

HEARING ON THE IMPLEMENTATION OF THE UNITED STATES CAPITOL POLICE-LIBRARY OF CONGRESS POLICE MERGER

HEARING BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED TENTH CONGRESS FIRST SESSION

MEETING HELD IN WASHINGTON, DC, JUNE 27, 2007

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HEARING ON THE IMPLEMENTATION OF THE U.S. CAPITOL POLICE-LIBRARY OF CON- GRESS POLICE MERGER

WEDNESDAY, JUNE 27, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 11:36 a.m., in Room 1310, Longworth House Office Building, Hon. Robert A. Brady [chairman of the committee] Presiding.

Present: Representatives Brady, Lofgren, Capuano, Davis of Alabama, Ehlers, Lungren, and McCarthy.

Staff Present: Liz Birnbaum, Staff Director; Teri Morgan, Deputy Chief of Staff; Michael Harrison, Professional Staff; Matt Pinkus, Professional Staff/Parliamentarian; Kristin McCowan, Chief Legislative Clerk; Kristie Muchnok, Professional Staff; Fred Hay, Minority General Counsel; and Bryan Dorsey, Minority Professional Staff.

The CHAIRMAN. We will now call this hearing to order, and I recognize myself. The Ranking Member, who will join us momentarily, has given me permission to start without him. I recognize myself for 5 minutes for an opening statement.

As most are aware, more than four years ago Congress enacted section 1015 of Public Law 108–7, the Legislative Appropriations Act of 2003, providing for a merger of the Library of Congress Police into the U.S. Capitol Police. Since that time, the agencies involved were charged with the task of developing a plan for implementation.

I am pleased to report that after much prodding from this committee in the last six months, the Capitol Police and the Library of Congress have finally worked through the issues, and just last week finalized their recommendations for implementing this long overdue merger. Since the matter clearly falls within the authorizing jurisdiction of this committee in the House of Representatives, we are eager to review their recommendations as the first step toward advancing an appropriate authorizing bill through the legislative process.

Today we will hear the views of the two affected agencies: Capitol Police, represented by Chief Phillip Morse; and the Library of Congress, represented by the Library's Chief Operating Officer Jo Ann Jenkins. We will also hear the testimony of the House Sergeant at Arms, Wilson Livingood, a security professional who has

served on the Capitol Police Board, which oversees the Capitol Police, for more than 12 years.

Lastly, but certainly not least, are the views of Michael Hutchins, the representative of policemen and policewomen who will be directly affected by this merger and are in the front line protecting this Capitol campus every day.

Before yielding to the distinguished Ranking Minority Member of this committee, the Honorable Vernon Ehlers, I need to express that I look forward to working with all of you in order to achieve a seamless and fair transition and expect for me and my staff to have you and your staff's full cooperation.

I now recognize the Ranking Member for five minutes for an opening statement.

[The statement of Chairman Brady follows:]

Opening Statement of
Chairman Robert A. Brady of Pennsylvania
Committee on House Administration

Hearing on the
Implementation of the U.S. Capitol Police – Library of Congress Merger

Wednesday, June 27, 2007

As most are aware, more than four years ago, Congress enacted Section 1015 of Public Law 108-7, the Legislative Appropriations Act of 2003, providing for a merger of the Library of Congress Police into the U.S. Capitol Police. Since that time, the agencies involved were charged with the task of developing a plan for implementation.

I am pleased to report that after much prodding from this Committee in the last six months, the Capitol Police and the Library of Congress have finally worked through the issues, and just last week finalized their recommendations for implementing this long-overdue merger. Since the matter clearly falls within the authorizing jurisdiction of this Committee in the House of Representatives, we are eager to review their recommendations as the first step toward advancing an appropriate authorizing bill through the legislative process.

Today we will hear the views of the two affected agencies; Capitol Police represented by Chief Phillip Morse and the Library of Congress, represented by the Library's Chief Operating Officer, Jo Ann Jenkins. We will also hear the testimony of the House Sergeant-at-Arms, Wilson Livingood, a security professional who has served on the Capitol Police Board, which oversees the Capitol Police, for more than 12 years. Last but certainly not least are the views of Officer Michael Hutchins, the representative

of policemen and policewomen who will be directly affected by this merger, and are in the front line protecting this Capitol campus every day.

Before yielding to the distinguished Ranking Minority Member of this Committee, the Honorable Vernon Ehlers, I need to express that I look forward to working with all of you in order to achieve a seamless and fair transition and that I expect for me and my staff to have you and your staff's full cooperation.

I yield to my colleague from Michigan.

Mr. EHLERS. I thank the gentleman for yielding, and I apologize for my delay. I have two markups going on simultaneously, so it is not a good day; plus the fact that I woke up in a stupor this morning after the late night of votes last night.

I thank the Chairman for his remarks and for calling today's hearing on the Library of Congress/Capitol Police merger. While bringing together these two organizations may seem like an easy proposition on paper, whenever you have two entities with existing cultures, established protocols and disparate missions, it is important to conduct a merger of those two groups thoughtfully and with due diligence. That is precisely what we are trying to do today.

I welcome the opportunity to hear from the Library of Congress, the U.S. Capitol Police and others involved in this merger as to policies and procedures they have in place that will ensure that this union is successful and that it achieves the desired objectives of both organizations.

To that end, there are several areas that I am particularly interested in and ask that each of our witnesses from the Library and U.S. Capitol Police address these concerns as they relate to their respective organizations.

First, I want to assure all of the parties involved in this merger that you have my full support and that of my staff to complete your mission. Our goal is to make certain that you have the resources and assistance you need to successfully integrate your workforces and that we will do everything in our power to assist you. In particular, after your initial transition plan has been executed and you move into a phase where the effectiveness of the merger can be measured and your operations adjusted accordingly, we wish to provide a means to communicate with the Congress on your progress and impart any guidance or resources that your organizations require to achieve long-term success.

Second, there are several areas where I would like to gain an understanding of your process as you continue to meld your organizations. For instance, how will your integration plans take into account the two distinct missions of your organizations? While the Library of Congress and U.S. Capitol Police both serve and protect the Congress and its assets, they do so in very different capacities. I am interested to hear from our witnesses today on how both organizations are working together to create a new shared vision that will apply the law enforcement expertise of the USCP to the unique needs of the Library.

Third, how will we ensure that this merger doesn't adversely affect the core mission of either the Library or the USCP? The U.S. Capitol Police is primarily charged with securing the Capitol buildings, protecting Members of Congress, staff and visitors, and providing an emergency planning and response function in the event of a terrorist attack or other unplanned activity. Its core mission is too important to set aside, even in the interest of completing this merger.

Similarly, the Library has a mission to serve the Congress and provide essential materials to enable Members and staff to get the information they need to effectively craft legislation and perform other essential duties. For example, one very important yet incomplete critical undertaking within the Library is to conduct an in-

ventory of its collection, not only to have an accurate record of what materials are in its possession, but also to create a baseline for measurement of its inventory control efforts going forward. How will this merger impact the timeline for completion of this inventory?

This and other important work within the Library must be completed in spite of the effort required to unite these two law enforcement bodies.

I ask that our witnesses today provide this panel with the update on the effect of this merger on executing their core operations, and, if there is an impact, how that might be mitigated.

Finally, I would like to get a sense from both of these organizations on how they plan to handle jurisdictional issues. For example, who will determine the number of officers deployed to a specific area of the Library; the U.S. Capitol Police, who are experts in proportional response, or the Library of Congress staff who have an innate understanding of the Library and its inner workings?

Arguments can and likely will be made on both sides that their will should prevail. We must ensure that a hierarchy is in place to prevent such a breakdown in the chain of command before one occurs.

Again, I thank our witnesses for the time today, and I look forward to receiving the testimony on this important effort, and I hope my obligations on the other two committees don't keep me away from this hearing too long. Thank you very much.

The CHAIRMAN. I thank the gentleman.

[The statement of Mr. Ehlers follows:]



Opening Statement

[After the Chairman's opening remarks]

I thank the Chairman for his remarks and for calling today's hearing on the Library of Congress/Capitol Police merger. While bringing together these two organizations may seem like an easy proposition on paper, whenever you have two entities with existing cultures, established protocols and disparate missions, it's important to conduct a merger of those two groups thoughtfully, and with due diligence. I welcome the opportunity to hear from the Library of Congress, the U.S. Capitol Police and others involved in this merger as to the policies and procedures they have in place that will ensure that this union is successful, and that it achieves the desired objectives of both organizations. To that end, there are several areas that I am particularly interested in, and ask that each of our witnesses from the Library



and U.S. Capitol Police address these concerns as they relate to their respective organizations.

First, I want to assure all of the parties involved in this merger that you have my full support, and that of my staff, to complete your mission. Our goal is to make certain that you have the resources and assistance you need to successfully integrate your workforces, and we will do everything in our power to assist you. In particular, after your initial transition plan has been executed and you move into a phase where the effectiveness of the merger can be measured and your operations adjusted accordingly, we wish to provide a means to communicate with the Congress on your progress, and impart any guidance or resources that your organizations require to achieve long-term success.



Second, there are several areas where I would like to gain an understanding of your process as you continue to meld your two organizations. For instance, how will your integration plans take into account the two distinct missions of your organizations? While the LoC Police and the U.S. Capitol Police both serve and protect the Congress and its assets, they do so in very different capacities. I am interested to hear from our witnesses today on how both of your organizations are working together to create a new, shared vision that will apply the law enforcement expertise of the USCP to the unique needs of the Library.

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event of a terrorist attack or other unplanned activity. Its core mission is too important to set aside, even in the interest of completing this merger.

Similarly, the Library has a mission to serve the Congress and provide essential materials to enable Members and staff to get the information they need to effectively craft legislation and perform other essential duties. For example, one very important, yet incomplete, undertaking within the Library is to conduct an inventory of its collection, not only to have an accurate record of what materials are in its possession, but to also create a baseline for measurement of its inventory control efforts going forward. How will this merger impact the timeline for completion of this inventory? This and other important work within the Library must be completed in spite of the effort required to unite these two law enforcement bodies. I ask that our witnesses today provide this panel with an update on the effect of this



merger on executing their core operations, and if there is an impact, how might that be mitigated.

Finally, I would like to get a sense from both of these organizations on how they plan to handle jurisdictional issues. For example, who will determine the number of officers deployed to a specific area of the library – the U.S. Capitol Police who are experts in proportional response, or the Library of Congress staff who have an innate understanding of the Library and its inner workings? Arguments can, and likely will, be made on both sides that their will should prevail. We must ensure that a hierarchy is in place to prevent such a breakdown in the chain of command, before one occurs.

Again, I thank our witnesses today for their time, and I look forward to receiving their testimony on this important effort.

The CHAIRMAN. Are there any other opening statements? Before beginning, the committee received testimony yesterday from the Inspector General of the Library of Congress. Without objection, I submit this testimony for the record.

[The statement of Mr. Schornagel follows:]



THE LIBRARY OF CONGRESS
WASHINGTON, D.C. 20540

OFFICE OF THE
INSPECTOR GENERAL

June 26, 2007

Dear Congressman Brady:

This letter transmits a statement that I ask to be included in the record concerning the pending Capitol Police and Library of Congress Police merger. The issues I address are important to the long-term security of the Library's valuable collections. I also request that you consider requesting my in-person testimony before the Committee if there are future hearings.

I can be reached at (202) 707-2637.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl W. Schornagel".

Karl W. Schornagel
Inspector General

Enclosure

The Honorable Robert A. Brady
Chairman, Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6157

Statement of
Karl W. Schomagel
Inspector General, Library of Congress
Submitted to the
Committee on House Administration
Concerning the Merger of U.S. Capitol and Library of Congress Police
June 26, 2007

I have two concerns of importance to the long-term security of the Library's collections that should be considered in preparing implementing language for merging the U.S. Capitol Police and the Library of Congress Police.

First, the Librarian should retain the exclusive authority and responsibility for establishing policy, procedures, and priorities for securing the Library's collections, including physical security controls related to storage and access. It is important that the Librarian maintain control over most aspects of collections security because he and Library staff that support the collections security function, including the Office of the Inspector General, are in the best position to react to collections security matters, particularly storage, access, and theft issues. For example, the Librarian should have the final say as to whether collections should be moved or access restricted. Jurisdiction over collections security could be confusing because the Capitol Police is vested with undefined authority/responsibility for collections security in 2 USC 1901. Any implementing language has to be clear on the division of authority and responsibility.

Second, implementing language should also make it clear that jurisdiction over investigations (except incidents involving violence and personal property) rests with the Library of Congress Inspector General, per the *Library of Congress Inspector General Act of 2005*, (2 USC 185). As you know, Offices of Inspector General were established in order to create independent and objective units to conduct and supervise audits and investigations relating to the programs and operations of their respective agencies (5 USC app. 2). Inspectors General have the authority to subpoena records nationwide and must report expeditiously to the Attorney General whenever they have reasonable grounds to believe there has been a violation of federal criminal law.

Conducting investigations often requires law enforcement authority. The Capitol Police has law enforcement authority limited to in and around Capitol Hill. The Office of Inspector General Special Agents conducting criminal investigations also have law enforcement authority through special deputation from the U.S. Marshals Service. Agents use this nationwide authority to obtain and execute search warrants and make arrests for thefts of collections items and other matters.

The Capitol Police Acting General Counsel has not been willing to discuss with me important jurisdictional issues. Many of these could result in confusion and inefficiency in critical situations where clear authority is necessary to respond to criminal investigative matters. These jurisdictional issues are important because of the presence of the Capitol Police at the Library of Congress, regardless of the status of the merger.

I am concerned that unresolved jurisdictional issues will interfere with law enforcement and investigative activities at the Library of Congress. Due to our unsuccessful attempts at engaging the Capitol Police on jurisdictional discussions, I am not confident that these issues can be successfully worked out on a less formal basis after the implementing legislation is enacted.

To make sure that the division of authority and responsibility is clear, and to ensure the continued independence of the investigations of the Library's Inspector General, I propose the following implementing language:

The Library's Inspector General will conduct and supervise audits and investigations of all matters related to Library programs, operations, activities, property, and personnel (except incidents involving violence and personal property) including physical security controls, inventory management, and preservation of the collections in accordance with the Library of Congress Inspector General Act of 2005 (2 USC 185). The Capitol Police will refer immediately to the Library's Inspector General any such matters, including, but not limited to: thefts, attempted thefts, defacements, mutilations, or any other damage, loss, vulnerabilities, threats, or illegal activities relating to the Library's collections and other programs and operations.

If the Office of Inspector General's role is diminished through the process of implementing the merger, I am concerned that the Library's collections security program could suffer. Specifically, the Capitol Police may not act on issues with the same sense of importance and urgency that we do. Currently, the Capitol Police jurisdiction is much too limited to react to needed searches and arrests outside of Capitol Hill. Also, one could question whether the Capitol Police would be able to do the proactive work that we do or work cold cases like my office does. For example, we are currently making good progress working cases to recover six Walt Whitman notebooks missing from the Library's collections since the 1940s, and also valuable musical instruments missing since the 1980s.

I appreciate the Committee's consideration.

The CHAIRMAN. I welcome the members of the panel and ask that they summarize their statements within the initial five minutes, and without objection, the written statements from witnesses will appear in the record of the hearing.

We will begin with the Sergeant at Arms, The Honorable Wilson Livingood; and then move on to Chief Phillip D. Morse, Sr., Chief of Police, U.S. Capitol Police; and then Ms. Jo Ann Jenkins, Chief Operating Officer, Library of Congress; and lastly, Mr. Michael Hutchins, Chairman of the Fraternal Order of Police, Library of Congress Labor Committee.

Before we start, I want you to know that my dad was a police officer, so my heart, mind, body, and soul are on your side every step of the way. I do understand and respect the job that you do every single day. When there is a problem, we run out and you guys are running in. So you are among a lot of friends. I appreciate the job you do to keep all of us and our families safe every single day that you are here.

STATEMENTS OF HON. WILSON LIVINGOOD, SERGEANT AT ARMS, U.S. HOUSE OF REPRESENTATIVES; CHIEF PHILIP D. MORSE, SR., CHIEF OF POLICE, UNITED STATES CAPITOL POLICE; JO ANN C. JENKINS, CHIEF OPERATING OFFICER, LIBRARY OF CONGRESS; MICHAEL HUTCHINS, CHAIRMAN, THE FRATERNAL ORDER OF POLICE, LIBRARY OF CONGRESS LABOR COMMITTEE

The CHAIRMAN. Sergeant at Arms, you are on.

STATEMENT OF WILSON LIVINGOOD

Mr. LIVINGOOD. Thank you, Mr. Chairman, for those comments, and good morning. Mr. Chairman, Mr. Ehlers, and distinguished members of the committee, I am honored to appear before you today to discuss the merger of police operations between the U.S. Capitol Police and the Library of Congress Police. Before I begin, I want to thank the members of this committee for their steadfast and unwavering support of the men and women of the United States Capitol Police all the time. You have helped make it one of the finest law enforcement organizations in our Nation, and we will continue to strive to be the best.

As I begin this morning, I believe it would be helpful to provide some background concerning the merger of the policing and security operations of the Capitol Police and the Library of Congress Police. When the merger was first considered, there was general and widespread agreement among virtually all of the affected groups that the underlying concept of a coordinated integration of police and security elements relating to the legislative branch was advantageous. There was an essential measure of institutional efficiency and effectiveness of security.

The lessons we learned from 9/11, the anthrax attacks on the Congress, and Hurricane Katrina all pointed in one direction; and that is an integrated and coordinated communications and operations structure with clear lines of authority, that is absolutely critical to an effective emergency response effort.

The anticipated merger is designed to aid the congressional community in that objective. All have agreed with the concept of a

merger between the Capitol Police and the Library of Congress Police and the resulting benefits. Everyone also recognized there were many challenges involved. These range from operational and legal considerations, as well as employee protection considerations.

With these thoughts in mind, the Capitol Police Board and the Capitol Police have constantly maintained that the merger must address these issues and be accomplished in a systematic, thoughtful, and appropriate manner.

Unquestionably, there will be operational and administrative details that will require ongoing adjustments. However, from the policing and security perspective, any final legislative enactment, I believe, should provide clarity of the role, responsibilities, and expectations of all involved entities. It should grant the United States Capitol Police the unfettered ability and statutory authority to appropriately carry out the traditional mission of law enforcement and congressional security.

Moreover, it is essential that the merger process provide the Capitol Police with adequate resources and a well-defined responsibility so that the Capitol Police are in a position to successfully carry out its fundamental operational mission of protecting the core functions of the legislative process.

There are some items that are not covered by current proposed legislation. We are looking forward to working with the committee and staff to rectify the remaining issues regarding law enforcement authority.

After hearing from other witnesses who intend to present opening statements, I will be more than happy to respond to any questions you might have regarding this important issue.

Mr. Chairman, in closing I want to thank the committee for the opportunity to appear before you today.

The CHAIRMAN. Thank you. And you are welcome.

[The statement of Mr. Livingood follows:]

Statement of
The Honorable Wilson Livingood
Sergeant at Arms
Before
The Committee on House Administration
United States House of Representatives
June 27, 2007

Good morning, Mr. Chairman and distinguished Members of the Committee. I am honored to appear before you today to discuss the merger of police operations between the Capitol Police and the Library of Congress. Before I begin, I want to thank the members of this Committee for their steadfast and unwavering support of the men and women of the Capitol Police. You have helped make it one of the finest law enforcement organizations in our nation.

As I begin this morning, I believe it would be helpful to provide some background concerning the merger of the policing and security operations of the Capitol Police and the Library of Congress Police.

When the merger was first considered, there was general and widespread agreement among virtually all of the affected groups that the underlying concept of a coordinated integration of police and security elements relating to the independent federal legislative branch was advantageous. This was an essential measure of institutional efficiency and effectiveness of security. The lessons we learned from 9/11, the anthrax attacks on Congress, and Hurricane Katrina all pointed in one direction – that an integrated and coordinated communications and operations structure with clear lines of authority is absolutely critical to an effective emergency response effort. The anticipated merger is designed to aid the Congressional community in that objective.

All have agreed with the concept of a merger between the Capitol Police and the Library of Congress Police and the resulting benefits. Everyone also recognized there were many challenges involved. These ranged from operational and legal considerations, as well as employee protection considerations. With these thoughts in mind, the Capitol Police Board and the Capitol Police have consistently maintained that the merger must address these issues and be accomplished in a systematic, thoughtful and appropriate manner.

Unquestionably, there will be operational and administrative details that will require ongoing adjustments. However, from the policing and security perspective, any final legislative enactment, I believe, should provide clarity of the role, responsibilities and expectations of all involved entities. It should grant the United States Capitol Police the unfettered ability and statutory authority to appropriately carry out the traditional mission of law enforcement and Congressional security. Moreover, it is essential that the merger process provide the Capitol

Police with adequate resources and well-defined responsibilities so that the Capitol Police is in a position to successfully carry out its fundamental operational mission of protecting the core functions of the federal legislative process.

There are some items that are not covered by current proposed legislation. We are looking forward to working with the Committee staff to rectify the remaining issues regarding law enforcement authority.

After hearing from other witnesses who intend to present opening statements, I will be more than happy to respond to any questions you might have regarding this important issue.

Mr. Chairman, in closing, I would like to thank the Committee for the opportunity to appear before the Committee today.

The CHAIRMAN. Chief Phillip D. Morse.

STATEMENT OF PHILLIP D. MORSE

Mr. MORSE. Mr. Chairman and members of the committee, thank you for the opportunity to appear before the committee on House Administration today to discuss the status of the merger of the Library of Congress Police into the United States Capitol Police.

The United States Capitol Police maintains the honor of protecting the Congress, its legislative process, as well as staff and visitors to the Capitol complex. We protect and secure Congress so it can fulfill its constitutional responsibilities in a safe and open environment. As the foremost symbol of American representative democracy, congressional operations are a highly visible target for individuals and organizations intent on causing harm to the United States and disrupting the legislative process of our government.

In 2003 the Congress provided for the transfer of the personnel and functions of the Library of Congress Police to the United States Capitol Police with the intention of creating a cohesive, unified law enforcement and security operation. At the direction of the Congress, U.S. Capitol Police undertook the development of a comprehensive implementation plan which identified how two organizations would be merged together, as well as identifying potential legislative, personnel and fiscal issues requiring resolution before the overall transfer would occur. This implementation plan served as a guidance and direction for the U.S. Capitol Police in implementing those components of the merger which were within the authorization and jurisdiction of the U.S. Capitol Police and did not require legislative resolution.

Over the subsequent years, the U.S. Capitol Police has worked closely with the Library of Congress through a memorandum of understanding to provide daily operational oversight and direction for the Library of Congress Police. Additionally, the U.S. Capitol Police has implemented a dedicated division within the operational components of the department to provide for security of the Library of Congress as part of the Capitol complex. A U.S. Capitol Police Inspector heads the division and it is comprised of the remaining Library of Congress police officers as well as U.S. Capitol Police officers and officials.

To accomplish the mission of protecting the Capitol complex, inclusive of the Library of Congress, the U.S. Capitol Police is committed to continuing to work diligently to effect the merger of the Library of Congress Police into the department in order to achieve the intent of Congress for a seamless law enforcement and security operation with a unified command and control.

With the help of Congress and the Capitol Police Board, the department will ensure that appropriate planning and resources are in place to achieve a successful transfer of law enforcement and security responsibilities, provide for a reasonable outcome for the Library of Congress employees involved in the merger, and provide for clear delineation of roles and responsibility for the security of the Library of Congress collections.

As chief of the Capitol Police I take great pride in the many years of service this department has provided to Congress. Building on that legacy, we, the United States Capitol Police, look forward

to continuing to safeguard Congress, staff, and visitors to the Capitol complex during these challenging times. In addition, we look forward to working with Congress, and particularly this committee, to effect the successful transfer of the Library of Congress Police in order to achieve the congressional vision of a unified law enforcement and security operation for the Capitol complex.

I would like to take this opportunity to thank Dr. Billington for his support, and commend Jo Ann Jenkins and her staff for their full cooperation and guidance that has been invaluable in making this merger proposal successful. I thank you for the opportunity to appear here today and for your continued support for the men and women of the U.S. Capitol Police.

I request that the full text of my testimony be entered into the record, and I am ready to address any questions you may have. Thank you.

The CHAIRMAN. Without objection, it will be entered in the record. Thank you, Chief.

[The statement of Mr. Morse follows:]

Statement of
Phillip D. Morse, Sr.
Chief of Police, United States Capitol Police
Before the
Committee on House Administration
U.S. House of Representatives

June 27, 2007

Mr. Chairman and Members of the Committee, thank you for the opportunity to appear before the Committee on House Administration today to discuss the status of the transfer of Library of Congress Police to the United States Capitol Police.

The United States Capitol Police maintains the honor of protecting the Congress, its legislative process, as well as staff and visitors to the Capitol complex. We protect and secure Congress so it can fulfill its constitutional responsibilities in a safe and open environment. As the foremost symbol of American representative democracy, Congressional operations are a highly visible target for individuals and organizations intent on causing harm to the United States and disrupting the legislative processes of our government.

In 2003, the Congress provided for the transfer of the personnel and functions of the Library of Congress Police to the U.S. Capitol Police with the intention of creating a cohesive, unified law enforcement and security operation. At the direction of the Congress, the U.S. Capitol Police undertook the development of a comprehensive implementation plan, which identified how the two organizations would be merged together, as well as identifying potential legislative, personnel,

and fiscal issues requiring resolution before the overall transfer could occur. This implementation plan served as guidance and direction for the U.S. Capitol Police in implementing those components of the transfer, which were within the authorizations and jurisdiction of the U.S. Capitol Police and did not require legislative resolution.

Over the subsequent years, the U.S. Capitol Police has worked closely with the Library of Congress through a Memorandum of Understanding to provide daily operational oversight and direction for the Library of Congress Police. Additionally, the U.S. Capitol Police has implemented a dedicated division within the operational components of the Department to provide for the security of the Library of Congress as a part of the Capitol complex. A U.S. Capitol Police Inspector heads this Division and it is comprised of the remaining Library of Congress Police officers, as well as U.S. Capitol Police officers and officials.

This Division integrates many of the Library of Congress Police operations into the operations of the U.S. Capitol Police. However, several operational and administrative obstacles and challenges require legislative resolution before the completion of the overall transfer can be achieved.

To accomplish the mission of protecting the Capitol complex, inclusive of the Library of Congress, the U.S. Capitol Police is committed to continuing to work diligently to effect the merger of the Library of Congress Police into the Department in order to achieve the intent of Congress for seamless law enforcement and security operation with unified command and control.

The U.S. Capitol Police was asked by the Capitol Police Board and our oversight committees to develop a solution for finalizing the successful transfer of the Library of Congress Police. In a collaborative effort, the U.S. Capitol Police conducted meetings with Library of Congress officials at the agency, general counsel and operational levels. These meetings resulted in a better mutual understanding of the goals, objectives and challenges facing each organization in achieving this transfer. Utilizing the outcomes of these discussions, draft legislation was developed for presentation to the committees for consideration. This draft legislation is intended to provide for the necessary clarification of authorities and jurisdiction we believe are required to finalize this transfer, and ensure that we can operate efficiently and meet our core mission goals.

With the help of Congress and the Capitol Police Board, the Department will ensure that appropriate planning and resources are in place to achieve a successful transfer of law enforcement and security responsibilities, provide for a reasonable outcome for the Library of Congress employees involved in the merger, and provide for a clear delineation of roles and responsibilities for the security of the Library of Congress collections.

We believe that following the enactment of legislation to remedy the remaining challenges and provide greater clarification of authorities; the U.S. Capitol Police will be able to ensure the successful transfer of personnel and functions of the Library of Congress Police to the U.S. Capitol Police. Likewise, we believe it will be necessary for the transfer to occur over a two-year period,

beginning in FY 2008, with completion at the end of FY 2009. This two-year phased approach will ensure the success of this transfer without adversely affecting the capabilities of the Department to carry out its core mission, both operationally and administratively.

Within the context of the draft legislation, the transfer of personnel will begin October 1, 2008. The time period following the transfer of personnel, but before the final transfer of authorities in FY 2009, will allow for the additional training of transferring sworn personnel, as well as the hiring, outfitting and training of new sworn personnel required to meet the current Library of Congress sworn authorized personnel levels. The Library of Congress Buildings located on the Capitol complex will be considered part of the Capitol Buildings and Grounds effective September 30, 2009, which will enable the U.S. Capitol Police to exercise full law enforcement jurisdiction and authorities. However, outlying Library of Congress buildings will not be the responsibility of the U.S. Capitol Police.

Further, within the context of the draft legislation, the U.S. Capitol Police will conduct all law enforcement and security operations at the Library, to include collections security as currently conducted by Library of Congress Police Officers and police support personnel. The U.S. Capitol Police and the Library of Congress intend to provide the Congress with a proposal for the management of the physical security systems and related personnel remaining at the Library of Congress by October 1, 2008. Together, these efforts will provide for the seamless law

enforcement and security operations within the Capitol complex, which I spoke of earlier in my testimony.

In keeping with the intent of Congress, the U.S. Capitol Police will transfer the remaining Library of Congress sworn and civilian personnel to the U.S. Capitol Police based upon qualification determination. The provisions of the draft legislation ensure that the transfer of these employees will not have adverse impacts on the retirement or result in a reduction in the basic pay, rank or grade of these transferred employees.

To achieve the transfer of the Library of Congress Police into the U.S. Capitol Police in an effective and efficient manner, we believe that the provisions, authorities and clarifications contained in the draft legislation are critical to our success. Further, we believe that the U.S. Capitol Police requires the requested two-year implementation period, as well as the necessary resources, in order to ensure the success of this transfer without adversely affecting the capabilities of the Department to carry out its core mission, both operationally and administratively.

As Chief of the Capitol Police, I take great pride in the many years of service this Department has provided to the Congress. Building on that legacy, we at the U.S. Capitol Police look forward to continuing to safeguard the Congress, staff, and visitors to the Capitol complex during these challenging times. In addition, we look forward to working with the Congress and particularly this Committee to affect the successful transfer of the Library of

Congress Police in order to achieve the Congressional vision of a unified law enforcement and security operation for the Capitol complex.

I thank you for the opportunity to appear here today and for your continued support for the men and women of the U.S. Capitol Police. I am ready to address any questions you may have.

The CHAIRMAN. Ms. Jo Ann C. Jenkins.

STATEMENT OF JO ANN C. JENKINS

Ms. JENKINS. Mr. Chairman, Ranking Member Ehlers, members of the committee. I appreciate the opportunity to appear before you today to discuss the police merger of the Library of Congress and the U.S. Capitol Police. It has been a long time, but the Library of Congress and the Capitol Police are in agreement to complete the police merger and to achieve the goal of Congress for seamless security on Capitol Hill. We believe the draft legislation before this committee will complete the task that Congress began formally in 2003.

Dr. Billington and I have forged a productive and collegial working relationship with Capitol Police Chief Morse, and the assistant chief, and we thank them for the understanding of our unique institutional needs as we gained a better appreciation for their central goal in providing security throughout the Capitol complex.

I also want to thank publicly Capitol Police Inspector Tom Reynolds and Inspector Fred Rogers and the many Capitol Police assigned to the Library of Congress for their dedication in working with us to operate an effective combined police force over the last several years.

The Library of Congress is forever grateful to the outstanding officers of the Library's police force for their professionalism and devotion to duty.

A merger between the Library and Capitol Police force has been under discussion for some 20 years now. In 1987 Congress approved legislation mandating pay comparability between the Library Police and the Capitol Police and in 1990 directed the two forces to begin studying a merger. During this time the Library instituted a number of measures to strengthen security of its collections by integrating and updating physical security, preservation, and inventory management controls while further defining the central role of the Library Police for collections security.

The Library also collaborated closely with the Capitol Police and the Architect of the Capitol in installing physical security enhancements, which were a part of the overall Capitol complex security improvements, such as the new police command center, intrusion detection systems, vehicle barriers, screening equipment, and security video cameras.

Once the Congress set a merger in motion in 2003, our goal has been to integrate the two forces in a way that enhances overall security, maintains the historic statutory role of the Librarian of Congress to safeguard the Library's staff, visitors, and the priceless collections and provides maximum fairness for our police officers by ensuring no one is harmed by this merger.

We believe this legislation achieves these goals and provides for a period of orderly transition, culminating in a completed merger by the end of fiscal year 2009. The Library of Congress supports the police merger legislation now before this committee and respectfully requests its approval.

Mr. Chairman, this concludes my statement and I would be happy to answer any questions you or other members of the committee may have. And I also ask that a statement by the Librarian and my longer statement appear in the record.

The CHAIRMAN. Without objection. Thank you.

[The statement of Ms. Jenkins follows:]

Statement of
Jo Ann C. Jenkins
Chief Operating Officer, Library of Congress
Before the
Committee on House Administration
U.S. House of Representatives

June 27, 2007

Mr. Chairman, Ranking Member Ehlers, members of the Committee:

Mr. Brady, I congratulate you on being named Chairman of this important Committee. I appreciate the opportunity to appear before you today as the Library's Chief Operating Officer, a position to which I was appointed last December.

I am pleased to be testifying today with U.S. Capitol Police Chief Morse in support of draft legislation that the Library and the Capitol Police have jointly negotiated in order to complete the merger process that Congress began formally in 2003. Dr. Billington regrets that he was unable to attend and he looks forward to the opportunity to discuss any needed follow-up with the Chairman and members of the Committee. I ask that his statement be included in the hearing record, along with my long statement.

Let me say on behalf of myself and Dr. Billington that we have forged a strong and productive working relationship with the leadership of the Capitol Police. We have every confidence that the framework to complete the merger contained in the draft legislation forwarded to the Library's four authorizing and appropriations committees will fulfill Congress's desire for seamless security on Capitol Hill. It will also maintain the Librarian's historic statutory responsibility for the safety and security of Library staff and visitors, as well as for the security of the Library's priceless collections, now totaling 134 million items.

Although Congress provided in 2003 in PL 108-7 for a merger of Library of Congress Police into the Capitol Police, the immediate impetus for the legislation now before you was the provision in PL 108-83 that removed the Librarian's authority to hire police.

However, the subject of a merger between our two forces has a much longer history. A full chronology is attached to my testimony but let me highlight several key milestones:

1) In 1987 Congress enacted legislation mandating a phased-in pay comparability of Library Police with Capitol Police and in the 1990s directed the two police forces to study whether a merger was possible.

2) Beginning in the mid 1990s the Library instituted a number of measures which further enhanced the security of the National collections by increasing electronic and physical security controls; by defining layers of risk to the collections and addressing roles and responsibilities of the Library Police. This focus on integrated collections security culminated in 1997 with the Library of Congress Collections Security Plan, which was approved by this Committee for implementation. An updated plan, submitted to this Committee in 2005, further integrates physical security, preservation, and inventory management controls.

3) Additional Library physical security enhancements were provided in 1998 in the Omnibus Appropriations Act, PL 105-277, part of the Capitol Hill security complex improvements planned and implemented in concert with the Capitol Police and Architect of the Capitol. Upgrades included a new police communications center, installation of intrusion detection systems, vehicle barriers, screening equipment, and other improvements which were completed last year.

When earlier attempts to negotiate the terms of a merger were not successful, this Committee and the Senate Rules Committee helped to shape a Memorandum of Understanding that has allowed our two forces to work side-by-side since 2004. The Capitol Police have provided expert leadership for the combined forces at the Library. On behalf of the Library, I want to thank Capitol Police Inspector Tom Reynolds and current Inspector Fred Rogers for their dedication and diligence. We have operated well as a combined force with each officer, whether Library of Congress Police or U.S. Capitol Police, performing the essential and mission-focused tasks of entry and exit inspections, operation of the police command center, and response to a wide variety of possible threats and emergencies on Capitol Hill.

Nevertheless, the Library recognized that the job was incomplete and we were increasingly concerned about the morale and future prospects of the Library officers who had given the Library so many dedicated years of service.

At the inception of the 110th Congress, as new leadership settled in on Capitol Hill, at the Capitol Police Board, and at the U.S. Capitol Police, Dr. Billington recognized that we needed to seize an opportunity to complete the merger. I was tasked as the Library's new Chief Operating Officer to take the lead. It has been my great pleasure to have worked throughout this process with Chief Morse and Assistant Chief Dan Nichols. I am grateful to them and to the combined staffs of the Capitol Police Board, the Capitol Police, and the Library, who have worked so diligently to support a rapid but detailed process.

I will let Chief Morse comment on the law enforcement aspects of the bill, but let me highlight why the draft legislation submitted to Congress is strongly supported by the Library:

- The legislation sustains the Librarian=s statutory responsibility as Asteward-in-chief@ for the collections that he has inherited from his 12 predecessors and which he has enhanced by the addition of 48 million items during his 20-year tenure as 13th Librarian of Congress.
- The legislation is elegant and effective in its simplicity: the Librarian makes the rules and regulations for the Library, and the USCP will enforce them. Assistant Chief Nichols has spent many hours at the Library to familiarize himself with all aspects of the Library=s operations on Capitol Hill, from our 22 reading rooms and our 14 entrances and exits for staff, researchers, and visitors; to our state-of-the-art vaults where the Library of Congress stores its most priceless ATop Treasures,@ including Jefferson=s rough draft of the Declaration of Independence, Lincoln=s Gettysburg Address, and the Waldseemuller Map, also known as AAmerica=s birth certificate.@
- Meanwhile, the Library=s storage of its collections and the housing for its staff extend beyond Capitol Hill to Culpeper, VA; Ft. Meade and Landover, MD; and to Taylor Street, Northeast in Washington, D.C. where the National Library Service for the Blind and Physically Handicapped is housed. The Library=s use of contract guards at these offsite locations remains in place and does not, therefore, extend the jurisdiction and the manpower of the Capitol Police off Capitol Hill, where their presence and expertise are most needed.
- The Library=s entire police force and five associated civilian positions will transfer to the USCP no later than September 30, 2009. It has been a primary concern of the Librarian and many Members of Congress that no member of the Library=s police force be harmed by the merger. We believe the legislation before you accomplishes this important goal.
- Finally, we believe that the two-year timetable for implementation will allow the detailed work that will be needed to train officers, transfer personnel and equipment, and merge operations to occur properly and will provide both the Library and the Capitol Police with time to work out remaining issues such as the best approach to the use of contract guards in the Library=s Capitol Hill facilities.

Mr. Chairman, this concludes my statement. I look forward to answering any questions that you and members of the Committee might have.

Statement of the Librarian of Congress, Dr. James H. Billington regarding draft legislation to finalize the merger of the Library and U. S. Capitol Police:

I am grateful to the leadership of the U. S. Capitol Police and to the Library's chief operating officer, Jo Ann Jenkins, for working so diligently over the past weeks to finalize draft legislation that will successfully complete the merger directed by Congress in 2003. The draft bill allows for a fair and orderly transition that will permit the transfer of all current Library police officers and associated civilian support staff to the Capitol Police. The USCP's commitment to exit inspections means that the Library's integrated collections security framework will be maintained and that I, as Librarian of Congress, will be able to establish standards and regulations for the physical security, control and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress buildings and grounds.

I hope that today's hearing will serve to familiarize the members of the Committee on House Administration with the draft legislation. The Library supports its enactment and hopes that the authorizing and appropriations committees will take such actions as needed to implement the legislation in accordance with the suggested timeline.

June 27, 2007

The CHAIRMAN. Officer Michael Hutchins.

STATEMENT OF MICHAEL HUTCHINS

Mr. HUTCHINS. Mr. Chairman, members of the committee, good afternoon. I am Officer Michael G. Hutchins, Private First Class, a 31-year employee of the Library of Congress and Chairman of the Fraternal Order of Police, Library of Congress Labor Committee. I represent the remaining 82 police officers and technicians in the bargaining unit of the Library of Congress Police. Thank you for allowing me to appear before the committee to express our concerns regarding the proposed merge of the Library of Congress Police with the United States Capitol Police. Our full testimony has been submitted for the record.

From the inception of the idea of a merger, our members were somewhat elated that finally a seamless security was being established with us—emphasis on us—including to contract our talent, experience and attention to duty in securing the Capitol Hill complex. We were all disgraced when it was realized that somewhere in the process considerations were not given that a grandfather clause be entertained that would have kept all officers employed in their chosen profession. This would have mitigated for the loyal and dedicated officers that pride themselves on tenure and duty, who desire longevity in their position as police officers.

Very disheartening is the distance and disconnection from us by the Chief of the Capitol Police and the Capitol Police Board. We think it is reasonable to have knowledge as to what is expected to successfully transition to this agency.

Our members do want the merge of the two departments to become a reality, but we desire that it occur in the true sense of the definition of a merge. We deserve to have this accomplished in the most fair and equitable manner possible so that all Library of Congress Police Officers will be afforded the opportunity to transition into the United States Capitol Police and be allowed to continue to serve as police officers until such time as they are entitled to an unreduced annuity.

As a result of the extensive delay of the proposed merger, our careers have been placed in a state of suspense. There has been no opportunity for lateral or upward mobility like that realized by our combined law enforcement partners that we work united with daily. Even small items such as attending to the statutory law and the issuance of the same weapons and equipment is stagnant, also showing no true urgency to attain seamless security.

In closing, we confirm that we desire a merger to occur. It is a logical and practical goal. However, again we emphasize the hope that it would be accomplished in a fair and equitable manner resulting in the following:

Number one, that all officers that meet the United States Capitol Police age and years of service requirement be laterally transferred into the United States Capitol Police, their complete system. This will make the Library of Congress Police whole and without loss of time or status.

Number two, all remaining officers, regardless of age or tenure, be retained in their positions as police officers. This can be brought about by whatever your expertise deems possible.

Again, we emphasize that these dedicated men and women deserve the opportunity to work the required time in order to realize an unreduced annuity for their services rendered to the United States Government. We sincerely believe that the completion of this process within a reasonable period and in a fair and equitable manner will obtain the desired result of the seamless security sought throughout the Capitol Hill complex. With your help and expertise, this can become a reality.

Thank you for your attention to this matter and the time you have allowed us today.

[The statement of Mr. Hutchins follows:]

**Statement of The Fraternal Order of Police, Library of Congress, Labor Committee before The Committee on House Administration, U. S. House of Representatives
June 27, 2007**

Mr. Chairman and Members of the Committee, good morning.

I am Officer Michael Hutchins, Private First Class, a thirty one year employee of The Library of Congress and Chairman of The Fraternal Order of Police, Library of Congress Labor Committee. I represent the *remaining* eighty two (82) police officers and technicians in the bargaining unit of The Library of Congress Police.

Thank you for allowing me to appear before the committee to express our concerns regarding the proposed merger of The library of Congress Police and The United States Capitol Police.

The Library of Congress Police are comprised of men and women who possess a variety of life experiences. No officer has less than four years of police service with the Library of Congress and many have twenty years or more. A significant number have served in various branches of the military, and in other federal, state, local and municipal law enforcement agencies. We served honorably in those capacities and continue to do so now; protecting people and property; preserving the peace and apprehending and prosecuting violators of the law. Every mission requiring police service has and is being accomplished, even with the adverse and well known staffing shortages. Under these conditions, we suffer low morale, a true sense of worthlessness and unimportance, but notwithstanding, we remain duty bound.

During my tenure, efforts were made to obtain additional and ongoing training, better and more modern equipment, expanded authority under the law to better enable us to accomplish our mission, and enhanced benefits, as are enjoyed by other law enforcement agencies. Documented studies concluded that we daily perform the same or similar functions, as The United States Capitol Police, and are deserving of comparable benefits.

On many occasions, as a last resort effort to address these issues, we sought the help of Members of The United States Congress. As a result of these pleas, the question was posed, "Would a merger between The Library of Congress Police and The United States Capitol Police Departments solve the problems cited?" We answered in the affirmative!

In 1986 a report from The General Accounting Office affirmed that we did the same or similar duties, with the exception of The United States Capitol Police's Specialized Units, i.e. Patrol Division, K-9, etc., this document was used along with a 1991 and 2002 report from GAO, to set the discussions on the merger.

On February 20, 2003, Public Laws 108-7 and 108-3, were signed into law by President George W. Bush. These laws set the foundation for a merger between The Library of Congress Police and The United States Capitol Police.

Pursuant to the enactment of these laws, former U.S. Capitol Police Chief Terrance Gainer, was directed to develop and submit a plan for the merger implementation. The plan was to cover all aspects of the *fair and equitable* transfer of *ALL* LOC Police to the USC Police. Subsequently, Chief Gainer submitted his plan.

A House Resolution (HR5521) was proposed and presented as a possible implementation plan.

After becoming aware of this House Resolution (HR5521) and reviewing its contents, The Fraternal Order of Police, Library of Congress Labor Committee and its members expressed opposition to the resolution, citing it as unfair and not equitable for the men and women of The Library of Congress Police. In particular, the resolution did not provide for the transfer of **ALL** Library of Congress Police Officers to The United States Capitol Police.

Presently, in accordance with a memorandum of understanding (MOU) dated 12/12/2004, The United States Capitol Police have a Police Inspector detailed to The LOC. To command, direct and supervise the operations and personnel of The Library of Congress Police. Additionally, a number of U.S. Capitol Police Officers, two first line supervisors and a lieutenant, are detailed to The LOC, and work as a combined unit, together with the same duties and assignments, as The LOC Police, daily. Security has been provided for visitors, staff, patrons, buildings, collections and grounds at The LOC without incident.

Requirements for determining qualifying factors as a prerequisite to enable officers to transition to The U.S. Capitol Police have incited us. We attend the same initial training. We possess generally greater law enforcement experience at the entry level, than the officers at USC Police. Our duties mirror theirs, in the protection of visiting President's, Members of Congress, Official State Visitors, and other high security detail personnel, with equal regularity, intermittently at random. The association we share in the same daily assignments and exact duties, questions where our skills would somehow magically disappear, if issued their uniform and being considered a U.S. Capitol Police Officer.

Due to many years of neglect and inattention, The Library of Congress Police have remained a virtual secret from the metropolitan area law enforcement community.

As a result The Library of Congress Police do now, as The United States Capitol Police has in the past, suffer the perception that we are a high priced building guard force, with little or no knowledge to perform police functions. This has happened because people are not aware of the responsibilities attached to being a sworn or duly appointed federal law enforcement officer. People that do know have failed to put forth efforts to disprove these longstanding myths.

Our members **DO WANT A MERGE** of the two departments to become a reality, but we desire that it occur in the true sense of the definition of a **MERGE**.

We deserve to have this accomplished in the most **FAIR** and **EQUITABLE** way possible. We hope that **ALL** Library of Congress Police Officers will be afforded the opportunity to transition to The United States Capitol Police, and be allowed to continue to serve as police officers until such time that they are entitled to an unreduced annuity.

As a result of the extensive delay in the implementation of the proposed merger, our careers have been placed in a state of suspense. There has been no opportunity for lateral or upward mobility, like that realized by our combined law enforcement partners, that we work united with, daily. Even small items such as attending to The Statutory Law and the issuance of the same weapons and equipment is stagnant, also showing no true urgency to attain seamless security.

In closing, we confirm that we desire a merger to occur. It is a logical and practical goal, however, again we emphasize the hope that it will be accomplished in a **fair** and **equitable** manner, resulting in the following:

*All officers that meet The United States Capitol Police age and years of service requirements be laterally transferred into The United States Capitol Police (Their Complete System). This will make The Library of Congress Police whole and without loss of time or status.

*All remaining officers, regardless of age or tenure be retained in their positions as police officers. This can be brought about by whatever your expertise deems possible.

Again, we emphasize that these dedicated men and women deserve the opportunity to work the required time in order to realize an unreduced annuity for their services rendered to The United States Government.

We sincerely believe that the completion of this process within a reasonable period and in a fair and equitable manner, will obtain the desired result of the seamless security sought throughout The Capitol Hill Complex. With your help and expertise this can become a reality.

Thank you for your attention to this matter, and the time you have allowed us today.

The CHAIRMAN. Thank you, Officer. I just have a couple of real quick questions, and then I will let others who have questions go. Officer Hutchins, everybody seems to be in accord with this merger. I spoke with you, and we are going to try to address it in the best way we can, but they talked about grandfathering people in. How many people would not be grandfathered in under the present merger?

Mr. HUTCHINS. Under the present proposal we received, 21 people would not be afforded the opportunity to continue in their career as a police officer, and of the 61 that would—

The CHAIRMAN. Please turn your mike on.

Mr. HUTCHINS. I apologize. Under the current proposal, 21 officers will not be able to transition to the United States Capitol Police as police officers. They would be under the proposal for the civilian positions. Of the 61 remaining officers, several of them because of their age and tenure, wouldn't be around much longer, maybe a year or two or what have you. I don't have the exact numbers.

The reason we took the grandfather clause was because of the fact that conditions that we were under prior to legislation being passed we felt warranted some exemption to this. We have an established retirement system that, to my knowledge, they would continue to fund it, we could become Capitol Police Officers. Under that particular retirement system, the Capitol Police would be under their retirement system. Somewhat like the Metropolitan Police which has two or three different retirement systems in that agency.

The CHAIRMAN. You first said the first group of 21 that would not be able to continue, would not be because of age, so what would it be a result of?

Mr. HUTCHINS. Actually, most of the officers, not all of the 21, would not be able to attain 20 years of service before they reach the age of 60. So 60 is the drop-off number for Capitol Police.

The CHAIRMAN. Because they started later?

Mr. HUTCHINS. Yes, sir. Also, some of them will have already reached the age and have enough time to actually get an unreduced annuity.

The CHAIRMAN. Okay. I understand the pay is not the issue because we don't really do the pay, that is subject to another committee, and the pension can be a problem, and age is a problem.

I guess, Chief, talking about training, would there be a problem with the new people coming in and would they have to do some extra training to come up to a standard different than the Library of Congress as Capitol Police Officers?

Mr. MORSE. Once they became Capitol Police officers, we also go through 10 weeks of training for the functions that we do as Capitol Police officers, they would need to attend the 10 weeks of Capitol Police training.

The CHAIRMAN. I understand that you are trying to look at it from this point as a two year process. Hopefully if we can resolve this and come to some agreements with the Capitol and the Library Police, that could it happen sooner. If you are talking about 10 weeks for training, that is less than 2 years.

Mr. MORSE. There are other things involved in the transition. For instance—and I believe Mr. Ehlers had mentioned concepts of operations and integrating those. In the first year we are looking at administrative policy, operational policy, assets, resources, identifying those, ensuring that they are in place.

The second year is really evaluating the employees, placing the employees, training the employees, preparing the employees for the duties and responsibilities of the U.S. Capitol Police. The timeline is very specific, and it is a two-year process.

The CHAIRMAN. One real quick question. The Capitol Police, do they retrain as they go, after so many years? Do they get regular physicals or anything like that?

Mr. MORSE. Regarding training, training is ongoing, both mandatory and in service. There is also experienced officer training that we put our officers through routinely. As far as a physical, no.

The CHAIRMAN. The only thought is when I first came here nine years ago, I was in a different size suit myself, and I thought maybe a little disadvantage for the Library Police to get new physicals and the Capitol Police don't have to. I don't want to see injustice done to them. But we do want to have fit police officers out there, even though we may not have fit Congressmen.

I just wanted to know what would happen. I thank you. I yield to the Ranking Member Mr. Ehlers for any questions.

Mr. EHLERS. Thank you, Mr. Chairman. Your comments make me wonder if perhaps we need a job retraining program for Congressmen after a few years on the job.

I note that your proposed legislative language was adopted by the Senate Legislative Branch Appropriations Subcommittee. I am curious: Have they done a detailed cost analysis or have you worked out a detailed cost analysis at this point?

Mr. MORSE. Within the past few years there have been analyses done on costs. For instance, in the area of employee transfer salary and benefits, salary and benefits of new police officers, overtime salaries and benefits, general expenses—there is certainly not a precise cost, because we would have to wait for legislation to be approved for certain things to occur.

The only remaining costs that we can't be specific on right now are the physical security implementation costs, because that requires an assessment to see if the USCP and Library systems can be integrated without any issues.

But we do have a cost analysis in those areas that I stated, and I can submit those to you for review if you would like.

Mr. EHLERS. We would appreciate that.

Ms. Jenkins, do you have anything to add?

Ms. JENKINS. No, sir. I would just say that we have been working closely with the Capitol Police and we are trying to maximize the resources that we would transfer to the Capitol Police, and feel comfortable with the estimate they have come up with.

Mr. EHLERS. Thank you. I do want to commend both of you. I know this has been a very long process. In fact, I at one point decided it would probably not be done before I die or retire. You proved me wrong. I appreciate the dedicated purpose that both organizations, particularly both of you, have put into resolving the many, many questions.

I have another question. Well, I can't specify it exactly, but the drafts of legislation forwarded to us leaves several matters to be resolved through future negotiations between the Library and the Capitol Police. Can you describe how you can go about resolving these matters? These aren't deal stoppers, are they?

Mr. MORSE. We don't believe that they are deal stoppers but there are areas that require some further analysis. And the issues that we addressed here to get to the point we are now at may have brought to our attention things that we didn't think about and that we have to ensure are absolutely correct. But none of those issues are deal stoppers, and we look forward to continuing the relationship we have and completing the merger.

Mr. EHLERS. So both of you are confident you will be able to resolve these issues in a timely fashion.

Ms. JENKINS. Yes.

Mr. EHLERS. Good. Thank you.

Another question is the role of the inspector general, particularly in oversight investigations, but also investigations of any thefts, crimes and improprieties. The Library has its inspector general and the Capitol Police has their inspector general. Who is really going to be in charge of those investigations in the Library?

Mr. MORSE. We both can answer this. Certainly there may be some change, but the way I always look at the merger and any Capitol Police operation that we transition somewhere else is that it should mirror what we currently have, and so I would say that the Capitol Police inspector general would continue to do the things that he does with the Capitol Police employees and that the inspector general of the Library would continue to do his responsibilities, perhaps with some more clarification, so that there is no overlap in their responsibilities; i.e., criminal investigations of our employees and things like that. I think that can be easily corrected.

Mr. EHLERS. As long as they don't start investigating each other.

Another question: What is the role of the Capitol Police Board in determining regulations governing physical security in the Library of Congress? Perhaps Mr. Livingood?

Mr. LIVINGOOD. Currently the Library has its own physical securities section, and after the merger the Capitol Police are going to be doing a survey to see what equipment they now have and to find out if this technology they have can be integrated into our system. Once that is finished, we are going to be discussing should the physical security remain with the Library of Congress responsibility or should it be transferred to the U.S. Capitol Police. If it is transferred to the Capitol Police, we would receive input from the Library, what they would need from the Library and the Librarian. And in matters of priorities—a lot of times the Capitol Police Board is asked to come up by the committees, what is the priority—we would, working with the Library, come up with a list of priorities both for here and for the Library.

Mr. EHLERS. Last question. The Librarian is allowed to determine policy and procedures for physical security and collection security that the Capitol Police is expected to enforce. Doesn't this in some way make an overlapping responsibility with the current Police Board?

Mr. MORSE. Just as we do with the Committee on House administration, and the Senate Rules Committee, the Librarian would maintain the oversight of rules and regulations within the building, and certainly because of the security of the collections, and the focus of the Librarian, that he would have oversight in how those things were protected.

Once again, the Capitol Police would submit its expert opinion, recommendations, to ensure the safety not only of the collections but the people in the complex, and we would hope to come to the same resolutions we have with all these other issues that we are addressing. I don't see any issue. It is a matter of us managing the police functions in order to protect.

Mr. EHLERS. Once again I want to thank you and commend you for the progress you have made on this. It is not an easy task. I have been in negotiations of this type before and I am pleased you have reached this agreement and hope the rest is good as well.

Thank you. I yield back.

The CHAIRMAN. Thank you. Mr. Capuano.

Mr. CAPUANO. Mr. Chairman, I want to follow up on your comments and ask Officer Hutchins, is it fair to say that the bumps left in the road mostly revolve around the 21 people that you mentioned that may not be able to continue their careers as they had planned?

Mr. HUTCHINS. Not continue their careers as police officers, sir. Here again, their heart is there. As Chairman Brady spoke of, he was a police officer and it doesn't go away.

Mr. CAPUANO. Is it fair to say that most of the bumps that remain in this agreement mostly revolve around concerns of those 21; is that a fair representation or not?

Mr. HUTCHINS. That is fair; yes, sir.

Mr. CAPUANO. What I would like at some point is I would like maybe some written commentary on the specific concerns of these 21 people: What is it that is stopping them? Is it age, physical condition, whatever it is; because I am sure that we would like a breakdown, but individually. My guess is there are several different reasons that apply to different people and I would be curious myself to find out what issues you identify as specific to the individuals.

Not now but at some later point.

Mr. HUTCHINS. Yes, sir; we will get that to you as soon as possible.

Mr. CAPUANO. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. The gentleman from California, Mr. Lungren.

Mr. LUNGREN. Thank you very much, Mr. Chairman. I appreciate all the work that you folks have done on this, but according to my observations from when I was Attorney General of California, this seems to be making it far more complicated than it ought to be. We had a merger of State Police with the CHP in California. We had in my own district establishment of the Citrus Heights Police Department breaking away from the County of Sacramento Sheriff. We managed 25 or 35 joint task forces around California, led by the Department of Justice.

Man, in 2003 the decision was made to do this; we are now in 2007; now you are telling us if we are lucky, by the end of 2009 we will have the merger accomplished. What are we doing? I mean are we reinventing law enforcement as we know it in the modern era?

Chief, I am perplexed that it sounds so complicated. You have got good men and women, good supervision, and you have the standards set. Why does it take 2 years, if we are lucky?

Mr. MORSE. I agree with you.

Mr. LUNGREN. No one else does. Four people say maybe we will get there, but we have got all these problems.

Mr. MORSE. I have been chief since October 30, 2006 and in the last 3 months we have come to resolution on issues that have been around since 2003. One of the things that I found has made this very successful is reaching out to the Library of Congress, face to face, and discussing the issues frankly and coming to resolution.

So I have proceeded very quickly with this. The Library has assisted with that. And with what I inherited I think that 2 years to resolve it is certainly long overall, but for what I was given to resolve, I think a 2-year timeframe is good.

Mr. LUNGREN. So how many sworn officers do you have now, 1,900 or something like that?

Mr. MORSE. 1,671 is our authorized strength.

Mr. LUNGREN. And we are going to add 83, as I recall.

Mr. MORSE. The Library of Congress police authorized FTE is 148.

Mr. LUNGREN. I am talking about real live people. How many real live people, sworn officers, do we have now? We heard from Officer Hutchins that 21 are not going to be eligible. We are talking about the eligibles.

Ms. JENKINS. We have 99 officers on the Library of Congress' payroll now who are not U.S. Capitol Police officers.

Mr. LUNGREN. Sworn officers, 99. Do you agree with Officer Hutchins there are 21 now that would not be eligible to transfer in?

Ms. JENKINS. According to our Human Resources, we have 23 officers who would not transfer as Capitol Police officers but they would transfer as Capitol Police civilian staff.

Mr. LUNGREN. So we are talking about, if that scenario remained, we would add 76 officers to 671 officers—no, 1,671 officers, right?

Mr. MORSE. Yes, sir.

Mr. LUNGREN. Officer Hutchins, how old are the oldest officers who are, quote-unquote, ineligible right now under this scenario that has been presented here?

Mr. HUTCHINS. Sir, the age in question is 57. Capitol Police, you cannot come on board after you have obtained your 37th birthday, and 57 is the cutoff. In order to get the other 3 years they extend to you, you must submit written documentation.

Mr. LUNGREN. I guess my question is what is the age limit of officers?

Mr. HUTCHINS. Presently at the Library there is none, as long as we successfully pass the physical.

Mr. LUNGREN. So how old are the oldest officers?

Mr. HUTCHINS. We have some guys that retire from Metropolitan that came on board maybe in their fifties.

Mr. LUNGREN. How old would they be now?

Mr. HUTCHINS. Our oldest, I think we come up to 2020 where we would have to keep people on board if they retired in the system we are now.

Mr. LUNGREN. That is not my question. The question is the age.

Ms. JENKINS. The range of the officers are from their late twenties, up to early seventies.

Mr. LUNGREN. Mr. Livingood, you have been involved in this for some period of time. Any reason why we can't accelerate this?

Mr. LIVINGOOD. I think that we have come an awful long ways and it has taken a long period, but as Chief Morse said, in the recent 6 months they have come an awful long ways. I think that now that we are ready, it appears to be a finalization of this. I think you have to have—you couldn't do it tomorrow. It would be sometime after a merger has been signed. It has not been signed yet.

Mr. LUNGREN. Didn't we start Iraq in 2003?

Mr. LIVINGOOD. That is what I say. Yes, sir.

Mr. LUNGREN. I am saying Iraq. Didn't we start Iraq in 2003?

Mr. LIVINGOOD. Around there, yes.

Mr. LUNGREN. We have got people telling us we have been there too long. That was a pretty big assignment.

Mr. LIVINGOOD. I think it is a different issue, but I understand what your point is.

Mr. LUNGREN. Yield back.

The CHAIRMAN. Thank the gentleman. Mr. McCarthy.

Mr. MCCARTHY. Thank you, Mr. Chairman. If I can just follow up with Jo Ann, how many officers do we have in the Library of Congress—because you said 23, the officer said 21. Is the real number 23?

Ms. JENKINS. Yes, sir.

Mr. MCCARTHY. Is it my understanding that those sworn officers on the transfer over would be civilian employees and be under CRS or FERS retirement system, just as the Library of Congress police officers are today. Is that right?

Ms. JENKINS. My understanding is that the way the legislation is written now, if it were passed as it is, the officers would be under the Library of Congress retirement system for the period of time they were Library of Congress employees and they would be under the Capitol Police retirement system for the number of years they were under that system.

Mr. MCCARTHY. How many officers in the Library of Congress are over the age of 60?

Ms. JENKINS. I would have to get Human Resources to run the numbers.

Mr. MCCARTHY. Do we have a guess? Because you gave me a range from the twenties to the seventies. How old is the oldest officer?

Ms. JENKINS. I'm sorry. The Human Resources is telling me the oldest officer is 66, and there are 10 of them.

Mr. MCCARTHY. Ten of them over 60?

Ms. JENKINS. Yes, sir.

Mr. MCCARTHY. Now I'm confused because you told me in the seventies.

Ms. JENKINS. I misspoke. The oldest officer is 66. By the time the police merger goes through.

Mr. MCCARTHY. I have had information that someone once told me we had an officer that was 80 years old. Could we have the Human Resource person follow up?

Let me move to Police Chief Morse. Your June 14 memo I have here, and I guess this memo is not signed off on, you state in fiscal year 2008 you require an additional 450,000 to conduct necessary studies in preparation for the integration of the Library of Congress security and information system. Additional resources will be required in fiscal year 2009 to achieve the full merger.

Will you elaborate what that would be for?

Mr. MORSE. That is for the physical security assessment integration, and that would yield us answers as to the total amount it would take to make that integration happen. So in 2009 we would be requesting money to make that integration happen if we thought it was——

Mr. MCCARTHY. I'm a freshman so you will have to walk me through this. This evaluation of Library of Congress officers, you are going to evaluate them or evaluate the system of how you are merging it?

Mr. MORSE. The physical security systems, alarms, camera systems.

Mr. MCCARTHY. Is that going to be contracted out?

Mr. MORSE. Yes.

Mr. MCCARTHY. So this 450, you have some estimates out there or is this a guess?

Mr. MORSE. We have some rough estimates.

Mr. MCCARTHY. So could come higher, could come lower.

Mr. MORSE. Right.

Mr. MCCARTHY. I just want to finish up with, if I can ask Jo Ann, Mr. Chairman, I think we have some numbers here that are quite different than what other information has been provided. I think the committee needs some follow-up especially between the 21, 23, and the ages. If we can get a list of all the officers of the Library of Congress, their ages, and how long they have been on the force, that would be helpful to this committee.

With that, I will yield my time.

Mr. LUNGREN. Will the gentleman yield.

Mr. MCCARTHY. I yield to Mr. Lungren.

Mr. LUNGREN. Mr. Chairman, the reason I am a little upset is I had my staff talk to people at the Library of Congress yesterday. We got a certain number. Our staff had gotten a number earlier. Now we get a different number now. It is not the question of the number but, frankly, I don't appreciate getting three different types of information from the Library of Congress about the way they are running things. To me, that shows disrespect for this committee that is supposed to have jurisdiction over the Library of Congress and, frankly, I don't appreciate getting three different numbers and getting an entirely different number here.

As I prepared for this hearing, I based it on information that we received, and if we are going to take the time to ask, I expect to get an honest answer, and I don't appreciate any different answer.

This committee has jurisdiction over this, and frankly those that are under the jurisdiction of this committee ought to understand when we ask them questions, we expect a straight answer, not three different answers in 3 different days.

I thank the gentleman for the time.

Mr. MCCARTHY. I yield back to the Chairman.

The CHAIRMAN. Thank you. I do agree with you. We ought to get the list of officers at the Library of Congress, with their ages, and also get a list of these civilians and how they become civilian officers; what is the effect of their pensions; what is the effect of their longevity. I think we need this information to us on the committee as soon as possible so we can intelligently move forward and we have something on paper that everybody agrees to, and I hope that will satisfy the members on our committee.

Does anybody have anything else? If you can get that to us as quickly as possible because we want to get this merger done. We want to work it out. We don't want anyone to lose their jobs. That is part of the reason we are asking questions, because we want to make sure we protect those people. We don't want them to lose their benefits, we want to make sure they are made whole.

I think we can do that by working together, everybody working together in unison to get a fair merger, which is what I understood and heard both sides would want to happen. We may have to do our due diligence and for myself—and I think I can speak for everybody on this committee—I know they are interested in trying to get this done. Anything we can do to be helpful to bring this to a complete closure so everybody is happy and on the same page, we would like to do that.

Again, hearing no other questions—would anybody like to say anything else—this hearing is adjourned.

[Whereupon, at 12:27 p.m., the committee was adjourned.]

[Information follows:]

**Committee on House Administration Hearing on
United States Capitol Police/Library of Congress Police Merger
Held Wednesday, June 27, 2007**

Questions for the Record

Questions to U.S. Capitol Police

1. So that we may better understand the proposal, please provide some tangible examples of how the merger of these two police forces will result in a stronger security posture for the Capitol complex and how it will better protect the Members, staff, and visitors.

The U.S. Capitol Police (USCP), based largely on the support of Congress, remains one of the best-trained, best-equipped police forces in the United States. The benefits of this merger are obvious in the areas of police operations, effective management of employees, and application of state-of-the-art physical security technology. The consolidated department will result in more efficient use of police officers and ensure that consistent security policies are employed throughout the Capitol complex, thus creating a safer environment.

The enhancements to police operational policies and procedures at the Library of Congress will contribute to improvements in the overall security of the Capitol complex. The unified chain of command resulting from the creation of the Library division within the USCP will greatly improve day-to-day police operations both within the Library of Congress and throughout the Capitol complex. A consolidated operation will result in better communication and coordination of the law enforcement function. Furthermore, the enhanced capacity of the USCP to provide training and leadership to the officers assigned to the Library division, along with the greater staffing flexibility of the combined force, will ensure that capable officers are deployed across the Capitol complex as security demands dictate. In addition this merger will result in:

- Improved intelligence gathering and dissemination
- Uniform security standards
- Consistent response to emergencies
- Compliance with Uniform Crime Reporting and preliminary investigation requirements
- Better training and equipment for officers
- Readily available and highly-trained specialty unit response capability

The merger will also lead to more efficient management of resources that support police operations. Efficiencies will be recognized in:

- Consolidated police command and control that may eventually include a combined dispatch center and a centralized incident command center. (Based on the Department's ability to achieve interoperability as well as the implementation of a new radio system.)
- A single training function that ensures that police officers receive the best training in the most cost efficient manner.

With the addition of the Capitol Visitor Center (CVC) and the connecting tunnels from the CVC to the Jefferson Building, it is important that consistent and standardized procedures, training, and capabilities are deployed by one law enforcement organization to ensure continuity of centralized security practices and technologies. The merger will also ensure that this is accomplished in the connecting tunnel between the Cannon House Office Building and the Library's Madison building.

With the improvements in security, police operations, and training created by the merger, the USCP will be better positioned to protect Members, staff, and the public within the Capitol Complex under a unified command and control environment.

2. Are you fully confident that a merger of the two police forces will not dilute or distract from the primary mission of the Capitol Police?

Yes, I am confident the merger will not dilute or distract from the primary mission of the Department, if the merger is appropriately resourced. The USCP is responsible for protecting the legislative process, Congress, and its facilities from threats of disruption and crime. This mission also involves protecting the Members, staff and visitors to the overall Capitol complex. A large part of the mission focus of the USCP is centered on antiterrorism in this post 9/11 environment. The Library of Congress also has a responsibility in protecting its patrons and staff from those same threats in addition to protecting its collections. The merger allows the USCP to set a unified security strategy to protect the Capitol complex, to include the Library of Congress buildings, staff, visitors, and collections from these threats and creates a safer campus environment for all. Additionally, the merger avoids duplication of efforts and resources by allowing the Chief of Police to develop consistent, state of the art, law enforcement and security capabilities, which if left as stand-alone police organization within the Library of Congress may not have been developed or achievable for the Library's current police operations within their resources and capabilities.

3. Chief Morse is leading an effort to transform the USCP agency to align its processes, procedures, and administrative functions with its strategic security and organizational objectives. How does the USCP plan to ensure that implementation of the proposed merger plan does not divert management resources from this crucial effort?

Implementing the will of Congress by fully implementing the merger with the Library of Congress is and will continue to be an additional operational and administrative challenge. However, the Department will capitalize on the work completed in the merger study that was developed and submitted to Congress in August 2003. Additionally, the Department will use much of the research and analysis that has been developed over the last 18 months as various merger proposals were evaluated. To ensure that the LOC merger is an added value to the overall operations and management of the Department, this initiative has been folded into the Department's Force Development planning process, which identifies requirements, capabilities and resources for the Department in the future. By folding the merger into this Department-wide process, and allowing us two years for full implementation, the Department will be in a better position to absorb this new mission set and organizational element.

4. The traditional function of USCP officers is mainly focused on protection of the Members, staff, and visitors from outside threats, like al Qaeda. While many of the officer postings at the Library have this component, their main focus is on protecting the collections against theft or destruction. How do you plan to manage the expectations of your current officers who are assigned to the Library? How will you address this issue and manage expectations of new recruits?

The Library of Congress Police and the USCP have more commonalities than differences. While I would agree that the Library Police focus on the protection of the Library's collections, any police agency, including the Library Police, has the protection of human life as its main focus. While protecting the legislative process is paramount to mission focus for the USCP and the protection of the collections for the Library Police is instrumental in their mission, these two responsibilities can be collectively joined to ensure that all officers affected by the merger are responsible for protecting the legislative process and the collections of the Library. We plan to manage the expectations of current USCP officers at the Library by ensuring that they realize that they have a dual purpose of protecting the Congress and legislative process, as well as the collections of the Library. They have been doing this since December of 2004. As we do with our tenured officers, we will emphasize the core values of the department (unflinching, sincere, courteous, and principled) to help guide all of our officer's attitudes and behaviors in a direction that supports the Department's mission overall, which will include the additional responsibility of collections security. Clearly, effective policing, no matter what the Department's operational responsibility, rests on values that serve as internal controls to reduce ambiguity and uncertainty about one's role and responsibilities.

5. What training will be required for officers assigned to Library Buildings and Grounds? Will this need for Library specific training limit the USCP management's ability to assign additional officers to the Library as circumstances require?

As with any assignment of personnel within the USCP, the officers must be oriented to the specific mission requirements for the assignment. USCP officers who are assigned to the LOC currently undergo a 40-hour training program designed to impart specific knowledge of LOC operations. The Department anticipates that this training requirement will continue for all police officers who will be assigned to the LOC division in the future. In addition, information related the operations of the Library of Congress would be included in the USCP recruit training curriculum

6. What role will the U.S. Capitol Police Board play in determining the regulations governing physical security in the Library of Congress?

Under the draft legislation, the United States Capitol Buildings and Grounds, as defined under 2 USC 1961, will include the Library of Congress buildings and grounds. As Capitol Buildings and Grounds, under 2 USC 1965, the responsibility for the maintenance of security systems belongs to the Capitol Police Board. Further, the draft legislation requires that the Librarian may design and install security systems for the control and preservation of Library collections and property upon review and approval by the Chief of the Capitol Police.

7. If the Librarian is allowed to determine the policies and procedures for physical security and collections security that the USCP is expected to enforce, does this empower the Librarian to be a de facto Police Board, outside of the current chain of command?

As stated above, the draft legislation permits the Librarian to design and install security systems for the control and preservation of Library collections and property only upon the review and approval of the Chief of Police. As is true with regard to House and Senate office buildings, regulations are established that the USCP enforces without the House Building Commission or the Senate Committee on Rules and Administration coming into conflict with the authorities of the Capitol Police Board. Therefore, under the provisions of the draft legislation, which requires review and approval by the Chief of Police, we do not anticipate conflicts to arise.

8. In the draft language presented to the Committee, it is clear that the USCP will be responsible for collections security. Is the USCP prepared to assume this responsibility without a complete inventory of the Library's collections, which they will be responsible for protecting?

The Department does not intend to be responsible for the management and control of the inventory of the collections of the Library. Clearly, the Librarian will retain the authority and responsibility for the management, control, and accountability of the collections, just as he does now. The Department's role in collections security will be to continue to provide security at access and egress points, and in the interior of the library buildings. However the physical accountability and control of the collections will remain with the Librarian.

9. At present, there are key differences between the missions of the Capitol Police and the Library of Congress Police. Please discuss those differences and how they should be reconciled.

As previously mentioned, the significant differences between the USCP and the Library Police missions are with the USCP's mission to protect the Congress and the Library of Congress Police Department's mission to provide collections security. To reconcile the differences, the USCP will ensure that Library policies, procedures, and training concerning the collections is conducted to establish clear mission, goals, objectives, and measurement to ensure the protection of the collections as a part of the Department's overall mission. This training will occur with all personnel assigned to the Library division and will be included in the USCP recruit training curriculum. Likewise, the merger will require the USCP to train those Library Police officers making the transition to the Department on the USCP's mission and focus. We believe that the differences in missions will easily be rectified with consistent, unified operational procedures, and training for all employees impacted by the merger, as well as appropriate communication between USCP management and employees.

10. The proposed merger will shift responsibility for protecting Library assets to the Capitol Police. Have you any concerns about this aspect of the merger, such as whether the Library has a proper inventory of its assets?

The Department's position is that the Librarian will retain responsibility for the accountability and control of the physical assets, just as the House CAO does for the

physical assets in the House Office Buildings. The Department would provide security in both venues (LOC and House Office Buildings), but the responsibility for the physical assets would continue to be the Librarian and CAO respectively.

11. This recommended merger process would take two years. Could the process be completed any faster?

Given the current status of the legislation, and the significant planning, preparation and resources required to successfully implement the merger, it is doubtful that the Department could effect the merger on a more aggressive timeline.

The focus of the Department and the Library of Congress is on successfully fulfilling the intent of the Congress for the transfer of the LOC Police to the USCP, while maintaining our respective core missions.

The first year of implementation will allow us to focus on the details of the transfer, to include development or revision of administrative policies and procedures associated with the transfer of the personnel, resources, fiscal balances and assets. This will also allow the Department to continue to fold the security operations at the Library into our internal controls and evaluation process.

Just as important are the operational policies related to the Library security operations and its full integration into the Department's Concept of Operations. This will include an evaluation of the security systems and the information technology systems for interoperability.

It is also necessary for the Department to have the time necessary to assess the situation of each transferring employee and to conduct qualification reviews necessary to determine those who will transfer as sworn officers and those who will transfer as civilians.

The second year will be utilized to train the transferring sworn personnel, so they have the same training as the current USCP sworn workforce. The Department will also hire the necessary sworn personnel during this period to achieve the current authorized sworn strength for the LOC Police. Further, operational procedures at the Library will be implemented and tested.

Additionally, the training of transferring and backfilled officers must be conducted within the availability of training opportunities at both the Maryland and Glynco, Georgia law enforcement-training facilities. The training classes necessary for this purpose must also be integrated into the established training course schedule required to maintain the USCP's current sworn staffing levels.

12. Do you see any differences in the way this merger might affect the House and the Senate and the Library or Capitol Police? How about the way it might affect the Supreme Court and its Police, which shares a spot on this campus?

The one difference that clearly stands out between the Senate, House, and Capitol Division from the Library Division is the additional responsibility of collections security. However, there are some inherent differences in the way the USCP manages the security needs of the

House of Representatives and the United States Senate. Each element of the congressional community has its own inherent differences, as well as expectations, and requirements for how security operations are provided. Fundamental to all the Divisions is meeting stakeholder expectations while increasing the safety of the Capitol complex. As we move forward with the alignment and integration of the two police forces, the constant threat from terrorist acts, coupled with the expectations from stakeholders, requires that the Department assess, prevent, respond, mitigate, and defeat the threat demands affecting the Capitol complex to include the Library of Congress. The merger will not negatively impact USCP's ability to respond to everyday operations. Likewise, the Library will receive highly trained officers and supervisors securing their facilities and protecting their collections.

The Supreme Court Police, under the Judicial Branch of government, have clear lines of law enforcement and security responsibility for the Court. The USCP does not anticipate that the merger will have any negative adverse impact on the Supreme Court Police. The Department has a longstanding, excellent working relationship with the Supreme Court Police. The Supreme Court does share a spot on the campus and the USCP recognizes the importance of open-communications. We will continue to maintain open-communications with the Supreme Court Police throughout the merger process to identify and correct any problem areas, if any should develop.

13. What types of civilian positions would become available to Library officers who would not qualify to become Capitol Police officers? Would the civilian positions provide equivalent compensation? Would Library officers eligible to transfer as USCP officers have the option to transfer to civilian positions?

The USCP will review the mission requirements and place employees transferring as civilians into appropriate positions based on their qualifications, skills and abilities. Where practicable, the Department will attempt to match the employee to a position closest to their skills and abilities. Based on their inherent law enforcement backgrounds, some areas under consideration include, but are not limited to, security operations, communications and training.

To fully understand the capabilities that employees will bring to the Department, the USCP Office of Human Resources (OHR) will work individually with each employee transferring as a civilian to determine the employee's overall skill set and qualifications. Following this review, USCP OHR will coordinate with the various bureaus and offices to determine the best utilization of the transferring employees within the Department.

Our goal is to utilize the skills and professional experience these employees are bringing to the Department to enhance the overall ability of the USCP to achieve its core mission.

Additionally, the Department intends to use this merger to look at opportunities to civilianize operational support areas, such as, but not limited to, the overall communications/dispatch operations. The potential utilization of these skilled civilian employees in this manner will allow the Department to utilize its sworn employees in operational assignments.

As for pay, the Department is reviewing its authorities related to pay to determine the best course of action for these transferring employees realizing the intent of Congress that employee's retirement, grade, rank or pay may not be adversely affected as a result of the transfer.

The USCP OHR will work with each transferring employee to review his or her circumstances to ensure that they are appropriately placed within the existing USCP sworn and civilian pay scales and structure.

As for eligibility to transfer as civilian versus sworn, under the proposed draft legislation, those LOC officers who qualify to transfer to the USCP as sworn employees will be transferred as sworn employees. The draft legislation under consideration does not provide for an elective decision on the part of the employee.

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**Library of Congress Answers for the Record
Committee on House Administration Hearing on
U.S. Capitol Police/Library of Congress Police Merger
June 27, 2007**

1. *In the past, one of the major roadblocks to passing legislation completing this merger has been the cost. It is our understanding that the proposed legislative language presented to this Committee was adopted in the Senate Legislative Branch Bill. Please provide this Committee with a detailed cost analysis of the proposed language.*

Answer:

The Library defers to the Capitol Police on this question.

2. *As the Committee begins consideration of the proposed legislation finalizing this merger, it is vital that we minimize any adverse effects on the Library's police officers. The discussions during the hearing did not clarify how the current force would be impacted by the legislation. The Committee requires clarification regarding the number of police officers currently serving at the Library and the ages of those officers. How many are automatically considered ineligible because of the USCP age/retirement requirements to transfer as USCP officers? Of those considered as eligible to transfer, what additional requirements (physical, training, tests, etc) are the officers expected to pass in order to wear the USCP uniform? What do you recommend regarding those officers who do not meet the USCP requirements to transfer?*

Answer:

The Library currently has a force of 98 police officers (including captains, lieutenants and sergeants). Of this, 23 are considered ineligible to transfer as police officers because of USCP age and retirement requirements (see attached list of officers eligible and ineligible to transfer as police officers and their age and years of service).

The USCP employs a number of qualification requirements for its police officer recruits. These qualification requirements include a physical examination, psychological test, background investigation, polygraph examination, FLETC basic and post-basic training, and firearms qualification. Each Library police officer has already successfully completed a background investigation, FLETC basic and in-service training, and firearms qualification. Each Library officer undergoes a physical examination every three years. The USCP has not specified what

qualification requirements must be met by Library police officers in order to transfer to USCP officer positions.

The Library recommends that those Library police officers who do not meet USCP qualification requirements to transfer as police officers be transferred to USCP civilian positions.

3. *The Library has been conducting a baseline inventory of its collection to not only have an accurate record of what materials are in its possession, but to also create a baseline for measurement of its inventory control efforts going forward. How will this merger impact the timeline for completion of this inventory? Appreciating that the USCP will be responsible for collections security, how are you prepared to define what the roles and responsibilities of the USCP officers will be?*

Answer:

The merger will not impact the timeline for completion of the inventory. The inventory is proceeding under funding appropriated by Congress for this purpose, and is independent of the merger.

The Library expects the USCP officers to fulfill the same roles and responsibilities that Library police officers currently perform supporting the Library's collections security program. Specific collections security duties of police officers include: conducting exit inspections at all three Library buildings on Capitol Hill; responding to emergencies affecting the collections such as fire, smoke hazards, and water leaks; regular patrols of stacks and other collections storage areas; 24/7 monitoring of the Police Communications Center's intrusion detection, fire detection, and environmental systems protecting collections exhibits, storage, and processing areas; escorting high-value collections in transit; and executing preliminary reports on collections-related security incidents.

4. *Please provide the Committee an idea of just how many items are prevented from leaving the Library Buildings as a result of exit inspections by police personnel?*

Answer:

Exit inspections by law enforcement officers provide an effective deterrent to the unauthorized removal of government property, including collections items, from Library buildings. Police reports indicate that in an average month, about a half-dozen attempted removals of government property or collections items occur. Without exit inspections as a preventive measure, we expect that property thefts, especially those of collections items, would be substantial.

5. *The draft legislation forwarded to the Committee leaves several matters to be resolved through future negotiations between the Library and the Capitol Police. Please outline those matters that are not resolved in this legislation and describe the process of how you propose to go about resolving them.*

Answer:

The Library and Capitol Police will jointly review matters of physical security coordination before the transfer and continue to work in a collaborative way to resolve any outstanding issues.

6. *It is unclear who will ultimately be responsible for investigations regarding the collections. Much of that responsibility currently resides with the LOC Inspector General, who has investigative authorities that the USCP Inspector General does not. Who will be responsible for this investigative function and how will those responsibilities be delineated if they are not contained within this initial legislation?*

Answer:

The Library's Inspector General will continue to retain primary jurisdiction for investigations relating to the Library of Congress (excluding incidents involving violence or personal property). The USCP Inspector General will continue to perform their current responsibilities. If any overlaps or questions between the two arise they will be corrected in a collaborative process.

7. *Please describe the implementation process if this merger were enacted, from the Library's perspective. What resources would you need from the Congress, and when?*

Answer:

Once a bill is enacted and we know the details of the implementation plans, the Library will work with the Capitol Police to:

1. Ensure adequacy of police staffing levels.
2. Coordinate the transfer of security equipment, supplies, records, and other assets associated with Library police operations and personnel.
3. Effect the transfer of Library funds directly associated with Library police employees' salaries and expenses, in coordination with the appropriations committees.
4. Coordinate the modification of Library of Congress regulations affected by the

transfer of policing functions. The Library does not currently anticipate any resource requirements for implementation of the merger.

8. *Will the implementation of this merger impose specific burdens upon rank-and-file Library employees (other than LoC Police) or Congressional Research Service employees?*

Answer:

No. We do not anticipate any particular burdens on Library employees as a result of the police merger as long as there is adequate Capitol Police staffing.

9. *Under what circumstances, if any, might the Library wish to continue using contract security guards once the present contracts expire?*

Answer

In January 1999, the Library consolidated its contracts for security services and created one high-quality contract guard force headed by an on-site project manager. Since the contract went into effect the Library has successfully used contract guards to support the collections security program. Contract guards perform important non-law enforcement functions such as reading room internal security, cloakroom operations supporting reading rooms personal belongings restrictions, and exhibits security. Before the expiration of the existing security contract the Library and the USCP will conduct a joint analysis of the security guard contract and make a recommendation whether to continue the arrangement or transfer the function to the Capitol Police.

10. *This merger would not be completed for two years. Could a merger be completed any faster?*

Answer:

The Library defers to the Capitol Police on this question. We believe two years is adequate to ensure an orderly transition.