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## **The Capitol Visitor Center: An Overview**

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# The Capitol Visitor Center: An Overview

## Summary

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

The cost of the center, the most extensive addition to the Capitol since the Civil War, and the largest in the structure's more than 200-year history, is now estimated to be at least \$555 million. The project is being financed with appropriated funds, and a total of \$65 million from private donations and revenue generated by the sale of commemorative coins.

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

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

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

As construction of the center has proceeded, some have expressed concern over the estimated cost for the center, which continues to increase. It is now estimated that the center will open to the public in July 2007.

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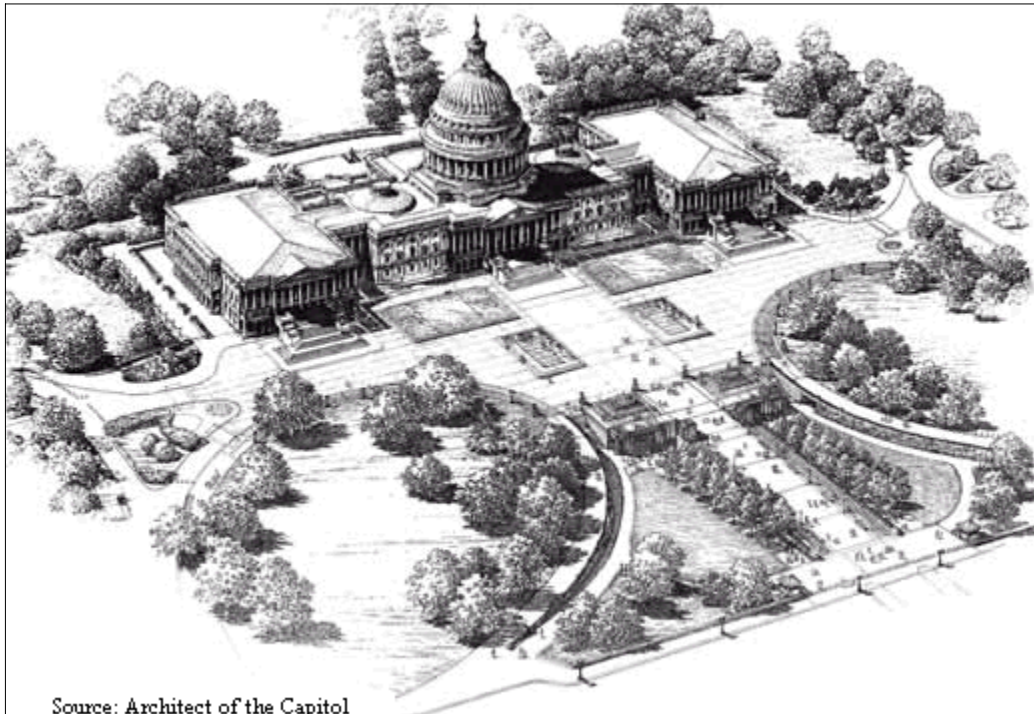
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# The Capitol Visitor Center: An Overview

## Introduction

The Capitol Visitor Center (CVC), now being constructed under the East Front Plaza, is intended to enhance the security, educational experience, and comfort of those visiting the U.S. Capitol when it is completed. The decision to build a subterranean facility largely invisible from an exterior perspective was made so the structure would not compete with, or detract from, the appearance and historical architectural integrity of the Capitol. The project's designers have sought to integrate the new structure with the landscape of the East Capitol Grounds and ultimately recreate the park-like setting intended by landscape architect Frederick Law Olmsted, Sr. in his historic 1874 design for the site.<sup>1</sup> The cost of the center, the most extensive addition to the Capitol since the Civil War, and largest in the world-famous structure's more than 200-year history, is an estimated \$555 million.

**Figure 1. "Birds-eye"  
Rendering of East Front Plaza  
with Completed Visitor Center**



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<sup>1</sup> Jennifer Yachnin, "Sticking to the Plan: CVC Officials Use Original Olmsted Landscaping Blueprint," *Roll Call*, Sept. 9, 2002, pp. B52-B53.

The footprint of the new center covers approximately five acres (196,000 square feet) and is larger than that of the Capitol (175,000 square feet). The square footage of the three levels of the center (580,000 square feet) is nearly two-thirds that of the Capitol itself (780,000 square feet). The hole contractors dug for the center was three levels deep and the equivalent of five football fields long. During the excavation of the site, more than 500,000 cubic yards of soil was removed, enough to fill 53,000 dump trucks.

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

The center was not completed in time for the 2005 presidential inauguration of George W. Bush as originally planned. Approximately half of the Capitol's East Front plaza, which forms the roof deck of the subterranean center, however, was able to accommodate the President's motorcade, staging activities, and a joint-military parade during which the President reviewed the troops.

The rest of the new plaza remained inaccessible behind a construction fence used to hide construction equipment and related materials. The major structural work on the center was completed in December 2004. Workers are now focusing on finishing work inside the structure, including the mechanical, electrical, and plumbing systems.

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

The center is not without its detractors. Opponents have expressed concern over its cost, the destruction or relocation of dozens of trees on the East Front grounds of the Capitol, a design that destroys the visual and spatial relationships of the East Lawn, the disruption caused by such a large project, and the loss of parking spaces at the base of the Capitol.<sup>2</sup> Also, the "architectural character of the interiors" of the center have been characterized by at least one writer as "bland at best." The same

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

architectural critic wrote, “You automatically lose a lot when you go underground — natural light, fresh air and a sense of orientation that impresses all of your senses with the three-dimensional reality of a particular place at a particular time.” Finally, he asserts that no matter how well an underground building is designed, a “certain sense of sameness and unreality pervades.”<sup>3</sup>

## Rationale for the Center

The main structures of the U.S. Capitol were completed by 1863, at a time when the population of the United States was little more than 32 million, and mass popular tourism had yet to emerge. Although the building and its facilities have been constantly updated and modernized since that time, the structure has remained essentially unchanged since the era of the Civil War. Almost unique in its multiple functions as national monument and museum, tourist attraction, and working office building, by the turn of the 21<sup>st</sup> century, the Capitol welcomed as many as 3.5 million visitors per year, while simultaneously serving a larger Congress and its staff as the seat of the Senate and House of Representatives of the United States. By the late 20<sup>th</sup> century, visitors from across the nation and around the world waited at the building’s entrances in all kinds of weather to be guided through the Capitol’s historic chambers. Despite ongoing efforts, contemporary interpretative spaces to enhance the educational value of the visitor’s experience were in short supply, and modern rest, comfort, and dining facilities for visitors were extremely limited.

## Safety and Security

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

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

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<sup>3</sup> Benjamin Forgey, “Capitol Disorientation Center: Underground Visitors Facility Will Provide Bathrooms and the Blahs,” *Washington Post*, Nov. 25, 2000, p. C1.

meet the changing nature of visitor expectations and their desire to witness the Legislative Branch in action.<sup>4</sup>

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

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

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

## Visitor Education

The center’s “16,500 square foot gallery will be the only one in the country dedicated to the history and accomplishments of the Congress and the growth of the Capitol, it will feature a number of interesting and educational exhibits.” These are expected to include (1) a “10-foot tall touchable model of the Dome with cutaway interior”; (2) “historic documents from the Library of Congress and the National Archives chronicling legislative achievements”; (3) six alcoves devoted to the

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<sup>4</sup> Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003.

<sup>5</sup> Bob Dart, “Security Transforms D.C.: Project Offers Protection With Fine Style,” *Atlanta Journal-Constitution*, July 11, 2002, p. 1B.

<sup>6</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Committee on House Administration, *Oversight Hearing on Capitol Security, Emergency Preparedness and Infrastructure Upgrades Since September 11, 2001*, hearings, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., Sept. 10, 2002 (not published).

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



“history of the House, the Senate, and the Capitol Square”; (4) theaters showing historic programs as well as live broadcasts of floor proceedings; (5) exhibits “covering everything from subways to grounds-keeping; (6) a photo exhibit featuring the Capitol as a national stage for important ceremonies”; and (7) “an interactive area” featuring programs about Congress and the Capitol.<sup>8</sup>

## Visitor Comfort

In addition to serving as the security screening entry for visitors to the Capitol, the center is expected to provide improved accessibility for disabled persons; enhanced fire, safety, and security systems; new facilities for routine deliveries and garbage removal; additional educational experiences for visitors; and improved visitor services. Once inside the center, visitors will be able to view the Capitol through two 40- by 60-foot skylights. The center is planned to house a 600-person cafeteria, 26 restrooms, a pair of 250-seat theaters where visitors would watch a short orientation film on the Capitol, a 450-seat auditorium, a 17,000 square foot exhibition hall, gift shops, information desks, a first aid center, restrooms, and two constituent meeting rooms where lawmakers can greet large groups. All of these amenities are currently in short supply at a building that hosted three million people in 2000. Nearly one-third of the center is expected to contain congressional briefing and conference rooms. The project also includes modifications within the East Front Extension of the Capitol that would significantly upgrade accessibility and vertical circulation.

Planners in locating the center adjacent to, and connected with, the Capitol also sought to improve the aesthetics as well as the functionality of the Capitol. It has been projected that the center will “accommodate up to 5,000 visitors at any time. That would allow about 1,500 tourists to pass through the Capitol each hour, along with an additional 700 in House and Senate galleries.”<sup>9</sup>

## Functional Improvements

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

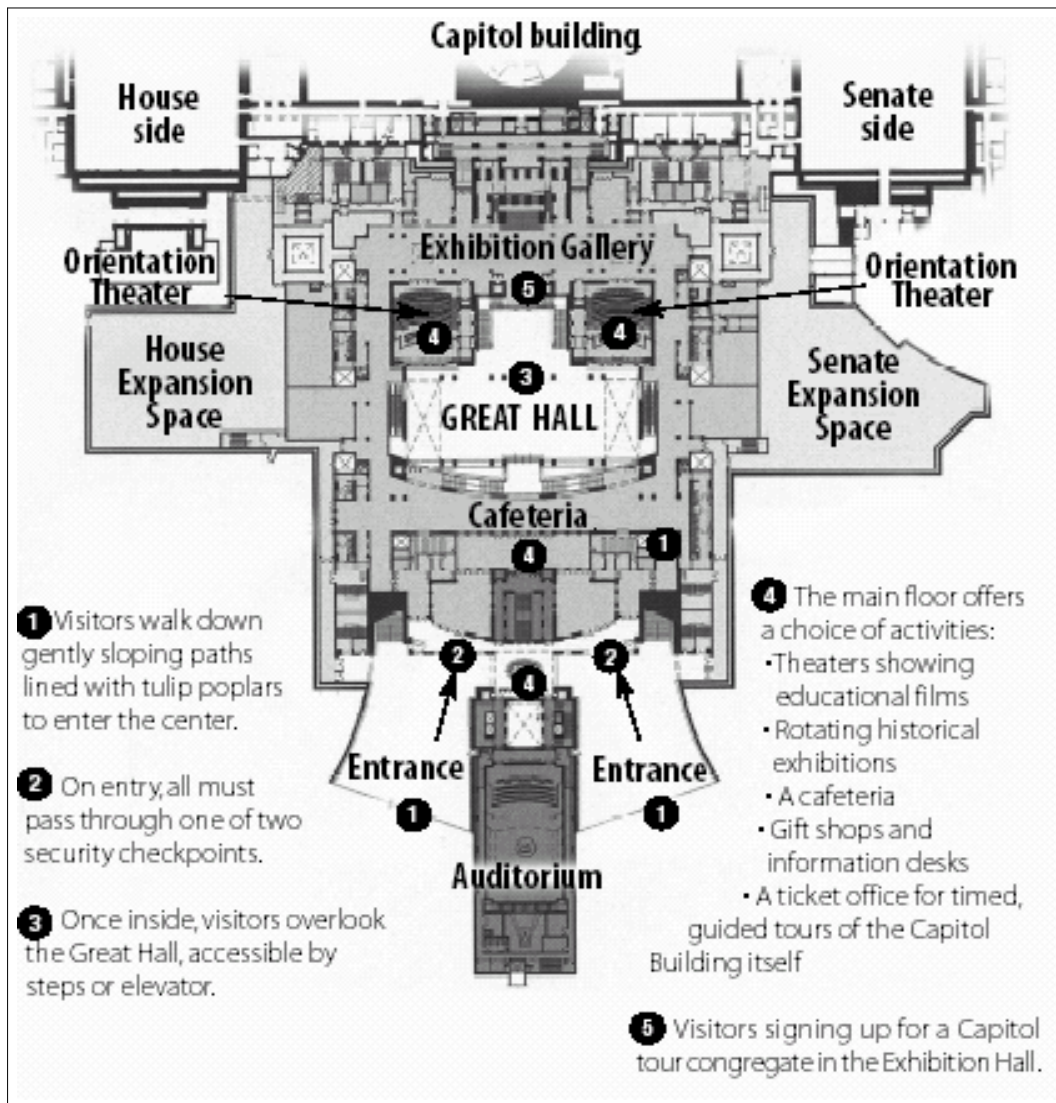
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<sup>8</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2005*, hearings, 108<sup>th</sup> Cong.,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

<sup>9</sup> Jennifer Yachnin, “Go West: Tour Operations Get a New Home: Visitors Will Enter Capitol at West Front,” *Roll Call*, May 20, 2002, p. A27.

<sup>10</sup> U.S. Architect of the Capitol, *Capitol Visitor Center Fact Sheet*, summer 2005, (continued...)

**Figure 2. Floor Plan of Visitor Center**



Source: Congressional Quarterly.

### **Additional Space for the House and Senate**

Flanking each side of the center is expected to be 85,000 square feet of additional office space for the House and Senate. Much of this \$70 million space is scheduled to be completed late in 2006, after the center opens its doors. The space has already been designed and construction bids solicited. The Senate space would be used for (1) an expanded and updated recording studio, and Office of Senate Security, which handles classified materials; (2) “climate-controlled storage facilities for the Senate gift shop and curator’s office, both of which currently have to go off-campus to store sensitive artwork and other items;” (3) “the Senate’s closed-

<sup>10</sup> (...continued)

[[http://www.aoc.gov/cvc/upload/cvc\\_fact\\_sheet\\_2005\\_06.pdf](http://www.aoc.gov/cvc/upload/cvc_fact_sheet_2005_06.pdf)].

captioning service, a division of the Secretary's office," and (4) at least six new meeting rooms. A significant portion of Senate's "space will remain unoccupied to allow for future needs."<sup>11</sup>

Plans for the House's expanded space include (1) a 3,500-square-foot hearing room, second only in size to the House Ways and Means Committee hearing room; (2) new space of the House Intelligence Committee, which "will be equipped to support secured briefings and provide additional conference rooms for staff;" and (3) "additional studio space for the House Radio-TV Gallery."<sup>12</sup>

## Planning for the Center

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

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

"The overall intent" of the visitor center, the Architect explained in the 1995, "is to create a 'visitor-friendly' environment by providing educational opportunities with a wide range of choices, together with amenities such as adequate rest rooms,

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<sup>11</sup> Suzanne Nelson, "Rush for Space in CVC Already Winding Down," *Roll Call*, July 8, 2004, p. 1, 22.

<sup>12</sup> Suzanne Nelson, "Rush for Space in CVC Already Winding Down," *Roll Call*, July 8, 2004, pp. 1, 22.

<sup>13</sup> *United States Capitol Visitor Center: Conceptual Study Submission* (Washington: RTKL Associates Inc., June 17, 1991) in: U.S. Congress, *Concept for an Underground Visitors Center at the East Plaza of the U.S. Capitol; and the Leasing of Space by the Architect of the Capitol in the Judiciary Office Building*, hearings, 102<sup>nd</sup> Cong., 1<sup>st</sup> sess., Oct. 9, 1991 (Washington: GPO, 1992), p. 35; and U.S. Architect of the Capitol, *United States Capitol Visitor Center: Final Design Report to Accompany Construction Documents* (Washington: Architect of the Capitol and RTL Associates Inc., Nov. 10, 1995), p. 5. See also U.S. General Accounting Office, *Financial Audit: Capitol Preservation Fund for Years Ended September 30, 1995 and 1994*, GAO/AIMD-96-97 (Washington: July 1996), p. 10.

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

eating facilities, telephones, and ample weather — protected queuing space, now regarded as expectations of an increasingly well-traveled and sophisticated public.”<sup>15</sup> Also included in the plan were full accommodation for persons with physical or sensory impairments,<sup>16</sup> and relocated security screening for visitors to a “point far removed from the Capitol.” There is a recognized concern, the report emphasized, “to enhance facilities for dealing with the security needs of the Capitol, which are now addressed in a way that detracts from the dignity of the Capitol and cannot provide the optimum treatment of security needs.”<sup>17</sup>

## Impetus for Final Approval

For more than three decades, Congress has discussed construction of a center, separate from the Capitol building, to welcome and screen the millions of visitors each year that visit what Capitol architect Benjamin Henry Latrobe called “the Hall of the People.” Not until after a gunman with a history of mental illness killed two U.S. Capitol Police officers stationed near a public entrance to the Capitol in July 1998, however, did the idea gain momentum. That “crime convinced lawmakers that they needed better control of access, and provided justification for the spending that some legislators had worried would be considered extravagant. Within months \$100 million was appropriated for the center.”<sup>18</sup>

The September 11, 2001 terrorist attacks at the Pentagon and in New York, and the subsequent discovery of anthrax in congressional office buildings highlighted concerns regarding the potential vulnerabilities of the Capitol and the need for improved security on Capitol Hill. These developments influenced congressional discussions concerning the necessity of spending money on the center, and the final funds needed to begin construction were made available. As *Washington Post* architectural critic Benjamin Forgey observed, “The Capitol undeniably is a magnet for terrorists and deranged individuals. Prudence dictates that the building be made as secure as possible, while remaining open and accessible to the public.” “It is clear that the Capitol Visitor Center as designed,” Forgey explained, “will improve both convenience and security.”<sup>19</sup> Work is now completed on ringing the Capitol grounds with metal bollards to enhance control of pedestrian and vehicle access.

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

<sup>16</sup> Ibid., pp. 27, 29.

<sup>17</sup> Ibid., p. 6.

<sup>18</sup> Carl Hulse, “Workers Set to Transform East Front of the Capitol,” *New York Times*, May 28, 2002, p. A17.

<sup>19</sup> Benjamin Forgey, “Capitol Disorientation Center: Underground Visitors Facility Will Provide Bathrooms and the Blahs,” *Washington Post*, Nov. 25, 2000, p. C1.

## Cost of the Project

### Estimated Cost of the Center

The original project budget of \$265 million for the Capitol Visitor Center, Architect of the Capitol Alan Hantman told a March 2003 House hearing, was established in 1999. “At that time,” Hantman said, “the budget provided for the core CVC facilities, including the Great Hall, orientation theaters, exhibition gallery, cafeteria, gift shops, mechanical rooms, unfinished shell space for the future needs of the House and Senate, and the truck service tunnel.”<sup>20</sup> In mid-February 2006, the Government Accountability Office (GAO) calculated that the cost to complete the center would be about \$555 million “without an allowance for risks and uncertainties.” Because there have been “changes in the project’s design and scope” since construction began, and “more are likely,” GAO estimated “that the project could cost as much as about \$584 million at completion.”<sup>21</sup>

### Funding for the Center

**Appropriated Funds.** Congress initially appropriated \$100 million for the center in the FY1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act.<sup>22</sup> Following the terrorist attacks of September 11, 2001, Congress, in order to meet new security demands, made available \$138.5 million pursuant to the FY2002 Terrorism Emergency Supplemental Act.<sup>23</sup> An additional

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<sup>20</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Rules and Administration, *Oversight of the Operations of the Secretary of the Senate, and Architect of the Capitol*, hearing, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., Mar. 19, 2003 (not published).

<sup>21</sup> Testimonies of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitors Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 15, 2006 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T (Washington: Feb. 15, 2006), pp. 3, 9-12.

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

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

\$70 million was provided in the FY2002 Legislative Branch Appropriations Act<sup>24</sup> for the “build-out of the House and Senate expansion spaces.”<sup>25</sup>

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

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

First, Congress authorized a public commemorative coin issue in observance of the 200<sup>th</sup> anniversary of the first meeting of Congress in the U.S. Capitol in the District of Columbia. The coins were issued in gold, platinum, and silver, and proceeds from the sale of the coins, less expenses, were deposited with the U.S. Capitol Preservation Commission for the specific purpose of construction and

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<sup>24</sup> P.L. 107-68, 115 Stat. 588, Nov. 12, 2001.

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

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

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

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

maintenance of the CVC. A total of \$3,527,542 was raised from the sale of the 200<sup>th</sup> anniversary commemorative coins.<sup>29</sup>

Second, conferees included language in the conference report on the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999 (P.L. 105-277) stipulating that appropriated funds for the CVC had to “be supplemented by private funds.”<sup>30</sup> Early in 2000, the Capitol Preservation Commission responded to this requirement by directing the Clerk of the House and the Secretary of the Senate to develop jointly a fund-raising plan for the center. That February, the commission approved the plan for “accepting the unsolicited offer and agreement of the Pew Charitable Trusts to establish a nonprofit 501(c)(3) foundation to solicit and receive private funds for the sole purpose of donating such funds for the visitor center project.”<sup>31</sup>

Early in 2002, the Fund for the CVC announced that it had reached its \$39 million fund-raising goal, and all of the money would be turned over to the Capitol Preservation Commission.<sup>32</sup> The remaining private sector funds available for construction of the center had been contributed to the commission at an earlier date.<sup>33</sup> In January 2002, the Capitol Preservation Commission was authorized by law to

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<sup>29</sup> The United States Capitol Visitor Center Commemorative Coin Act authorized three coins: a five dollar gold coin (to be sold for \$35), a silver dollar (to be sold for \$10), and a clad half dollar (made of a composite material, to be sold for \$3). P.L. 106-126, 113 Stat. 1644-1647, Dec. 6, 1999; and Stacy Andersen, spokesperson for the Congressional Liaison Office, U.S. Mint, Mar. 6, 2003.

<sup>30</sup> U.S. Congress, Conference Committees, 1999, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 105-825 (Washington: GPO, 1998), p. 590.

<sup>31</sup> The foundation was “an independent, nongovernment entity, and a written agreement establishe[d] a clear working relationship between the 501(c)(3) entity and the Commission.” Fund raising was done in accordance with commission-approved guidelines. The commission “retain[ed] control over the planning, design, engineering, and construction.” Testimony of Secretary of the Senate, Gary Sisco, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2001*, hearings, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess., Mar. 21, 2000 (Washington: GPO, 2001), pp. 264-265; and Lauren W. Whittington, “Visitor Center Fund Begins Final Push,” *Roll Call*, Aug. 9, 2000, pp. 1, 17.

<sup>32</sup> Lauren W. Whittington, “Visitor Center Fund to Close Its Doors,” *Roll Call*, vol. 48, Feb. 14, 2002, p. 3; and Christine Cube, “Capitol Visitor Center Fund Reaches \$39M Goal,” *Washington Business Journal*, Feb. 22, 2002, p. 9.

<sup>33</sup> In June 2001, Clerk of the House, Jeff Trandahl told a House hearing that approximately \$30 million in Capitol Preservation Commission funds were also available for construction of the center. Testimony of Clerk of the House, Jeff Trandahl, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., June 27, 2001 (Washington: GPO, 2001), p. 263.

transfer funds from its Capitol Preservation Fund to the Architect of the Capitol for use in the planning, engineering, design, or construction of the CVC.<sup>34</sup>

## Pre-Construction Phase

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

In October 2001, several months before the actual excavation for the footprint of the center began, the Davey Tree Expert Company, a tree maintenance contractor, was hired to ensure that the more 300 trees on the East Capitol grounds were protected, pruned, mulched, and monitored during the construction. Also, a subcontractor, Houston-based National Shade L.P., specialists in large tree transplanting, was engaged to assist in that phase of the work.<sup>35</sup> Early in 2002, a canopy misting sprinkling system was installed on each tree to protect foliage from excessive dust.<sup>36</sup>

Prior to the awarding of the tree preservation contract, considerable concern was expressed in the media regarding the preservation of the memorial trees located on the East Front, which had been sponsored by Members of Congress to commemorate and honor former First Lady Patricia Nixon, Dr. Martin Luther King, Jr., former Members of Congress, including two Speakers of the House, organizations, eminent individuals, and even states.<sup>37</sup>

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<sup>34</sup> P.L. 107-117, Title IX, Chap. 9, Sec. 913, 115 Stat. 2324, Jan. 10, 2002. The Capitol Preservation Fund was established in 1988 within the U.S. Treasury to finance the improvement, preservation, and acquisition activities of the Capitol Preservation Commission (P.L. 100-696, Title VIII, 102 Stat. 4608-4609, 40 U.S.C. 188a(a)). The Capitol Preservation Fund “consists of assets derived from deposits of charitable contributions, surcharge proceeds from the Secretary of the Treasury arising from the sale of commemorative coins, and interest earned on the invested portions of the Capitol Preservation Fund.” U.S. General Accounting Office, *Financial Audit: Capitol Preservation Fund's Fiscal Years 2001 and 2000 Financial Statements*, GAO report GAO-020587, May 2002, p. 11.

<sup>35</sup> U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2003*, hearings, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., Apr. 25, 2002 (Washington: GPO, 2002), p. 381; Karen Hosler, “‘Seedling’ of Md. Liberty Tree Moved,” *Baltimore Sun*, Dec. 18, 2001, p. 3A; Carl Hulse, “Workers Set to Transform East Front of the Capitol,” *New York Times*, May 28, 2002, p. A17; and Sylvia Moreno, “12-Ton Liberty Tree on the Move at the Capitol,” *Washington Post*, Dec. 16, 2001, p. C9.

<sup>36</sup> Sarita Chourey, “Arborists Prepare Trees for the Summer Heat,” *The Hill*, May 1, 2002, p. 12.

<sup>37</sup> For a complete list of memorial trees see U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., June 27, 2001 (Washington: GPO, 2001), pp. 370-371.



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

Arborists have obtained cuttings from all 14 trees in order to replant those that are lost in other locations on the Capitol grounds. If these efforts fail, the usual procedure to replace a memorial tree that dies a natural death will be followed — an excellent, robust specimen, usually of the same species, will become the replacement memorial tree. In regard to non-memorial trees, most of those affected are tulip poplars along East Capitol Street, and many of these are near the end of their natural life span. These trees will be replaced with 15-to-20-foot tulip poplars in a manner that restores the original intention of landscape architect Frederick Law Olmsted, Sr. Overall, there will be more trees replaced on the Capitol Grounds than are lost during construction.<sup>38</sup>

By the time the Capitol Visitor Center is completed, it is estimated that nearly \$2 million will have been spent “on trees — moving them, felling them and planting 85 new ones on the East Front.” Tree-care contractors will remain on the site until construction is completed.<sup>39</sup>

## Construction of the Center

On June 20, 2000, members of the United States Capitol Preservation Commission,<sup>40</sup> the 18-member bipartisan, bicameral, board of congressional leaders responsible for the design and construction of the center, gathered on the East Front Plaza of the Capitol for a symbolic groundbreaking ceremony for the center. In November 1999, prior to the groundbreaking, the commission approved a revised conceptional design for the center, and a design and engineering obligation plan was approved by the House and Senate legislative appropriations subcommittees in November 1999 and January 2000, respectively.<sup>41</sup>

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<sup>38</sup> “December 2001: Project Update — Tree Preservation Activities Begin,” Architect of the Capitol website, Aug. 11, 2005, [[http://www.aoc.gov/cvc/cvc\\_cont\\_notice\\_12\\_2001.cfm](http://www.aoc.gov/cvc/cvc_cont_notice_12_2001.cfm)]. See also Sarita Chourey, “Arborists Prepare Trees for the Summer Heat,” *The Hill*, May 1, 2002, p. 12.

<sup>39</sup> Sarah Bouchard, “Taking Root,” *The Hill*, Oct. 2, 2003, p. 4.

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

<sup>41</sup> Testimony of AOC Alan Hantman, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2001*, hearings, part 2, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 1, 2000 (Washington: GPO, 2000), p. 358.

On January 31, 2000, design development work for the center was begun, and in mid-October 2000, the Capitol Preservation Commission approved the final design plan for the center and authorized the Architect of the Capitol to prepare final construction documentation. Also, the General Accounting Office was assigned to be a permanent consultant for the project, and a “team of GAO officials has periodically briefed the staff of the [Capitol] Preservation Commission on the construction schedule and cost of the project since 1999.”<sup>42</sup>

## Construction Management Firm Selected

“For two centuries, Congress has handled its own construction tasks mostly internally, with limited assistance only when absolutely needed from private sector firms.”<sup>43</sup> The Architect of the Capitol and his staff of 2,000, however, have never undertaken anything involving the size and complexity of the center, or a project that needs to be constructed so quickly. “To their credit, congressional facility managers recognized this, and sought out advice from federal construction peers and experts in the private sector.”<sup>44</sup> They turned to the U.S. General Services Administration (GSA), Army Corps of Engineers, and the Construction Management Association of America for advice. Ultimately, the decision was made to have an outside construction management firm supervise a Capitol construction project for the first time. At the request of the Architect’s office, GSA developed the documentation needed for the “qualifications-based selection” process, “which eventually drew the interest of 22 firms.”<sup>45</sup>

The “best value, source selection process” used to select the construction management firm “evaluates proposals with predefined criteria, which mandates more than consideration of price alone, and is used by GSA, Department of Defense (DOD) and others.” The source selection “process provides a standard to differentiate and rank competitors by analyzing past performance and technical management abilities to solve the specific CVC [Capitol Visitor Center] needs, thus allowing selection of a contractor who will give the AOC [Architect of the Capitol] the best value to construct the CVC.”<sup>46</sup>

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<sup>42</sup> Peter Brand and Sarita Chourey, “Two Firms Squaring Off in Bid for Contract to Build Final Phase of Capitol Visitor Center,” *The Hill*, Feb. 5, 2003, p. 3.

<sup>43</sup> Editorial, “‘People’s House’ Deserves Outside Industry Expertise,” *Engineering News-Record*, vol. 248, June 17, 2002, p.84.

<sup>44</sup> *Ibid.*

<sup>45</sup> Debra K. Rubin and William J. Angelo, “Historic Expansion of U.S. Capitol Showcases Its Historic Use of CM,” *Engineering News-Record*, vol. 248, June 17, 2002, p. 31.

<sup>46</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2003*, hearings, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., Apr. 25, 2002 (Washington: GPO, 2002), p. 381; and Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch Appropriations, *Legislative Branch Appropriations for Fiscal Year 2003*, hearings, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., Apr. 17, 2002 (Washington: GPO, 2002), pp. 172-173;

In January 2001, Gilbane Building Company, a Providence, Rhode Island, construction management firm, was selected to monitor and inspect the general construction process of the center. Gilbane was also given responsibility “for historic preservation measures, including repairs and alterations to the existing Capitol and modifications that help facilitate the operation and meet revised codes.” In addition, Gilbane “performed a security analysis” of the project. “To better control schedules and costs, Gilbane broke its work into three separate packages — utility relocation, foundation, and general conditions, including mechanical, electrical and plumbing.” As the work progressed, “[i]ncreased site support services, including a temporary visitor screening facility and the cataloguing, dismantling and restoring of historic features, pushed Gilbane’s initial \$7 million contract to \$16 million.”<sup>47</sup>

## Utility Work Contract

In November 2001, the William V. Walsh Construction Company of Rockville, Maryland was awarded an \$8 million contract to relocate the utility lines, which had been installed at various times during the last 100 years, prior to beginning construction of the center. Due to the fact that many of the utility lines were poorly or inaccurately documented on available drawings, relocating them proved to be a delicate and, by far, the most difficult pre-construction task. As it became increasingly apparent that existing drawings were potentially unreliable, much of the utility work was shifted to nights or on weekends, and to extent possible, work was executed around the legislative calendar in an effort to minimize disruption to the Capitol and its occupants. During the fall of 2002, the relocation of utilities was completed and the project’s footprint was ready for excavation.<sup>48</sup>

## Sequence 1: Foundation/Structural Work

On June 12, 2002, the Architect of the Capitol awarded a \$99,877,000 contract for Sequence 1 of the center to Centex Construction Company, Inc., whose Mid-Atlantic Division is headquartered in Fairfax, Virginia. Centex was selected by the competitive source selection process. Centex was one of four bidders to pursue the job. Sequence 1 covers site demolition, excavation of soil, construction of the foundation and walls, installation of load-bearing elements, and portions of site utility work, and completion of the roof plate for the center.<sup>49</sup> In May 2004, Centex formally turned the project over to Sequence 2 contractor Manhattan Construction

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<sup>47</sup> Debra K. Rubin and William J. Angelo, “Historic Expansion of U.S. Capitol Showcases Its Historic Use of CM,” *Engineering News-Record*, vol. 248, June 17, 2002, pp. 31-32; Y. Melanie Nayer, “Building on a Reputation: Gilbane Co. Tackles the Massive Project of Making the Capitol More User-Friendly,” *Providence [Rhode Island] Journal*, June 1, 2002, p. B1; and “Enhancing the Capitol,” *Gilbane: News Magazine*, vol. 21, fall 2001, p. 11.

<sup>48</sup> Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003; and Debra K. Rubin and William J. Angelo, “Historic Expansion of U.S. Capitol Showcases Its Historic Use of CM,” *Engineering News-Record*, vol. 248, June 17, 2002, p. 32.

<sup>49</sup> “Architect of the Capitol Awards Major Construction Contract for U.S. Capitol Visitor Center,” AOC website, June 2002, [[http://www.aoc.gov/cvc/sequence\\_1\\_contract.htm](http://www.aoc.gov/cvc/sequence_1_contract.htm)] (no longer available on website). See also, Suzanne Nelson, “Centex’s \$100 M Bid Wins CVC Contract,” *Roll Call*, June 17, 2002, p. 3.

Company to begin building out interior spaces and installing electrical, mechanical, and plumbing systems.<sup>50</sup>

## Sequence 2: Electrical, Mechanical, Plumbing and Finishing Work

**Bids Higher Than Expected.** In March 2003, AOC Alan Hantman told the Senate Committee on Rules and Administration that the bids for Sequence 2 of the center, which includes the installation of electrical, mechanical, and plumbing services, and all stone and architectural buildouts and finishes, were significantly higher than had been originally estimated. The committee also was informed that a Source Selection Evaluation Board, headed by GSA, was evaluating the bid proposals for Sequence 2, which were “approximately 10 to 15 percent above the government estimate, a range that is considered acceptable and reasonable per GSA and Department of Defense governmental standards.”<sup>51</sup>

**Reaction of Appropriators.** As a consequence of the increased cost of Sequence 2, House Appropriations Committee Chairman C.W. Bill Young and Ranking Minority Committee Member David R. Obey sent a letter to Architect Hantman on April 14, 2003, stating that they believed he had ignored the prerogatives of the committee and exceeded budget guidelines for the center. “We now find ourselves,” the appropriators wrote, “in a situation that if we do not allow the contract for Sequence 2 to be executed by April 21, 2003, it would have significant monetary and scheduling implications.” They emphasized that the funds for Sequence 2 were being obligated by the committee “with serious reservations.”<sup>52</sup>

The House appropriators also required the Architect to fulfill the following four conditions in exchange for the funds: (1) provide the committee a monthly financial report that shows he has not varied from the obligation plan he submitted to the committee on April 4, 2003; (2) assure that individual line items in the report follow the format and obligation plans submitted to the committee and that contingencies be managed within the appropriate account; (3) include in the report an assessment

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<sup>50</sup> U.S. Capitol Visitor Center, *Weekly Construction Summary*, May 17, 2004, p. 1, [<http://www.aoc.gov/cvc/weekly/2004/upload/May-17-21-2004.pdf>]; and Gordon Wright, “Capitol Visitor Center Project Nears Halfway Mark,” *Building Design & Construction*, vol. 45, June 2004, p. 7.

<sup>51</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Rules and Administration, *Oversight of the Operations of the Secretary of the Senate, Architect of the Capitol*, hearings, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., Mar. 19, 2003 (not yet published). See also Suzanne Nelson, “CVC Bids High,” *Roll Call*, Mar. 10, 2003, p. 18; and Susan Ferrechio, “Bids for the Next Stage of Visitor Center Coming in 10-15 Percent Higher Than Expected,” *CQ Today*, Mar. 20, 2003, p. 15.

<sup>52</sup> Letter from Rep. C.W. Bill Young, chairman, and Rep. David R. Obey, ranking minority member, House Committee on Appropriations to Alan M. Hantman, Architect of the Capitol, Apr. 14, 2003. See also Susan Ferrechio, “Appropriators Set Conditions for Capitol Visitor Center Funds,” *CQ Weekly*, Apr. 26, 2003, pp. 1002-1003; Carl Hulse, “At the Capitol, A Big Dig’s Cost Draws Criticism,” *New York Times*, Apr. 14, 2003, p. A20; and Susan Nelson, “CVC Contract Sparks Criticism,” *Roll Call*, Apr. 28, 2003, pp. 1, 18.

of the current status of the project and notify the committee “of any issues that cause the project to exceed its budget, schedule, or diminish quality as specified”; and (4) submit to the committee a “reprogramming request” for “any deviation from the existing obligating plan that exceeds either \$500,000 or 10% of a particular program or activity. Finally, the appropriators “directed that the GAO continue to review these monthly reports and bring to the attention of the Committee any comments and concerns that may impact on the cost, timeliness or quality of the project.”<sup>53</sup>

**Contract Awarded.** On April 21, 2003, the AOC awarded a \$144.2 million contract for Sequence 2 of the center to the Manhattan Construction Company, based in Tulsa, Oklahoma.<sup>54</sup>

**New Completion Schedule Eyed.** Earlier in the year, CVC spokesman Tom Fontana in late February 2003 announced that the actual completion date of the center would ultimately depend on what the Sequence 2 contractor felt was realistic. A series of amendments added to the final phase of the project, he explained, had “loosened some of the timing requirements, which could mean a new schedule would need to be presented to the House and Senate leadership for approval when the contractor is selected.” According to Fontana, “the oral presentations that were made by the contractors” caused construction authorities to conclude that the contractor finally selected would need “a little more flexibility and a little more room to be creative in how they can meet our requirements.” Fontana did, however, emphasize that the East Front Plaza would be “substantially complete” for the basic activities of the 2005 presidential inauguration such as motorcades and staging areas for the media, and would be able to “accommodate pedestrian and vehicular traffic.”<sup>55</sup>

On January 20, 2005, the western half of the East Front Plaza of the Capitol was sufficiently complete to support presidential “inaugural activities, including motorcade access and troop reviews.”<sup>56</sup> Two months earlier, trucks began to use the completed truck tunnel to deliver “materials primary in support of the Sequence 2 contract. The tunnel is not expected to open to general truck traffic (in support of Capitol operations) until 2006 when all interior support facilities, freight elevators and connecting corridors are completed.”<sup>57</sup> Also, preceding the inauguration, the tower crane in the southwest quadrant was dismantled and removed; and all major

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<sup>53</sup> Letter from Rep. C.W. Bill Young, chairman, and Rep. David R. Obey, ranking minority member, House Committee on Appropriations to Alan M. Hantman, Architect of the Capitol, Apr. 14, 2003.

<sup>54</sup> “April 25, 2003: Project Update — Architect of the Capitol Awards Sequence 2 Construction Contract for U.S. Capitol Visitor Center,” Architect of the Capitol website, Aug. 10, 2005, [[http://www.aoc.gov/cvc/cvc\\_proj\\_update\\_04\\_25-2003.cfm](http://www.aoc.gov/cvc/cvc_proj_update_04_25-2003.cfm)]. See also “Capitol Visitor Center Contract Awarded,” *Washington Post*, Apr. 22, 2003, p. B3.

<sup>55</sup> Suzanne Nelson, “Contractors Get Say in CVC Timing,” *Roll Call*, Feb. 24, 2003, p. 3. See also: Editorial, “Uh-oh,” *Roll Call*, Feb. 26, 2003, p. 4.

<sup>56</sup> U.S. Capitol Visitor Center, *Weekly Construction Summary*, Jan. 18, 2005, p. 1, [<http://www.aoc.gov/cvc/weekly/2005/upload/01-17-05.pdf>].

<sup>57</sup> U.S. Capitol Visitor Center, *Weekly Construction Summary*, Nov. 15, 2004, p. 1, [<http://www.aoc.gov/cvc/weekly/2004/upload/11-15-04.pdf>].

structure work by Sequence 1 contractor, Centex Construction, was completed.<sup>58</sup> With the major structural work for the center now completed, most of the work is now occurring below the roof deck.

A variety of circumstances has led to a series of adjustments in the projected completion date of the center. Architect of the Capitol Alan M. Hantman most recently said that the formal opening of the center would be in April 2007. At the same hearing, GAO reasoned that a more likely date would be sometime in May 2007.<sup>59</sup>

## Other Activities

**On Site Security.** Security at the construction site is extensive. An eight-foot fence has been built around the construction site, and all construction personnel have undergone background security checks and are screened daily as they enter the site. Also, each construction vehicle entering the site is examined as it passes through the gates. The U.S. Capitol Police, including canine units, patrol the site. Photographs and site plans must be cleared through the police, who suppress photos or descriptions considered too revealing, such as those disclosing the location of security trailers, new utility lines or evacuation tunnels.<sup>60</sup>

**Historic Preservation.** In March 2002, workers began removing the historic Frederick Law Olmsted, Sr. landscape features, including the fountains, lampposts and retaining walls on the East Front Plaza, and the Trolley Stop canopy structure, to clear the area for excavation of the visitor center site. All historic materials that were removed have been catalogued and stored. They will be replaced in their original locations once the new plaza is completed.<sup>61</sup>

**Noise Reduction.** During the summer of 2002, soundproof windows were installed on the east side of the Capitol, to keep the disruptions to Congress at a minimum, and augering drills are being used instead of pile drivers to reduce the

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<sup>58</sup> U.S. Capitol Visitor Center, *Weekly Construction Summary*, Dec. 6, 2004, p. 1, [<http://www.aoc.gov/cvc/weekly/2004/upload/12-06-04.pdf>], and Dec. 20, 2004, p. 1, [<http://www.aoc.gov/cvc/weekly/2004/upload/12-20-04.pdf>].

<sup>59</sup> Testimonies of Alan M. Hantman, Architect of the Capitol, Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitors Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 15, 2006 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T (Washington: Feb. 15, 2006), pp. 2-8.

<sup>60</sup> Steven Partick, "A New Capitol Visitor Center is Beginning to Take Shape on the East Lawn," *CQ Today*, Jan. 27, 2003, p. 9. See also, Lauren W. Whittington, "Visitor Center Crews to Get Background Checks," *Roll Call*, Mar. 4, 2002, p. 8.

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

noise generated by the project.<sup>62</sup> The 154 custom windows that were installed on the East Front weigh 600 pounds each and are half an inch thick. Because the original windows could not be removed, the new ones were placed over the existing windows. The acoustic windows, which cost \$350,000, are expected to be removed once construction is finished.<sup>63</sup>

**Temporary Visitor Screening Facilities.** In May 2002, Capitol tour operations were shifted from the East Front Visitor Screening Facility, which was closed and dismantled, to new Temporary Visitor Screening Facilities on the north and south sides of the Capitol. Visitors now pass through these temporary installations prior to entering the Capitol at the West Front. These temporary facilities are expected to remain in use until the Capitol Visitor Center is completed.<sup>64</sup>

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

**Development of Exhibition Gallery and Museum Exhibits.** Ralph Applebaum & Associates (RAA), which was hired to oversee the development of the CVC exhibition gallery, is currently refining the gallery design based on ongoing communication and input from the Capitol Preservation Commission. The content specifications for gallery exhibits are being refined by the Exhibit Content Working Group (consisting of the House and Senate historians, Library of Congress officials, and the curator and historian for the U.S. Capitol), based on discussions with the commission.

RAA has developed a mission statement, educational goals, and overarching concepts for the gallery, and has completed revisions to the floor plan. Once these details are approved by the commission, the design of the exhibition, and plans for a new film touching on important people and events in the history of Congress and the nation, are being prepared for final review prior to solicitation of bids.<sup>66</sup>

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

<sup>63</sup> Sarah Bouchard, "Soundproof," *The Hill*, Oct. 15, 2003, p. 10.

<sup>64</sup> Jennifer Yachnin, "Go West: Tour Operations Get a New Home: Visitors Will Enter Capitol at West Front," *Roll Call*, May 20, 2002, p. A-27.

<sup>65</sup> U.S. Capitol Visitor Center, *Weekly Construction Summary*, July 8, 2002, [<http://www.aoc.gov/cvc/weekly/2002/07-08-02.cfm>].

<sup>66</sup> Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003; and Testimony of Jeri Thompson, Secretary of the Senate, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2003*, hearings, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., Apr. 17, 2002 (Washington: GPO, 2002), p. 139.

The firm presented a draft design to the commission in December 2003. Since that time, architect Ralph Appelbaum reportedly “has described the plans personally” to House Speaker Dennis Hastert, Senate Majority Leader Bill Frist, and former Senate Minority Leader Tom Daschle. Subsequently, the process of rewriting and getting outside review has continued.<sup>67</sup>

According to Martha Sewell, exhibition project director for the Architect, the “basic theme is to talk about representative democracy to give that feeling of belonging and involvement.” The exhibition gallery is being designed “to give the public a real idea of how Congress works,” and to show how it is different from the executive branch.<sup>68</sup> The exhibition gallery construction contract was awarded on May 2, 2005, and the gallery construction schedule has been incorporated into the CVC master construction schedule.<sup>69</sup>

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<sup>67</sup> Suzanne Nelson, “Exhibits Nearly Set at Visitor Center,” *Roll Call*, May 5, 2004, p. 1, 16.

<sup>68</sup> Suzanne Nelson, “Exhibition Space to Enliven CVC,” *Roll Call*, Nov. 4, 2003, pp. 1, 14.

<sup>69</sup> Testimony of Alan M. Hantman, Architect of the Capitol, in U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 17, 2005 and June 14, 2005 (not yet published).



## Appendix A

### Action in the 104<sup>th</sup> Congress

During the 104<sup>th</sup> Congress, bills were introduced in both the House (H.R. 1230) and Senate (S. 954) authorizing the Architect of the Capitol, under the direction of the U.S. Capitol Preservation Commission, to “plan, construct, equip, administer, and maintain” a Capitol Visitor Center, and “reconstruct the environs of the East Plaza to enhance its attractiveness, safety, and security.”<sup>70</sup> The House Subcommittee on Public Buildings and Economic Development held a hearing on H.R. 1230 in June 1995.<sup>71</sup> No further action was taken on either bill.

### Action in the 105<sup>th</sup> Congress

#### Three Proposals Introduced

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

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

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

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<sup>70</sup> H.R. 1230 (104<sup>th</sup> Cong. 1<sup>st</sup> sess.); and S. 954 (104<sup>th</sup> Cong. 1<sup>st</sup> sess.). See also: Sen. Mark O. Hatfield, “The Capitol Visitor Center Authorization Act of 1995,” *Congressional Record*, vol. 141, June 21, 1995, pp. 16794-16795.

<sup>71</sup> U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, *H.R. 1230, Capitol Visitor Center*, hearings, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., June 22, 1995 (Washington: GPO, 1995).

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

**Security.** Two of the three bills (H.R. 4347 and S. 1508) identified enhanced Capitol security as a principal purpose of the visitor center. The third (H.R. 20) did not. S. 1508 also made the Capitol Police Board responsible for the design, installation, and maintenance of security systems in the center, and mandated that the U.S. Capitol Police conduct a study to assess the security cost savings and other benefits resulting from the construction and operation of the center.<sup>72</sup>

## 1997 Visitor Center Hearings

On May 22, 1997, the House Subcommittee on Public Buildings and Economic Development held a hearing on H.R. 20.<sup>73</sup> Hearings were not held on S. 1508, which was referred to the Senate Rules and Administration Committee,<sup>74</sup> or H.R. 4347, jointly referred to the House Committee on Transportation and Infrastructure, and the House Committee on Ways and Means.<sup>75</sup>

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<sup>72</sup> H.R. 20 (105<sup>th</sup> Cong. 1<sup>st</sup> sess.); S. 1508 (105<sup>th</sup> Cong. 1<sup>st</sup> sess.); and H.R. 4347 (105<sup>th</sup> Cong. 2<sup>nd</sup> sess.). See also Del. Eleanor Holmes Norton, “Introduction of the Jacob Joseph Chestnut-John Michael Gibson Capitol Visitor Center Act of 1998,” remarks in the House, *Congressional Record*, vol. 144, July 30, 1998, pp. 18314-18315; and Sen. John Warner, remarks in the Senate, “Legislation Authorizing the Construction of a Capitol Visitors Center,” remarks in the Senate, *Congressional Record*, vol. 143, Nov. 9, 1997, p. 25586.

<sup>73</sup> Rep. John L. Mica, sponsor of H.R. 20, emphasized that construction of the proposed visitor center, “is an important part of opening up government and the Capitol so that all may enjoy its many contributions.” U.S. Congress, House Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, *H.R. 20, The Capitol Visitor Center*, hearings, 105<sup>th</sup> Cong., 1<sup>st</sup> sess., May 22, 1997 (Washington: U.S. GPO, 1997), p. 6.

<sup>74</sup> In his statement introducing S. 1508, committee chairman Senator John Warner stated that the visitor center would “have a tremendous, positive impact on the informational and educational experience afforded visitors to the Capitol.” The “most compelling need” for the visitor center, he maintained, was the requirement for “enhanced security for the entire Capitol building and environs.” Sen. John Warner, “Legislation Authorizing the Construction of a Capitol Visitors Center,” remarks in the Senate, *Congressional Record*, vol. 143, Nov. 9, 1997, p. 25586.

<sup>75</sup> “Our foremost obligation,” Del. Eleanor Holmes Norton told House colleagues in introducing H.R. 4347, “is to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol.” Del. Eleanor Holmes Norton,

(continued...)

## FY1999 Omnibus Appropriations Act

Following the tragic violence at the Capitol on July 24, 1998, that left two U.S. Capitol Police officers mortally wounded, the question of Capitol security was thrust to the forefront of public consciousness. During the third week of October 1998, a conference agreement was reached on H.R. 4328, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for FY1999, that included a \$100 million appropriation to be used by the Architect “for the planning, engineering, design, and construction” of a Capitol Visitor Center. The center, conferees reasoned, “would provide greater security for all persons working in or visiting the United States Capitol” and “enhance the educational experience of those who have come to learn about the Capitol building and Congress.” President William J. Clinton signed H.R. 4328 into P.L. 105-277 on October 21, 1998. The act stipulated that funds for the project had to be supplemented by private funds and each milestone in the project must be approved by the appropriate authorizing and appropriations committees.<sup>76</sup>

## Action in the 106<sup>th</sup> Congress

### Accelerated Schedule and Cost Savings Sought

During FY2000 House legislative branch funding hearings on February 3, 1999, concern was raised about the Architect of the Capitol’s projected schedule for construction of the visitor center. Representative John L. Mica urged that the process not be further delayed and Subcommittee Chairman Charles Taylor, and Ranking Minority Member Ed Pastor, indicated they would work to accelerate the schedule laid out by the Architect. A similar view was expressed during subsequent Senate legislative branch appropriation hearings.<sup>77</sup> A month later, Delegate Eleanor Holmes Norton introduced H.R. 962 (106<sup>th</sup> Congress, first session), a bill similar to her 105<sup>th</sup> Congress proposal, which contained guidelines for administering the project, including requirements that the Architect identify construction alternatives to achieve cost savings. H.R. 962 was referred to the House Committee on Transportation and

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<sup>75</sup> (...continued)

“Introduction of the Jacob Joseph Chestnut — John Michael Gibson Capitol Visitor Center Act of 1998,” *Congressional Record*, vol. 144, July 30, 1998, pp. 18314-18315. The act was intended to memorialize Jacob Joseph Chestnut and John Michael Gibson of the U.S. Capitol Police for their selfless acts of heroism on July 24, 1998, when they were killed in the line of duty while confronting an armed gunman who had entered the Capitol.

<sup>76</sup> U.S. Congress, Conference Committees, 1998, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 105-825 (Washington: GPO, 1998), p. 590; and P.L. 105-277, 112 Stat. 2681-569 and 2681-570, Oct. 21, 1998.

<sup>77</sup> U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2000*, hearings, part 2, 106<sup>th</sup> Cong., 1<sup>st</sup> sess., Feb. 3, 1999, p. 409; and U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2000*, hearings, 106<sup>th</sup> Cong., 1<sup>st</sup> sess., Mar. 3, 1999, pp. 227-228.

Infrastructure, the Committee on House Administration, and the House Committee on Ways and Means. No further action was taken on the proposal.<sup>78</sup>

## **Role of Capitol Preservation Commission Defined**

Subsequently, a Senate proposal to transfer approval authority for the center to the 18-member, bipartisan, bicameral Capitol Preservation Commission was agreed to in the FY2000 legislative branch appropriations bill (H.R. 1905), which was signed into law on September 29, 1999.<sup>79</sup>

### **1999 Revalidation Study (Revalidation of 1995 Design)**

Earlier, during the spring of 1999, congressional leaders “asked the Architect of the Capitol to review the initial site selection and design of the U.S. Capitol Visitor Center.” In March 1999, the Architect received approval to use \$2.8 million in funds appropriated for the project to revalidate the 1995 design study. On October 15, 1999, the Architect briefed the Capitol Preservation Commission, which had recently been given primary oversight of the project, “on the results of his review of the 1995 design study and sought the Commission’s approval to proceed to the detailed, pre-construction design and engineering phase of the project.”<sup>80</sup> The team that conducted the *1999 Revalidation Study* were guided by four fundamental goals for the Capitol Visitor Center:

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

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

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

**Functional Improvements.** The Visitor Center must respond to the physical limitations of the Capitol by providing modern, efficient facilities for such functions as truck loading and deliveries, constituent assembly rooms, and improved connection to the Senate and House office buildings.<sup>81</sup>

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<sup>78</sup> Del. Eleanor Holmes Norton, “Introduction of the Jacob Joseph Chestnut-John Michael Gibson Capitol Visitor Center Act of 1999,” extension of remarks in the House, *Congressional Record*, vol. 145, Mar. 3, 1999, p. 3580.

<sup>79</sup> P.L. 106-57, 113 Stat. 427, Aug. 29, 1999.

<sup>80</sup> Press release of the Capitol Preservation Commission, Oct. 15, 1999, p. 1.

<sup>81</sup> U.S. Architect of the Capitol, *The Capitol Visitor Center. 1999 Revalidation Study. Executive Summary*, Oct. 1, 1999, p. 7.

On November 3, 1999, the Capitol Preservation Commission approved a revised conceptual design for the center. A design and engineering obligation plan was approved by the House and Senate legislative appropriations subcommittees in November 1999 and January 2000, respectively. On January 31, 2000, design development work for the center was begun,<sup>82</sup> and in mid-October 2000, the commission approved the final design plan and authorized the Architect to prepare final construction documentation.<sup>83</sup> The ceremonial ground breaking for the center took place on June 20, 2000.<sup>84</sup>

## Action in the 107<sup>th</sup> Congress

### Bids Solicited/Certain Construction Details Finalized

In 2001, construction documents for the center were finalized and competitive bids were solicited for the first phase of the project,<sup>85</sup> and in 2002 the contract for Sequence 1 was awarded.<sup>86</sup> Also in 2001, work was begun or finalized on three other important construction details: (1) the Architect of the Capitol and the Sergeant at Arms of the House met to begin security planning for the center;<sup>87</sup> (2) the Clerk of the House told the House Subcommittee on Legislative (Appropriations) that penalty clauses would be built into the center's construction contracts for failure to meet specified completion dates;<sup>88</sup> and (3) the Architect completed a study on the effects of construction on trees on the east front lawn of the Capitol. Much of the

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<sup>82</sup> Testimony of AOC Alan Hantman, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2001*, hearings, part 2, 106<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 1, 2000, p. 358.

<sup>83</sup> Lauren W. Whittington, "Design Plan Gets Unanimous Nod," *Roll Call*, Oct. 19, 2000, pp. 1, 28; and "Commission OKs Final Design for Capitol Visitor Center," *National Journal's Congress Daily AM*, Oct. 19, 2000, p. 3.

<sup>84</sup> Ben Pershing, "Leaders Break New Ground: Actual Visitors Center Construction to Start in 2001," *Roll Call*, June 22, 2000, pp. 1, 33.

<sup>85</sup> Testimony of AOC Alan Hantman, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for Fiscal Year 2002*, hearings, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., June 26, 2001 (Washington: GPO, 2001), pp. 238-239, 246.

<sup>86</sup> "Architect of the Capitol Awards Major Construction Contract for U.S. Capitol Visitor Center," Architect of the Capitol website, June 2002, [[http://www.aoc.gov/cvc/sequence\\_1\\_contract.htm](http://www.aoc.gov/cvc/sequence_1_contract.htm)] (no longer available on website). See also, Suzanne Nelson, "Centex's \$100 M Bid Wins CVC Contract," *Roll Call*, June 17, 2002, p. 3.

<sup>87</sup> Testimony of the Sergeant at Arms of the House, Wilson Livingood, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, part 2, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., June 27, 2001 (Washington: GPO, 2001), p. 231.

<sup>88</sup> Testimony of the Clerk of the House, Jeff Trandahl, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2002*, hearings, part 2, 107<sup>th</sup> Cong., 1<sup>st</sup> sess., June 27, 2001 (Washington: GPO, 2001), pp. 265-266.

Architect's report focused on how the construction would affect the memorial trees located on the east front which have been sponsored by Members of Congress.<sup>89</sup> Early preparation work for the center started on December 3, 2001, when workers began removing the first of the memorial trees that will have to be relocated before the center can be built.<sup>90</sup>

## Appropriations for the Center

**FY2002 Legislative Branch Appropriations.** In the aftermath of the first-ever evacuation of the Capitol and surrounding office buildings following the September 11, 2001 terrorist attacks, Congress appropriated an additional \$70 million for construction of the Capitol Visitor Center. The funds were contained in the FY2002 Legislative Branch Appropriations Act, signed into law by the President George W. Bush on November 12, 2001 (P.L. 107-68).<sup>91</sup>

**FY2001 Terrorism Emergency Supplemental.** On December 3, 2001, President Bush, under authority granted him in the FY2001 Emergency Supplement Act (P.L. 107-38), authorized the transfer of \$290.4 million to the legislative branch for "increased security measures, including constructing the Capitol Visitor Center." Of this amount, \$100 million was for the completion of the center, and \$38.5 million for security enhancements and included funds for a new tunnel to the Library of Congress, vertical circulation improvements within the East Front Extension, and new connections to the center from the House and Senate.<sup>92</sup> These funds were drawn from the \$20 billion made available to the President following the terrorist attacks for "disaster assistance, for anti-terrorism initiatives, and for the assistance in the recovery from the tragedy" that occurred on September 11, 2001.<sup>93</sup>

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<sup>89</sup> Testimony of AOC Alan Hantman, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations Act for 2002*, hearings, part 2, 107<sup>th</sup> Cong., 1<sup>st</sup> sess, June 27, 2001 (Washington: GPO, 2001), pp. 367-371.

<sup>90</sup> Michael S. Gerber, "Tours of Capitol Set to Resume," *The Hill*, Dec. 5, 2001, p. 3. See also: Sylvia Moreno, "12-Ton Liberty Tree on the Move at Capitol," *Washington Post*, Dec. 16, 2001, C1, C9; and Steven Patrick, "Capitol Visitor Center Trimming Trees, Not Costs," *CQ Daily Monitor*, Dec. 13, 2001, p. 13.

<sup>91</sup> P.L. 107-68, 115 Stat. 588, Aug. 18, 2001.

<sup>92</sup> Office of Management and Budget, *President Bush Announces \$699 Million in Emergency Funds Assistance for Defense, Northern Virginia, Secret Service and Congress*, news release, Dec. 3, 2001; and Architect of the Capitol, Capitol Visitor Center Project Office, Mar. 2003.

<sup>93</sup> P.L. 107-38; 115 Stat. 220-221, Aug. 18, 2001.

## Action in the 108<sup>th</sup> Congress

### First Session (2003)

**2003 House Hearing.** During House hearings on the FY2004 legislative branch appropriations bill on June 24, 2003, concern was expressed by several members of the House Appropriations Committee about the rising construction costs and management of the project. Similar concerns were expressed in the committee's July 1 report on the bill. The committee was particularly "troubled by the lack of timely communication, receipt of conflicting information, and inadequate and inaccurate reporting on the project and [its] financial status." As a consequence, the committee had "serious reservations about providing additional funding under the control of the Architect [of the Capitol] given the track record of the Architect's organization and inability to manage." To address these issues, the committee told the Architect that he "personally, must take immediate action to remedy this situation," and ensure the completion of the center "without delay and in a fiscally responsible manner."<sup>94</sup>

Some members of the House Appropriations Subcommittee on Legislative anticipated that the Senate would include additional funding for the center in its legislative branch bill, and at that point the issue might well be revisited. House supporters attributed the center's rising costs "to unforeseen circumstances — including tasks added to the original mandate — and typical difficulties in estimating the final costs of major projects."<sup>95</sup>

As predicted, the Senate on July 11, 2003, approved legislation appropriating an additional \$47.8 million for the CVC project. The Senate language stipulated that the Architect of the Capitol "could not obligate any of the funds," however, without an obligation plan approved by the House and Senate Appropriations Committees. The obligating language was subsequently incorporated in the Legislative Branch Appropriations Act, 2004 (P.L. 108-83).<sup>96</sup>

**2003 GAO Cost Estimate.** Earlier, in late March 2003, it was announced that the Architect of the Capitol had hired Tishman Construction Corporation, a financial consulting firm, to evaluate the CVC costs.<sup>97</sup> Tishman submitted its cost

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<sup>94</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2004*, report to accompany H.R. 2657, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 108-186 (Washington: GPO, 2003), p. 15. See also: Jonathan Allen and Gayle S. Putrich, "Architect, Capitol Police Get Thumbs Down on Requests for Big Spending Hikes," *CQ Today*, June 20, 2003, p. 6.

<sup>95</sup> Jonathan Allen and Gayle S. Putrich, "Architect, Capitol Police Get Thumbs Down on Requests for Big Spending Hikes," *CQ Today*, June 20, 2003, p. 6.

<sup>96</sup> "Legislative Branch Appropriations, Fiscal Year 2004 (Capitol Visitor Center)," remarks in the Senate, *Congressional Record*, daily edition, vol. 149, July 11, 2003, pp. S9272, S9275; and P.L. 108-83, 117 Stat. 1026, Sept. 30, 2003.

<sup>97</sup> Sarita Chourey, "Consultants to Evaluate CVC's Escalating Costs," *The Hill*, Mar. 26, (continued...)

analysis in mid-May 2003. Soon thereafter, the General Accounting Office reviewed the Tishman “methodology, assumptions, and support for the analysis ... including contingencies, scope items not included in the estimates, and “risks and uncertainties.” GAO also “conducted a supplemental analysis to identify potential future costs due to additional risks and uncertainties not included” in the Tishman estimate. While GAO “found that Tishman’s analysis was generally reasonable given the scope and assumptions provided by the AOC,” it “identified cost adjustments to Tishman’s analysis of the base project, totaling \$7 million,” that need to be added. These adjustments, GAO Comptroller General David M. Walker reported in a prepared statement for a July 15, 2003, House hearing, increased “Tishman’s estimated cost at completion for the basic project from \$344.3 million to \$351.3 million.”<sup>98</sup> Walker also told the House Appropriations Subcommittee on Legislative that an estimated additional \$70 million might be needed to complete the House and Senate expansion space, and \$35 million for enhanced security.<sup>99</sup>

Walker went on to emphasize in his prepared statement that “[d]ue to the nature of the uncertainties still surrounding the project’s estimated cost to complete and the limitations of information available,” there would “likely be events occurring in the future that could further materially affect the project’s cost at completion.” These “additional risks and uncertainties,” GAO had determined, “could potentially raise the estimated cost at completion of the base project to between \$380 million and \$395 million.” While “these potential additional costs of between \$30 million to \$45 million do not [now] need to be added to the base project budget,” GAO cautioned that “a number of actions need[ed] to be taken to mitigate known risks,” and “there is a continual need of the AOC to align customer expectations with the project’s scope, quality, and cost considerations.”<sup>100</sup>

In addition, Walker stressed the need for the Architect to develop a “fully integrated schedule” for all of the center’s “projects, activities, and long-lead-time procurements,” and “develop a plan to mitigate risk factors.” In addition, he encouraged the Architect and Congress to (1) “expeditiously address the current funding gap” between the amount provided for the project and the updated estimates; (2) “consider how best to address potential costs associated with the risks and

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<sup>97</sup> (...continued)

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

<sup>98</sup> Testimony of David M. Walker, Comptroller General, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2004*, hearings, part 1, 108<sup>th</sup> Con., 1<sup>st</sup> sess., July 15, 2003 (Washington: GPO, 2003), p. 1441. See also: U.S. General Accounting Office, *Capitol Visitor Center: Current Status of Schedule and Estimated Cost*, GAO-03-1014T (Washington: July 15, 2003), p. 2.

<sup>99</sup> Testimony of David M. Walker, *Legislative Branch Appropriations for 2004*, hearings, pp. 1448.

<sup>100</sup> Testimony of David M. Walker, *Legislative Branch Appropriations for 2004*, hearings, pp. 1441-1443; and *Capitol Visitor Center: Current Status of Schedule and Estimated Cost*, pp. 2-4.



uncertainties”; (3) “determine whether to establish and fund a reserve account for any additional” costs “that cannot be priced or estimated at the current time”; (4) “implement controls for approving changes,” work toward achieving a “single and standardized budget and reporting format”; and (5) “expeditiously develop a comprehensive, integrated master project schedule.”<sup>101</sup>

Architect of the Capitol Alan M. Hantman, who also testified at the July 2003 House hearing, stated that unforeseen site conditions had significantly impacted the cost of the project. “These costs, when combined with the higher award amount for the Sequence 2 contract, prompted the AOC to request a review of the overall cost-to-complete.” Also, Hantman said, “it is already evident that the expected cost of a number of line items in the [project cost] estimate, such as utility relocation, tree preservation, temporary visitor screening facilities, and historic preservation, will be exceeded.” These issues, he explained, had in April 2003, prompted a “full and independent review of the cost-to-complete all the remaining work related” to the center, and in mid-May the independent cost-to-complete report was turned over to GAO. On June 9, 2003, GAO presented its findings to the Capitol Preservation Commission.<sup>102</sup>

Despite the challenges enumerated earlier and “pending the appropriation of the additional funds identified in the cost-to-complete funding request,” the Architect felt, the project team was “on schedule to meet project completion milestones.” Also, Hantman emphasized that CVC “communications initiatives, most specifically, efforts to keep Members and staff informed about the project, have increased in response to the tremendous demand for CVC information.”<sup>103</sup>

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

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<sup>101</sup> Testimony of David M. Walker, *Legislative Branch Appropriations for 2004*, hearings, pp. 1444-1446; and *Capitol Visitor Center: Current Status of Schedule and Estimated Cost*, pp. 5-7.

<sup>102</sup> Testimony of Alan M. Hantman, Architect of the Capitol, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2004*, hearings, part 1, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., July 15, 2003 (Washington: GPO, 2003), p. 1470.

<sup>103</sup> *Ibid.*, pp. 171-1472.

history of the Congress as well as the role of the Congress in the preservation of the cultural and artistic heritage of the American people.”<sup>104</sup>

**FY2004 Appropriations for the Center.** On July 15, 2003, David M. Walker, Comptroller General of the United States, and Alan M. Hantman, Architect of the Capitol, both told the House Subcommittee on Legislative that as much as an additional \$100 million might be needed to complete the House and Senate expansion space in the center and to provide enhanced security.<sup>105</sup>

Ultimately, conferees agreed to provide \$48.839 million in additional funding for the CVC, funded under the Architect of the Capitol Account. The appropriation was similar to the amount considered necessary to complete construction of the center, based upon a GAO review and “assessment of a cost-to-complete estimate prepared by a third party with expertise in construction cost analysis.”<sup>106</sup> After a rescission of 0.59%, the final appropriation was for \$48.622 million.<sup>107</sup>

On September 30, 2003, President Bush signed into law the FY2004 legislative branch appropriations bill, which contained the additional funding. Of this amount, \$1.039 million of the amount approved by the conferees was marked for operational costs. Of the amount provided \$48.550 million was no-year money.<sup>108</sup> In its report, the Senate Appropriations Committee emphasized that its recommendation for additional funds “was based on the General Accounting Office’s review of the project and its assessment of a cost-to-complete estimate prepared by a third party with expertise in construction cost analysis.”<sup>109</sup>

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<sup>104</sup> U.S. Congress, Conference Committees, 2003, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2004, and for Other Purposes*, conference report to accompany H.R. 2657, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 108-279 (Washington: GPO, 2003), pp. 48-49.

<sup>105</sup> Testimonies of David M. Walker, Comptroller General, and Alan M. Hantman, Architect of the Capitol, *Legislative Branch Appropriations for 2004*, hearings, pp. 1448, 1450-1452.

<sup>106</sup> U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2004*, report to accompany S. 1383, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 108-88 (Washington: GPO, 2003), p. 35. The actual appropriation for FY2004 was \$36.839 million, subsequently reduced to \$36.622 million by a rescission. Conferees authorized an additional \$12.0 million to be transferred to the center’s appropriation from previously appropriated funds made available for Capitol Police buildings and grounds, also funded under the Architect of the Capitol account. P.L. 108-83; 117 Stat. 1026.

<sup>107</sup> P.L. 108-199, 118 Stat. 457, Jan. 23, 2004.

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

<sup>109</sup> U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2004*, report to accompany S. 1383, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 108-88 (Washington: GPO, 2003), p. 35.

## Second Session (2004)

**Architect's FY2005 Funding Request.** Just months after Congress added nearly \$49 million to the CVC budget, significant delays in the project raised concern that the price tag of the project would be subjected to even additional increases. Project spokesman Tom Fontana announced later in January 2004, that unusually wet weather as well as unforeseen site conditions and frequent design changes over the past year had pushed back the project's completion date to the spring of 2006. Although Fontana said that no additional funding would be necessary, and the AOC had not requested more money for the project, Representative Jack Kingston, chairman of the House Legislative Subcommittee reportedly felt costs would increase.<sup>110</sup>

Subsequently, at a Senate Appropriations Subcommittee on Legislative Branch hearing on April 8, 2004, Architect of the Capitol Alan M. Hantman requested \$14.5 million in new funding "for the preparation of the opening of the Capitol Visitor Center." The figure included \$6.3 million for equipment and supplies, for custodial services, and to "support, operate, and maintain the structural, architectural, and utilities infrastructures," and \$8.2 million "to cover transitional stand-up costs for the operations, administration, and management supporting guide services, visitor services, food services, and gift shop services." In addition, the Architect requested "35 Full Time Equivalents (FTEs) in preparation for the opening" of the center. The staff positions included 18 FTEs for "facility maintenance," 16 FTEs "for project and operations support necessary for an orderly startup (tour guide services, restaurant management and gift shops," and one FTE "to support the Office of Attending Physician." Hantman made an identical request when he testified at a House Appropriations Subcommittee on Legislative hearing on May 12, 2004.<sup>111</sup>

The Legislative Branch Appropriations bill reported by the Senate Appropriations Committee in July 2004, included \$7.6 million for transitional start-up operation costs.<sup>112</sup> No start-up funds, however, were included in the House Appropriations Committee bill. The accompanying House report stressed that the "Committee wants it understood that the Architect of the Capitol has no higher priority than to ensure, without a doubt, to the Committee and Congress the

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<sup>110</sup> Sarah Bouchard, "CVC Plans Fall Behind Schedule," *The Hill*, Jan. 27, 2004, p.1; Sarah Bouchard, "Key Members Fear Another Jump in CVC Costs," *The Hill*, Feb. 3, 2004, p. 4; Susan Nelson, "CVC Opening Delayed," *Roll Call*, Jan. 27, 2004, pp. 1, 17; and Christopher Lee, "Capitol Center's Opening Delayed Till '06," *Washington Post*, Jan. 28, 2004, p. A19.

<sup>111</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Legislative Branch, *Appropriations for Fiscal Year 2005, Legislative Branch*, hearings, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 8, 2004 (Washington: GPO, 2004), p. 211; Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative, *Legislative Branch Appropriations for 2005*, hearing 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 12, 2004 (Washington: GPO, 2004), pp. 420-421.

<sup>112</sup> U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2005*, report to accompany S. 2666, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., S.Rept. 108-307 (Washington: GPO, 2004), p. 28.

completion of the [Capitol Visitor Center] without delay and in a fiscally responsible manner.”<sup>113</sup>

**FY2005 Conferees Express Concern.** When the House and Senate conferees reported the Consolidated Appropriations Act, 2005 (P.L. 108-447), which included the FY2005 Legislative Branch appropriations bill, they expressed distress “with the Architect’s ongoing inability to provide the Committees with accurate cost estimates and delivery schedules on this very important and high-profile project. Since the commencement of the project, the Committees have made every effort to work with the Architect and staff through these issues, and yet, continue to receive notifications of schedule delays, unforeseen requirements, and escalating costs of the Capitol Visitor Center.”<sup>114</sup>

**Conferees Grant Transfer Authority.** House and Senate conferees, in discussing the Architect’s request, expressed distress with his “ongoing inability to provide the Committees with accurate cost estimates and delivery schedules on this very important and high-profile project. Since the commencement of the project, the Committees have made every effort to work with the Architect and staff through these issues, and yet, continue to receive notifications of schedule delays, unforeseen requirements, and escalating costs of the Capitol Visitor Center.” Appropriators did, however, authorize Hantman to transfer \$10.6 million from the Capitol Building account to the center. This authority was subsequently approved by the House and Senate, and included in the Consolidated Appropriations Act of 2005 (P.L. 108-447), which was signed into law by President George W. Bush on December 8, 2004.<sup>115</sup>

## Action in the 109<sup>th</sup> Congress

### First Session (2005)

**FY2006 Funding Request.** The legislative branch budget request submitted for inclusion in the President’s FY2006 budget included an additional \$36.9 million for the CVC project, and \$35.285 million for CVC operations costs, of which \$19.991 million was to remain available until September 30, 2010. The request included the following caveat: “That the Architect of the Capitol may not obligate

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<sup>113</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2005*, report to accompany H.R. 4755, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 108-577 (Washington: GPO, 2004), p. 23.

<sup>114</sup> U.S. Congress, Conference Committees, 2004, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4818, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 108-792 (Washington: GPO, 2004), pp. 1351.

<sup>115</sup> U.S. Congress, Conference Committees, 2004, *Making Appropriations for Foreign Operations, Export Financing, and Related Programs for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, conference report to accompany H.R. 4818, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 108-792 (Washington: GPO, 2004), pp.1351, 380; and P.L. 108-447, 118 Stat. 3184, Dec. 8, 2004.

any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.”<sup>116</sup> Also included in the FY2006 legislative branch budget request was \$9.965 million for “supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center ... to remain available until expended.”<sup>117</sup>

**Senate Appropriations Hearing (April 2005).** At an April 13, 2005, Senate Appropriations Subcommittee on the Legislative Branch hearing, Architect of the Capitol Alan M. Hantman emphasized the GAO had concluded that approximately 75% of the increased costs of the CVC were largely beyond his control. Hantman went on to enumerate several factors that had increased the cost of the center.<sup>118</sup> Together, Hantman explained, these unanticipated aspects of the project, as well as a number of others identified early, have prompted the GAO to now project that the cost of the CVC could reach \$515 million.<sup>119</sup>

**Senate Appropriations Oversight Hearings (May-November 2005).** On May 17, June 14, July 14, September 15, October 18, and November 16, 2005, the Senate Appropriations Subcommittee on the Legislative Branch, chaired by Senator Wayne Allard, held a series of hearings on the progress of the CVC. Chairman Allard has indicated that he intends to continue to hold monthly hearings on the center. Much of the focus of the oversight hearings thus far held by the subcommittee has been GAO reports on the progress of the project. GAO’s work is

<sup>116</sup> U.S. Office of Management and Budget, Budget of the United States Government, *Fiscal Year 2006: Appendix* (Washington: GPO, 2005), p. 27.

<sup>117</sup> *Ibid.*, p. 17.

<sup>118</sup> Among the factors cited by Hantman were costs associated with completing the House and Senate expansion spaces, which were originally envisioned as unfinished “shell space;” nearly two dozen design changes that had resulted in major renovations of the Capitol’s air conditioning, heating, and ventilation systems; and security enhancements mandated by Congress following the 2001 terrorist attacks. In addition, there had been (1) a significant increase in the cost of building materials, which was 22% in the past year; (2) a reduction in competitive bidding because so many other projects were under construction in the District of Columbia; (3) a need for prospective contractors bidding on a phase of the project to factor in the added hassle and loss of time prompted by security checks of workers as well as vehicles entering the site; (4) a Buy America requirement that precluded the option of bidding for stonework on the international market at a savings of approximately \$10 million; and (5) a commitment to using better-quality materials when cheaper materials might have been appropriate for another project. Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations Budget for the Secretary of the Senate and the Architect of the Capitol*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Apr. 13, 2005 (not yet published).

<sup>119</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Appropriations Budget for the Secretary of the Senate and the Architect of the Capitol*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Apr. 13, 2005 (not yet published). See also Jennifer Yachnin, “CVC’s Last Stages May Go Into 2007,” *Roll Call*, Apr. 14, 2005, pp. 3, 15.

being performed in response to requests from the Capitol Preservation Commission and to directives in the conference report on the Omnibus Consolidated and Emergency Supplemental Appropriations Act, FY1999 (H.Rept. 105-825) and the conference report on the Legislative Branch Appropriations Act, 2004 (H.Rept. 108-279).<sup>120</sup>

At the May, June, and July hearings, GAO emphasized that cost overruns and other problems could increase the price tag of the CVC to “between \$522 million and \$559 million.”<sup>121</sup> In October, however, Terrell Dorn, GAO’s assistant director for Physical Infrastructure Issues, said GAO could not provide an accurate cost estimate of the project “until a completion date is known.” Similarly, Bernard Ungar, GAO’s director of Physical Infrastructure Issues, indicated that an accurate cost estimate is dependent upon having “a good, solid” completion date “because a number of costs are driven by ... how long the project will continue and expected delays.”<sup>122</sup>

By the November 2005 hearing, Dorn was able to tell the subcommittee that GAO’s preliminary work now indicated “that the entire CVC project is likely, at a minimum, to cost \$542.9 million.” This figure, he explained, “does not provide any more funds for the remaining risk and uncertainties that may materialize or cover the

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<sup>120</sup> U.S. Congress, Conference Committees, 1998, *Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999*, conference report to accompany H.R. 4328, 105<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 105-825 (Washington: GPO, 1998), pp. 1529; and U.S. Congress, Conference Committees, 2003, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2004, and For Other Purposes*, conference report to accompany H.R. 2657, 108<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 108-279 (Washington: GPO, 2003), pp. 48-49.

<sup>121</sup> Testimony of David M. Walker, Comptroller General, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Legislative Branch*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 17, 2005 (not yet published); Testimony of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., June 14, 2005 (not yet published); and Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., July 14, 2005 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Priority Attention Needed to Manage Schedules and Contracts*, GAO report GAO-05-714T (Washington: May 17, 2005), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Effective Schedule Management and Updated Cost Information Are Needed*, GAO report GAO-05-811T (Washington: June 14, 2005), p. 2; and U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Costs*, GAO-05-910T (Washington: July 14, 2005), p. 2.

<sup>122</sup> Testimonies of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, and Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Oct. 18, 2005 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Status of Schedule, Fire Protection, Cost, and Related Issues*, GAO-06-180T (Washington: Oct. 18, 2005), p. 4.

cost of delays that may occur. It also could change again if the [construction] schedule changes.”<sup>123</sup>

Also, GAO pointed out during the hearings that while a majority of the delays and cost increases associated with the construction of the center were beyond AOC’s control, “weaknesses in AOC’s schedule and contract management activities have contributed to a portion of the delays and cost overruns.... To help prevent further schedule delays, control cost growth and enhance worker safety,” GAO reasoned that the “AOC urgently needs to give priority attention to managing the project’s construction schedules and contracts, including those contract provisions that address worker safety.” Such “actions are imperative if further cost growth, schedule delays, and worker safety problems are to be avoided. AOC also needs to see that it reports accurate information to Congress on the project.” Additionally, “decisions by the Congress will have to be made regarding the additional funding needed to complete construction and to address any related risk and uncertainties that may arise.”<sup>124</sup>

“During the next several months,” GAO concluded, the “AOC is likely to face “competing demands for funds that can be used for either CVC construction or operations.” Given this reality, “it will be important for AOC to ensure that the available funds are optimally used.” Additionally, GAO was “concerned that AOC may incur costs to open the facility to the public in September 2006 that it would not incur if it postponed the opening until after the construction work is more or fully complete — that is, in March 2007, according to AOC’s estimates.”<sup>125</sup>

At the May and June hearings, Architect of the Capitol Alan M. Hantman, told the subcommittee that he felt the CVC could be completed by September 2006, except for the expansion space, which is to be completed in March 2007. Hantman’s projection was supported by Bob Hixon, CVC project director. Both Hantman and Hixon also told the subcommittee that CVC contractors had taken a number of actions to promote and manage site safety.<sup>126</sup>

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<sup>123</sup> Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Nov. 16, 2005 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Update on Schedule and Cost*, GAO-06-251T (Washington: Nov. 16, 2005), pp. 3-4, 12-13, 15.

<sup>124</sup> Testimony of David M. Walker, Comptroller General, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Legislative Branch*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 17, 2005 (not yet published).

<sup>125</sup> Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., July 14, 2005 (not yet published).

<sup>126</sup> Testimony of Alan M. Hantman, Architect of the Capitol, and Bob Hixon, CVC project manager, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Overview of the FY2006 Appropriations: Legislative Branch*, hearings, (continued...)

On September 15, Hantman told the subcommittee that the AOC and its contractors were “creatively and responsibly” striving to meet the scheduled completion date, but “there may well be items ... relating to commissioning, to fine-tuning of mechanical systems and punch-list items,” that might postpone the CVC’s public opening. As a consequence, “for planning purposes, it would be prudent to aim for December 2006.” This adjustment would not affect the completion date for the House and Senate expansion space. A month later, Hantman once again emphasized “that December 2006 remains a more prudent date for a public opening than the September 2006 date.”<sup>127</sup>

GAO stressed in its September testimony, however, that “[u]nless the project’s scope is changed or extraordinary actions are taken ... the base project is more likely to be completed sometime in the spring or summer of 2007.” This opinion was reiterated in GAO’s October testimony. Also, at the October hearing, Marvin Shenkler, a representative of Gilbane Building Company, the Visitor Center’s construction management contractor, told the subcommittee the competition date was “overly optimistic” and “not likely to be accomplished.”<sup>128</sup>

By the mid-November 2005 hearing, the opening date for the center seemed even less firm because of a continuing lack of adequate wall stone deliveries. These delays have been prompted by “an ongoing legal dispute in federal court between

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<sup>126</sup> (...continued)

109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 17, 2005 (not yet published); and Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., June 14, 2005 (not yet published).

<sup>127</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Sept. 15, 2005 (not yet published); and Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Oct. 18, 2005 (not yet published). See also, John McArdle, “CVC Delayed Again, Until Late 2006 or Even ‘07,” *Roll Call*, Sept. 19, 2005, pp. 3, 27.

<sup>128</sup> Testimony of Bernard Ungar, director of Physical Infrastructure Issues, and Terrell Dorn, Assistant Director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Sept. 15, 2005 (not yet published); U.S. Government Accountability Office, *Capitol Visitor Center: Schedule Delays Continue; Reassessment Underway*, GAO report GAO-05-1037T (Washington: Sept. 15, 2005), p. 2; Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Oct. 18, 2005 (not yet published); and U.S. Government Accountability Office, *Capitol Visitor Center: Status of Schedule, Fire Protection, Cost, and Related Issues*, GAO-06-180T (Washington: Oct. 18, 2005), pp. 2-3. See also, Jackie Kucinich, “Sen. Allard Says Architect’s Reputation is on the Line on CVC,” *The Hill*, Oct. 19, 2005, p. 3; and John McArdle, “AOC Takes More Heat on CVC,” *Roll Call*, Oct. 19, 2005, p. 3.



Pennsylvania-based Annandale Sandstone and the Wisconsin-based Quarry Stone Co., the companies responsible for supplying and fabricating stone for the project.”<sup>129</sup>

**House Appropriations Hearing (May 2005).** While much of the attention at the 2005 Senate hearings focused on the overall construction and cost of the CVC, a considerable portion of the discussion at a May 3, 2005, House Appropriations Committee hearing focused on the specifics of the unfinished House office space in the center. Representative David Obey of Wisconsin, ranking minority member of the committee, expressed concern “that the space we’re getting seems to be almost all show and very little workspace.” He questioned “that mix,” and asked whether the House was “getting the space” it needed, and “even at this late date, isn’t there any way that we can get more usable space.” As he “saw it,” the House was “getting only one room that is a public hearing room.”<sup>130</sup> Other House Members expressed concerns over the escalating cost of the center, which AOC Hantman testified is expected to reach \$517 million by the time the structure is completed.<sup>131</sup>

Although the AOC at several points during the hearing stated that the current plans had been reviewed and received the approval of the House Office Building Commission, which includes the Speaker, House majority, and House minority leader, Representative Obey made it clear that he intended to oppose the project unless changes were made.<sup>132</sup> By virtue of a provision included in FY2002 Legislative Branch Appropriations Act, Representative Obey could have blocked this phase of the project. As enacted, P.L. 107-68 prohibited the AOC from obligating funds for the House or House expansion space within the center without the approval of the chair and ranking minority member of the House Appropriations Committee.<sup>133</sup>

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<sup>129</sup> John McArdle, “Delivery of Stone to CVC Delayed,” *Roll Call*, Nov. 17, 2005, pp. 3, 18. See also Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., Nov. 16, 2005 (not yet published); and Jackie Kucinich, “CVC Needs Nine-Day Weeks, GAO Says,” *The Hill*, Nov. 17, 2005, p. 6.

<sup>130</sup> Testimony of Rep. David R. Obey, U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for FY2006*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 3, 2005, p. 3. See also Jennifer Yachnin, “Obey Blocking CVC Plan,” *Roll Call*, May 4, 2005, pp. 1, 15; and Jackie Kachinic, “AOC Questioned on the House Expansion,” *The Hill*, May 4, 2005, 4.

<sup>131</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for 2006*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 3, 2005, p. 39.

<sup>132</sup> Testimony of Rep. David R. Obey, U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for 2006*, hearings, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., May 3, 2005, p. 47.

<sup>133</sup> The Legislative Branch Appropriations Act, 2002 stipulated: “That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center under this act or any other Act without an obligation plan approved by the chair and ranking minority member of the Committee on Appropriations of the House of Representatives for House space and the Committee on Appropriations of the Senate for Senate space.” P.L. 107-68; 115 Stat. 588, Nov. 12, 2001.

In subsequent action, the House on May 5, and the Senate on May 10, 2005, approved language in the conference report on the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, that struck the “chair and ranking minority member” requirement in the FY2002 Legislative Branch Appropriations Act. That revision in language was included in P.L. 109-13, which was signed into law on May 11, 2005.<sup>134</sup>

**House Appropriations Committee Markup and Report (FY2006).** On June 16, 2005, the House Committee on Appropriations marked up and ordered reported its version of the FY2006 legislative branch funding bill. On a voice vote, the panel approved a draft spending bill that provided \$36.9 million for the CVC project. The House figure was considerably less than the \$72.2 million requested by the AOC, and did not provide any of the \$35.285 million originally requested by the Architect for the center’s operations.<sup>135</sup>

The House Appropriations Committee also included in its draft bill \$3.41 million in FY2006 for the House portion of expenses related to the CVC. This figure represented a \$6.555 million reduction from the requested amount of \$9.965 million. These funds were to be used for “carpeting, furnishings, wiring, and audio/visual requirements.” In addition, the House bill contained a provision establishing a “‘Capitol Visitor Center Governing Board’ to address the issue of daily operations of the Visitor Center.”<sup>136</sup> The bill was reported to the House on June 16, 2005.

**Senate Appropriations Committee Markup and Report (FY2006).** On June 24, 2005, the Senate Appropriations Committee reported its version of the FY2006 legislative branch funding bill. The approved language provided \$41.9 million for the CVC project, excluding center operations. Senate appropriators

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<sup>134</sup> U.S. Congress, Conference Committees, 2005, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005*, conference report to accompany H.R. 1268, H.Rept. 109-72, 109<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2005), p. 66 (Division A, Title VI, General Provisions and Technical Corrections, Sec. 6049). PL. 109-13, 119 Stat. 295, May 11, 2005. The House agreed to the conference report on May 5, 2005, by a 368 to 58 vote. “Conference Report on H.R. 1268, Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005,” *Congressional Record*, daily edition, vol. 151, May 5, 2005, pp. H2997-H3027. The Senate agreed to the conference report on May 10, 2005, by a 100 to 0 vote. “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 — Conference Report,” *Congressional Record*, daily edition, vol. 151, May 10, 2005, pp. S4806-S4849. See also Jennifer Yachnin, “Obey Loses Veto Authority Over Visitor Center,” *Roll Call*, May 9, 2005, pp. 3, 20.

<sup>135</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 109-139 (Washington: GPO, 2005), pp. 20-21, 40. The original request of \$35.285 million was subsequently revised by the Architect to \$24.355 million. *Ibid.*, p. 20.

<sup>136</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 109-139 (Washington: GPO, 2005), pp. 9, 20, 40; and U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2006: Appendix*, “Detailed Budget Estimates — Legislative Branch” (Washington: GPO, 2005), p. 17.

reporting H.R. 2985 emphasized that because GAO felt the “amount requested by the Architect [\$36.9 million] is unlikely to be sufficient to complete the CAC,” the committee had added \$5 million “to the budget based on GAO’s recommendation.” Also, since the scheduled September 2006 opening of center was “likely to be delayed well beyond the time frame on which budget estimates for operations were predicted,” Senate appropriators reduced the budget for center operations from the requested \$35.3 million to \$2.3 million. The Senate version of H.R. 2985 did not contain the House provision for a Capitol Visitor Center Governing Board, but did include a provision authorizing the Architect of the Capitol to appoint an Executive Director of the Capitol Visitor Center.<sup>137</sup>

**House Floor Consideration of FY2006 Funding.** The House passed H.R. 2985, the FY2006 legislative branch bill on June 22, 2005, by a 330 to 82 vote. The House version of the spending bill, like the House Appropriations Committee report, provided \$36.9 million for the CVC project budget, and \$3.41 million for the House portion of expenses related to the center. The bill approved by the House also contained the provision establishing a Capitol Visitor Center Governing Board that would be responsible for “establishing the policies which govern the operations of the center, consistent with applicable law.”<sup>138</sup>

**Senate Floor Consideration of FY2006 Funding.** On June 30, 2005, the Senate amended and passed H.R. 2985 by unanimous consent, and then insisted on its amendments and requested a conference with the House.<sup>139</sup> The Senate version of H.R. 2985, like the Senate Appropriations Committee report, called for \$41.9 million for the CVC project and \$2.3 million for center operating costs. The Senate language also authorized the AOC to appoint an Executive Director of the Capitol Visitor Center.<sup>140</sup>

**Conference Committee Report of FY2006 Funding.** A little less than a month later, on July 26, 2005, House and Senate conferees, in reporting H.R. 2985, recommended an appropriation of “\$44.2 million for the Capitol Visitor Center, as proposed by the Senate, instead of \$36.9 million as proposed by the House.” This figure included \$41.9 million for the center project, and \$2.3 million for the center’s operations budget. The report also called for \$3.4 million “for other costs related to the House portion of expenses for the center.” Conferees deleted the House language establishing a Capitol Visitor Center Governing Board to handle the center’s daily

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<sup>137</sup> U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2006*, report to accompany H.R. 2985, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 109-89 (Washington: GPO, 2005), pp. 33-34. The original request of \$35.285 million for CVC operations was subsequently revised by the Architect to \$24.355 million. U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2006*, report to accompany H.R. 2985, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., H. Rept. 109-139 (Washington: GPO, 2005), p. 20.

<sup>138</sup> “Providing for Consideration of H.R. 2985, Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, v. 151, June 22, 2005, pp. H4936-H4937, H4947, H4949.

<sup>139</sup> “Legislative Branch Appropriations Act, 2006,” *Congressional Record*, daily edition, v. 151, June 30, 2005, pp. S7739-S7749.

<sup>140</sup> *Ibid.*, pp. S7745-S7746.

activities as well as the Senate language authorizing the AOC to appoint an executive director for the center.<sup>141</sup>

**Final Action on FY2006 Appropriations.** On July 28, 2005, the House by a vote of 305 to 122 concurred with the conferee figures for the Capitol Visitor Center. The Senate followed suit on July 29, 2005, by a 96 to 4 margin. H.R. 2985 became P.L. 109-55 on August 2, 2005, with President George W. Bush's signature.<sup>142</sup>

## Second Session (2006)

**FY2007 Funding Request.** The legislative branch budget request submitted for inclusion in the President's FY2007 budget contained an additional \$20.6 million for the CVC project and \$20.575 million for CVC operational costs. The request included the following caveat: "That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives."<sup>143</sup> Also, the FY2007 legislative branch budget request contained \$3.41 million for "supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center."<sup>144</sup>

**Senate Appropriations Oversight Hearings (February, April-June 2006).** On February 15, April 27, May 24, and June 28, 2006, the Senate Appropriations Subcommittee on the Legislative Branch held a series of hearings on the progress of the CVC. These sessions focused primarily on factors affecting the project's construction schedule and cost. At the first three hearings, Architect of the Capitol Alan Hantman and CVC Project Director Bob Hixon told the Senate appropriators they anticipated that it would be completed by March 2007, with a formal opening a month later. Hantman began the June 28 hearing by announcing that opening of the CVC would be delayed until mid- or late July 2007, and House and Senate expansion spaces would be available a month later.<sup>145</sup>

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<sup>141</sup> U.S. Congress, Conference Committees, 2005, *Making Appropriations for the Legislative Branch for Fiscal Year Ending September 30, 2006*, conference report to accompany H.R. 2985, H.Rept. 109-189, 109<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2005), p. 37. See also *Ibid.*, pp. 6, 15.

<sup>142</sup> "Conference Report on H.R. 2985, Legislative Branch Appropriations Act, 2006," *Congressional Record*, daily edition, vol. 151, July 28, 2005, pp. H7023-H7031; "Legislative Branch Appropriations for Fiscal Year 2006 — Conference Report," *Congressional Record*, daily edition, v. 151, July 29, 2005, pp. S9334-S9335, S9373; and P.L. 109-55, 119 Stat. 119 Stat. 570 & 579, Aug. 2, 2005.

<sup>143</sup> U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2007*: Appendix (Washington: GPO, 2006), p. 24.

<sup>144</sup> *Ibid.*, p. 16.

<sup>145</sup> Testimony of Alan M. Hantman, Architect of the Capitol, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 15, Apr. 27, May 24, and June 28, 2006 (not continued...)

At the February 2006 hearing, the Government Accountability Office indicated that it felt the CVC could “be opened to the public with [a] temporary cap on visitor occupancy in May 2007.” GAO felt the House and Senate expansion spaces could “be opened beginning in mid-August to early September 2007,” and Congress might even “be able to begin occupying the expansion spaces earlier if AOC implements a phased opening plan it is considering.” The center, however, could also be finished even later if “AOC experiences major problems completing construction, such as with installing interior stone or testing major building systems.” During the subsequent oversight hearings in April and May 2006, GAO expressed similar sentiments regarding a possible completion date for the CVC. Pending further reassessment, GAO stated at the June 2006 hearing that the “AOC’s new July and August time frames appear to be reasonable targets for opening the CVC and House and Senate expansion spaces.”<sup>146</sup>

To date, GAO told the subcommittee in April, May, and June 2006 that about \$530 million had already been provided for the construction of the CVC. GAO estimated “that the total cost to complete the entire CVC project is about \$556 million without an allowance for risks and uncertainties and \$584 million with such an allowance.”<sup>147</sup>

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<sup>145</sup> (...continued)

yet published); John McArdle, “CVC Opening Delayed Again,” *Roll Call*, June 29, 2006, p. 1; and Daphine Retter, “Architect and GAO Appear to Agree on Projected Opening of Visitor Center,” *CQ Today*, June 29, 2006, p. 14.

<sup>146</sup> Testimonies of Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitors Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 15, Apr. 27, May 24, June 28, 2006 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T (Washington: Feb. 15, 2006), p. 3; U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 27, 2006*, GAO-06-665T (Washington: Apr. 27, 2006), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of May 24, 2006*, GAO-06-803T (Washington: May 24, 2006), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of June 28, 2006*, GAO-06-827T (Washington: June 28, 2006), pp. 2, 4-5; John McArdle, “CVC Opening Pushed to 2007,” *Roll Call*, Feb. 16, 2006, pp. 1, 22; and John McArdle, “CVC Opening Delayed Again,” *Roll Call*, June 29, 2006, p. 1.

<sup>147</sup> U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 27, 2006*, GAO-06-665T (Washington: April 27, 2006), p. 2; U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of May 24, 2006*, GAO-06-803T (Washington: May 24, 2006), p. 2; and U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of June 28, 2006*, GAO-06-827T (Washington: June 28, 2006), p. 3. See also Testimony of Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Apr. 27, and June 28, 2006 (not yet published).

Other aspects of the project arousing concern during all three of the subcommittee's 2006 oversight hearings were

- delays in the delivery and installation of the stone being used to complete the interior walls and floors of the CVC;
- “acceptance testing” of the CVC’s complex fire and life-safety systems (which includes more than 5,000 smoke detection and alarm devices, security systems, a smoke evacuation system, a state-of-the-art public address and warning system, and the full integration of these systems with emergency generators); and
- completion of the CVC’s new utility tunnel between East Capitol Street, which has been impacted by the contractor’s concerns with possible asbestos from the existing Second Street tunnel.<sup>148</sup>

At the June 28, 2006, hearing, GAO detailed the various issues that had pushed the CVC opening back to July 2006, and why they concurred with the adjustment.<sup>149</sup>

**House Appropriations Hearing (March 2006).** During a March 14, 2006, House hearing on the FY2007 legislative branch appropriations bill, Representative David Obey, ranking minority member of the House Appropriations Committee, questioned Architect of the Capitol Alan Hantman at some length regarding the escalating cost of the center and frequent changes in its projected completion date. Despite having to overcome “significant hurdles,” Hantman told the committee “we’ve been making tremendous progress,” and predicted that the center should be ready for a formal opening in April 2007. Hantman went on to say that the House and Senate office spaces flanking the center would be unveiled during the summer of 2007. Obey countered by reiterating earlier concerns that even with its additional House and Senate office space, the center does not provide enough additional

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<sup>148</sup> U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Feb. 15, Apr. 27, and May 24, 2006 (not yet published). See also: U.S. Government Accountability Office, *Capitol Visitor Center: Results of Risk-based Analysis of Schedule and Cost*, GAO-06-440T (Washington: Feb. 15, 2006); U.S. Government Accountability Office, *Capitol Visitor Center: Update on Status of Project’s Schedule and Cost as of April 27, 2006*, GAO-06-665T (Washington: Apr. 27, 2006); and U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of May 24, 2006*, GAO-06-803T (Washington: May 24, 2006). See also: Jackie Kucinich, “It’s Deja Vu as CVC Costs Jump Again,” *The Hill*, Feb. 16, 2006, pp. 1, 5; John McArdle, “CVC Opening Pushed to 2007,” *Roll Call*, Feb. 16, 2006, pp. 1, 22; Daphne Retter, “Senators Grill Architect on Asbestos Exposure, Tunnel Repairs at Capitol,” *Roll Call*, Apr. 28, 2006, pp. 26-27; John McArdle, “CVC Watch,” *Roll Call*, May 2, 2006, p. 3; and John McArdle, “AOC Rapped for Poor Communications on Tunnels,” *Roll Call*, May 25, 2005, pp. 3, 24.

<sup>149</sup> Testimonies of Bernard L. Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., June 28, 2006 (not yet published); and U.S. Government Accountability Office, *Capitol Visitor Center: Update of Status of Project’s Schedule and Cost as of June 28, 2006*, GAO-06-827T (Washington: June 28, 2006).

working space for Members and staff. Because of his overall concerns about the project, Obey said he would refuse to vote for another spending bill that included additional funds for the center, and was unwilling “to identify [himself] in any way with the mistakes associated with this boondoggle.”<sup>150</sup>

**Senate Appropriations Committee Hearing (March 2006).** A day after Architect of the Capitol Hantman appeared before House appropriators, he met with the Senate Appropriations Committee, which used the hearing to conduct its monthly review of the CVC project. Once again, GAO officials, as they had at a committee oversight hearing a month earlier, expressed concerns over continuing delays in the project. They did concede, however, that some of those delays were prompted by “redesign resulting from the CVC team’s misunderstanding of congressional requirements for certain spaces” as well as “security-related” design changes. GAO Assistant Director of Physical Infrastructure Terrell Dorn reiterated earlier concerns that the AOC’s projected completion dates for the project were too “optimistic” and did not allow “enough time for several critical activities to take place, or for risk and uncertainties that continue to affect the project.” Hantman, however, remained convinced that the center, except for the House and Senate expansion spaces, would be completed in March 2007, with a formal opening a month later. At the hearing, GAO estimated that the final cost of the project would range from \$556 million to as much as \$584 million. Previously, the estimated range had been between \$555 million and \$584 million.<sup>151</sup>

**House Appropriations Committee Markup and Report (FY2007).** On May 25, 2006, the House Appropriations Committee marked up and ordered reported its version of the FY2007 legislative branch funding bill. During markup, the committee by a voice vote approved an amendment by Representative Obey to transfer “all authorities previously exercised by the Architect of the Capitol, including but not limited to the execution and supervision of contracts; and the hiring, supervising, training, and compensation of employees,” to the Comptroller General of the United States or his designee, effective October 1, 2006, until the “confirmation of a new Architect of the Capitol.” Obey’s amendment, to be included in the final FY2007 funding bill sent to the President, would have to be agreed to by Senate appropriators and by a majority of both the House and Senate. The action was

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<sup>150</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations for 2007*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Mar. 14, 2006 (Washington: GPO, 2006), p. 502. See also Jackie Kucinich, “AoC Criticized for 2007 Spending Request,” *The Hill*, Mar. 15, 2006, p. 6; and Jennifer Yachnin, “Architect Pressed On CVC Leak,” *Roll Call*, Mar. 15, 2006, pp. 1, 25.

<sup>151</sup> Testimonies of Alan M. Hantman, Architect of the Capitol, Bernard Ungar, director of Physical Infrastructure Issues, Government Accountability Office, and Terrell Dorn, assistant director of Physical Infrastructure Issues, Government Accountability Office, U.S. Congress, Senate Committee on Appropriations, Subcommittee on the Legislative Branch, *Capitol Visitor Center*, hearings, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., Mar. 15, 2006 (not yet published). See also U.S. Government Accountability Office, *Capitol Visitor Center: Status of Project’s Schedule and Cost as of March 15, 2006*, GAO-06-528T (Washington: Mar. 15, 2006), pp. 1-3, 9-10.

prompted by serious concerns about Hantman's management of the CVC project and worker safety issues.<sup>152</sup>

The bill reported by the House Appropriations Committee provides \$46,175,000 in additional funding for the CVC project. This amount includes \$16,041,000 for CVC personal services and operations; \$4,534,000 for CVC fit-outs; and \$25,600,000 for construction. The total figure, which is \$5,000,000 more than the request, "reflects the Government Accountability Office's estimate of the cost to complete which is higher than the Architect's most current estimate."<sup>153</sup>

In its report, the committee explained that it was "becoming increasingly concerned about the project's continuing schedule slippages and increasing costs being reported by GAO, the Architect of the Capitol's inability to fix water leaks, and the late discovery of major security and life safety issues affecting the project, including the recent disclosure that the new utility tunnel being constructed may not meet applicable life safety requirements."<sup>154</sup>

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

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<sup>152</sup> A more complete explanation of Representative Obey's amendment is found in: U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2007*, report to accompany H.R. 5521, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 109-485 (Washington: GPO, 2006), pp. 50-51. See also: H.R. 5521, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., sec. 210; John McArdle, "Hantman Fight Overshadows Leg. Branch Bill," *Roll Call*, May 30, 2006, pp. 3, 13; Daphne Retter, "Vote to Strip Architect's Office of Power Underscores Ire Over Visitor Center," *CQToday*, May 26, 2006, p. 6; and "Upset Lawmakers Move to Rein in Visitor Center Builders," *Engineering News-Record*, vol. 256, June 5, 2006, p. 17.

<sup>153</sup> U.S. Congress, House Committee on Appropriations, *Legislative Branch Appropriations Bill, 2007*, report to accompany H.R. 5521, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 109-485 (Washington: GPO, 2006), p. 25.

<sup>154</sup> *Ibid.*, p. 25.



to serve the Capitol Visitor Center.” In addition, the committee requested the “GAO to continue to monitor these issues.”<sup>155</sup>

**House Floor Consideration of FY2007 Funding.** The House passed H.R. 5521, the FY2007 legislative branch bill on June 7, 2006, by a 361 to 53 vote. The House version of the spending bill, like the House Appropriations Committee report, provided an additional \$25.6 million for construction of the CVC; \$16,041,000 for CVC personal services and operations; and \$4,534,000 for CVC fit-outs. In addition, the bill approved by the House included an amendment adopted by the House Appropriations Committee during its markup that transferred “all authorities previously exercised by the Architect of the Capitol” to the Comptroller General of the United States or his designee, effective October 1, 2006. “This delegation of authority is to terminate with the confirmation of a new Architect of the Capitol.”<sup>156</sup>

**Senate Appropriations Committee Markup and Report (FY2007).** On June 22, 2006, the Senate Appropriations Committee reported its version of the FY2006 legislative branch funding bill. The approved language provided \$25.6 million for completion of the CVC, and \$14 million for fit out and operation costs. The Senate bill does not contain the House language, proposed by Representative Obey, transferring the Architect’s duties to the Comptroller General.<sup>157</sup>

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<sup>155</sup> Ibid., pp. 25-26.

<sup>156</sup> “Legislative Branch Appropriations Act, 2007,” *Congressional Record*, daily edition, v. 152, June 7, 2006, pp. H3438, H3442, H3445. See also: John McArdle, “AOC Provision Kept in Spending Bill,” *Roll Call*, June 7, 2006, p. 20; John McArdle, “House OKs Leg. Branch Bill With Swipe at AOC,” *Roll Call*, June 8, 2006, pp. 3, 25; Daphne Retter, “House Bill Would Eliminate Architect’s Office; Senators Unlikely to Go Along,” *CQ Today*, June 8, 2006, p. 10; and Jackie Kucinich, “Allard Unsure About Measure to Strip Hantman of Duties,” *The Hill*, June 13, 2006, p. 4..

<sup>157</sup> U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 2007*, report to accompany H.R. 5521, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 109-267 (Washington: GPO, 2006), pp. 38-39.