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Capitol Hill Security: Recent Actions and Organizational Responsibilities

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Summary

The U.S. Capitol, which is simultaneously a national shrine, tourist attraction, and working office building, imposes challenging security requirements. The Capitol Police Board, established by Congress to protect the Capitol Complex, has responsibility for reconciling the needs of safety and openness. Acting under the direction of House and Senate Oversight and Appropriations Committees, the Board has in recent years instituted numerous enhancements to the Capitol security system.

During the decade prior to the terrorist attacks against the United States on September 11, 2001, a number of security enhancements to Capitol Complex security were set in place. They were done pursuant both to studies and recommendations as well as actions taken by the Capitol Police and other congressional entities concerned with security and directions and authorizations contained in appropriations language.

In the aftermath of September 11, and the subsequent discovery of the anthrax bacteria on Capitol Hill, Congress moved expeditiously to accelerate this process by approving legislation that (1) appropriated significant additional funding for a broad range of new security enhancements to the Capitol, Supreme Court, congressional office buildings, Library of Congress, and for perimeter security plans; (2) increased the size of the U.S. Capitol Police force by 27%, and started the process to combine the police forces of the Capitol Police and the Library of Congress; and (3) furnished new funding for the Capitol Visitors' Center, now being constructed under the East Front Plaza, which is intended to serve as the security screening entry for visitors to the Capitol upon its completion. Also

- several new security related administrative entities were created to deal with possible future terrorist attacks or disasters;
- a number of streets adjacent to the Capitol, congressional office buildings, and the Library of Congress were closed to the public;
- security systems designed to provide better protection for those working in and visiting the Capitol were installed;
- emergency evacuation procedures were established;
- steps were taken to safeguard and improve electronic communications of Members and their staff;
- continuity of operations plans were drafted and emergency relocation drills were conducted;
- a delivery screening process was established at an off-site facility, and House postal operations were moved to an off-site location; and
- several congressional hearings were held on Capitol Hill security and security related studies were completed.

The FY2004 appropriation for the Capitol Police is \$221.1 million, contained in P.L. 108-83, signed by the President on September 30, 2003. This appropriation was made subject to a 0.59% rescission in P.L. 108-199, FY2004 Consolidated Appropriation Act, signed January 23, 2004. The official revised figure will be contained in an update of this report.

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Capitol Hill Security: Recent Actions and Organizational Responsibilities

Introduction

Achieving a secure environment for the Capitol Complex, while maintaining its historic public openness, has become increasingly challenging in recent years. Even before the September 11, 2001, terrorist attacks on New York and Washington, and the subsequent discovery of the anthrax bacteria in congressional office buildings, several incidents that occurred during the 1990s emphasized the need for enhanced security on Capitol Hill.

Currently, as Capitol Hill visitors observe first hand, construction of a variety of security enhancement construction is underway. The Capitol Visitors' Center now being constructed under the East Front Plaza is perhaps the most dramatic among the many security enhancements currently being planned or implemented. Other prominent enhancements noticeable to the public include construction of perimeter security barriers adjacent to the Capitol, House and Senate office buildings, the Supreme Court building, and Library of Congress buildings, and an increased Capitol Police presence around the Capitol Complex.

Primary responsibility for security on Capitol Hill has been delegated by law to the U.S. Capitol Police force, under the direction of the Capitol Police Board (which is composed of the Architect of the Capitol, the Sergeants at Arms of the House and Senate, and chief of the Capitol Police, who is an ex-officio, non-voting member).¹ The Capitol Police Board has jurisdiction over the design, installation, and maintenance of security systems for the Capitol, House and Senate office buildings, the Library of Congress, and adjacent grounds, subject to the direction of the Committee on House Administration and the Senate Committee on Rules and Administration. Any alteration of structural, mechanical, or architectural features of the Capitol Complex buildings that may be required for a security system must be approved by the Architect of the Capitol.² The House and Senate Appropriations Committees must approve funding for these programs.

¹ P.L. 108-7, 117 Stat. 361.

² P.L. 104-53, 109 Stat. 537; 40 U.S.C. 212a-4j; and P.L. 104-197, 110 Stat. 2413; 40 U.S.C. 212a-4a.

Response to Terrorism Attacks

In the aftermath of the terrorist attacks against the United States on September 11, 2001, a broad range of important security actions have been taken to enhance security on Capitol Hill. These initiatives have included

- (1) a significant increase in funding for the U.S. Capitol Police and security enhancements, including the Capitol Visitors' Center, which will fulfill a number of security requirements;
- (2) enhancement of protection around the Capitol, including the closure of streets, erection of crash barriers, and additional police presence;
- (3) installation of security systems designed to provide better protection for those working in and visiting the Capitol;
- (4) initiatives aimed at increasing the capability of the Capitol Police force;
- (5) preparation of emergency evacuation procedures for Members and congressional staff;
- (6) creation of several new security related administrative entities; and
- (7) completion of several security related studies.

Funding Since September 11

Congress has approved six different appropriation measures since the events of September 11, 2001, that have provided funding for Capitol Hill security. These measures include

- (1) FY2001 Terrorism Emergency Supplemental Act (P.L. 107-38);
- (2) FY2002 Legislative Branch Appropriations Act (P.L. 107-68);
- (3) FY2002 Department of Defense and Terrorism Emergency Supplemental (P.L. 107-117);
- (4) FY2002 Supplemental Appropriations (P.L. 107-206);
- (5) Consolidated Appropriations Resolution, 2003. FY2003 Legislative Branch Appropriations Act (P.L. 108-7);
- (6) FY2003 Supplemental Appropriations Act (P.L. 108-11); and
- (7) FY2004 Legislative Branch Appropriations Act (P.L. 108-83).³

FY2001 Terrorism Emergency Supplemental

On September 18, 2001, shortly after the terrorist attacks, President Bush signed P.L. 107-38, which contained \$40 billion in FY2001 emergency supplemental appropriations approved by Congress. The Act provided that \$20 billion be made immediately available for release by the President without further congressional action. The remaining \$20 billion could only be obligated by the President subject

³ The FY2004 appropriation was made subject to a 0.59% rescission in P.L. 108-199, FY2004 Consolidated Appropriation Act, signed by the President January 23, 2004.

to subsequent congressional approval in an emergency appropriations measure.⁴ Of the \$20 billion not requiring additional congressional approval, the President released a total of \$376.9 million for legislative branch security on September 21, September 28, and December 3, 2001, respectively.

The funds released on September 21 provided \$3.3 million for “increased security measures, including overtime compensation for the U.S. Capitol Police and the installation of protective window film for the U.S. Capitol.”⁵ The September 28 funds provided \$83.2 million to “support increased security measures, including paying overtime compensation for the Capitol Police, preparing for possible future terrorist events, and performing actions that can be taken to reduce the risk and potential damage to life and property caused by future terrorist events.”⁶ The December 3 funds provided \$290.4 million for “increased security measures, including constructing the Capitol Visitors’ Center, paying overtime compensation for the Capitol Police, preparing for future terrorist events, and performing actions that can be taken to reduce the risk and potential damage to life and property caused by future terrorist events.”⁷

FY2002 Legislative Branch Appropriations

On November 20, 2001, President Bush signed the Legislative Branch Appropriations Act, FY2002 (P.L. 107-68), which provided \$126.2 million in funding for the Capitol Police Board.⁸ The act further provided \$70 million in

⁴ P.L. 107-38, 115 Stat. 220-221.

⁵ Office of Management and Budget, *Emergency Appropriations: Amounts Previously Appropriated Now Being Transferred by the President From the Emergency Response Fund*, Attachment to Letter from the President to the Speaker of the House, Sept. 21, 2001. See also Office of Management and Budget, “President Bush Releases \$5.1 Billion in Emergency Funds; OMB Provides Details on Fund Allocation,” news release 2001-36, Sept. 21, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-36.html>].

⁶ Office of Management and Budget, *Emergency Appropriations: Amounts Previously Appropriated Now Being Transferred by the President From the Emergency Response Fund*, Attachment to Letter from the President to the Speaker of the House, Sept. 28, 2001. See Office of Management and Budget, “President Bush Releases Additional \$1.8 Billion in Emergency Funds to Provide for National Security Needs,” news release 2001-40, Sept. 28, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-40.html>]. The legislative branch funds were distributed as follows: Senate, \$5,265,000; House of Representatives, \$1,265,000; Office of Attending Physician, \$1,500,000; Capitol Police, \$40,300,000; Architect of the Capitol, \$32,373,000; and Library of Congress, \$2,500,000.

⁷ Office of Management and Budget, “President Bush Announces \$699 Million in Emergency Funds Assistance for Defense, Northern Virginia, Secret Service and Congress,” news release 2001-62, Dec. 3, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-62.pdf>]. The legislative branch funds were distributed as follows: \$18,750,000 million for the Senate; \$22,648,000 million for the House; \$37,950,000 million for the Capitol Police; and \$211,047,000 million for the Architect of the Capitol.

⁸ P.L. 107-68, 115 Stat. 575; U.S. Congress, Conference Committees, *Making* (continued...)

additional funding for the Capitol Visitors' Center.⁹ While no other security related funding was specifically mentioned in the act, it did, however, state under the general expenses category of the Capitol Police that funds were provided for "security equipment and installation."¹⁰ Also, a separate provision authorized the Architect of the Capitol to "procure services, equipment, and construction for security related projects in the most effective manner he determines appropriate."¹¹

FY2002 DOD and Terrorism Emergency Supplemental

On October 17, 2001, the President requested to obligate \$256.1 million (from a total of \$20 billion in the FY2001 Terrorism Supplemental, P.L. 107-38) for security enhancements to the Capitol Complex, the Government Printing and General Accounting Offices, and for efforts to reduce damage to life and property by potential future terrorist attacks.¹² On December 20, 2001, Congress agreed to the President's request as part of a FY2002 Department of Defense and emergency supplemental appropriations bill (P.L. 107-117). The act authorized the transfer of \$256.1 million to ensure a continuity of government; to enhance the security of offices, systems, and employees of the legislative branch; and to respond to anthrax-related events.¹³

⁸ (...continued)

Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2002, and for Other Purposes, conference report to accompany H.R. 2647, 107th Cong., 1st sess., H.Rept. 107-259 (Washington: GPO, 2001), pp. 16-17.

⁹ P.L. 107-68, 115 Stat. 588.

¹⁰ P.L. 107-68, 115 Stat. 575. The accompanying conference report stated that the conferees agreed to the following capital projects to be carried out by the Architect of the Capitol: security project support \$125,000; providing infrastructure for security installations \$200,000; and replacement of exit doors for emergency egress and security, Capitol building, \$475,000. The Act also directed the Architect to designate a position for security management functions. U.S. Congress, Conference Committees, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2002, and for Other Purposes*, conference report to accompany H.R. 2647, 107th Cong. 1st sess., H.Rept. 107-259 (Washington: GPO, 2001), pp. 41-42, 44.

¹¹ P.L.107-68, 115 Stat. 581.

¹² Office of Management and Budget, "President Bush Proposes \$20 Billion Emergency Spending Measure to Provide for the Disaster Recovery and Security Needs Related to the Attack on America," news release 2001-51, Oct. 17, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-51.html>]. See the following attachments for details regarding the President's proposal: Mitchell E. Daniels, Jr, Director of the Office of Management and Budget, to President George W. Bush, Attachment to Letter from the President to the Speaker of the House, Oct. 17, 2001.

¹³ P.L. 107-117; 115 Stat. 2315-2325. The Act transferred \$34,500,000 to the Senate Sergeant at Arms; \$41,712,000 to the House; \$31,000,000 to the Capitol Police Board; \$350,000 to the Capitol Guide Service and Special Services Office; \$106,304,000 to the Architect of the Capitol for Capitol buildings and grounds; \$29,615,000 to the Library of Congress; \$4,000,000 to the Government Printing Office; \$7,600,000 to the General Accounting Office; and \$1,000,000 to the Capitol Historical Society to boost tourism. Approximately \$23,000,000 was designated to meet costs incurred in responding to the

(continued...)

FY2002 Supplemental Appropriations Act

Signed into law in August 2002, P.L. 107-206 contained FY2002 supplemental appropriations that provided \$10 million “for emergency expenses for security upgrades and renovations to the Supreme Court building.” The act also included \$16.1 million “for the necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and reimbursement to the Environmental Protection Agency’s Hazardous Substance Superfund for additional expenses incurred for anthrax investigations and cleanup activities.”¹⁴

FY2003 Legislative Branch Appropriations

For FY2003, Congress approved \$240.2 million for Capitol Police salaries and expenses and \$63.9 million for the Architect of the Capitol for Capitol Police buildings and grounds in regular annual and supplemental appropriation bills.

Regular Annual Appropriations. In February 2003, as part of the FY2003 consolidated appropriations resolution (P.L. 108-7), which included the FY2003 Legislative Branch Appropriations Act, Congress approved a \$202.5 million appropriation for the Capitol Police.¹⁵ In addition, the Architect of the Capitol was provided \$23.8 million for the “maintenance, care, and operations of buildings and grounds of the United States Capitol Police.”¹⁶

No other security related funding was specifically mentioned in the Act. It did, however, state under the general expenses category of the Capitol Police, that funds were provided for “security equipment and installation.” Also, separate provisions authorized the Architect of the Capitol to “procure services, equipment, and construction for security related projects in the most effective manner he determines appropriate,” and to “accept appropriations and services from other Federal agencies for the purpose of enhancing security for projects under his jurisdiction upon the approval of the Committees on Appropriations of the House and the Senate.”¹⁷

¹³ (...continued)

threat of anthrax in the Capitol Complex; see U.S. Congress, Conference Committees, *Making Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2002, and For Other Purposes*, conference report to accompany H.R. 3338, 107th Cong., 1st sess., H.Rept. 107-350 (Washington: GPO, 2001), p. 439.

¹⁴ P.L. 107-206, 116 Stat. 875.

¹⁵ This figure represents the FY2003 appropriation for Capitol Police salaries (\$174,533,000) and Capitol Police general expenses (\$27,917,000), both of which reflect a 0.65% rescission. P.L. 108-7, Division H, Title 1, 117 Stat. 357 (which contains appropriations language), and Division N, Title 6, Sec. 601, 117 Stat. 550 (which contains rescission language).

¹⁶ This figure reflects a 0.65% rescission. P.L. 108-7, Division H, Title 1, 117 Stat. 372, and Division N, Title 6, Sec. 601, 117 Stat. 550.

¹⁷ P.L. 108-7, 117 Stat. 357, 372, 376.

Supplemental Appropriations. In April 2003, Congress approved an FY2003 supplemental appropriations bill (P.L. 108-11) that contains an additional \$37.8 million appropriation for the Capitol Police, and an additional \$40.1 million for the Architect of the Capitol for “Capitol police buildings and grounds.”¹⁸

FY2004 Legislative Branch Appropriations

For FY2004, Congress approved \$221.1 million for Capitol Police salaries and expenses, a reduction of 8.0% from the FY2003 appropriation of \$240.2 million (P.L. 108-83).¹⁹ The appropriation funds 1,993 positions, including 1,592 sworn staff and 401 civilian employees. Thirty positions are authorized to be converted from sworn to civilian positions. Conferees directed the Capitol Police to recruit 75 new personnel that include five positions for the office of the Capitol Police Chief, including three mid-level attorneys in the Office of General Counsel; 37 positions for the office of the Chief Administrative Officer; and 33 other positions, including three positions for intelligence analysts, 13 positions for the Security Services Bureau, and 17 positions, whose work was not specified by conferees.

Conferees noted “that should the Capitol Police strategic plan, and associated staffing plan, be completed and approved by the House and Senate Appropriations Committees, during FY2004, there is ample funding from the Emergency Response Fund for new sworn positions.”²⁰

A separate appropriation under the Architect of the Capitol account contains \$3.3 million for Capitol Police buildings and grounds. This represents a significant decrease from the FY2003 appropriation of \$63.9 million, which included an FY2003 supplemental appropriation of \$40 million.²¹

Other staff-related provisions authorized the Capitol Police to recruit and train 23 sworn officers for assignment to the Library of Congress in FY2004; restated a requirement that the Capitol Police notify and consult with the House and Senate Committees on Appropriations on plans that “result in the redistribution, reprogramming, or reallocation of FTE’s or funds in a manner different from that presented in each budget year’s appropriation hearings, position reports to the Committees, and the final approved budget;”²² and directed that Department of

¹⁸ P.L. 108-11, 117 Stat. 586.

¹⁹ This appropriation was made subject to a 0.59% rescission in P.L. 108-199, FY2004 Consolidated Appropriation Act, signed January 23, 2004. The official revised figure will be contained in an update of this report.

²⁰ U.S. Congress, Conference Committees, 2004, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2004, and for Other Purposes*, conference report to accompany H.R. 2657, 108th Cong., 1st sess., H. Rept. 108-279 (Washington: GPO, 2003), p. 42.

²¹ The FY2003 appropriation contained a regular annual appropriation of \$23.9 million and a supplemental appropriation of \$40 million.

²² U.S. Congress, Conference Committees, 2004, *Making Appropriations for the Legislative* (continued...)

Homeland Security funds be used to pay FY2004 basic police training expenses of the Capitol Police at the Federal Law Enforcement Training Center.²³

Actions Taken to Enhance Security

U.S. Capitol Police

2001. In successive actions taken on September 21, September 28, and December 3, 2001, President Bush released a combined total of \$376.9 million for legislative branch security under the FY2001 Terrorism Emergency Supplemental Act (P.L. 107-38). The Capitol Police received \$81.55 million of those funds.²⁴

In October 2001, conferees on the FY2002 Legislative Branch Appropriations Act approved \$13.1 million for Capitol Police general expenses. This amount included \$65,000 for card readers; \$2 million for “the accelerated upgrade and installation of a new networked in-place monitoring system;” and \$1.5 million for the purchase of 40 vehicles for “canine officers to transport police dogs,” in order to bring the Capitol Police canine unit on an “operational-parity to other federal law enforcement agencies.”²⁵ The conferees allowed for 79 new police positions, the number suggested by the Capitol Police as the maximum that could be recruited and

²² (...continued)

Branch for the Fiscal Year Ending September 30, 2004, and for Other Purposes, conference report to accompany H.R. 2657, 108th Cong., 1st sess., H.Rept. 108-279 (Washington: GPO, 2003), p. 42.

²³ P.L. 108-83, 117 Stat. 1021.

²⁴ This figure included \$3.3 million released on Sept. 21, \$40.3 million on Sept. 28, and \$37.95 million on Dec. 3, 2001. Office of Management and Budget, *Emergency Appropriations: Amounts Previously Appropriated Now Being Transferred by the President From the Emergency Response Fund*, Attachment to Letter from the President to the Speaker of the House, Sept. 21, 2001. See also Office of Management and Budget, “President Bush Releases \$5.1 Billion in Emergency Funds”; “OMB Provides Details on Fund Allocation,” news release 2001-36, Sept. 21, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-36.html>]; Office of Management and Budget, “President Bush Releases Additional \$1.8 Billion in Emergency Funds to Provide for National Security Needs,” news release 2001-40, Sept. 28, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-40.html>], and Office of Management and Budget, “President Bush Announces \$699 million in Emergency Funds Assistance for Defense, Northern Virginia, Secret Service and Congress,” news release 2001-62, Dec. 3, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-62.pdf>].

²⁵ U.S. Congress, Conference Committees, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2002*, conference report to accompany H.R. 2647, 107th Cong., 1st sess., H.Rept. 107-259 (Washington: GPO, 2001), p. 40.

trained during the fiscal year.²⁶ The conference report on the FY2002 legislative branch bill also contained administrative provisions that

- authorized the Capitol Police to purchase goods and services in emergency situations, with the requirement that they report such transactions, along with the reasons, to the House and Senate Committees on Appropriations;
- authorized the Capitol Police to accept donations of meals and refreshments in emergency situations;
- limited the pay for the chief administrative officer of the Capitol Police;
- authorized the payment of certain expenditures made in connection with the September 11 terrorist acts, and subsequent threats; and
- restored pay parity for the Capitol Police with that of the United States Park Police and the Uniformed Division of the Secret Service.²⁷

2002. On January 10, 2002, the President signed the FY2002 Terrorism Emergency Supplemental Act (P.L. 107-117), which transferred an additional \$31 million to the Capitol Police.²⁸ Other security-related provisions contained in the FY2002 Terrorism Emergency Supplemental Act (P.L. 107-117) authorized:

- Capitol Police an additional 195 officer FTEs, and 74 civilian FTEs to establish an office of Emergency Management and a Chem-Bio Strike Team;
- Capitol Police to establish a student loan repayment program to aid in recruitment and retention;
- Senate Sergeant at Arms and chief administrative officer to acquire buildings and facilities in order to respond to an emergency situation and to enter into a memorandum of understanding with an executive agency in an emergency situation;
- destruction, or other means of disposition, of anthrax contaminated mail delivered to the House by the U.S. Postal Service;
- increase in the salaries of the chief and assistant chief of the Capitol Police;

²⁶ U.S. Congress, Conference Committees, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2002*, conference report to accompany H.R. 2647, 107th Cong., 1st sess., H.Rept. 107-259 (Washington: GPO, 2001), p. 40; and U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2002*, 107th Cong., 1st sess., H.Rept. 107-37 (Washington: GPO, 2001), p. 24.

²⁷ U.S. Congress, Conference Committees, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2002*, conference report to accompany H.R. 2647, 107th Cong., 1st sess., H.Rept. 107-259 (Washington: GPO, 2001), p. 40; and U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2002*, 107th Cong., 1st sess., H.Rept. 107-37 (Washington: GPO, 2001), p. 24.

²⁸ P.L. 107-117, 115 Stat. 2315.

- Capitol Police to accept contributions of incidental items and services in response to emergencies, and accept assistance in emergencies from executive agencies;
- U.S. Capitol Preservation Commission to transfer funds from the Capitol Preservation Fund to the Architect of the Capitol for construction of the Capitol Visitors' Center;
- Chief of Capitol Police in case of an emergency to deputize members of the D.C. National Guard and duly sworn law enforcement personnel;
- Chief of Capitol Police to pay recruitment and relocation bonuses, retention allowances, lump sum incentive and merit bonuses, service step increases for meritorious service, and additional compensation; and
- executive departments and agencies to assist Capitol Police in the performance of its duties by providing services (including personnel), equipment, and facilities on a temporary and reimbursable basis when requested by the Capitol Police Board, and on a permanent and reimbursable basis upon the written request of the Capitol Police Board; the Department of Defense and the Coast Guard may provide such assistance on a temporary basis without reimbursement when assisting the Capitol Police.²⁹

The FY2002 Supplemental Appropriation Act (P.L. 107-206) also contained \$16.1 million “for the necessary expenses of the Capitol Police, including computer equipment and services, training, communications, uniforms, weapons, and [to] reimburse to the Environmental Protection Agency, Hazardous Substance Superfund for additional expenses incurred for anthrax investigations and cleanup actions.”³⁰ Conferees stipulated that \$12.5 million of the \$16.1 million be used for reimbursing the Environmental Protection Agency for anthrax investigations.³¹

2003. On February 20, 2003, the President signed the Consolidated Appropriations Act, 2003, which included the Legislative Branch Appropriations Act, 2003 (P.L. 108-7). It contained \$202.5 million in FY2003 appropriations for the Capitol Police,³² including (1) \$174.5 million for “salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, Social Security, and other applicable employee

²⁹ U.S. Congress, Conference Committees, *Making Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2002, and for Other Purposes*, conference report to accompany H.R. 3338,, 107th Cong., 1st sess., H.Rept. 107-350 (Washington: GPO, 2001), pp. 91-95, 439.

³⁰ P.L. 107-206, 116 Stat. 875.

³¹ U.S. Congress, Conference Committees, *Making Supplemental Appropriations for Further Recovery From and Response to Terrorists Attacks on the United States for the Fiscal Year Ending September 30, 2002, and for Other Purposes*, conference report to accompany H.R. 4775, 107th Cong., 2nd sess., H.Rept. 107-593 (Washington: GPO, 2002), pp. 57, 163.

³² P.L. 108-7, Division H, Title 1, 117 Stat. 357, and Division N, Title 6, Sec. 601, 117 Stat. 550. This figure reflects a 0.65% rescission required in P.L. 108-7.

benefits;” and (2) \$27.9 million for general expenses such as “motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage communication services, travel advances, [and] relocation of the Federal Law Enforcement Training Center.”³³

A related provision appropriated \$23.8 million for the Architect of the Capitol to maintain, care for, and operate the buildings and grounds of the Capitol Police.³⁴ Conferees directed the General Accounting Office to work with the Capitol Police and the Office of the Architect of the Capitol in preparing a report “regarding the feasibility of transferring jurisdiction of the United States Capitol Police Buildings to the Capitol Police” for consideration by the Committees on Appropriations.³⁵

The Consolidated Appropriations Act, 2003, also authorized the chief of the Capitol Police to

- offer recruitment and relocation and recruitment bonuses;
- recruit individuals without regard to age;
- offer retention bonuses;
- establish an educational assistance programs for employees; and
- provide additional compensation for employees with speciality assignments and proficiencies.³⁶

Other provisions made the chief an ex-officio, non-voting member of the Capitol Police Board, and directed the board to (1) examine its mission “and, based on that analysis redefine the Capitol Police Board’s mission, mission-related processes, and administrative procedures;” (2) “conduct an assessment of the effectiveness and usefulness of its statutory functions in contributing to the Capitol Police Board’s ability to carry out its mission and meet its goals;” and (3) submit a “report on the result of its examination and assessment, including recommendations for any legislation” considered “appropriate and necessary.” To facilitate its work, Congress established the position of “Executive Assistant for the Capitol Police Board to act as a central point of communication and enhance the overall effectiveness of the Capitol Police Board’s administrative activities.”³⁷

Also, the Act provided that in the “event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress,” the chief of the Capitol Police is authorized to appoint law enforcement officers from federal, state, and local agencies, and the armed forces (including the National Guard) to serve as

³³ P.L. 108-7, 117 Stat. 357,

³⁴ P.L. 108-7, 117 Stat. 372. This figure reflects a 0.65% rescission required in P.L. 108-7.

³⁵ U.S. Congress, Conference Committees, *Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes*, conference report to accompany H.J.Res. 2, 108th Cong., 1st sess., H.Rept. 108-10 (Washington: GPO, 2003), p. 1228.

³⁶ P.L. 108-7, 117 Stat. 357-360.

³⁷ P.L. 108-7, 117 Stat. 361-362.

special Capitol Police officers. The Act further provided for the transfer of employees of the Library of Congress Police force to the Capitol Police force, and directed the chief of the Capitol Police, in consultation with the Comptroller General, to “develop a long term strategic plan which outlines the goals and objectives of Capitol Police.”³⁸

In April 2003, under the FY2003 emergency supplemental appropriations bill (P.L. 108-11), Congress approved an additional \$37.8 million appropriation for the Capitol Police, and \$40 million for the Architect of the Capitol for “Capitol police buildings and grounds.”³⁹

According to the accompanying conference report, the latter amount of \$40 million provided funding for three specific items. First, \$14,140,000 was to be used, in addition to previously appropriated funds, for construction of a new Capitol Police headquarters. The report also included language directing the Architect of the Capitol “to have the Naval Facilities Command serve as the primary executing agency for this project.” Second, \$10 million was allocated “for the cost of leasing interim space, pending execution of the facilities master plan.” Third, \$16 million was appropriated for construction of a “Tactical Training Facility in Cheltenham, Maryland, for the sole use of the United States Capitol Police.”⁴⁰

The FY2004 legislative branch appropriations bill approved by Congress contains \$211.1 million and administrative provisions for Capitol Police operations (P.L. 108-83). Among administrative provisions contained in the act are those

- authorizing any counsel providing legal assistance and representation to the Capitol Police to appear in any federal or state court;
- directing that hazardous materials response team members assisting the Capitol Police be treated as members of the force in order to receive retirement benefits comparable to those available to other federal firefighters and law enforcement personnel;
- providing for a “more effective and efficient” transfer of Library of Congress police to the Capitol Police force;⁴¹

³⁸ P.L. 108-7, 117 Stat. 362-366, 369.

³⁹ P.L. 108-11, 117 Stat. 586.

⁴⁰ U.S. Congress, Conference Committees, 2003, *Making Emergency Wartime Supplemental Appropriations for the Fiscal Year 2003, and for Other Purposes*, conference report to accompany H.R. 1559, 108th Cong., 1st sess., H.Rept. 108-76 (Washington: GPO, 2003), pp. 87-88. See also Jennifer Yachnin, “Southeast Site Picked for Police HQ,” *Roll Call*, May 12, 2003, pp. 3, 28. The Capitol Police are conducting analyses of the cost to expand the police headquarters at its current site, and of staffing and other needs. See Jennifer Yachnin, “Panels Reject Proposed Site for Police HQ,” *Roll Call*, Oct. 30, 2003, p. 3.

⁴¹ U.S. Congress, Conference Committees, 2004, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2004, and for Other Purposes*, conference report (continued...)

- expanding the physical boundaries within which the Capitol Police maintain jurisdiction over traffic on and around the Capitol grounds, specifically to regulate trucks as a security precaution; and
- directing the Capitol Police Board to make regulations regarding “implementation, execution and maintenance” of the truck interdiction program and to submit its regulations to the Committee on House Administration and the Senate Committee on Rules and Administration for approval.

Table 1. Appropriations and FTEs for U.S. Capitol Police, FY1997-FY2004

Fiscal Year	Appropriations (in millions of dollars)			FTEs ^b
	Appropriations in Regular Annual Acts	Appropriations in Supplemental Acts and By Transfer (in 2002)	Total, Regular Annual and Supplemental Acts	
1997	\$72.1	\$3.25	\$75.35	1,256
1998	74.1	0	74.10	1,255
1999	83.1	106.8 ^a	189.9	1,401
2000	84.9	2.1	87.0	1,511
2001	106.9	0	106.9	1,481
2002	126.2	47.1	173.3	1,570
2003	202.5	37.8	240.2	1,737
2004	211.1	—	211.1	1,993

Sources: Public laws, conference reports, and the House and Senate Committees on Appropriations.

- a. P.L. 105-277 contained \$106.8 million for security enhancements and authority for the Capitol Police Board, subject to approval of the House and Senate Committees on Appropriations, to transfer money to the Architect of the Capitol and the Library of Congress.
- b. Sources are documents of the House and Senate Committees on Appropriations, and tables of the House Committee on Appropriations.

During a May 2003 Senate hearing, the Architect of the Capitol identified several additional ongoing Capitol Police projects. Among them are

- (1) new chemical explosives handling and K-9 structures at D.C. Village;

⁴¹ (...continued)

report to accompany H.R. 2657, 108th Cong., 1st sess., H.Rept. 108-279 (Washington: GPO, 2003), pp. 42-43.

- (2) a new vehicle maintenance facility at 67 K Street, S.W.;
- (3) reconfiguration of existing areas within the Capitol, Senate and House Office buildings and existing Police Headquarters; and
- (4) site selection for an off-site delivery screening center to replace the P Street warehouse currently in use.

The Office of the Architect has contracted with the Naval Facilities Engineering Command for assistance in managing and completing these projects.⁴²

Capitol Visitors' Center

A 1998 incident resulting in the death of two Capitol Police officers and the terrorist attacks of 2001 revealed the vulnerabilities of the U.S. Capitol and the need for a new way to handle security on Capitol Hill. The urgent need for improved security persuaded most Members of Congress of the necessity to move forward with the Capitol Visitors' Center now being constructed under the East Front Plaza, and the final funds needed for its construction were appropriated. The cost of the center, the most extensive addition to the Capitol since the Civil War, and the largest in the world-famous structure's 202-year history, is currently estimated at between \$380 million and \$395 million.⁴³

Initially, Congress appropriated \$100 million for the center in 1998, after the killing of two U.S. Capitol Police officers stationed near a public entrance to the Capitol in July 1998.⁴⁴ Following the terrorist attacks, Congress in November 2001 appropriated an additional \$70 million in the FY2002 Legislative Branch Appropriation Act toward the center's construction.⁴⁵ A month later, the President made available \$138.5 million in additional funding. The latter funds were released to the Architect of the Capitol as part of substantial funds drawn from the FY2001 Terrorism Emergency Supplemental Act.⁴⁶

⁴² Testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2004*, hearings, 108th Cong., 1st sess., May 8, 2003 (Washington: GPO, 2003), pp. 218-227; see also testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2004*, hearings, 108th Cong., 1st sess., May 21, 2003 (Washington: GPO, 2003), pp. 1252-1265.

See [<http://appropriations.senate.gov/subcommittees/record.cfm?id=203675>].

⁴³ See CRS Report RL31121, *The Capitol Visitors' Center: An Overview*, by Stephen W. Stathis.

⁴⁴ P.L. 105-277, 112 Stat. 2681-569-57.

⁴⁵ P.L. 107-68, 115 Stat. 588.

⁴⁶ P.L. 107-38, 115 Stat. 220-221; Office of Management and Budget, "President Bush Announces \$699 Million in Emergency Funds Assistance for Defense, Northern Virginia, Secret Service and Congress," news release 2001-62, Dec. 3, 2001; Architect of the Capitol, Capitol Visitors' Center Project Office, Mar. 2003.

Also, Congress in 1999 approved two separate pieces of legislation aimed at raising private sector funds for the construction of the center. As a consequence of these two acts and planned contributions of the Capitol Preservation Commission, a total of \$65 million in private funds is also available for the project.⁴⁷

The center is intended to provide a secure environment for managing a large number of visitors while protecting the Capitol building, its occupants, and guests. In addition to serving as the security screening entry for visitors to the Capitol, the center will provide improved accessibility for disabled persons; enhanced fire, safety, and security systems; new facilities for routine deliveries and garbage removal; innovative educational experiences for visitors; and other vastly improved visitor services.

On January 31, 2000, design development work for the center was begun. A ceremonial ground breaking for the center occurred on June 20, 2000, and in mid-October 2000, the Capitol Preservation Commission approved the final design plan for the center and authorized the Architect of the Capitol to prepare final construction documentation. Since that time, a construction management firm has been hired to supervise the project, an \$8 million dollar contract has been awarded to relocate utility lines, a \$99,877,000 contract has been awarded for Sequence 1 (foundation/structural work), and a \$144.2 million contract has been awarded for Sequence 2 (the electrical, mechanical, plumbing, and finishing work) of the actual construction of the center.

Also, a firm was retained to oversee the development of the Capitol Visitors' Center exhibition gallery; a tree maintenance contractor was hired to help assure the protection of trees on the East Capitol grounds; historic preservation workers have temporarily removed historic Olmsted landscape features from the grounds for their safeguard; and temporary visitor screening facilities and media sites were constructed.⁴⁸ It is anticipated that the construction of the center will have proceeded to a point that it will be possible in January 2005 to accommodate the basic activities of the next presidential inauguration. Recently, considerable concern has been expressed over the estimated cost for the center, which continues to increase.⁴⁹

⁴⁷ CRS Report RL31121, *The Capitol Visitors' Center: An Overview*. The FY2002 Terrorism Emergency Supplemental Act (P.L. 107-117) authorized the U.S. Capitol Preservation Commission to transfer funds from the Capitol Preservation Fund to the Architect of the Capitol for construction of the Capitol Visitors' Center. P.L. 107-117, 115 Stat. 2324.

⁴⁸ CRS Report RL31121, *The Capitol Visitors' Center: An Overview*.

⁴⁹ Suzanne Nelson, "Contractors Get Say in CVC Timing," *Roll Call*, Feb. 24, 2003, p. 3. See also testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2004*, hearings, 108th Cong., 1st sess., May 8, 2003 (Washington: GPO, 2003), p. 224, 228, 234; see also testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2004*, hearing, 108th Cong., 1st sess., May 21, 2003 (Washington: GPO, 2003), p. 1264. For an overall slide presentation of the center's plans, prepared by (continued...)

Supreme Court

Prior to September 11 terrorist attacks, Congress had already been presented proposals to enhance security at the Supreme Court. In FY1997, Congress appropriated \$150,000 for a “preliminary study on perimeter security of the Supreme Court building and grounds. The study was prepared by outside consultants with oversight provided by the Director of Engineering of the Architect of the Capitol.”⁵⁰ An additional \$500,000 was approved in FY1999 for detailed design development and preparation of construction drawings for Supreme Court security enhancements.⁵¹

Subsequently, on September 18, 2001, the President released \$1.25 million from emergency funds contained in the FY2001 Terrorism Emergency Supplemental Act (P.L. 107-38) for the installation of protective window film for the U.S. Supreme Court building.⁵² During the past two years, additional funds appropriated for Supreme Court security included:

- (1) \$30 million in an emergency supplemental act (P.L. 107-117) to improve Supreme Court perimeter security and install the other security upgrades needed to “address the building’s serious security deficiencies;”⁵³

⁴⁹ (...continued)

the Architect of the Capitol, see [http://www.aoc.gov/cvc/pres_overview/intro.htm].

⁵⁰ U.S. Administrative Office of the U.S. Courts, *The Judiciary: Budget Estimates for Fiscal Year 1999 Congressional Submission* (Washington: 1998), p. 1.27.

⁵¹ U.S. Congress. Senate Committee on Appropriations, *Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Bill, 2000*, report to accompany S. 1217, 106th Cong., 1st sess., S. Rept. 106-76 (Washington: GPO, 1999), p. 106. See also testimony of the Architect of the Capitol, Alan Hantman, U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, State, Judiciary, and Related Agencies, *Appropriations for the Departments of Commerce, Justice, and State, and the Judiciary for FY2000*, hearings, 106th Cong. 1st sess., Mar. 10, 1999 (Washington: GPO, 1999), pp. 79, 91.

⁵² Office of Management and Budget, *Emergency Appropriations: Amounts Previously Appropriated Now Being Transferred by the President From the Emergency Response Fund*, Attachment to Letter from the President to the Speaker of the House, Sept. 21, 2001. See also Office of Management and Budget, “President Bush Releases \$5.1 Billion in Emergency Funds; OMB Provides Details on Fund Allocation,” news release 2001-36, Sept. 21, 2001, [<http://www.whitehouse.gov/omb/pubpress/2001-36.html>].

⁵³ U.S. Congress, House Committee on Appropriations, *Department of Defense Appropriation Bill, 2002 and Supplemental Appropriations 2002*, report to accompany H.R. 3338, 107th Cong., 1st sess., H.Rept. 107-109 (Washington: GPO, 2002), p. 182. The funds were approved by Congress in H.R. 3338, FY2002 Department of Defense Appropriations and FY2002 Emergency Appropriations Act (P.L. 107-117, 115 Stat. 2295). Congress directed that the funds be obligated from terrorism appropriations approved earlier in P.L. 107-38. See also U.S. Congress, Conference Committees, 2001, *Making Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2002, and for Other Purposes*, conference report to accompany H.R. 3338, 107th Cong., 1st sess., H.Rept. 107-350 (Washington: GPO, 2001), pp. 67,420.

- (2) \$10 million in the 2002 Supplemental Appropriations Act (P.L. 107-206) “for security upgrades and renovations of the Supreme Court building;”⁵⁴ and
- (3) \$1.535 million in the 2003 Emergency Wartime Supplemental Appropriations Act (P.L. 108-11) for enhancements that would provide funding for a pay increase (to maintain parity with Capitol Police pay), additional officers, equipment, and training for the Supreme Court police.⁵⁵

Currently, the Supreme Court is developing a perimeter security plan that will be compatible with the Capitol Square, Senate, and House perimeter plans and the surrounding neighborhood.⁵⁶

Perimeter Security Plans

Capitol Square. Early in 1997, the Senate Committee on Rules and Administration directed the Capitol Police Board to develop a perimeter security plan for the Capitol Complex. In response, the board organized a task force that included key staff from the offices of the Architect of the Capitol, the House and Senate Sergeants at Arms, and the Capitol Police, as well as nationally recognized architectural and security consultants. “The challenge” confronting the task force, Architect Alan M. Hantman emphasized, was “to sensitively integrate a sophisticated security program into the historic landscape of the Capitol Grounds” and its “incomparable complex of buildings.”⁵⁷

On September 25, 1997, the Architect unveiled the plan developed by the task force, which the Capitol Police Board endorsed. It called for “improved security at all entrances to Capitol Square through the use of a combination of high impact vehicle barriers that are police activated at the most critical locations, or card activated at parking related areas.” The primary elements of the plan were (1) “a continuous string of security rated steel bollards similar to those designed for, and installed at, the White House;” (2) “new high impact stone planter areas consistent with the Frederick Law Olmsted walls;” and (3) an “integration of electronic and

⁵⁴ P.L. 107-206, 116 Stat. 829; and U.S. Congress, Conference Committees, 2002, *Making Supplemental Appropriations for Further Recovery From and Response to Terrorist Attacks on the United States for the Fiscal Year Ending September 30, 2002, and for Other Purposes*, conference report to accompany H.R. 4775, H.Rept. 107-593, 107th Cong., 2nd sess. (Washington: GPO, 2002), pp. 10-11.

⁵⁵ P.L. 108-11, 117 Stat. 561; and U.S. Congress, House Committee on Appropriations, *Making Supplemental Appropriations for the Fiscal Year Ending September 30, 2003, and for Other Purposes*, report to accompany H.R. 1559, 108th Cong., 1st sess., H.Rept. 108-55 (Washington: GPO, 2003), p. 5.

⁵⁶ Conversation with Tony Donnelly, Director of Budget and Personnel, Supreme Court of the United States, May 2003. See also Spencer S. Hsu, “High Court Asks for 2 Street Closings; Security Proposal Irks D.C. Officials,” *Washington Post*, May 25, 2002, pp. B1, B4.

⁵⁷ Statement of Alan Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Rules and Administration, *Capitol Complex Security*, hearings, 105th Cong. 1st sess., Sept. 25, 1997 (unpublished).

other security systems at each entrance.”⁵⁸ The continuous security perimeter would be located largely within the original walls, as designed by Olmsted.

The Senate Rules Committee accepted the plan on November 4, 1997, and also authorized the Architect to move forward immediately in developing perimeter security for the area directly adjacent to the three Senate office buildings.⁵⁹ In the 1998 Supplemental Appropriations and Rescissions Act, Congress appropriated \$20 million for “the design, installation and maintenance of the Capitol Square perimeter security plan.” The Act directed that up to \$4 million be transferred to the Capitol Police Board, upon the board’s request, for “physical security measures” associated with the plan. The Act further required that funds made available for the Capitol Square perimeter security plan be reviewed and approved “by the appropriate House and Senate authorities.”⁶⁰

Additional funds for Capitol Square perimeter security were contained in a FY1999 supplemental appropriation of \$106.8 million to the Capitol Police Board for Capitol Complex security enhancements, including buildings and grounds of the Library of Congress. The Act did not, however, indicate how much of the \$106.8 million appropriation was specifically allocated for perimeter security. The Act required that (1) the Capitol Police Board would transfer to the Architect of the Capitol and Librarian of Congress “such portion of the funds” as they “may require for expenses necessary to provide support for the security enhancements;” and (2) the implementation of security enhancements would follow plans approved by the Committee on House Administration, Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations.⁶¹

A construction contract for the project was awarded on March 9, 2001.⁶² Now underway, the perimeter security project is expected to be finished in conjunction with completion of the Capitol Visitors’ Center in the fall of 2005. The project includes “the installation of security barriers, bollards and electronic security systems to provide a secure area within the Capitol Grounds from First Street NW/SW, First Street NE/SE, North Drive, and South Drive.”⁶³ The exact cost of the plan has not been made public.⁶⁴

⁵⁸ Ibid.

⁵⁹ Senator John Warner, “Treasury and General Government Appropriations Act, 1999,” *Congressional Record*, daily edition, vol. 143 (July 28, 1998), pp. S9115-S9118.

⁶⁰ P.L. 105-174, 112 Stat. 89.

⁶¹ P.L. 105-277, 112 Stat. 2681-570.

⁶² Noelle Straub, “AoC Awards Security Contract,” *The Hill*, Mar. 21, 2001, p. 11.

⁶³ Testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2002*, hearings on H.R. 2647/S. 1172, Appendix C, 107th Cong. 1st sess., June 26, 2001 (Washington: GPO, 2001), p. 199.

⁶⁴ Duncan Spencer, “Officials Won’t Reveal Costs of Bollards Around Capitol,” *The Hill*, Mar. 5, 2003, p. 51.

Senate. The contract for the Senate perimeter security plan was approved by the Senate Committee on Rules and Administration and the Subcommittee on Legislative Branch, Senate Committee on Appropriations, on November 7, 2000, and awarded the following day.⁶⁵ The plan called for the “installation of security barriers, bollards, security booths and electronic security systems to provide a secure area for parking on C Street from New Jersey NW to Second Street NE, and on Delaware Avenue from Constitution Avenue to D Street.”⁶⁶ The purpose of the project, according to Architect of the Capitol Alan Hantman, was “to improve both the security and appearance of areas around the Senate office buildings.” The project, which was completed in 2002, replaced “unsightly concrete structures — which were intended to be temporary security measures when put into place more than a decade ago,” with more “appropriate and effective permanent features.”⁶⁷

Following September 11, a plan was also developed by the Senate Sergeant at Arms and other security experts to provide a “similar level of protection to Senate Office buildings,” and the Senate Committee on Rules and Administration approved that plan. According to Senate Sergeant at Arms William H. Pickle, the “Architect of the Capitol will soon begin implementation of the enhanced security plan.” Mr. Pickle emphasized in May 1, 2003, testimony before the Senate Subcommittee on Legislative Branch Appropriations that

Physical security measures represent one aspect of perimeter security and the Capitol Police force represents another. The physical security measures include bollards and pop-up vehicle barriers. The Capitol Police force staffs the revised access checkpoints and enforces procedures, staffs the expanded use of K9 patrols, enforces the restriction of oversized vehicles, and supports other measures that safeguard against vehicle-borne threats. Together, the Police and enhanced physical security measures prevent attacks from vehicles or their contents.⁶⁸

These enhancements, according to Mr. Pickle, have resulted in (1) “improved visitor access and screening procedures for all Senate Office Buildings;” (2) screening of “visitors outside the Capitol,” as well as the screening of visitors on staff-led tours coming from the Senate Office Buildings;” and (3) “other, less visible, security improvements and safety systems that significantly improve the Senate’s

⁶⁵ Information provided by the Office of the Architect of the Capitol.

⁶⁶ Testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2002*, hearings on H.R. 2647/S. 1172, 107th Cong., 1st sess., June 26, 2001 (Washington: GPO, 2001), p. 198.

⁶⁷ Testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2002*, hearings on H.R. 2647/S. 1172, 107th Cong., 1st sess., June 26, 2001 (Washington: GPO, 2001), p. 202.

⁶⁸ Testimony of William H. Pickle, Senate Sergeant at Arms, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2004*, hearings, 108th Cong., 1st sess., May 1, 2003 (Washington: GPO, 2003), p. 104. [<http://appropriations.senate.gov/subcommittees/record.cfm?id=203681>].

overall security posture,” and implementation of “extensive security at the Capitol Visitor Center project.”⁶⁹

House of Representatives. On February 5, 2003, the Committee on House Administration “approved the commencement of construction on a comprehensive House perimeter security plan.” Committee chairman Bob Ney and ranking member John Larson told Members of the House in a “Dear Colleague Letter” that the project will (1) “provide a secure and tasteful alternative to the current [Jersey] barriers,” (2) make the “House community safer,” and (3) “revitalize the Independence Ave., corridor by replacing dead and dying trees with new trees, while making all appropriate arrangements to preserve existing trees.”⁷⁰

An accompanying letter from Frank J. Tiscione, superintendent of House office buildings, explained that the installation of perimeter security improvements adjacent to the House office buildings along Independence Avenue would continue through June 2003. The project includes the installation of “hydraulic vehicle barriers, bollards, decorative planters, hardened police shelters, utility relocation work, roadway and sidewalk excavation/replacement, and removal of street trees.” Also, dead and dying trees will be removed and new trees will be planted that “are more tolerant of urban environmental conditions such as pollution, heat, compaction and drought.”

Other landscape improvements will include the “replacement of the existing soil with an enriched soil mixture, installation of root paths under paved areas, and an automatic irrigation system. These upgrades to the current subsurface conditions will allow the new trees to grow and thrive in this difficult urban environment.” It is anticipated that the House perimeter security project, which will ultimately encompass the entire House office building complex, will be completed in the spring of 2004.⁷¹

Library of Congress. On October 24, 2001, the Joint Committee on the Library approved a perimeter security plan for the Library of Congress to be integrated into the Capitol Complex perimeter security plan. Implementation of the plan, currently underway, includes installation of retractable vehicle barriers at driveways, including entrances and exits of garages; installation of concrete bollards along sidewalks in areas without already existing granite or concrete walls;

⁶⁹ Ibid.

⁷⁰ U.S. Congress, Committee on House Administration, *Organizational Meeting to Approve Committee Rules and Oversight Plan, Approve the House Perimeter Security Plan, and Make Announcements of Actions Taken Under Interim Authority*, hearing, 108th Cong., 1st sess., Feb. 5, 2003 (Washington: GPO, 2003), 9 pp; and Bob Ney, chairman, and John Larson, ranking member, Committee on House Administration, “House to Commence Perimeter Security Construction,” *Dear Colleague Letter*, Feb. 5, 2003. See also Suzanne Nelson, “Police Seek to Calm Terror Concerns,” *Roll Call*, Feb. 10, 2003, pp. 1, 27; Suzanne Nelson, “Jersey Barriers to Make Way For Planters, New Trees,” *Roll Call*, Feb. 10, 2003, p. 27.

⁷¹ Frank J. Tiscione, Superintendent, House Office Buildings, Letter to Members, officers, and staff, House office buildings, Feb. 6, 2003.

replacement of police kiosks with shelters made of reinforced concrete or granite; installation of additional lighting and security cameras; and centralized monitoring of perimeter security cameras in a newly consolidated police command center located in the Jefferson building.⁷²

Funds for the Library's perimeter security enhancements were made available from appropriations included in the FY1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act, which contained approximately \$17 million of Library security upgrades including perimeter security.⁷³ The Act also transferred "responsibility for design, installation, and maintenance of security systems to protect the physical security of the buildings and grounds of the Library of Congress" from the Architect of the Capitol to the Capitol Police Board. In addition, it stipulated that any "alteration to a structural, mechanical, or architectural feature of the buildings and grounds of the Library of Congress that is required for a security system ... may be carried out only with the approval of the Architect of the Capitol."⁷⁴ An additional \$1.9 million was made available in FY2001.⁷⁵

Other Actions

Other actions undertaken since September 11, 2001, have resulted in (1) replacement of both Capitol emergency generators and purchase of a portable emergency generator for more reliability during emergencies; (2) purchase of "High Efficiency Particulate Air Filter" (HEPA) vacuums for use by cleaning employees; and (3) installation of permanent police podiums at building entrances and tunnels to the Capitol, building perimeter alarms, additional security cameras, and temporary hydraulic barricades where necessary.⁷⁶ Also:

- streets were closed around congressional office buildings;
- additional vehicle barriers were installed around the Capitol and congressional office buildings;
- vehicles were deployed to block access around the Capitol and congressional office buildings;

⁷² Gail Fineberg, "Security Upgrades Reflect High-Alert Status," *The Gazette* (a weekly publication for the Library of Congress staff), vol. 13, Nov. 2, 2001, pp. 4-5. See also Helen Dalrymple, "Construction Projects Loom," *The Gazette*, vol. 14, Apr. 4, 2003, pp. 1, 4-5.

⁷³ U.S. Congress, Conference Committees, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), pp. 1530-1531; and P.L. 105-277, 112 Stat. 2681-570.

⁷⁴ U.S. Congress, Conference Committees, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), pp. 591, 1530-1532; and P.L. 105-277, 112 Stat. 2681-570, 2681-571.

⁷⁵ P.L. 106-554, 114 Stat. 2763A-123.

⁷⁶ Testimony of Alan Hantman, Architect of the Capitol, U.S. Congress, Committee on House Administration, *Hearing on Security Upgrades Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), pp. 16-17.

- pedestrian access to garages of congressional office buildings was curtailed;
- members of D.C. National Guard temporarily provided additional security staffing;
- traffic regulations for the Capitol Complex were amended;
- a security design plan for the Capitol Visitors' Center was approved;
- 210 additional Capitol Police officers were employed between September 11, 2001, and September 10, 2002;
- an additional 25,000 escape masks were procured ;
- new mail screening procedures were developed;
- new guidelines for Capitol tours were developed;
- a new Capitol Police training center was established in Cheltenham, Maryland, that contains a 54-person classroom, two 24-person classrooms, offices of a Training Services Bureau, a fitness center, a defensive tactics mat room, and a computer lab;⁷⁷
- efforts were begun to determine possible terrorist threats posed by hazardous materials transported on trains running under the Capitol building;⁷⁸
- access cards were made available to frequent visitors on official business in the Capitol building permitting them to travel between the House and Senate sides of the Capitol without having to exit and reenter the Capitol building when leaving one side to go to the other;⁷⁹
- an emergency notification system (the Annunicator) was installed in House office buildings.⁸⁰

In addition, the FY2002 Terrorism Emergency Supplemental Act (P.L. 107-117) authorized the Senate Sergeant at Arms and chief administrative officer to acquire buildings and facilities in order to respond to an emergency situation and to enter into a memorandum of understanding with an executive agency in an emergency situation.⁸¹

Pursuant to a gun incident in the Cannon House Office Building on October 30, 2003, the Capitol Police took the following actions to

⁷⁷ Testimony of Wilson Livingood, Sergeant at Arms of the House, U.S. Congress, Committee on House Administration, *Hearing on Security Upgrades Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), pp. 20-21.

⁷⁸ Sarah Bouchard, "House Members Concerned About Trains Carrying Hazardous Material - With Tracks Near Capitol, Some See Opening for Terror," *The Hill*, Oct. 28, 2003, p. 3.

⁷⁹ Suzanne Nelson, "Lobbyists Get Carded," *Roll Call*, Oct. 29, 2003, p. 1.

⁸⁰ Jennifer Yachnin, "Gun Incident Sparks Changes," *Roll Call*, Nov. 3, 2003, p. 17.

⁸¹ P.L. 107-117; 115 Stat. 2315-1318.

- create a new “emergency communications post” to distribute timely messages during future similar incidents through the annunciator and Black Berry e-mail systems;⁸²
- review security procedures and test and calibrate screening equipment in the Capitol Complex immediately following the October incident;⁸³
- revise its screening procedures immediately to require individuals to wait until items they are carrying are processed through x-ray machines and before walking through magnetometers, which detect the presence of metallic objects;⁸⁴ and
- reposition officers assigned to security checkpoints, detail additional officers to checkpoints, designate an officer at each checkpoint to provide instructions on how to proceed through a checkpoint, and establish a “training relief squad” to replace officers to undergo training for two hours daily.⁸⁵

The Committee on House Administration also initiated a review of security immediately following the incident.

Emergency Planning

In addition, a number of actions have been taken to better prepare the Capitol Complex for responses to future emergencies. These preparations have focused on the following areas:

Emergency Evacuation Procedures. Since the 2001 terrorist attacks, congressional administrators have (1) developed intelligence cooperation with the Federal Bureau of Investigation, the District of Columbia Metropolitan Police, and other government agencies;⁸⁶ (2) developed emergency evacuation procedures for Members and staff and designated evacuation assembly areas away from the Capitol; (3) updated preparedness plans for the Capitol and congressional office buildings; (4) distributed emergency preparation guidelines to offices; (5) distributed emergency evacuation brochures; (6) identified emergency personnel; (7) conducted multiple evacuation drills; and (8) practiced procedures for relocating Senate operations to an off-site legislative chamber, congressional offices, and a briefing center.⁸⁷

⁸² Jennifer Yachnin, “Ney Criticizes Security Change,” *Roll Call*, Nov. 4, 2003, p. 1.

⁸³ Jennifer Yachnin, “Gun Incident Sparks Changes,” *Roll Call*, Nov. 3, 2003, pp. 3, 17.

⁸⁴ Jennifer Yachnin, “Ney Criticizes Security Change,” *Roll Call*, Nov. 4, 2003, p. 1.

⁸⁵ Sarah Bouchard, “Security Steps Mean Long Delays,” *The Hill*, Nov. 4, 2003, p. 8.

⁸⁶ Conversations with staff of the Sergeant at Arms of the House, the Federal Bureau of Investigation, and the Secret Service, various dates.

⁸⁷ See testimonies of Jeff Trandahl, Clerk of the House, Wilson Livingood, Sergeant at Arms of the House, James M. Eagen III, Chief Administrative Officer of the House, and Alan Hantman, Architect of the Capitol, U.S. Congress, Committee on House Administration, *Hearing on Security Upgrades Since September 11, 2001*, hearings, 107th

Electronic Communications. The ability of Congress to conduct its business electronically, by email, webcast, or telephone, from multiple locations in an emergency was examined by the Committee on House Administration during a hearing on May 1, 2002. Among issues considered were (1) establishment of a two-way, secure, and reliable backup communications system; (2) development of an Internet and satellite-based communications system; (3) implementation of alternative meetings locations, to support a “virtual Congress” to support both continued participation by Members in committee meetings outside Washington, DC and the continued administration of Congress; (4) ensuring the public’s ability to follow congressional activities from an alternate site; (5) providing for remote voting through a secure computer system; (6) and examining the constitutional issues presented by the prospect of an e-Congress.⁸⁸ At the time of this writing, congressional entities have enhanced communications by

- developing a communications strategy for the Capitol Hill Complex;
- upgrading early response and communications abilities;
- installing a public address system in the Capitol building;
- distributing BlackBerries⁸⁹ to all Members, and developing the ability to monitor the BlackBerry system to identify any issues related to message delivery;
- equipping tunnels between House office buildings and the Capitol with wireless phone signals to ensure the ability to maintain use of BlackBerries;⁹⁰
- equipping the House Emergency Communication Center with the capability to notify Members through BlackBerries of emergencies;
- integrating the House Emergency Communication Center with House Information Resources (HIR);
- approving funding and staffing needed to maintain critical House information systems and support the House Emergency Communication Center 24 hours a day, seven days a week;
- establishing emergency telecommunications services accounts for Members;
- upgrading the Member paging system through installation of primary and back-up support;
- developing a means to combine pagers and BlackBerries into one system for ease of use by Senators and staff;

⁸⁷ (...continued)

Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), pp. 13-14 (Trandahl), pp. 20-21 (Livingood), pp. 9-11 (Eagen), and pp. 16-17 (Hantman).

⁸⁸ Testimonies of Rep. Jim Langevin, Rep. David Dreier, Donald Wolfensberger, former chief of staff for the House Rules Committee, and Norman J. Ornstein, American Enterprise Institute, U.S. Congress, House Committee on Administration, *Hearing on E-Congress - Using Technology to Conduct Congressional Operations in Emergency Situations*, hearings, 107th Cong., 2nd sess., May 1, 2002 (Washington: GPO, 2003), 47 pp.

⁸⁹ BlackBerries are secure, handheld, mobile, wireless communicators providing access to phones, email and the Web.

⁹⁰ Suzanne Nelson, “House Wiring Tunnels For Mobile Phone Service,” *Roll Call*, Sept. 2, 2003, p. 3.

- upgrading the House telephone system, telephone exchange, and voice mail system back up;
- expanding dial-in and broadband remote access services;
- developing an in-bound electronic fax system to reduce paper mail;
- completing the initial stages of a digital mail pilot program;
- establishing an alternative off-site computer facility;
- upgrading the capability to prevent cyberattacks
- implementing a “diverse Internet connection ... to remove single points of failure;” and
- implementing a new “automated call-out system” for use in operation of the Child Care Center to allow timely transmission of information on events to staff and parents.⁹¹

Plans for Continuity of Operations. Congress took the following steps to ensure that the legislative branch will be able to function without interruption during emergencies:

- created a Continuity of Congress Working Group;
- established an off-site House chamber for emergency use;
- developed the House infrastructure to allow for the conduct of floor proceedings at the off-site location;
- enhanced the ability of the House to provide interim office operations to displaced Members and committees, including the assignment of alternative House offices, establishment of interim computer network and telephone connections, pre-configuration of notebook computers and printers, and their placement in storage for immediate availability to Members and staff;
- established an interim alternative site for operations of the House Legislative Information Management System (LIMS) and staff payroll systems;
- made provision for video conferencing facilities in the House Member briefing center; and
- conducted “House Office Recovery Team” (HORT) drills for emergency relocation of Members and staff.⁹²

Delivery Screening. Congress established a delivery screening process at an off-site mail facility and began construction of a package processing facility. Also,

⁹¹ Testimony of Alfonso Lenhardt, Sergeant at Arms of the Senate, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2003*, hearing, 107th Cong., 2nd sess., May 1, 2002 (Washington: GPO, 2002), p. 203; and testimony of James M. Eagen III, Chief Administrative Officer of the House, U.S. Congress, Committee on House Administration, *Hearing on Security Upgrades Since September 11, 2001*, hearing, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), pp. 9-11.

⁹² Testimonies of Jeff Trandahl, Clerk of the House, and James M. Eagen III, chief administrative officer of the House, U.S. Congress, Committee on House Administration, *Oversight Hearings on Security Upgrades Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), pp. 13-14 (Trandahl), pp. 9-11 (Eagen).

Congress began development of a permanent off-site Capitol Police screening system for all deliveries to the Capitol, House and Senate office buildings, Supreme Court, and general deliveries to the Library of Congress.⁹³ Five million dollars in initial funding for an off-site delivery screening center was included in the Consolidated Appropriations Resolution of 2003 (P.L. 108-7).⁹⁴

Beginning in October 2003, courier-delivered packages for Senate and House offices are processed at the Congressional Courier Acceptance Site, located in a trailer near the Capitol. Due to security concerns, courier-delivered packages had been banned by both houses on October 16, 2001. Under the new system, packages will be processed through x-ray machines and tested for chemicals and other substances, and a photograph will be taken of each courier. If packages sent to the Senate are accepted, they are then delivered to Senate offices; accepted House packages, however, must be sent to a second facility for further testing before they can be delivered. This latter facility is maintained by Pitney Bowes.⁹⁵

Mail Delivery and Digitalization. Responding to delays in mail processing following the discovery of anthrax spores on and in mail delivered to congressional offices, the Committee on House Administration held an oversight hearing in May 2002, to address security and safety issues in the House mail processing system. At the hearing, James Eagen, chief administrative officer of the House, told the Committee that the House had moved its postal operations to an off-site mail processing facility in Capitol Heights, Maryland, primarily to protect congressional employees.

Future plans, he explained, include development of more expeditious methods to identify contaminants, enhancement of automation for the package delivery process, and possible use of a digital mail system, in which incoming mail would be received and opened at an off-site facility, digitally copied with a scanner, and electronically forwarded to House offices within 24 hours of receipt.⁹⁶ A month earlier, Eagen told another committee that his office was investigating digitization

⁹³ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2003*, hearings, part 2, 107th Cong., 2nd sess., Apr. 25, 2002 (Washington: GPO, 2002), pp. 436, 437.

⁹⁴ P.L. 108-7, 117 Stat. 372; and U.S. Congress, Conference Committees, 2003, *Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes*, conference report to accompany H.J.Res. 2, 108th Cong., 1st sess., H.Rept. 108-10 (Washington: GPO, 2003), p. 1228.

⁹⁵ Jennifer Yachnin, "House to End Ban on Carrier Deliveries," *Roll Call*, Oct. 14, 2003, p. 3; and Brody Mullins, Bree Hocking, and Jennifer Yachnin, "Speedy Delivery," *Roll Call*, Oct. 22, 2003, p. 3.

⁹⁶ Testimony of James Eagen, Chief Administrative Officer of the House, U.S. Congress, House Committee on Administration, *Oversight Hearing on Congressional Mail Delivery*, hearings, 107th Cong., 2nd sess., May 8, 2002 (Washington: GPO, 2003), p. 6; testimony of James Eagen, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for FY2004*, hearing, 108th Cong., 1st sess. April 9, 2003 (Washington: GPO, 2003), pp. 88-89, 102-104.

of House mail, in order to allow for the electronic transfer of mail to congressional offices, for both security and economic reasons.⁹⁷

Anthrax Contamination Removal. Congress responded to the detection of anthrax spores in congressional offices and positive tests to exposure by staff and Members by (1) conducting environmental security sweeps of the Capitol and congressional office buildings; (2) closing the Capitol and several congressional office buildings; (3) sealing rooms in other congressional office buildings; (4) employing environmental remediation to complete the removal of the evidence of anthrax spores; and (5) using a powerful disinfecting gas — chlorine dioxide — to remove dangerous anthrax spores from the contaminated offices in the Hart Senate Office Building.⁹⁸

Creation of New Administrative Entities

Faced with the need to adequately respond to terrorist and other threats, a number of administrative entities were created following September 11. Among them were the Legislative Branch Emergency Preparedness Task Force, the House Office of Emergency Planning, the House Administration Committee Security Working Group, the House Business Continuity and Disaster and Recovery Program Management Office, the Senate Emergency Response Team, and the Senate Office of Security and Emergency Preparedness.

Legislative Branch Emergency Preparedness Task Force. Shortly after the terrorist attacks, a Legislative Branch Emergency Preparedness Task Force was created to develop plans for communications and security upgrades, and emergency evacuation arrangements for the Capitol complex, the Supreme Court, and the Library of Congress. Members of the task force included congressional leaders and officers, members of the appropriations committees, and representatives of the Capitol Police, Department of Defense (DOD), and Federal Emergency Management Agency (FEMA).⁹⁹

The task force first dealt with immediate steps necessary to enhance Capitol Hill security. One of its first tasks was to develop procedures for Members and staff to follow during an emergency, including the designation of off-site assembly locations for Members and staff, and establishment of briefing centers for Members to obtain

⁹⁷ U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2003*, hearings, part 2, 107th Cong., 2nd sess., Apr. 24, 2002 (Washington: GPO, 2002), pp. 83-84.

⁹⁸ U.S. General Accounting Office, *Capitol Hill Anthrax Incident: EPA's Cleanup Was Successful; Opportunities Exist to Enhance Contract Oversight*, GAO/03-686, June 4, 2000.

⁹⁹ "House Security Procedures," a staff briefing by the Capitol Police and the Committee on House Administration, 345 Cannon House Office Building, Sept. 19, 2001.

and transmit information as developments occur.¹⁰⁰ The task force has issued a report, but it is not available to the public, due to its sensitive nature.

House Office of Emergency Planning. In 2002, a new House Office of Emergency Planning, Preparedness, and Operations was established to assist House officers in coordinating responses to emergencies, including preparations for, and recoveries from, emergencies.¹⁰¹ The director of the office reports to the Speaker and the House minority leader and is supervised by the House Continuity of Operations Board, comprised of the House clerk, sergeant at arms, and chief administrative officer.

Among its actions thus far, the office has created a House Officer Recovery Team. During September 2002 hearings on House emergency preparedness, the House clerk stated that the Chamber “for the first time now has a core professional group dedicated to ensuring the continuity of House operations.”¹⁰² Although no specific funding was contained in the legislation authorizing the office, the House later established a new account for the office, containing \$6 million, in the FY2003 legislative branch appropriations bill.

House Administration Committee Security Working Group. Immediately following the September 11 terrorist attacks, the Committee on House Administration created a working group that included House officers, the Architect of the Capitol, and representatives from the Committee on House Administration, and the House Appropriations Committee’s Legislative Subcommittee, to study Capitol Hill security and recommend upgrades.¹⁰³

On September 10, 2002, the findings of the working group were discussed at a House Administration Committee oversight hearing on Capitol Hill security, emergency preparedness, disaster recovery, and infrastructure upgrades since the terrorist attacks. At the opening of the hearing, Chairman Robert Ney stated that the Committee’s oversight role encompassed “physical security, information security, and emergency preparedness for the House and Capitol complex, as well as the oversight and coordination of the House Officers as they perform their duties related to these issues.”¹⁰⁴

¹⁰⁰ Testimony of the Senate Sergeant at Arms, Alfonso E. Lenhardt, U.S. Congress, Senate, Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for FY2003*, hearings, 107th Cong., 2nd sess., May 1, 2002, p. 200.

¹⁰¹ P.L. 107-117, 115 Stat. 2318, Jan. 10, 2002; *Department of Defense and Emergency Supplemental Appropriations for Recovery from the Response to Terrorist Attacks on the United States Act, 2002*.

¹⁰² Testimony of the Clerk of the House, Jeff Trandahl, U.S. Congress, House Committee on Administration, *Hearings on Security Upgrades Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), p. 14.

¹⁰³ Lauren W. Whittington, “More Street Closings Eyed,” *Roll Call*, Sept. 24, 2001, p. 22.

¹⁰⁴ Written testimony of the chairman of the Committee on House Administration, Robert Ney, U.S. Congress, House Committee on Administration, *Oversight Hearings on Capitol* (continued...)

During his opening comments, the chairman expressed particular concern over the “unique security challenges” posed by underground parking facilities in House office buildings, and the committee’s plan to direct House officers to review parking and security and to submit a plan addressing issues.

House Business Continuity and Disaster Recovery Program Management Office. Immediately after September 11, House leadership and officers identified 27 actions that needed to be taken to assure the continuity of congressional operations and recovery from a disaster if one should occur. Following the discovery of anthrax in the Capitol complex in October, the House established the House Business Continuity and Disaster Recovery Program Management Office, which assisted the House in restructuring the 27 actions into 19 specific projects classified into three categories: continuity of operations, communications, and technology.¹⁰⁵ The office currently monitors the operations, costs, and progress of the 19 projects.

Senate Emergency Response Team. In 2002, the Secretary of the Senate and Senate Sergeant at Arms were designated to serve as coordinators of the Senate’s response to emergencies, including security threats. The two officials are responsible for ensuring the continuity of Senate activities during emergencies. In carrying out this responsibility, they have established an alternative meeting place for the Senate, and are currently developing the means to ensure maintenance of the Senate’s major systems.¹⁰⁶

During her testimony on the FY2003 Senate budget, Secretary of the Senate Jeri Thompson noted that the two officers have worked together to determine the necessary steps to maintain Senate operations, including the ability to conduct floor proceedings. To accomplish this goal, they have conducted an inventory of Senate space that might be used in emergencies, made appropriate plans for use of the space, established security plans for Senators, developed a comprehensive plan guaranteeing that the Senate could continue to meet, and ensured the ability to provide financial management during an emergency.¹⁰⁷

¹⁰⁴ (...continued)

Security, Emergency Preparedness and Infrastructure Upgrades Since September 11, 2001, submitted for hearings held Sept. 10, 2002 (not yet published).

¹⁰⁵ Testimony of the Chief Administrative Officer of the House, James Eagen, U.S. Congress, House Committee on Administration, *Hearing on Security Upgrades Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), p. 10-11.

¹⁰⁶ Testimony of the Secretary of the Senate, Jeri Thompson, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2003*, 107th Cong., 2nd sess., Apr. 17, 2002 (Washington: 2002), p. 84; testimony of the Senate Sergeant at Arms, Alfonso Lenhardt, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2003*, 107th Cong., 2nd sess., Apr. 17, 2002 (Washington: 2002), pp. 199-200.

¹⁰⁷ Testimony of the Secretary of the Senate, Jeri Thompson, U.S. Congress, Senate (continued...)

Senate Office of Security and Emergency Preparedness. The Senate Sergeant at Arms established within his office a Senate Office of Emergency Preparedness as the “permanent management structure to oversee and integrate security and emergency preparedness planning, policies, and programs within the Senate.”¹⁰⁸ The office, which works with the Office of Secretary of the Senate, is overseen by a newly created Assistant Sergeant at Arms for Security and Emergency Preparedness.

The office is responsible for Senate continuity of operations planning, and training, as well as coordinating such activities with the House, Capitol Police, and other legislative branch agencies. It also serves as the Senate’s primary incident response management team, which falls under the direction of the Senate leadership.

Congressional Hearings, Surveys, and Studies on Capitol Complex Security

During the past two years, several congressional committees conducted hearings, both open and closed (for security reasons), on security in general and the needs of the Capitol Police force. Among hearings held were the following:

Committee on House Administration Security Oversight Hearing. On September 10, 2002, the Committee on House Administration held an oversight hearing on Capitol security and emergency preparedness and disaster recovery. Although congressional hearings on Capitol complex security funding in FY2003 were held in closed session, the House Clerk, Sergeant at Arms, chief administrative officer, assistant chief of the Capitol Police, and the Architect of the Capitol addressed actions they had taken since September.¹⁰⁹

Senate Subcommittee on Legislative Branch, Committee on Appropriations, on FY2003 Budget. During his testimony before the Senate Subcommittee on Legislative Branch, the Senate Sergeant at Arms discussed actions taken by Senate officials since 2001, including¹¹⁰

¹⁰⁷ (...continued)

Committee on Appropriations, *Legislative Branch Appropriations for 2003*, 107th Cong., 2nd sess., Apr. 17, 2002 (Washington: 2002), p. 84.

¹⁰⁸ Testimony of the Senate Sergeant at Arms, Alfonso Lenhardt, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2003*, 107th Cong., 2nd sess., May 1, 2002, pp. 201, 203.

¹⁰⁹ See testimonies of the Clerk of the House, Jeff Trandahl, the Sergeant at Arms of the House, Wilson Livingood, the Chief Administrative Officer of the House, James M. Eagen III, , and the Architect of the Capitol, Alan Hantman, U.S. Congress, House Committee on Administration, *Hearing on Security Upgrades Since September 11, 2001*, hearings, 107th Cong., 2nd sess., Sept. 10, 2002 (Washington: GPO, 2003), pp. 13-14 (Trandahl), pp. 20-21 (Livingood), pp. 9-11 (Eagen), and pp. 16-17 (Hantman).

¹¹⁰ Testimony of the Senate Sergeant at Arms, Alfonso Lenhardt, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch* (continued...)

- practice of procedures for relocating Senate operations to an off-site chamber, and off-site congressional offices and briefing center;
- development of intelligence cooperation with the Federal Bureau of Investigation, District of Columbia Metropolitan Police, and other government agencies;
- upgrade of the Senate pager system;
- distribution of BlackBerries to Senators;
- development of means to combine pagers and BlackBerries into one system for ease of use by Senators and staff;
- development of a communications strategy for the Hill;
- upgrade of early response and communications abilities;
- development of “concentric circles of security” to enable movement by Senators and staff to areas away from the Capitol during threats;
- establishment of an alternative off-site computer facility; and
- upgrade of means to prevent cyberattacks.

Committee on House Administration Hearing on Mail Delivery.

Subsequent to delays in mail processing following the discovery of anthrax-tainted mail in the Hart Senate Office Building in October 2001, the House Committee on Administration held an oversight hearing May 8, 2002, to address security and safety issues in the House mail processing system. The chief administrative officer of the House addressed actions taken and future plans. He stated that House postal operations had been moved from House office buildings to an off-site mail processing facility in Maryland, primarily to protect House office building employees. Future plans included the development of more expeditious methods to identify contaminants, enhancement of automation for the package delivery process, and possible use of a digital mail system, in which incoming mail would be received and opened at an off-site facility, digitally copied with a scanner, and electronically forwarded to House offices within 24 hours of receipt.¹¹¹

Surveys. Among surveys conducted after the 2001 attacks were those by the Capitol Police and Office of Compliance.

U.S. Capitol Police Security Survey. In the aftermath of the terrorist attacks and the first-ever evacuation of the Capitol and surrounding congressional office buildings on September 11, 2001, the Capitol Police directed the Defense Threat Reduction Agency (DTRA) to conduct a comprehensive security survey of the Capitol complex. In December 2001, the DTRA issued an internal report that provided Congress with “a road map to enhance security and address vulnerabilities.”

¹¹⁰ (...continued)

Appropriations for 2003, 107th Cong., 2nd sess., May 1, 2002, p. 203.

¹¹¹ Written testimony of the Chief Administrative Officer of the House, James Eagen, U.S. Congress, House Committee on Administration, *Oversight Hearing on Congressional Mail Delivery in the U.S. House of Representatives*, submitted for hearings held May 8, 2002.

The document included information gathered earlier in a security survey by the Capitol Police and the U.S. Secret Service.¹¹²

Office of Compliance Survey. As required by law,¹¹³ the Office of Compliance issued a report to Congress on November 19, 2002, containing its findings on the status of safety and security measures taken on Capitol Hill since 1996, especially since September 11, 2001.¹¹⁴ Among its findings, the office concluded that additional improvements were needed to adequately respond to biological and chemical attacks, and stressed the need for fire protection, alarm, and emergency communications systems upgrades. The report summarized the safety and health problems identified by inspectors, and acknowledged the improvements made by the Capitol Hill police and other legislative branch entities since September 11.

General Accounting Office Study of Law Enforcement Training . In response to a March 1, 2003, request from Representatives Ernest Istook and Jack Kingston, the General Accounting Office (GAO) examined the operations of the consolidated Federal Law Enforcement Training Center (FLETC), which serves 75 agencies.¹¹⁵ Participating legislative branch agencies currently include the Capitol Police, Government Printing Office, and Library of Congress. GAO was directed to study the impact of increased training demands, ability of the center to coordinate and schedule training, and “whether oversight and governance structures provide the guidance it needs to address its capacity and planning challenges.”¹¹⁶

In its July 24, 2003, report, GAO recommended that the Secretary of the Department of Homeland Security enhance the ability of FLETC to train personnel, periodically review the administration and operations of FLETC facilities, improve the FLETC “acquisition process for an automatic scheduling system,” and strengthen oversight of the Board of Directors of FLETC.¹¹⁷

House and Senate Subcommittees on Legislative Branch, Committees on Appropriations, FY2004 Funding. Among issues considered by the House and Senate Committees on Appropriations were

¹¹² Written testimony of the Sergeant at Arms of the House, Wilson Livingood, U.S. Congress, House Committee on Administration, *Oversight Hearings on Capitol Security, Emergency Preparedness and Infrastructure Upgrades Since September 11, 2001*, submitted for hearings held Sept. 10, 2002.

¹¹³ P.L. 104-1, 109 Stat. 18, Sec. 215e.

¹¹⁴ The office is required to submit periodic reports to Congress, at least once a year.

¹¹⁵ Representatives Istook and Kingston were later joined in the request by members of the Subcommittee on Homeland Security, House Appropriations Committee. Training for the Capitol Police is provided primarily at two of FLETC’s four primary facilities: Glynco, Georgia, and Cheltenham, Maryland. The two other primary facilities are located in Aresia, New Mexico, and Charleston, South Carolina.

¹¹⁶ U.S. General Accounting Office, *Federal Law Enforcement Training Center: Capacity Planning and Management Oversight Need Improvement*, GAO-03-736, July 24, 2003.

¹¹⁷ *Ibid.*, introductory page (no page number).

- funding for construction and furnishing of the Capitol Visitors' Center;
- additional security enhancements within and around the Capitol complex;
- the level of additional appropriations for activities of the Capitol Police;
- the number of additional sworn and civilian Capitol Police personnel;
- requests of the Capitol Police to expand their physical jurisdiction, establish a mounted police unit, authorize officers to carry guns (other than those used for official duty) when off-duty, and expand the law enforcement duties of officers outside the physical jurisdiction of the Capitol Police, including Members' home districts and states; and
- approval of request for \$61.0 million for an alternative computer facility to be shared by all legislative branch agencies.

Earlier U.S. Capitol Police Enhancements

During the decade prior to the terrorist attacks, a number of security enhancements to Capitol complex security were set in place, pursuant both to studies and recommendations and actions taken by the Capitol Police and other congressional entities concerned with security, and directions and authorizations contained in appropriations language.

For some time, the Capitol Police force has had the capability to deal with a wide array of challenges, including armed intruders, bomb threats, and chemical and biological warfare. Metal detectors, X-ray machines, other state-of-the-art security and surveillance systems, and uniformed officers are located at the entrances of all 19 buildings comprising the Capitol Hill complex. Inside the Capitol, security cameras and motion detectors monitor the movement of people. Uniformed and plain-clothes officers are stationed in the House and Senate chambers, and throughout the building. All trucks making deliveries to the Capitol must first go to a central delivery site where the contents are unloaded and subjected to X-ray, weapons, and K-9 inspections before being delivered. K-9 units also perform random sweeps for explosives in adjacent streets and parking garages.

The professionalism of the Capitol Police force was recognized in November 2002, when the force was granted accreditation by the Commission on Accreditation for Law Enforcement Agencies after three years of assessment. The police force was the first full-service federal law enforcement agency to receive accreditation from the commission.¹¹⁸

¹¹⁸ Suzanne Nelson and Diwata Fonte, "Morning Business- High Honors," *Roll Call*, Nov. 21, 2002, p. 3.

Enhanced Capabilities. Among the ways in which the Capitol Police force, with the concurrence of Congress and the Capitol Police Board, enhanced its capabilities and professionalism were by

- increasing the training opportunities available to members of the force;
- creating a physical security division charged with the development and implementation of an integrated security plan for the entire Capitol complex;
- strengthening its ability to deter, interdict, and respond to acts of violence through partnership with other U.S. intelligence and security agencies;
- developing a chemical/biological incident response capability;¹¹⁹
- updating intrusion alarms and installing new security equipment;¹²⁰ and
- creating the position of chief administrative officer of the Capitol Police force to oversee financial management, budgeting, information technology, and human resources.¹²¹

Specialized Units. The Capitol Police force has also established several specialized units that deal with particular types of security threats, address organizational concerns, and assure appropriate responses to new kinds of perceived threats.¹²² Each specialized unit, except for the hazardous devices unit, also works on collateral assignments, including street patrols. These units include the

- *first responder unit*, the first to arrive when there is an emergency;
- *mountain bike unit*, used for increased mobility across the Capitol grounds when a situation requires quick access to a site;
- *containment and emergency response unit*, used for counter-terrorism, hostage rescues, dignitary protection, and chemical/biological warfare situations;
- *hostage negotiations unit*, with primary responsibility for all hostage negotiations, frequently assisted by the *containment and emergency response unit*;
- *civil disturbance unit*, responsible for monitoring large demonstrations when the potential for significant public disturbances exists; and
- *hazardous devices unit*, acts as the bomb squad on Capitol Hill, conducts off-site explosives security for Members, maintains a K-9 explosives response functions.

¹¹⁹ U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 1998*, hearings, 105th Cong., 1st sess., May 20, 1997 (Washington: GPO, 1997), pp. 46-50, 71-75.

¹²⁰ Unpublished transcript of U.S. Congress, House Committee on Administration, Business Meeting, June 28, 2000.

¹²¹ The appointment of the first chief administrative officer was effective Feb. 12, 2001.

¹²² Information provided by the Capitol Police.

FY1997 and FY1998 Funding. The FY1997 appropriation for the Capitol Police was \$72.1 million.¹²³ The Capitol Police also received \$3.25 million for the “design and installation of security systems for the Capitol buildings and grounds,” and the Architect was provided \$250,000 for “architectural and engineering services related to the design and installation” of those systems.¹²⁴ The FY1998 funding level for the Capitol Police was \$74.1 million.¹²⁵

FY1999 Funding. The FY1999 funding bill contained \$83.1 million for the Capitol Police.¹²⁶ The bill also contained a directive of the Senate Appropriations Subcommittee on Legislative Branch that the Architect of the Capitol study the facility needs of the Capitol Police and propose a master plan to address the force’s requirements.¹²⁷ Specifically, the subcommittee directed that the master plan consider “police needs for a communication, command and control facility, an offsite delivery/screening facility, USCP training facility, chemical and explosive storage facility, vehicle maintenance facility, and K-9 facility.”

Both houses agreed to the Senate provision appropriating \$475,000 to the Architect to develop the plan in the FY1999 bill. On February 1, 2000, the Architect presented a master plan that primarily addressed the Capitol Police training facility, the vehicle maintenance facility, and the off-site delivery center.¹²⁸

In late 1999, the Architect released his Capitol Police facility master plan identifying five projects that needed to be developed in the immediate future: off-site delivery facility, vehicle maintenance facility, training facility, command and communications center, and hazardous explosive storage facility.¹²⁹ The plan remains under consideration pending further review by the appropriations committees and other oversight committees.

Additional FY1999 funds were contained in the FY1999 Omnibus Appropriations Act, which contained FY1999 supplemental funds of \$106.8 million for the Capitol Police to make “security enhancements to the Capitol complex, including the buildings and grounds of the Library of Congress.”¹³⁰ The conference

¹²³ P.L. 104-197; 110 Stat. 2402-2403.

¹²⁴ P.L. 104-208; 110 Stat. 3009-510-511.

¹²⁵ P.L. 105-55; 111 Stat. 1185-1186.

¹²⁶ P.L. 105-275; 112 Stat. 2430. The FY1999 act included funding for 1,251 positions.

¹²⁷ U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 1999*, report to accompany S. 2137, 105th Cong., 2nd sess., S.Rept. 105-204 (Washington: GPO, 1998), p. 30.

¹²⁸ *Legislative Branch Appropriations for Fiscal Year 2001*, hearings, 106th Cong., 2nd sess., Feb. 1, 2000, p. 516.

¹²⁹ Information provided by the Capitol Police.

¹³⁰ P.L. 105-277; 112 Stat. 2681-570. The enhancements were subject to approval by the Committee on House Administration, Senate Committee on Rules and Administration, and House and Senate Committees on Appropriations. The supplemental funds resulted from (1)

report on the legislation identified 22 specific categories of priority security needs.¹³¹ Subsequently, the House and Senate Appropriations Committees reviewed and approved plans for the use of the funds primarily for personnel and physical security needs.¹³²

The FY1999 omnibus appropriations act also transferred responsibility for the design, installation, and maintenance of the Library of Congress security system to the Capitol Police Force from the Architect of the Capitol.¹³³

FY2000 Funding. In FY2000, the Capitol Police received a regular appropriation of \$84.9 million,¹³⁴ and an emergency supplemental of \$2.1 million for security enhancements. The supplemental included \$228,000 for card readers at four Capitol entrances, and \$1.9 million for completion of a closed circuit television system and access control improvements at the Library of Congress.¹³⁵

FY2001 Funding. The FY2001 police appropriations was \$106.9 million, an increase of 22.3% over FY2000.¹³⁶ Conferees on the FY2001 bill noted that 1,481 FTEs were funded, but that the FTE level was limited to 1,402, until a Capitol Police study of posting requirements had been completed. Conferees directed that sufficient resources be allocated to ensure implementation of the “two officers per door” policy, and established a Capitol Police Office of Administration headed by a chief administrative officer to “carry out responsibilities for budgeting, financial

¹³⁰ (...continued)

a broad review of the Capitol Police security program by security experts from federal law enforcement and intelligence agencies and the private sector; (2) hearings and discussions with congressional leaders as well as the committees of jurisdiction; and (3) a personnel audit of Capitol Police security operations by a private firm.

¹³¹ U.S. Congress, Conference Committee, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105th Cong., 2nd sess., H.Rept. 105-825 (Washington: GPO, 1998), pp. 1530-1531. The conference agreement included funds for 260 additional Capitol Police personnel over a two-year period, and \$12 million for overtime pay.

¹³² U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for Fiscal Year 2001*, hearings, 106th Cong., 2nd sess., Feb. 1, 2000 (Washington: GPO, 2000), p. 390.

¹³³ P.L. 105-277; 112 Stat. 2681-570.

¹³⁴ P.L. 106-57; 113 Stat. 417, as rescinded by 0.38% in P.L. 106-113, 113 Stat. 1501A-303, Appendix E.

¹³⁵ The FY2000 supplemental appropriation was contained in P.L. 106-554, 114 Stat. 2763, FY2001 Consolidated Appropriations Act, which incorporates by reference the provisions of H.R. 5657, FY2001 legislative branch appropriations bill, and FY2000 supplemental appropriations. H.R. 5657 was introduced on December 14, 2000, following the President’s veto of H.R. 4516, the first version of the FY2001 legislative branch appropriations bill, on Oct. 30, 2000. See also U.S. Congress, Conference Committees, *Making Appropriations for the Legislative Branch for the Fiscal Year 2001*, conference report to accompany H.R. 4516, 106th Cong. 2nd sess., H.Rept. 106-796 (Washington: GPO, 2000), p. 48.

¹³⁶ *Legislative Branch Appropriations Bill, 2002*, H.Rept. 107-169, p. 13.

management, information technology, and human resource management, as specified in authorizing legislation.”¹³⁷

¹³⁷ *Making Appropriations for the Legislative Branch for the Fiscal Year 2001*, H.Rept. 106-796, p. 39.