rapids, Michigan, stopping in Washington as part of a fall foliage tour, or architects coming to marvel at the complexity of building such a stately underground facility." The CVC, Stevens said, will enable the Capitol Guide Service "to provide the state of the art experience deserving of those who visit this great institution."¹⁹⁰

For Chief Morse, completion of the CVC "will mark the achievement of a long held goal" of the Capitol Police, which is to "enhance security of the United States Capitol." Regarding the manner in which tours will be conducted, Chief Morse yielded "to the expertise of Ms. Terrie," and "her team to formulate the best possible visitor experience." "Our interest," he explained, "is in the area of response to emergencies that affect tour groups." With the opening of the CVC, Morse continued,

we will have the opportunity to merge the constituent service of staff led tours with the professional presentation provided by the Capitol Guide Service. The concept of staff integrated tours led by a member of the Capitol Guide Service will allow the United States Capitol Police to better regulate the flow of visitors into the Capitol thereby eliminating over crowding and congestion in the hallways. Further, since we will be able to maintain positive communications contact with tour guides as they move with their groups throughout the building, we can provide real time direction during an emergency such as evacuating a certain route or relocating to a safe location depending on the threat.¹⁹¹

During the hearing, questions were raised by members of the committee regarding the future of Capitol tours led by congressional staff.

¹⁸⁹ "Providing that the Great Hall of the Capitol Visitor Center Shall be Known as Emancipation Hall," Remarks in the House, *Congressional Record*, daily edition vol. 153 (Nov. 13, 2007), pp. H13529-H13535, H13822-H13823; "Naming of Emancipation Hall," Remarks in the Senate, *Congressional Record*, daily edition vol. 153 (Dec. 6, 2007), pp. S15000-S15001; P.L. 110-139, 121 Stat. 1491, Dec. 18, 2007. See also: U.S. Congress, House Committee on Transportation and Infrastructure, *Designation of the Great Hall of the Capitol Visitor Center as Emancipation Hall*, report to accompany H.R. 3315, 110th Cong., 1st sess., H.Rept. 110-436 (Washington: GPO, 2007).

¹⁹⁰ Testimonies of Terrie S. Rouse, chief executive officer, Visitor Services, Capitol Visitor Center, and Thomas L. Stevens, director, U.S. Capitol Visitor Services, U.S. Congress, Committee on House Administration, *The Capitol Visitor Center: The Visitor Experience*, hearings, October 17, 1007 (Washington: GPO, 2007), pp. 13, 17, 22.

¹⁹¹ Testimony of Philip D. Morse, Sr., chief, United States Capitol Police, U.S. Congress, Committee on House Administration, *The Capitol Visitor Center: The Visitor Experience*, hearings, Oct. 17, 2007 (Washington: GPO, 2007), pp. 23, 25, 26.

House and Senate Appropriations Hearing (March 2007)

During a March 1, 2007, hearing on the FY2008 legislative branch appropriations bill, Acting Architect of the Capitol Stephen T. Ayers told the House Subcommittee on Legislative Branch that his “budget request for the Capitol Visitor Center included \$20 million to cover potential Sequence 2 delay costs, CVC administrative costs, construction management fees, and potential additional change orders.” The following day, he repeated that figure in testimony before the Senate Subcommittee on Legislative Branch.¹⁹²

House Appropriations Committee Markup and Report (FY2008)

On June 12, 2007, the House Appropriations Committee marked up and ordered reported its version of the FY2008 legislative branch funding bill. During the markup, an amendment was offered and adopted to rename the Great Hall of the Capitol Visitor Center “Emancipation Hall.” H.R. 2771 as reported by the House Appropriations Committee on June 19, 2007, contained \$20 million in additional construction funding for the CVC and \$7.545 million for CVC operational costs.¹⁹³

House Floor Consideration of FY2008 Funding

The House passed H.R. 2771, the legislative branch appropriations bill on June 22, 2007. The House version of the spending bill, like the House Appropriations Committee report, provided \$20 million in additional funding for construction of the Capitol Visitors Center and \$7.545 million for CVC operational costs. It also called for the Great Hall of the Capitol Visitor Center to “be known and designated as Emancipation Hall.”¹⁹⁴

Senate Appropriations Committee Markup and Report (FY2008)

On June 21, 2007, the Senate Appropriations Committee marked up and ordered reported its version of the FY2008 legislative branch funding bill. During the markup, an effort was made to rename the Great Hall of the Capitol Visitor Center “Emancipation Hall.” S. 1686 as reported by the Senate Appropriations Committee on June 25, 2007, contained “\$28,753,000 for the Capitol Visitors Center, of which up to \$8,500,000 may be use for CVC operations.” S. 1686 does not contain a provision renaming the Great Hall of the Capitol Visitor Center “Emancipation Hall.”¹⁹⁵

¹⁹² Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House, Committee on Appropriations, Subcommittee on Legislative Branch, *Fiscal Year 2008 Appropriations*, hearings, March 1, 1007 (not yet published); and Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, Senate, Committee on Appropriations, Subcommittee on Legislative Branch, *Fiscal Year 2008 Appropriations*, hearings, March 2, 2007 (not yet published).

¹⁹³ U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany H. 2771, 110th Cong., 1st sess., H.Rept. 110-198 (Washington: GPO, 2007), pp. 23-24, 60.

¹⁹⁴ “Legislative Branch Appropriations Act, 2008,” *Congressional Record*, daily edition, vol. 153, June 22, 2007, pp. H6982-H6999; and H.R. 2771, 110th Cong., 1st sess. (version passed by the House on June 22, 2007).

¹⁹⁵ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2008*, report to accompany S. 1686, 110th Cong., 1st sess., S.Rept. 110-89 (Washington: GPO, 2007), pp. 34, 69.

Final Action on FY2008 Appropriations

The Senate did not consider H.R. 2771, and it did not pass S. 1686. Instead, from the beginning of FY2008 on October 1, 2007, funding for the legislative branch (including the Capitol Visitor Center project) was provided through a series of interim continuing appropriations until the enactment of the FY2008 Consolidated Appropriations Act on December 26, 2007. P.L. 110-161 provided \$20.253 million for the CVC project and \$8.5 million for operational costs.¹⁹⁶

Renaming of the “Great Hall” of the Capitol Visitor Center

By an overwhelming vote of 398 to 6, the House on November 13, 2007, approved legislation (H.R. 3315) to change the name of the Capitol Visitor Center’s Great Hall to Emancipation Hall, in honor of the contributions of slave laborers who helped construct the Capitol. The Senate, after passing its own Emancipation Hall bill (S. 1679), agreed to the House bill by unanimous consent on December 6, and President George W. Bush signed the bill into law on December 18.¹⁹⁷

Second Session (2008)

FY2009 Funding Request

The legislative branch budget request submitted for inclusion in the President’s FY2009 budget contained an additional \$31.1 million for the CVC project and \$13.4 million for CVC operational costs. The request included the following caveat: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.”¹⁹⁸

House Appropriations Oversight Hearings (February-May, July, September 2008)

February 2008. On February 7, 2008, the House Subcommittee on Legislative Branch held its eighth CVC oversight hearing within a year. At the hearing, Acting Architect of the Capitol Stephen T. Ayers told the subcommittee that he was “pleased to say that much has changed over the past year and much progress has been made.” During the past year, Ayers explained, “we have worked with the Government Accountability Office (GAO) and reached agreement on an estimated cost-to-complete figure of \$621 million and an opening date of November 2008, on which both agencies fully agree. We also established and met the November 15, 2007, substantial

¹⁹⁶ P.L. 110-161, Dec. 26, 2007; and Rep. David R. Obey, “Explanatory Statement Submitted by Mr. Obey, Chairman of the House Committee on Appropriations, Regarding the Consolidated Appropriations Amendment of the House of Representatives to the Senate Amendment to H.R. 2764,” *Congressional Record*, daily edition, vol. 153, Dec. 17, 2007, p. H16372.

¹⁹⁷ P.L. 110-139, 121 Stat. 1491, Dec. 18, 2007. See also: U.S. Congress, House Committee on Transportation and Infrastructure, *Designation of the Great Hall of the Capitol Visitor Center as Emancipation Hall*, report to accompany H.R. 3315, 110th Cong., 1st sess., H.Rept. 110-436 (Washington: GPO, 2007); U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings and Emergency Management, *Emancipation Hall: A Tribute to the Slaves Who Helped Build the U.S. Capitol*, hearings, 110th Cong., 1st sess., Sept. 25, 2007 (Washington: GPO, 2007).

¹⁹⁸ U.S. Office of Management and Budget, *Budget of the United States Government*, Fiscal Year 2009: Appendix (Washington: GPO, 2008), p. 31.

completion date, effectively stemming project delays and associated delay costs, which assured that the complex fire and life-safety pre-testing could begin on schedule on November 16, 2007.”¹⁹⁹

Also, “finishing activities continue in several areas.” Ayers emphasized that he believed they were “on schedule to receive the temporary Certificate of Occupancy on July 31, 2008 as planned.” Most importantly, while some schedule slippages had occurred “since November’s hearing, we expect all of the basic interior construction to be done by the end of May, and it will not affect the CVC’s availability for the opening in November 2008 or our cost to complete figure of \$621 million.”²⁰⁰

Other witnesses at the hearing included Ms. Terrie S. Rouse, chief executive Officer, Visitor Services, Capitol Visitor Center; and Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office.

Since the last oversight hearing in November 2007, Ms. Rouse reported that three CVC contracts had been awarded to provide food service in the CVC restaurant, to develop the advanced CVC reservation system, and to design a CVC Web site. She went on to explain that her staff were “now in the process of developing the necessary tools to assist the public in finding the information they need to plan their trip to their Capitol, as well as learn more about Congress, the legislative process, the Capitol, and the CVC.” Her staff was also working with the Oversight Committees on a Capitol tour action plan, and with the U.S. Capitol Police, the District of Columbia, and others on a transportation plan.²⁰¹

The remarks of GAO’s Terrell G. Dorn focused “on (1) the Architect of the Capitol’s construction progress since the last CVC hearing on November 14, 2007, and (2) the project’s expected cost at completion and funding status.” Dorn told the committee that “risks to the project’s schedule remain in several time-critical activities, especially fire alarm acceptance testing, which under the current schedule, must be completed on time for the CVC to open on time.” He felt the \$621 million cost to complete the CVC “was reasonable, provided there were no unusual delays.”²⁰²

March 2008. At the subcommittee’s March 2008 oversight hearing considerable attention was devoted to how visitors would actually reach the CVC, the design of the CVC’s website, and the CVC’s advanced-reservation system. Also, the subcommittee was brought up to date on two construction-related issues that had emerged in recent weeks as the project’s various systems were being tested. The first required enhancements to the wiring of the CVC’s fire alarm system. The second necessitated the replacement of several large components of the CVC’s smoke

¹⁹⁹ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., Feb. 7, 2008 (not yet published).

²⁰⁰ Ibid.

²⁰¹ Testimony of Terrie S. Rouse, chief executive officer, Visitor Services, Capitol Visitor Center, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., Feb. 7, 2008 (not yet published).

²⁰² Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., Feb. 7, 2008 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of February 7, 2008*, GAO-08-475T, Feb. 7, 2008, p. 1.

exhaust system. Stephen T. Ayers, Acting Architect of the Capitol, assured the subcommittee that these and several other smaller issues were being addressed and should not affect the expected November 2008 opening of the visitor center.²⁰³

Terrell G. Dorn, GAO director of Physical Infrastructure Issues emphasized in his testimony that the “AOC’s current estimate of the cost to complete the CVC’s construction” of about \$621 million was “reasonable, provided there are no unusual delays.”²⁰⁴

April 2008. The attention of the House Legislative Branch Subcommittee shifted in mid-April 2008, from issues related to the construction of the CVC to the establishment of procedures for transporting visitors to the new facility. Capitol Police Chief Phillip Morse explained that for security reasons large tour buses would not be able to drop visitors off at the entrance to the CVC.

Members of the Subcommittee reaffirmed their disapproval of the current CVC transportation plan which calls for tour buses to drop their passengers off either at the bottom of the hill on the west side of the Capitol or at Union Station. Visitors disembarking at the bottom of Capitol Hill would have to walk up the hill and around the Capitol to get to the CVC. Those arriving at Union Station would have the option of walking the four blocks to the center or taking a special public bus to the center for a \$1.00 fare.²⁰⁵

Stephen Ayers, Acting Architect of the Capitol, told the Subcommittee that the expected cost and opening date of the CVC remained unchanged, testing of the facility’s fire- and life-systems was on schedule, and it was anticipated that the facility would receive a temporary certificate of occupancy by the end of July.²⁰⁶ AOC’s cost estimate of \$621 million, GAO’s Terrell G. Dorn said, was “realistic and contains a sufficient allowance for contingencies, provided there are no unexpected delays over the next three months, when construction is scheduled to be complete.”²⁰⁷

May 2008. Most of the issues that arose at the House Legislative Branch Subcommittee’s oversight hearing on May 22, 2008, dealt with smaller details that

²⁰³ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., March 12, 2008 (not yet published).

²⁰⁴ Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., March 12, 2008 (not yet published). See also, U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of March 12, 2008*, GAO-08-545T, March 12, 2008, p. 4.

²⁰⁵ Testimonies of Phillip Morse, chief, U.S. Capitol Police and others. U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., April 15, 2008 (not yet published). See also: Elizabeth Brotherton, “Tour Buses in Quandary Over Dropping Passengers at CVC,” *Roll Call*, April 16, 2008, pp. 3, 24; and Otto, Kreusher, “Members: How to Get CVC Visitors From Here to There?” *CongressDaily*, April 16, 2008, p. 20.

²⁰⁶ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., April 15, 2008 (not yet published).

²⁰⁷ Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., April 15, 2008 (not yet published). See also, U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 15, 2008*, GAO-08-677, April 15, 2008, p. 3.

needed to be addressed before the Capitol Visitor Center is issued a certificate of occupancy. Among the items discussed were safety recommendations made by the Occupational Safety and Health Administration, the unresolved problem of how to transport visitors to the front of the CVC, leaks in the tunnel between the CVC and the Jefferson Building of the Library of Congress, and damage to the pavers on the East Front Plaza that might require substantial rework of the plaza.²⁰⁸

July 2008. Two concerns dominated the CVC oversight hearing held by the House Legislative Branch Appropriations Subcommittee’s on July 8, 2008—how tourists arriving on private tour buses will actually get to the entrance of the Center, and whether there will be sufficient funding to staff the Center.

Since September 11, 2001, the Capitol Police have prohibited unscreened buses from driving close to the Capitol. Currently, as previously discussed, tour buses drop their passengers off at the bottom of Capitol Hill on the West side the Capitol, a considerable distance and uphill walk from the entrance of the CVC, which is located on the East side of the Capitol. Several plans, including one to have trams take visitors to the CVC from Union Station, have been proposed to transport tourists to the CVC once they get off tour buses. Each of these ideas, however, would add considerable additional cost to the already expensive project. When Capitol Police Chief Phillip Morse was asked whether buses could be prescreened and emptied of luggage before coming to the Capitol, Morse indicated that he was preparing a report on options for prescreening buses, which was due to be released on July 21.²⁰⁹

Relatedly, Terrie S. Rouse, CVC CEO for visitor services, told the Subcommittee of a meeting her staff had facilitated with the House and Senate Sergeant at Arms, the U.S. Capitol Police, and several transportation consultants to discuss various shuttle options for getting people to the CVC. She indicated it would be possible to obtain “more detailed information and a formal proposal from District Department of Transportation (DDOT), if the members of the Subcommittee make the request.” She continued by explaining that:

Our consultants are preparing information that includes the pros and cons of each option including costs, logistics, manpower needs, fueling, storage, life-cycle projects, and other considerations such as benches for the shuttle stops and signage. No option comes without a price tag, however.²¹⁰

Rouse also addressed CVC staff funding concerns in her testimony. For the Center to open on schedule and run smoothly, Rouse emphasized, Congress will need to provide sufficient funding for her staff “to adequately serve the millions of visitors and constituents who are expected to come to the Capitol” once the CVC is opened. Since there are indications that Congress will not

²⁰⁸ Testimonies of Stephen T. Ayers, Acting Architect of the Capitol, and Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., May 22, 2008 (not yet published). See also, U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of May 22, 2008*, GAO-08-811T, May 22, 2008.

²⁰⁹ Testimony of Phillip D. Morse, chief of the U.S. Capitol Police, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., July 8, 2008 (not yet published).

²¹⁰ Testimony of Terrie S. Rouse, CVC chief executive officer for visitor services, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., July 8, 2008 (not yet published).

approve a FY2009 Legislative Branch Appropriations bill before the end of the year, the additional staffing resources would need to be incorporated in a continuing resolution for fiscal 2009. Without adequate fiscal 2009 funding, Rouse, explained, the CVC would not have enough employees to efficiently direct, manage, and service visitors, and operate new equipment. “All of which,” she stressed, “is designed to make the visitor experience run effortlessly.”²¹¹

Turning to construction related issues, Acting Architect of the Capitol Stephen T. Ayers told the Subcommittee he was confident the CVC would receive a Temporary Certificate of Occupancy by July 31. He also indicated that the AOC had been “working closely with the Office of Compliance (OOC) to resolve facility-design and construction-related issues well before the CVC opens to the public.”²¹²

September 2008. Two months later, the final CVC oversight hearing by the House Legislative Branch Subcommittee prompted more discussion on how visitors would get to the center if tour buses are not allowed to drop them off at the entrance because of security concerns. Following the brief September 24 hearing, the subcommittee convened in a closed session to discuss sensitive security related issues. In prepared testimony for the public hearing, Acting Architect of the Capitol Stephen T. Ayers told the subcommittee that the CVC had received a Temporary Certificate of Occupancy on July 21, following the completion of successful tests of the center’s fire detection and life-safety systems. He anticipated that the Permanent Certificate of Occupancy would be issued shortly.²¹³

Securing the temporary certificate, said Terrell G. Dorn, GAO’s director of Physical Infrastructure Issues, was a “significant milestone” for the CVC project. The estimated cost of constructing the CVC, Dorn said, remained at \$621 million. An additional \$3 million in fiscal year 2009 funds was estimated to be needed to finish the project. “According to the AOC, if necessary, the additional \$3 million could be reprogrammed.”²¹⁴

In his prepared remarks, U.S. Capitol Police Chief Philip D. Morse Sr. provided a brief update on the status of the department’s “plan for screening motor coaches in order to permit access to the CVC main entrance,” which is still being discussed. The comments of Ms. Terrie S. Rouse, CVC Chief Executive Officer for Visitor Services, detailed the outreach efforts her staff had undertaken to acquaint congressional staff with the role of the new Visitor Assistants, CVC gift shops and restaurants, and the Congressional Historical Interpretative Program (or CHIP program), which will provide interactive training for congressional staff who will be leading tours of the Capitol. Ms. Rouse explained that materials had been distributed to Members’ offices about the Web-based CVC reservation system. Also, prior to the opening of the CVC, her staff would be using

²¹¹ Ibid.

²¹² Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., July 8, 2008 (not yet published).

²¹³ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., Sept. 24, 2008 (not yet published).

²¹⁴ Testimony of Terrell G. Dorn, director of Physical Infrastructure Issues, General Accountability Office, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., Sept. 24, 2008 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of September 24, 2008*, GAO-08-1172T, Sept. 24, 2008, p. 4.

diverse groups to test the “visitor flow and circulation, staff procedures, and facilities and amenities to ensure an optimal operational experience” beginning on December 2. While the impact of working under a continuing resolution raised very real concerns, she emphasized that her office was “working through [those] issues with House and Senate staff.”²¹⁵

House Subcommittee on Economic Development, Public Buildings, and Emergency Management Hearings (April 2008)

A broad-ranging hearing by the House Subcommittee on Economic Development, Public Buildings, and Emergency Management, on April 1, 2008, focused on several issues related to the opening of the Visitor Center.

Acting Architect of the Capitol Stephen T. Ayers in his testimony told the subcommittee that the Visitor Center represents one of the Capitol’s best examples of “green” building design. The three-floor underground facility is being built with a storm water management system designed to mitigate the impact of run-off and sediment into the city’s storm sewer system, as well as compact fluorescent light fixtures, low-flow bathroom fixtures, and low-emission construction materials.²¹⁶

Efforts to enhance traffic flow and pedestrian safety on Capitol Hill with the completion of the Visitor Center were addressed by Phillip Morse, Chief, U.S. Capitol Police; Emeka Moneme, Director of the District of Columbia Department of Transportation; and Peter Pantuso, President and Chief Executive Officer, American Bus Association. Current proposals call for visitors traveling on private tour buses to get to the Capitol Complex by walking from a drop-off point on the West Front of the Capitol or by riding a special Circulator bus from Union Station, which would cost \$1.00 and drop people off directly at the site.

Chief Morse maintained that with security needs paramount and little space available near the Capitol, the transit plan for the CVC was sound. Moneme shared the District’s plans to enhanced transit service to the Capitol complex.²¹⁷

Pantuso, however, raised several concerns regarding the Circulator bus proposal. He argued that (1) Union Station did not have adequate space to accommodate the 1,000 private buses that bring as many as 55,000 visitors each day during the peak season into the District of Columbia; (2) Circulator buses were smaller than most private tour buses, thus making it more difficult to keep larger groups together and for chaperones to keep track of members of their group; and (3) the assumption that DC Circulator buses were more secure than private motorcoaches and therefore

²¹⁵ Testimonies of Phillip D. Morse, chief of the U.S. Capitol Police, and Terrie S. Rouse, CVC chief executive officer for visitor services, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Capitol Visitor Center*, hearings, 110th Cong., 2nd sess., September 24, 2008 (not yet published).

²¹⁶ Testimony of Stephen T. Ayers, Acting Architect of the Capitol, U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, *A Growing Capitol Complex and Visitor Center: Needs for Transportation Security, Greening, Energy, and Maintenance*, hearings, 110th Cong., 2nd sess., April 1, 2008 (not yet published).

²¹⁷ Testimonies of Phillip Morse, chief, U.S. Capitol Police and Emeka Moneme, director, District of Columbia Department of Transportation, U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, *A Growing Capitol Complex and Visitor Center: Needs for Transportation Security, Greening, Energy, and Maintenance*, hearings, 110th Cong., 2nd sess., April 1, 2008 (not yet published).

present less of a threat to the CVC and the Capitol complex was “simply not true ... for several reasons.” In conclusion, Pantuso suggested “several ways in which security concerns may be alleviated without banning” tour buses from the CVC.²¹⁸

Afterwards, subcommittee chair Eleanor Holmes Norton asked Morse, Pantuso, and Moneme to arrange followup meetings with her to discuss further the various transportation options that might be available to those who will be visiting Capitol Hill once the CVC is opened.²¹⁹

Establishment of the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol (H.R. 5159)

On January 29, 2008, Representative Robert Brady of Pennsylvania introduced the Capitol Visitor Center Act of 2008. The bill calls for the establishment the Office of the Capitol Visitor Center Within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center. H.R. 5159 was referred to the Committee on House Administration the same day, and on February 12 reported favorably by the committee. On March 5, the House passed its version of the bill by voice vote.²²⁰

On September 27, the Senate, after striking all of the text following the enacting clause in the House-passed version of H.R. 5159, substituted its own language and adopted the amended bill.²²¹ The most prominent differences in the House and Senate versions are deviations from the language found in the Senate-approved bill, which states that “Nothing in this Act shall be construed to affect the exclusive jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitors Center.”²²² In several instances, the earlier House-passed bill grants authority for the Chief Executive Officer for Visitor Services to perform functions that the Senate bill stipulates are to be performed by, or under the direction of, the Senate Committee on Rules and Administration, House Administration Committee, and/or the Architect of the Capitol.²²³

²¹⁸ Testimony of Peter Pantuso, president and CEO, American Bus Association, U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, *A Growing Capitol Complex and Visitor Center: Needs for Transportation Security, Greening, Energy, and Maintenance*, hearings, 110th Cong., 2nd sess., April 1, 2008 (not yet published).

²¹⁹ Testimony of Rep. Eleanor Holmes Norton, U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, *A Growing Capitol Complex and Visitor Center: Needs for Transportation Security, Greening, Energy, and Maintenance*, hearings, 110th Cong., 2nd sess., April 1, 2008 (not yet published).

²²⁰ “H.R. 5159,” *Congressional Record*, daily edition, vol. 154, Jan. 29, 2008, p. H555; “Miscellaneous Measures,” *Congressional Record*, daily edition, vol. 154, Feb. 12, 2008, p. D127; and U.S. Congress, Committee on House Administration, *Capitol Visitor Center Act of 2008*, report to accompany H.R. 5159, 110th Cong., 2nd sess., H.Rept. 110-535 (Washington: GPO, 2008); “Capitol Visitor Center Act of 2008,” *Congressional Record*, daily edition, vol. 154, March 5, 2008, pp. H1249-H1254.

²²¹ “Capitol Visitor Center Act of 2008,” *Congressional Record*, daily edition, vol. 154, Sept. 27, 2008, pp. S9881-S9883; “Text of Amendment (SA5674),” *Congressional Record*, daily edition, vol. 154, Sept. 27, 2008, pp. S10011-S10015.

²²² “Text of Amendment (SA5674),” *Congressional Record*, daily edition, vol. 154, Sept. 27, 2008, p. S10015.

²²³ For example the House version of H.R. 5159 authorizes the Chief Executive Officer (1) to assign certain spaces for congressional use within the Capitol Visitor Center; (2) to enter into agreements with the Architect of the Capitol, other legislative branch agencies, and any office or entity of the Senate or House for procuring goods and providing financial (continued...)

On October 2, the House by unanimous consent concurred with the Senate amendment to H.R. 5159, to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center. President Bush signed the Capitol Visitor Center Act of 2008 into law on October 20, 2008.²²⁴

Author Contact Information

Stephen W. Stathis
Specialist in American National Government
sstathis@crs.loc.gov, 7-8686

(...continued)

and administrative services on behalf of the office; (3) to appoint, hire, and fix the compensation of such personnel as may be necessary for the operations of the office; (4) to temporarily assign personnel of the office on a request from the Capitol Police Board to assist the Capitol Police in various activities; (5) to receive, accept, and hold unrestricted gifts of money on behalf of the Capitol Visitor Center, and to use the gifts for the benefit of the center; (6) to establish a gift shop as well as a restaurant and other food service facilities, including catering services and vending machines within the Capitol Visitor Center; and (7) to obligate funds from the Capitol Visitor Center Revolving Fund. "Capitol Visitor Center Act of 2008," *Congressional Record*, daily edition, vol. 154, March 5, 2008, pp. H1249-H1253. For a copy of the Senate version of H.R. 5159, see "Text of Amendment (SA5674)," *Congressional Record*, daily edition, vol. 154, Sept. 27, 2008, pp. S10011-S10015.

²²⁴ "Capitol Visitor Center Act of 2008," *Congressional Record*, daily edition, vol. 154, Oct. 2, 2008, pp. H10673-H10677; P.L. 110-437, 122 Stat. 4983-4999 (Oct. 20, 2008).

Learn how Capitol Hill really works

All of our programs and any combination of their topics can be tailored for on-site training for your organization.

For more than 40 years, TheCapitol.Net and its predecessor, Congressional Quarterly Executive Conferences, have been teaching professionals from government, military, business, and NGOs about the dynamics and operations of the legislative and executive branches and how to work with them.

Our custom, on-site training and publications include congressional operations, legislative and budget process, communication and advocacy, media and public relations, research, testifying before Congress, legislative drafting, critical thinking and writing, and more.

- **Diverse Client Base**—We have tailored hundreds of custom on-site training programs for Congress, numerous agencies in all federal departments, the military, law firms, lobbying firms, unions, think tanks and NGOs, foreign delegations, associations and corporations, delivering exceptional insight into how Washington works.™
- **Experienced Program Design and Delivery**—We have designed and delivered hundreds of custom programs covering congressional/legislative operations, budget process, media training, writing skills, legislative drafting, advocacy, research, testifying before Congress, grassroots, and more.
- **Professional Materials**—We provide training materials and publications that show how Washington works. Our publications are designed both as course materials and as invaluable reference tools.
- **Large Team of Experienced Faculty**—More than 150 faculty members provide independent subject matter expertise. Each program is designed using the best faculty member for each session.
- **Non-Partisan**—TheCapitol.Net is non-partisan.
- **GSA Schedule**—TheCapitol.Net is on the GSA Schedule, 874-4, for custom on-site training: GSA Contract GS02F0192X.

Please see our Capability Statement on our web site at TCNCS.com.

Custom training programs are designed to meet your educational and training goals, each led by independent subject-matter experts best qualified to help you reach your educational objectives and align with your audience.

As part of your custom program, we can also provide classroom space, breaks and meals, receptions, tours, and online registration and individual attendee billing services.

For more information about custom on-site training for your organization, please see our web site: TCNCustom.com or call us: 202-678-1600, ext 115.



TheCapitol.Net

Non-partisan training and publications that show how Washington works.™

PO Box 25706, Alexandria, VA 22313-5706
202-678-1600 • www.thecapitol.net



TheCapitol.Net is on the
GSA Schedule, 874-4,
for custom on-site training.
GSA Contract GS02F0192X

