

PREPARED TESTIMONY

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OFFICE OF COMPLIANCE

SENATE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

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Mr. Chairman, Ms. Murkowski, and distinguished Members of the Subcommittee, I am honored to appear before you today on behalf of the Office of Compliance (“OOC” or “Agency”). Joining me today are General Counsel Peter Ames Eveleth, Deputy Executive Director Barbara J. Sapin, Deputy Executive Director John P. Isa, Deputy General Counsel Susan M. Green, and Budget and Finance Officer Allan Holland. Collectively, we present to you the Agency’s request for appropriations for fiscal year 2011, and we seek your support for our request.

For fiscal year 2011, the Agency is requesting a total of \$4,675,491, a \$298,491 or 6.82% increase over the Agency’s fiscal year 2010 appropriations level of \$4,377,000. This funding would provide the Agency with the bare minimum resources necessary to continue its operations. This minimal increase includes funding for the development and roll out of a risk-based assessment, essential improvements to our quickly aging and increasingly inefficient IT infrastructure, and salary increases required by federal law.

Before I go into the details of our request, however, I would be remiss if I did not acknowledge the Subcommittee’s continued support for this Agency. As you may be aware, the Congressional Accountability Act is celebrating its 15th anniversary this year. As we embark upon celebrating the successes Congress has achieved under this law, we must recognize the important role this Subcommittee has played: its vision and its support for this Agency and the work that we do. Because of this Subcommittee’s steadfast assistance, the Office of Compliance has been able to continue to raise awareness of safety and health within our covered community. Just two weeks ago, the OOC presented four times as many Safe Office Awards as in the 110th Congress. These 154 Representatives and Senators ensured that their employees could work in and that constituents could visit Washington, D.C. offices that are free from hazards. These increased numbers are a result of the daily education efforts of our staff, along with cooperation from staff of the Office of the Architect of the Capitol, House and Senate Employment Counsel, and the Chief Administrative Officer. Without the recognition from this Subcommittee of the importance of the OOC’s safety and health services, and without

substantial funding to provide these services, we would not be celebrating these safe and healthy Congressional workplaces.

Because of this Subcommittee's dedication to safety issues, a Blue Ribbon Panel of architects and fire safety experts has been convened to provide an independent assessment of fire safety issues in the Russell Senate Office Building. This assessment will be instrumental in ensuring that fire safety hazards are abated in an effective and cost-efficient manner, while maintaining the beauty and history of the Halls of Congress. Indeed, this Subcommittee's active involvement in fire safety issues has led the OOC and the Office of the Architect of the Capitol to engage in collaborative discussions regarding the prioritization of open fire safety citations. These discussions have resulted in a prioritization schedule that is cost-efficient, practical, and mindful of the iconic nature of our environment.

This Subcommittee's interest in the work performed by the OOC does not end with its help in the area of safety and health. Because of this Subcommittee's support, the Office of Compliance has increased its educational workshops provided to sister agencies about our unique dispute resolution system. Our colleagues have taken an interest in our services because we implement and administer a dispute resolution system that focuses on resolving disputes at the front end of a case using mandatory counseling and mediation. This approach results in lower costs for all parties and less workplace conflict.

We are providing training for new Congressional employees, and up-to-date publications for Members, employing offices, and Congressional employees about their workplace rights and obligations under the CAA. Training and knowledge of the law are a central part of our job on Capitol Hill. We are proud of the work we do for you, and we take pride in the fact that we do it nimbly and efficiently.

In addition, the OOC has been working with the Office of the Architect of the Capitol to implement a cost-effective approach to improving public access to Capitol Hill facilities for persons with disabilities. The goal is, in cooperation with the Architect of the Capitol's Office, as well as other employing offices, to focus resources on removing the barriers that will most improve access to the facilities for the lowest cost.

I highlight these programs to showcase the work that has been done and the progress that has been made in our legislative community because of this Subcommittee: your interest in our mission, and your support for our mission. We thank you. I also emphasize that we will be carrying out these programs in fiscal year 2011 without asking for additional resources except where it is absolutely essential.

STRATEGIC PLANNING

As the Office of Compliance celebrates these and many other accomplishments, we look forward to the next fiscal year, ready with a new three year Strategic Plan. Although the Plan covers fiscal years 2010 through 2012, fiscal year 2011 will be the first fiscal year in which the Agency has requested funding in support of this Plan. The Strategic Plan focuses the efforts of the OOC on providing technical guidance to agencies and employing offices, serving as a resource to the covered community, expanding our outreach efforts to raise awareness of our services, and strengthening our infrastructure to improve the quality of service we provide to our constituents.

Our fiscal year 2011 request for appropriations supports the initiatives in our new strategic plan. Specifically, our budget request focuses on three major areas that are designed to support needed technical assistance to employing offices, as well as upgraded infrastructure for the Agency, and mandatory salary increases for staff.

SAFETY AND HEALTH INSPECTIONS

In line with the goals and initiatives in our Strategic Plan, the OOC requests funding to continue its cooperative and cost-efficient approach to the identification and correction of safety and health hazards. If funded as requested, our 2011 budget would support the ongoing development and implementation of the risk-based inspection and abatement approach that the Conference Committee on FY2010 Legislative Branch Appropriations directed OOC to institute.

The OOC is completing its third successive wall-to-wall OSH inspection of legislative branch facilities on Capitol Hill. The area we inspect is vast: over 17 million square feet of property in the National Capital Area, including locations in Maryland and Virginia. As the covered community grows, so does the area we inspect. We do these inspections with a small staff of inspectors whose role is critical. You provided us with funds to hire them because you recognized that by finding hazards and alerting employing offices about them, employing offices can abate these hazards one-by-one. The abatement trends are overwhelmingly positive and exemplify swift progress. The OOC has found that the number of hazards has dropped substantially during the most recent three Congresses: from 13,000 in the 109th Congress, to 9,000 in the 110th Congress, to an estimated 6,000 in the present Congress.

As you have recognized, there is still much to accomplish. At our last budget hearing, you challenged us, not just to point out hazards that need to be abated, but to target the most significant risks. In response to your directive, the Agency is developing an approach to target the riskiest workplaces and work activities in the 112th Congress. As we develop our risk assessment program, the OOC will be working very closely with the Office of the Architect of the Capitol's staff, as well as with other employing offices, to establish appropriate parameters. The OOC will work with employing offices to identify jobs and job sites that are inherently more dangerous: these may include, for example, the Capitol Power Plant and construction worksites. Our goal is to concentrate our limited resources where the risks are highest, to improve our ability to provide technical assistance focused on reducing on-the-job injuries and illnesses, and to remedy violations that pose serious threats to workers' safety.

In light of the need to limit our appropriations request as much as possible, OOC has not requested funding for an additional safety and health inspector contractor, which we believe is needed. The authorization and funding provided in FY 2010 for an OSH Program Manager to replace the retiring detailee equips the OOC with necessary resources to continue supervising our safety and health inspectors, working with outside OSH experts, and providing expert technical advice to the General Counsel and guidance to OGC staff regarding the application of OSHA standards. However, this position alone will not provide the resources needed to fully handle approximately one million additional square feet of Legislative Branch work space that is expected in FY 2011 and 2012. Ever-mindful of the financial constraints facing our Government, and with an eye toward being cost-conscious, the OOC is asking the Occupational Safety and Health Administration to provide one or more safety and health inspectors on a short-term, non-reimbursable basis, to provide temporary inspection services at no additional expense to this Agency, while simultaneously providing on-the-ground experience for OSHA personnel.

OOC INFRASTRUCTURE

The Office of Compliance's other focus during FY 2011 is funding for OOC infrastructure. Communication and IT systems replacement/upgrades are at a crucial stage for agency efficiency and progress. Our IT systems impact all the programs discussed above, from dispute resolution, to education and outreach, to the protection of confidential information handled by our Agency. To ensure such confidential information is protected, the Agency maintains a dual computer network: an internal system which secures confidential information, and an external system through a server administered and maintained by the Library of Congress. The practice of maintaining two computers for each employee significantly decreases efficiency and increases costs and administrative burden on the Agency. In an effort to work more

productively and reduce administrative costs, we seek funding to migrate the two networks into a single system.

The balance of the increase that is being requested is for mandatory cost of living increases, minimal staff salary increases, and the associated benefits which allow the Office of Compliance to retain extremely high caliber employees to implement the programs described herein pursuant to the Congressional Accountability Act.

CONCLUSION

The Agency approaches FY 2011 with heightened fiscal responsibility and an understanding that only minimal funding essential to meeting our mission may be available. We have examined our programs in conjunction with our statutory mandates, and we have made significant efforts to streamline our appropriations request to reflect the country's and the Government's current economic difficulties. With that understanding, we present to the Subcommittee only those items necessary to meet our statutory mandates. The three items discussed herein - risk-based inspections' approach, IT improvements, and mandatory salary increases - are the three major items that comprise our minimal increase of \$298,491. Funding for these items will allow the Agency to continue to provide needed services and technical assistance to the covered community.

On behalf of the Board of Directors and the entire staff of the Office of Compliance, I thank you for your support of this Agency. I would be pleased to answer any questions.