S. HRG. 108–431

BUSINESS MEETING

HEARING

BEFORE THE

JOINT COMMITTEE ON THE LIBRARY OF CONGRESS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

MARCH 3, 2004

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BUSINESS MEETING

WEDNESDAY, MARCH 3, 2004

U.S. SENATE,
JOINT COMMITTEE ON THE LIBRARY OF CONGRESS,
Washington, DC.

The committee met at 4:07 p.m., in room S–128, the Capitol, Hon. Ted Stevens (chairman) presiding.

Present: Senators Stevens and Cochran; and Representatives Ehlers (vice chairman), Ney, and Larson.

Also present: Jennifer Mies (staff director).

OPENING STATEMENT OF SENATOR TED STEVENS, U.S. SENATOR FROM ALASKA

Chairman STEVENS. Well, I think we have representation on both sides; we can start the meeting, if you will. I do thank you for coming. One of our members had to depart because of a call from the chairman of appropriations on the other side, but we have not had a meeting for some time. We have a series of things to go over and I thought it would be best if we could cover several subjects at one time and that is why I have asked Dr. Billington and the Architect and the Director of the Congressional Research Service to be here, all here, today.

But let me first ask you, Mr. Vice Chairman, if you have any comments to make before we start this process?

STATEMENT OF VERNON EHLERS, U.S. REPRESENTATIVE FROM MICHIGAN

Mr. EHLERS. No, nothing about the past. I will have some about what is on the agenda.

Chairman STEVENS. Okay, that is very good.

Mr. EHLERS. I am concerned about a few things.

Chairman STEVENS. I understand that.

I particularly hope Senator Lott can get here. But let me first call upon you, Dr. Billington, as the Librarian to give us sort of a summary of whatever you would like to discuss with us here today. I do believe we will have a majority before we are through.

STATEMENT OF HON. JAMES H. BILLINGTON, Ph.D., LIBRARIAN OF CONGRESS, LIBRARY OF CONGRESS

ACCOMPANIED BY GENERAL DONALD L. SCOTT, USA (Ret.), DEPUTY LIBRARIAN OF CONGRESS, LIBRARY OF CONGRESS

Dr. BILLINGTON. Thank you, Mr. Chairman.

We recognize the austere budget restrictions that we face for this next fiscal year and we are seeking ways to continue performing

our statutory obligations and our core mission for Congress and the Nation in this new information age.

The Library, which the Congress created and has sustained for 204 years, has become more important than ever before. It is in many ways the Nation's strategic information reserve in a time when our security, economic competitiveness, and creative dynamism are increasingly dependent on information. This is the world's largest collection of retrievable human knowledge, in almost all languages and formats. It contains the mint record of American private sector creativity and it is a world leader in both our constantly gathering in and freely sending out high quality material on the Internet.

We are well on our way to the electronic conversion of our internal processes and to providing digital archiving and services required by the Congress. These range from re-engineering the Copyright Office to providing new user-friendly digital materials for the blind and physically handicapped, who currently get more than $23 million in free reading materials a year.

We are in effect superimposing a new electronic library on top of continuing to add 10,000 new items every day to the 128 million artifactual items in the Library of Congress. We are doing all this with 7.7 percent less full-time equivalent staff than we had in 1992 before the Internet age was set upon us. We are doing it with a magnificent but aging work force, 48.1 percent of whom will be eligible for either regular or early retirement by September of this year.

To continue performing our statutory obligations and core mission for Congress and the Nation, we will be making major changes and requesting some new funding, as determined by our rigorous planning process and guiding strategic plan, presided over by General Scott, my distinguished deputy.

Now, more than ever we must increase the acquisition and preservation and storage of print material even as we begin implementing our Congressionally mandated plan for archiving the Internet. Print material is increasing by an estimated 15 percent along with the exponential increase in digital material, and this increase is particularly strong in troubled regions of the developing world, where both the Nation's needs and the Library's resources are particularly great. Only in our massive collections could America find Osama bin Laden's rare autobiography, or rare German archaeological data which verified that the desert spaces in southern Iraq would hold heavy tanks and heavily laden all-purpose carriers, or could we find a complete set of Afghan legal codes that could be digitized in 24 hours and replicated in 200 copies to replace those destroyed by the Taliban, anxious to prevent the rule of law, traditional Afghan law, from being even available for the new post-Taliban Afghanistan.

That is just one illustration, and I could give you many more: the way in which a major breakthrough on adult remission of leukemia was facilitated by a rare German volume of which we had the only copy in the world.

Now, we must adequately preserve and store these immense collections because it is never clear where we are going to find clues in the future to some wisdom that was overlooked in the past. But

it is all retrievable. By far the largest private donation for storing our material ever received, that has ever been received by the Library, is a $120 million donation from the Packard Humanities Institute, which is largely building as well as paying for a national facility for housing the audiovisual heritage of 20th century America, in which so much of the world's history and of our Nation's creativity is preserved, but in presently fragile and perishable forms, which will receive state of the art treatment as soon as this comes on stream, the first part next year and the second part the following year.

This stage of the art facility at Culpeper requires some modest requested increases in our own current budget to equip it and prepare for the move and to sustain for the future the good relationship with our extraordinarily generous donor.

We are also requesting in the Architect of the Capitol's budget continuation of the Fort Meade storage project in accordance with the plan previously discussed with the committee for specially formatted collections, as well as a copyright deposit facility to bring the vast but presently scattered creative record of America into one location. We need this to fulfill our legal preservation obligations to depositors and to assure continuation of the voluntary deposit system that annually provides $32 million worth of material free for the Library's collection.

The single greatest challenge facing the Library in the digital age, however, is developing a work force that can think and work in new ways without losing the immense inherent traditional knowledge and memory embedded in our staff. We will soon need the committee's support for a flexible package of human capital tools in line with practices already in use in the Federal Government.

The Congress must be able to provide Congress and the Nation with a whole new type of objective knowledge navigator who can seamlessly integrate and alleviate both the old analog and the new digital materials into one set of services for the Congress and for the Nation. We must be able to attract, maintain, motivate, and reward a top-quality high performing new generation of what we will be calling in the future knowledge navigators, rather than merely librarians.

With regard to a couple of other issues, Mr. Chairman: the police merger. The Library is fully engaged in increasing security, integrating police operations, and improving budget economy here on Capitol Hill. We are deeply troubled, however, by the proposed plan the U.S. Capitol Police have issued for implementing the merger of the Library of Congress Police Force into the U.S. Capitol Police Force. The proposed plan which the U.S. Capitol Police have submitted for Congressional approval does not protect the Librarian's statutory and historic responsibility for protecting the collections as well as the people and buildings of the Library.

The merger is happening de facto and is eroding the Library's authority to exercise this core task since we can no longer hire our own police. I look forward to working with the committee on this problem.

The Congress also submitted, Mr. Chairman, during the First Session of the 108th Congress a request for reauthorization of the

national film preservation program. There are now 375 culturally, historically, and artistically significant motion pictures in the National Film Registry which was created by Congress in 1988. This vital program has played the leading role in identifying endangered films of all sorts, by the way—there is a tremendous variety of the film record—setting national preservation standards, working with other public and nonprofit archives to save American films from irreversible deterioration.

Mr. Chairman, the Library of Congress has been the greatest single patron of the library in the history of the world, and on behalf of the Library past, present and future and all its staff I thank this committee for its continued support for and interest in the Library. Individual members of this committee have provided an unusual level of continuity and guidance and support for this institution. We are all in your debt. We look forward to working with you as we move the Library fully into the new century.

I will be happy to answer any questions and respond in any way I can.

[The statement follows:]

PREPARED STATEMENT OF JAMES H. BILLINGTON

Mr. Chairman, Mr. Vice-Chairman, members of the Joint Committee.

We live in a world where our health, security, and economic future increasingly depend on information—and in a world undergoing the greatest revolution in the storage and communication of knowledge since the invention of the printing press. I would like to submit, Mr. Chairman, that the Library which Congress has created and sustained so magnificently has become one of America's greatest assets in both of these critical areas. The Library of Congress is a key part of the nation's strategic information reserve and a world leader both in the gathering in of digitized information and in the dissemination of free, high-quality electronic material for our country.

Out of its collection of 128 million items, with 10,000 added every day, this Library provides our nation with many unique items—an obscure 19th century German book for a breakthrough in leukemia research that no one else in the world had saved, a rare early 20th century German record of archaeological digs in Mesopotamia which assured us prior to Desert Storm that the southern Iraqi desert would hold modern heavy tanks. We found an autobiography of Osama bin Laden in our unmatched Arabic collections. Our Law Library digitized and delivered in 24 hours the compilation of Afghan civil, commercial, and criminal law codes that helped the courts of Afghanistan reestablish the rule of law after the Taliban had destroyed the existing codes.

No one can be sure where America's next global security threat—or economic opportunity—will lie, but the Library of Congress will have the best odds in the world for finding background information about it. We have a crucial need to increase our modest acquisition budget that has been declining in purchasing power for more than a decade. We must make sure that our global coverage continues in a world where published materials, particularly in troubled spots in the developing world, are increasing at an estimated 15 percent a year.

We must properly store and preserve our immense and expanding collections. The Library is asking for funding for two major Fort Meade construction projects in the Architect of the Capitol's budget: modules 3 and 4 in the already much-delayed series previously approved by the Congress. These two will house specially formatted materials such as maps and manuscripts. We also need a copyright deposit facility that will at last bring the vast but presently scattered creative record of America into one location. This is needed to fulfill our legal preservation obligations to our depositors and to assure the continuation of the $32 million our depositors save the taxpayers annually by voluntarily sending us their new works for registration and mandatory deposit.

By comparison with other national cultural institutions, we have had a very low construction budget for the last 20 years. By far our biggest new construction project is being primarily privately funded by the largest donation every received by the Library: $120 million from the Packard Humanities Institute (PHI). Con-

struction is already well underway for this National Audiovisual Conservation Center in Culpeper, Virginia, which will bring together the world's largest audiovisual collections and provide state of the art preservation for these presently scattered materials—movies, television, radio, and sound recordings—that document so much of the history of the 20th century.

Some added appropriated funding is needed this year to acquire basic equipment and preservation infrastructure for the facility and to get staff and collections in place for the move to Culpeper, which will begin in fiscal year 2005.

The Congress's Library is a world leader—both in providing and sending high quality digital material everywhere free of charge—and in crafting and implementing a distributed national policy for preserving and managing "at risk" digital content. Much of the 7.6 percent increase in the Library's budget request for fiscal year 2005 is needed for electronic conversion; business re- engineering in the copyright office; preserving CRS' research capacity, and to begin converting to user-friendly digital equipment materials for the Library's National Service for the Blind and Physically Handicapped.

Tomorrow, the Library will make available, as he instructed, the papers of Supreme Court Justice Harry A. Blackmun—one of our largest collections of judicial papers. We have made elaborate preparations to accommodate the anticipated wide public, press, and scholarly interest, through expanded hours in the Manuscript Reading Rooms and with on-site access to significant digitized portions of the collections and web-site access to collection highlights.

We have specially prepared for Members of Congress and their staff, who wish to view the more extensive digital files, a dedicated computer in the LaFollette Reading Room. Materials will include a 362-page collection guide, a 500-page transcript of an oral history taken by Justice Blackmun's law clerk, Harold Koh, and case files from many of the seminal opinions authored by Justice Blackmun.

Electronically, the Library of Congress is responding to the new "Google" world of search engines by fundamentally changing the way in which we identify, gather, and process information to yield knowledge for Congress and the nation. We will always have books, maps, and other printed artifacts, but we must also capture and preserve the dramatically increasing volume of human knowledge that is created in cyberspace, and will never see life as a printed book or document.

Our mission is unchanged: to make our resources available and useful to the Congress and the American people and to sustain and preserve a universal collection of knowledge and creativity for future generations. But the way we fulfill that mission is undergoing a sea change. To ensure that digital information is captured and preserved, libraries cannot wait until that information is acquired in the traditional way, after it is published. It has to be collected at the point of creation.

Thanks to the Congress's appropriation of funds in fiscal year 2001 and approval of a plan in December 2002, the Library has been working with creators and publishers to create digital preservation repositories and with creators and legislators to ensure that copyright laws balance protection and access. The Library will, in the years ahead, have to retrain print-oriented staff and bring in new talents to select, preserve, and deliver digital information.

But the Library of the 21st Century—like America itself—must add without subtracting. We must continue to serve as the in-gatherer of analog collections while dramatically expanding its on-line information services in new and more timely ways.

The Library of Congress must be a leader in seamlessly integrating old knowledge with new information in its services for Congress and the nation. In an age flooded with unfiltered information, the Library of Congress has the opportunity and obligation to provide Congress and the nation with objective knowledge navigators.

The Congressional Research Service has a long and unique tradition of combining scholarly expertise with objectivity and authority. The large endowment generously provided by John W. Kluge supplemented by other private donations has brought a fresh infusion of world class scholarship into our midst.

The single greatest challenge facing the Library in the digital age is developing a workforce that can think and work in new ways without losing the immense inherited knowledge and memory of our great staff. I will soon be requesting legislation that will give the Library a broad based flexible package of human capital tools, in line with practices already in use within the federal government. We need to ensure that the Library of Congress will be able to attract, retain, motivate, and reward a top quality and high performing new generation of knowledge specialists to serve the Congress and the American people in those areas where the Library has unique obligations.

HIGHLIGHTS OF 2003

During 2003, Mr. Chairman, the John W. Kluge Center officially opened at the Library of Congress, bringing some of the world's leading scholars on a rotating basis to use the Library's collections and interact with public policy makers; the Center for the Book celebrated twenty-five years of championing reading promotion programs and literacy partnership. Founded by my distinguished predecessor, Daniel J. Boorstein, whose death last Friday we all mourn, this center within the Library of Congress now has affiliated centers in all fifty states and the District of Columbia.

During this past year, the Library continued to implement its multi-year security enhancement plan; including an upgraded intrusion detection and security monitoring systems, and upgraded firewalls to safeguard the Library's valuable computer resources and overseas offices. Working with other information technology professionals in the Legislative Branch, the Library constructed an alternate computer facility in a remote location to mirror its priority systems in case of a disaster on Capitol Hill.

Also in 2003, the Library submitted and the Congress approved the plan entitled, "Preserving Our Digital Heritage: Plan for the National Digital Information Infrastructure and Preservation Program." The Library began the program's next phase with a call for project applications to develop and test models for archiving these materials that do not exist in analog form. Awards will be made in April 2004.

The Library has so far digitized and made available free on our website 8.5 million American historical items, adding in 2003 more than 344,000 new digital items, and five new Library exhibitions. The Library's Global Gateway program of bi-national, bilingual internet files based on our unparalleled international resources, was formally launched with Brazil two weeks ago; and the Congressionally-created flagship "Meeting of Frontiers" program with Russia will have nearly half a million images on-line by the end of 2004. The Library's interactive web-site for families, www.americaslibrary.gov, continues to grow in popularity thanks to the Advertising Council's first-ever national promotion campaign for a library project.

ACQUISITIONS

Significant special acquisitions were made possible by private funding during 2003—such the oldest known intact Indian book (a birchbark scroll on Buddhist psychology from as early as 200 B.C); and a complete set of Curtis's Botanical Magazine, a landmark work of natural history literature and illustration. The acquisition of two very important new collections made possible by the major private donations of Madison Council members will be announced shortly.

The Library completed in 2003 the purchase of the only known copy of the first document of any kind to use the name "America," the first map of the new world made in 1507 by Martin Waldseemuller. Funding for this historic purchase came from a special Congressional appropriation as well as private contributions from the Discovery Channel, Gerry and Marguerite Lenfest, and others.

In 2003, the Library's Veterans History Project received more than 60,000 items documenting the experience of the nation's veterans and their families; and an extremely rare relief model of Utah Beach that was used in the preparations for the amphibious D-Day landing at Normandy.

The Library celebrated the 75th anniversary of its large Chinese collections and added 9,012 monograph volumes and 15,444 issues of Chinese serials, and 192 Chinese microfilm reels in targeted subject areas. The Library acquired microfilm and digital copies of 4,000 pages of virtually unknown, largely Islamic, manuscripts from Timbuktu, Mali, exhibited at the Library in the summer of 2003.

Significant new manuscript acquisitions included the papers of former national security advisor Zbigniew Brzezinski; the original kinescope collection from the "Ed Sullivan Show", the seminal American television variety program (1948–1971); and a unique collection of audiotape interviews with Alice Roosevelt Longworth, the outspoken daughter of President Theodore Roosevelt.

POLICE MERGER

The Library has been fully engaged in and is committed to increasing security, integrating police operations, and improving budget economy here on Capitol Hill. We are deeply troubled, however, by the proposed plan that the U.S. Capitol Police have issued for implementing the merger of the Library of Congress Police force into the U.S. Capitol Police force.

When ricin was recently found at 3:00 in the afternoon in a Senate office, Capitol Police and House and Senate Officers met to discuss closing the Capitol campus

until the threat could be assessed. Library officials learned of this incident at 10:00 p.m. only on the television news, and Library police were not officially informed until 11:00 p.m.

Even more serious is the way in which the Capitol Police propose to proceed—by stripping the Librarian of Congress of the authority to exercise his most basic, statutory responsibility to protect the collections as well as the people and buildings of the Library. The Library's police force is focused not only on the physical safety of our staff, visitors, and building, but on the integrity and security of our priceless collections and is the primary arm for the Librarian of Congress in discharging this responsibility. The Library must be able to request and to present its case directly for the resources and policies needed to protect the Library's assets. The Capitol Police officers that serve on Library property with special responsibility for the collections must be under the technical direction of—and accountable to—the Librarian of Congress.

Under the 2004 Legislative Branch Appropriations Act, the Library of Congress no longer has authority to hire new officers to replace those that leave our force through retirement or other separation. These positions now have to be filled with Capitol Police officers on detail to the Library, and we will soon be getting our first such group. If no action is taken on the proposed police merger plan, a merger will occur by attrition over a period of years, during which the authority for the safety of staff and collections will be increasingly difficult to implement with a workforce serving only on detail. I look forward to working with the Congress to design a merger implementation plan that will not undermine the authority of the Librarian.

FILM PRESERVATION

The Library submitted during the first session of the 108th Congress a request for re-authorization of the National Film Preservation Program. There are now 375 culturally, historically and artistically significant motion pictures that I have picked for the National Film Registry, which was created by Congress in the original Film Preservation authorization in 1988. Annually adding films to the Registry enhances public appreciation for the richness and variety of America's film heritage and highlights the importance of film preservation.

The forthcoming opening of the National Audio-Visual Conservation Center in Culpeper provides a single location and new focus for all the Library's vast motion picture, television, and recorded sound collections—the largest in the world. Re-authorization of the National Film Preservation Program is an essential support element for this national program. The Library of Congress has played the leading role in identifying endangered films, setting national preservation standards, and working with other public and non-profit archives to save American films from irreversible deterioration. In passing the original 1988 act and subsequent re-authorizations in 1992 and 1996, Congress recognized the central federal role of the Library of Congress, in developing a coordinated strategy to address the challenges of film preservation—particularly for those films in the public domain or not owned by major studios.

The National Film Preservation Re-authorization Act of 2003 [S. 1923 and H.R. 3569] will also continue the vitally important role of the private sector, through the National Film Preservation Foundation, a new non-profit charitable affiliate created in 1996. The Foundation has raised $6.34 million in private funds and in-kind contributions—a magnificent response to the $750,000 in federal funds received to date. The Foundation has supported 98 institutions in 34 states and D.C., and has preserved and made available more than 630 significant films that would otherwise have been unlikely to survive. I hope the Congress will support the Library's request for a 10-year re-authorization of the National Film Preservation Program.

On behalf of the Library and all of its staff, I thank this committee for its continued support for and interest in the Library. The individual members of this committee have provided an unusual level of continuity and guidance for this institution. We are all in your debt, and look forward to working with you as we move the Library fully into the new century.

I will be happy to answer any questions.

Chairman STEVENS. Thank you, sir, very much.

You and I have reviewed some of that material and the Appropriations Committee has reviewed it. Let me see if the vice chairman has any comments or questions.

Mr. EHLERS. No, I just want to thank you for the report, and we appreciate everything that the Library does.

Chairman STEVENS. Do you have any questions, Senator Cochran?

STATEMENT OF SENATOR THAD COCHRAN, U.S. SENATOR FROM MISSISSIPPI

Senator COCHRAN. One comes to mind. When materials and donations are made available to the Library, it seems that we almost always accept them. Is there any criteria that you have that guides you in saying no, we cannot accept this or we do not have room for this, or we would suggest you try to find a university library somewhere that might accept it?

Dr. BILLINGTON. Yes. First of all, we do not accept everything. We make judgments: Is this important for the national collection or is it not? We often suggest that people give it to a local library if it deals with local history or if it has some logical connection. Almost all Congressional collections, we suggest that they work with somebody from the district or their State if possible and so forth.

In addition, we cannot accept anything that is not formally approved by the Library's Trust Fund Statutory Board established in the 1920's. So the Library's acceptance of collections is contingent on its acceptance by the Trust Fund Board as well.

But yes, we—first of all, in terms of things we look for—in terms of things that come in to us, I would say we accept only a fraction of those that some have suggested. But we have a universal collection, so we collect very broadly. We try to collect qualitatively. We try to sustain the core mission of the universal collection, which is not to say we collect everything, but that we try to collect everything that is important for the Congress and more broadly for the Nation's memory and the Nation's policies, all of which are subject to the Congress.

So it is a limiting factor, yes, definitely. We do not accept everything. We will be about to announce in the next couple of months two major and, I think one could almost say spectacular collections, which will come to the Library in the near future. Very often these take a long time to develop. But we concentrate on those things that we think are of fundamental importance to Congress and the Nation.

But we are a very creative Nation and since the copyright deposit also represents the core of our Americana collection many—for instance in music, there have been many great composers that have offered us their entire collections and we have been inclined to accept them because we already have the base of the copyright deposit. So we have the complete collections of people like Bob Hope, for instance, or the Gershwin brothers or Leonard Bernstein and Irving Berlin, John Philip Sousa.

The addition of these collections, that for instance dates back to the 1890's when Congress decided that Sousa, the great Sousa collection, which he really created the march and the President's own band, ought to be in the national collection.

Some of the most important collections given to the Library are the papers of the Presidents. We have most of the papers of the first 23 Presidents of the United States and they came largely from the State Department, where they had been housed, and it was thought to be more proper to transfer them. So there is a lot of

transfer of material that is not the formal official record of the U.S. Government, which of course goes to the National Archives and Records Administration, but papers, particularly important manuscript papers.

There is a kind of informal agreement, for instance, with the Presidential libraries, which are part of the Archives, that if someone served primarily, whose papers, personal papers, are of importance and interest to historians, but served primarily in one administration, the first consideration would be to go to the Presidential library, although everyone's free to do anything they want with their papers.

So we are inclined to accept and certainly to look for mainly papers who served in a variety of administrations over a long period of time. So there is a kind of a, I think, an understanding between other great repositories and libraries and other government institutions that everyone pretty well adheres to, which limits what we take in, but still leaves us with a very broad and comprehensive collection.

Senator COCHRAN. Thank you.

Chairman STEVENS. Any further comment?

Senator COCHRAN. No, I have no other questions.

Chairman STEVENS. Mr. Ney.

STATEMENT OF ROBERT W. NEY, U.S. REPRESENTATIVE FROM OHIO

Mr. NEY. Just a statement, Mr. Chairman. Just a statement that we will work with you on the concerns you have about the merger which is happening, as you said, through attrition with the Capitol Police and some of the issues you might have about conducting law enforcement, and also looking at the different types of protection for the collections. I do not want to take the time right now, Mr. Chairman.

Dr. BILLINGTON. Thank you. General Scott has really been handling that for us. I am sure we will be glad to talk to him about it. Our main concern is that the collections—and this was a concern, has been a historic concern of this committee, too—that the security of the collections poses a very special set of problems and obligations that are absolutely essential if we are going to be preservers of most of the Nation's creative memory in the private sector.

No other country has preserved, let alone the legislative body, has sought to preserve, as insistently as this did. When the copyright deposit was in the judicial and the executive branch, as it was for a while, we did not preserve that record. Once it came under the legislative branch of the government in 1870, 1971, the record is virtually—has been very well maintained and sustained.

So we are very concerned, and there was concern when we discussed security problems and tightened and closed the stacks definitively and made a number of other security provisions that we have been steadily implementing. Security was a central concern of this committee. So we feel that it will be helpful to be able to discuss it with you and for the committee to understand how we continue to exercise what is one of the most fundamental responsibilities in the Library—that is, to make sure that the security of the

collections, along with the obvious needs, as well, on questions of security of buildings or people, are also maintained.

So we think we can cooperate with this program, but we would like to have that opportunity.

Chairman STEVENS. I think we would all like to work with you on that police issue. It is going to take some action by both of the subcommittees of the Appropriations Committee, I think, to work out. But we will pursue that with you. We would like to have your help, Mr. Ney.

Mr. Larson, do you have anything?

STATEMENT OF JOHN B. LARSON, U.S. REPRESENTATIVE FROM CONNECTICUT

Mr. LARSON. Thank you, Mr. Chairman.

Just briefly, again thank you for the fine work you do on behalf of the Library and the Nation, and I concur with what the chairman said at the outset, you get fine marks with respect to your predecessor Daniel Boorstein in his tenure here as Librarian of Congress.

You mentioned in your remarks 41 percent turnover. How is that going to impact us in terms of institutional memory? Do we have a plan? That is a huge number.

Dr. BILLINGTON. Well, that is of course the number that are——

Mr. LARSON. Potential.

Dr. BILLINGTON [continuing]. Potential, and it is not all have reached retirement age, but they have reached eligibility. Many of them will have reached retirement age. We have been working on a succession plan for a number of years, but this is really our priority concern and I expect that by the next budget beyond the one that is currently under consideration we will have some rather massive plans to deal with this question, because it is not simply a question of replacing existing positions. It is a question of redefining many of these positions, because we have to be able to—the mission of the Library does not change, which is basically fundamental for Congress first of all and for the Nation as well.

Because of its size and potential, this place has to acquire, preserve, make accessible, promote the use of by more people in more ways the knowledge, information, and creativity of the world, knowledge and information particularly of the world and the creativity particularly of our own country, the memory of which is likely to erode without that vast copyright deposit.

So how do we do that? Well, we have to train people and we have to also, because of the tremendous inundation of the Internet, we have to have a whole new type of filtration. The filtration which occurs with editing and publishing in the print world does not occur on the Internet. You just have an immense amount of material. It is growing exponentially even as more people enter the print era that are simultaneously entering the Internet era.

So this is going to be a massive task of redefining. Moreover, we have to make much more efficient use—I think the Congressional Research Service, which you will hear later, has a great tradition established, very unique in the scholarly world, of the object of filtration and synthesizing of knowledge for the purposes of the Congress and in response to their concern.

But that can be enriched and the whole services of the Library can be enriched by better use of our foreign collections. We are increasingly involved in places in the world in which few institutions have the materials that we do and that we need to keep on acquiring in places nobody would have thought of having a collection on, Kosovo, Chechnya, Burundi, and Afghanistan 20 years ago. But these are all tremendously important, and that is why we need to increase our essentially flat acquisitions budget.

But we also need to get that material used and in service for the Congress so that we can have it be accessed, not only to what the English language intercommunication on the Internet provides; we need to filter that. We need people who can filter that and we need people who can use it more effectively. We have the largest Arabic collection in the world, the Library of Congress, but we need people who can use it, mediate it, and get it into the stream of what you need.

The private endowment that John Kluge, the chairman of our Madison Council, has given us has enabled us to bring important people who could think broadly about this and stimulate us. We just had recently the former president of Brazil Cardoza, and we have the former president of the Czech Republic Vaclev Havel arriving shortly. These are major figures. We had the recent visit and spent time with the Congressional Research Service of an endowment that the Friends of Henry Kissinger created for an annual lecture by George Schultz.

So we have a stream of people of great experience and knowledge coming in, on private funds, but providing increased knowledge. We have had one of the great Islamic scholars in the world, Mohammed Arkun, make a number of visits to the Library.

So we have to—because there is no filtration of the Internet and because there is just so much material and because the concerns, the security concerns, the economic opportunities as well as the competitiveness problems of our economy, they are all growing internationally. We have just devised a whole new system for getting material from China. We have the largest Chinese collection outside of the Chinese-speaking world, but we have a whole new system for getting stuff from the Chinese provinces, which is going to be very important because in that country too, different forces are at work. We need to understand it better.

So all of this is I think of capital importance if we are going to serve Congress—and it requires us to have people who have both substantive knowledge of languages, fields, and cultures and, at the same time, technical fluidity and ease in dealing with the Internet and also good judgment so they can help filter this flow of information, because otherwise we are just overloaded with information, with unsorted data, with unverified facts, the amount of unverifiable information.

So this is really our major task for the next few years. It is not reflected quite as much in our current budget because we have a set of needs, particularly the storage needs, that are largely in the Architect's budget that are not new and, since we have no capital budget, they have to come in for annual appropriations.

The storage, for instance, at Fort Meade is already much delayed, but that was part of a project that we have developed and

discussed with the committee before as part of a general strategic plan over many years. Our requests for capital, major capital construction, have been relatively modest, I think, compared to many cultural institutions, but they do occur, without a capital budget, on an annual appropriation basis.

The biggest one, this audiovisual conservation center, as I have indicated, is largely being funded privately. So we do have these requests and needs, but the biggest one is going to be the human capital. That has been our greatest asset of this Library, even greater than the collections, is the people who preserve them, chose them, and made them accessible. They have done a great job over the years.

We are going to try to set it up so that they will mentor, the outgoing people will help mentor the incoming people. That is already happening at the Congressional Research Service and other parts of the Library, but we are going to increase that immensely.

We do not think, by the way, that everybody who can retire will retire. People like to stay on, and it is on the whole, of great value because they get the feel for the collections. We have problems of quantity. We get 22,000 artifactual items every day. Narrowing that to the 10,000 we keep is also a tremendous skill set of people who no one appreciates outside of the Congress. I as an old pack rat go down in the discard pile periodically just to see if there is anything anybody might conceivably want, and I have never found anything. And as my wife can tell you, I never throw anything out at home.

So this is a huge problem, getting the right staff. But we have had a great staff, we have a great staff. But we are going to have to not only get an equally good one, but we are going to have to get staff who have skill sets that we have not had to have as urgently in the past.

Chairman STEVENS. We had a request from former Senator Slade Gorton that the Library acquire the Harper's Weekly John Adler collection. I do not know how many members are familiar with that. We have so far not pursued that. Would you tell us just for the record what your opinion is about that? There is a request pending now before the Appropriations Committee for $7.5 million to be used to acquire that, with some additional moneys from non-Federal sources. Are you interested in that project?

Dr. BILLINGTON. Well, I have met several times with Mr. Adler and his advisers. The digitized version of Harper's Weekly and some other things he has would be certainly accepted by the Library if offered as a gift. We have not asked for appropriations or are seeking private contributions to purchase the collection. It is not a priority for our acquisitions budget, particularly in the current tight budget environment.

But it is a very valuable collection and it could be—certainly we would be glad to have it. It would add to—we have 8.5 million items of American history and culture already on line. This would be a very valuable addition and we would be very happy to accept it as a gift. It might be—it would be the kind of thing that, if we could get it, we would be very happy to have it, I think, if it could be acquired, particularly in the context of some kind of educational program which would support a very great need, that is to train

or to have some program for expanding the training of teachers in the educational use of the Internet.

But we already have a great deal online and, much as we would love to have it, I cannot say that for the Library's budget as such that it is an immediate high priority.

Chairman STEVENS. Any member have any further questions of the Librarian?

[No response.]

Chairman STEVENS. Could we ask you, Director Mulhollan, if you would come up and join the Librarian and let us chat for a minute about your situation with the Congressional Research Service. We are not really going into appropriations, but you are really a very essential arm of the Congress. All the Library is, but we use your Research Service probably as Members more than we do the rest of the Library. So we thought it would be nice to have us hear from you what your situation is.

STATEMENT OF DANIEL P. MULHOLLAN, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS

Mr. MULHOLLAN. Thank you. I appreciate that, and I appreciate the support that this committee has given over the years. Just to know, last week—we are statutorily obligated to report on an annual basis to the Joint Committee on the Library and we provided that to you for our fiscal year 2003 last week.

I will summarize. I think that for CRS, our perspective, the Congress plays a critical role in a representative democracy during war. This is a particularly difficult time because this war on terrorism does not have boundaries and there is no end in sight. I maintain that the capacities to help the Congress to sustain its role have a critical claim on scarce resources.

Then the logic follows is that CRS helps the Congress in that capacity. In that annual report we talk about how our folks were there during the Congressional joint resolution on the war declaration. We were there with regard to issues with regard to war powers, declaration of war, preemptive use of war in international law. When military action started, CRS assisted Congress in a whole range of questions on Iraq and the Middle East, U.S. efforts to change the Iraqi regime, the U.N. Food for Aid program, and continuing with the whole major effort of the largest since the DOD, the creation of the Homeland Security, the impact on federalism, the impact now on civil service and personnel structures, and across the board on each of the programs, and still evolving on homeland security.

I think we are trying to do our best to help the Congress on these many and many more complex issues. My concern is is that the one that we are all aware of, and that is kind of silently sitting here, that we are facing a very difficult fiscal circumstance. What I have mentioned in my statement is that if we do not get our mandatories—the cost of living, we are 87 percent salaries; if we do not get that, that means $4.3 million. That is 37 positions I do not have, which are—and together with that we are looking for a one-time ramp-up of $2.7 million because basically we have greater expertise and greater need coming into the service in the last 10 years. Aside from special hiring programs our average grade was

GS–7, step 9. Now it is 13.1. We have got a better, smarter force, but it is a more expensive one.

If we do not get, those two lump sums, $7 million added onto our budget, we are going to lose over 60 positions. That is almost 160 hours on each of the issues that you are talking about. We cover 160 policy issues, providing over 900 reports, literally thousands of confidential memoranda, daily briefings, both oral and telephone consultations, on each of those issues that you have to do to maintain your responsibilities, and I hope we are there for you, and I am looking for the Congress' help to sustain that capacity, because these are very difficult times.

[The statement follows:]

PREPARED STATEMENT OF DANIEL P. MULHOLLAN

Mr. Chairman and Members of the Committee: I am pleased to appear before you today to discuss the work of the Congressional Research Service (CRS) in fiscal year 2003 and its priorities for the future. I want to thank this Committee for the confidence it has shown in CRS in the past and the support that has enabled CRS to serve the Congress during these difficult times of demanding policy deliberations, which have been made especially challenging because of our heightened need to provide for security at home and abroad, and because of greatly increased fiscal constraints.

As CRS completes its ninth decade of service to the Congress, we continue to uphold our sole mission: We work exclusively and directly for the Congress, providing research and analysis that is authoritative, timely, objective, nonpartisan, confidential, and fully responsive to the policy-making needs of the Congress.

The Congress continually and routinely calls on CRS research assistance as it examines policy problems, formulates responses, and deliberates on them across the broad range of complex and challenging issues on the legislative agenda. Our paramount concern, especially given the critical constitutional role of the Congress during a time of war, is preserving independent, accessible, and responsive analytic capacity in the legislative branch.

Mr. Chairman, my statement today highlights CRS accomplishments in supporting the Congress over the past year. My statement also outlines the fiscal challenges CRS will face in the upcoming year and reports on the steps we have been taking to contain costs. I am concerned about the Service's ability to continue providing the level of support Congress has come to rely upon. For the coming year, we seek to maintain our research support for the Congress including priorities targeted to meet major policy-making needs as Congress faces continuing and unfolding policy concerns, as well as significant, unanticipated crises.

Fiscal Year 2003 Highlights in CRS Legislative Support

Throughout fiscal year 2003 Congress called on CRS as it confronted numerous, challenging public policy problems in its demanding schedule of legislative and oversight activities. I have submitted to you our 2003 annual report outlining the breadth and depth of support on key public policy issues. Today I will touch upon some issues emanating from the war with Iraq and efforts to enhance homeland security last year. CRS has and continues to play a significant role in keeping the Congress abreast of policy questions, options and their implications during rapidly changing situations of vital importance to the Nation.

The War with Iraq.—U.S. involvement in Iraq—the diplomatic activities and military preparations leading up to the war, the war itself, and the war's aftermath—dominated the congressional foreign affairs and defense agenda during the year. CRS specialists responded to diplomatic, military, and postwar issues; provided briefings on the congressional joint resolution authorizing the President to use force against Iraq; and fielded queries on war powers, declarations of war, and the preemptive use of force under international law.

As military action began, CRS assisted with issues such as Iraq's relations in the Middle East, U.S. efforts to change the Iraqi regime, and the United Nations oil-for-food program. Analysts examined the postwar needs of Iraq for humanitarian and reconstruction assistance, the role of the international community and the United Nations, Iraq's economy and foreign debt, and the likelihood that any U.S. loans to future Iraqi governments would be repaid.

Homeland Security and the Potential for Terrorism.—To assist the Congress as it addressed homeland security and terrorism, CRS continued its Service-wide, coordinated response that draws upon a wide range of expertise. Following passage of the Homeland Security Act, CRS experts developed a comprehensive organization chart that identified statutory requirements for congressional staff who monitor the establishment of the Department of Homeland Security (DHS). As Congress began oversight activities pertaining to this new government agency, CRS provided help with procedural and jurisdictional questions, briefings on the operational and organizational aspects of DHS, and analyses on the protection, use, and disclosure of critical infrastructure information submitted to DHS. Anticipating the subsequent intense demand for information and analyses on new or expanded programs related to homeland security, CRS examined such matters as emergency management funding programs, federal disaster recovery programs, and federal assistance programs aiding state and local government in terrorism preparedness.

Other related domestic policy issues related to the war and terrorism arose late in the 107th and continued throughout the 108th Congresses. CRS responded to requests regarding bioterrorism and health issues, such as the public health system's ability to respond to health threats posed by chemical and biological agents; border and transportation safety; the continuity of Congress in the event of a catastrophic attack; critical infrastructure security including communications systems, oil and gas pipelines, electrical power grids, and highway systems; immigration concerns such as restructuring the issuance of visas; and legal ramifications of anti-terrorist enforcement, including the roles and authorities of law enforcement and the intelligence community.

Cost Containment Efforts

Over the past several years, in order to sustain the level of research support on issues such as those outlined above, CRS has conducted numerous management reviews to evaluate current operations, maximize value, and implement cost containment measures. As stewards of the taxpayers' money, it is our obligation to review continuously how we can work most cost-effectively. Our reviews identified opportunities for containing operational costs of current services: for example, closure of the Longworth Research Center and one copy center, elimination of the Info Pack, and reorganization of the Service's information professional staff. In addition, the Service formed collegial research partnerships with major public policy universities to enhance research capacity, created a hiring strategy that does not routinely replace staff attrition one-for-one, but rather continually adjusts the work force composition to respond to the evolving needs of the Congress, and examined outsourcing of selected activities where cost efficiencies could be realized. I assure you that CRS has exhausted all reasonable means of realigning existing resources to maximize its efficiency and effectiveness in supporting the Congress. Yet despite these many efforts, our research priorities for the future remain in jeopardy without additional funding.

Fiscal Year 2005 Budget Request

Mr. Chairman, I am requesting a total of $100.9 million for fiscal year 2005. This represents a 10.7 percent increase in funding over fiscal year 2004. This funding request is critical to the continual delivery of high-quality analysis to the Congress. A 2001 congressional directive obligates the CRS director to: ". . . bring to the attention of the appropriate House and Senate committees issues which directly impact the Congressional Research Service and its ability to serve the needs of the Congress. . . ." [H. Rept. 1033, Cong. Rec. 146, H12228, November 30, 2001]. I am fully aware of the fiscal realities that the Congress faces and the hard choices that must be made in the coming months, and I make a request for this funding because I believe that these resources are critical to preserving our ability to provide the Congress with the expertise and services it has come to rely upon so heavily.

The remainder of my statement summarizes three critical challenges facing the Service this upcoming year—preserving the Service's research capacity, meeting congressional requirements, and funding uncontrollable increases for essential research materials.

Preservation of CRS Research Capacity

Preserving CRS's research capacity is of the highest priority. Over the last several years, with the help of the Congress, the Service has been able to abate erosion of its workforce. The Service's capacity—measured by the number of full-time equivalent positions (FTEs)—has decreased from 763 in 1994 to 729 this year. After early and prolonged delays due to the implementation of the Library's new merit selection, the Service has nearly rebuilt its capacity by hiring much needed analytic staff. To preserve this capacity the Service is requesting two actions full funding for

its mandatory pay and inflationary increases and a one-time adjustment to sustain its current ceiling of 729 full time equivalent staff.

CRS needs $4.3 million to cover its mandatory and price-level cost increases. Without this adjustment, the Service would have to reduce its full-time equivalent (FTE) capacity by 37 staff. In addition, the Service's budget request includes a one-time financial adjustment of $2.7 million to sustain the CRS current FTE level of 729. Without the one-time funding adjustment, CRS would have to staff down further by another 25 FTEs.

Change in the CRS workforce composition is an increasingly significant factor affecting personnel costs. The nature of the work—reflecting the increasingly complex and specialized research and information requirements of the Congress—dictates that CRS hire individuals with high levels of formal education and specialized experience. In the period from fiscal years 1995 to 2003, the grade level of the average new CRS hire has increased from a GS–7, step 9, to a GS–13, step 1, not including special hiring programs.

When Congress confronts unanticipated major policy events, it turns immediately to CRS to draw on the existing stock of knowledge of CRS experts and their proven ability to assess situations and options reliably and objectively. Congress gained significant, immediate support from CRS experts as the world listened to early reports of the Columbia Space Shuttle accident, during the electricity blackout last August, when Mad Cow disease was found in the United States, when ricin was discovered in a Senate office building, and on many other occasions.

Congress routinely turns to CRS as it engages in long-term policy endeavors for which precedents or experience is limited. Congress is receiving continuing assistance from CRS experts in formulating, implementing and overseeing a complex complement of provisions for homeland security; in grappling with major revisions in government personnel practices; in responding to an array of novel assaults on corporate and financial integrity; in responding to world health threats from SARS, avian flu, and AIDS; in assessing unique conditions in Iraq relating to security, reconstruction and governance; in relating a mix of policy objectives across the use of the tax code and providing for a robust economy in a far more globalized setting than experienced before.

The Service's productivity and performance in fiscal year 2003 are best illustrated by four measures of its workload during the year: (1) support for 160 major policy problems at all stages of the legislative agenda; (2) maintenance of 900 key products in major policy areas, representing a 30-percent increase over the 700 products maintained at the close of last fiscal year; (3) immediate 24/7 online access to key products and services through the Current Legislative Issues (CLI) system on the CRS Web site, with a 10-percent increase in congressional use of our electronic services over use last year; and (4) custom work for the Congress—thousands of confidential memoranda, in-person briefings, and telephone consultations. In fiscal year 2003, CRS delivered 875,197 research responses, a number that includes analysis and information requests, product requests, in-person requests and services at Research Centers, electronic services, and seminars.

Without the full funding of our mandatory costs and the one-time adjustment to our salary base, CRS would loose a total of 62 full-time equivalent staff—a 9 percent reduction to its workforce. The results would be devastating. What could be said with certainty is that, overall, CRS would not be able to provide the Congress with 102,300 productive work hours per year. For example, for the 160 active policy areas for which CRS maintain ongoing research coverage, 682 productive work hours—more than 21 weeks per year per major issue—would be unavailable to the Congress. While the Service would do its best to carry out its mission to serve the Congress as it carries out its legislative function, this outcome would, by the very scope of its effect, force the Service to reduce seriously or eliminate customized, timely, and integrative analyses of some critical policy issues. It would be difficult to predict what issues would be the most impacted but seasoned, expert staff working on high demand issue areas would likely leave and we would not be able to replace them.

Meeting Congressional Requirements

Another challenge facing the Service is to support CRS business continuity and improved technological infrastructure activities as required by the Congress. I am seeking $622,000 for continuing operations of the alternative computer facility (ACF) that houses back-up and emergency computer and other technology capacity for the Congress, the Library and CRS. With this facility CRS will be able to meet needs of the Congress in emergency situations while maintaining a secure and reliable technology environment.

The Service is also requesting $549,000 to develop the XML international standard authorized by the Congress as the data standard for the creation and accessi-

bility of all congressional documents through the Legislative Information System (LIS). CRS will work with the Library's Information Technology Services to implement this much-needed capability. Without funds to replace the existing search system, the LIS will need extensive, costly, and proprietary modifications to be able to receive and index the legislative documents you need.

Meeting Uncontrollable Inflationary Increases for Essential Research Materials

And the last challenge facing the Service is funding research materials. Providing accurate, timely, authoritative, and comprehensive research analysis and services to the Congress has become increasingly difficult due to the high annual increases in the costs of research materials. Thus our budget includes a one-time financial adjustment of $1.0 million to meet cumulative increases over recent years in subscription and publication prices. Restrictive industry policies limit our alternatives for obtaining needed materials, especially electronic resources, in a more cost-effective manner. Information resources sought with the additional funding include those that provide information on port security, prescription drug pricing, and the nature and status of corporate financial reporting.

In closing, Mr. Chairman, I appreciate the opportunity to inform the Committee about the state of CRS. During a time of war, Congress, the First Branch of Government, must ensure that it maintains its independent capacity to analyze the complex challenges that the Nation confronts in combating terrorism and sustaining homeland security.

I trust that you agree that CRS contributes significantly to this independent capacity of the Congress. I also trust that you believe we are fulfilling our mission in a way that warrants your continued support. I am, of course, always available to answer any questions that the Committee might have.

Chairman STEVENS. When I first came here, it is my memory that in order to have access to the Congressional Research Service I had to go through a committee to make a request. Today you respond directly to the request of any Member, is that not right?

Mr. MULHOLLAN. That has always actually been the case. We always, since actually the 1946 legislation, the first Legislative Organization Act, 1946, then the Legislative Reference Service was founded, both to Members and committees, and that is our statutory charter. So an individual Member as well as committees.

Now, what happened, what you are referring to is that major studies at the time were requested when you would have a letter from a committee. Our usual standard has been as far as prioritization, is that the chair and/or ranking member or the member of the committee of jurisdiction. It has always been roughly trying to meet the priorities that Congress gives to us, but for always we have tried to do our best to meet, through negotiation on a continuing basis, meet the concerns and the questions that each of Member of Congress has brought up.

Chairman STEVENS. But are you not putting out a great many more individual reports for Members than you used to?

Mr. MULHOLLAN. Yes, we are. In part, I think it reflects the challenges that the Congress has. I mean, there are a whole range of new issues alone that you helped us with on technology, and the impact of information technology and telecommunications are issues that are expanding exponentially as far as the legislative agenda is concerned.

You can look on one aspect of terrorism, bioterrorism, and a whole range of issues. We had a report on ricin, a short report written by a biologist and a physicist together 1½ years before the ricin attack here, updated immediately and Members and staff could get first-hand information about its range and what have you, as an example.

Chairman STEVENS. I am worried about the problem of responding in a very activist Congress to each Member. I really think that Members—I am guilty of this probably myself—we would rather have a memorandum from you to say, the CRS says this, than have a memorandum from our own staff, and some of them, very frankly, may have more experience in the area than your people do.

But I do think that you are getting to the point where you are being used a little, and I wonder how we might slow that down. I do think there ought to be some priority given to basic issues that the Congress as a whole faces, rather than some of the issues that any Member on either side would utilize. Once your people get involved in those, they are tied up and they really cannot respond to the committees.

Mr. MULHOLLAN. Well, I would submit to you I think that the issues that the service gets involved with are driven by the committee agendas at the subcommittee and committee level, and that what we try to do and do very well is manage the workload to focus on aspects of questions. So that if you are concerned with a particular issue with regard to marine fisheries and Mr. Larson also has another aspect coming from the eastern seaboard, we try to look at that and manage the issues in such a way that the report is out there to help both of you with regard to the general issue and then specifically, through conversation or specific memoranda, get to the particular issues that you have.

We deal with and manage a significant legislative demand by finding correspondence on various issues to be able to manage that workload in a very cost effective way. I would submit oftentimes a CRS memoranda from staff can and does become actually the memoranda from the staff that we contribute to, because we are in a work process so that the staff, and I urge staff, to take some sections from a service report that is helpful and add it to the memoranda.

If you are the style you want a one-pager, they take two paragraphs from the service report and they add the particular issue of focus, let us say it is particularly dealing with Juneau on one aspect and they know that, and the issue, and you have got a one-pager for the Member. A lot of service reports are tailored to the Member, drawing upon that, and that should be. We are a shared resource.

Chairman STEVENS. I do not want to belabor it, but I do think the real problem is—we had an attack on your entity once and I helped defend it on the basis of shared staff. But you cannot share the number of people you have with 535 people all at once. The prioritization problem is there and a constant one, and I hope you are reviewing that in terms of responding to people who have a task to perform as opposed to people who are just seeking information.

Mr. MULHOLLAN. We are legislatively focused. We continually say, okay, what is the legislative purpose behind that. And our statute requires us to: Are you looking at drafting a measure, drafting an amendment? We continue to focus on the lawmaking function. That is our job.

Chairman STEVENS. Good.

Mr. Ehlers?

Mr. EHLERS. Yes. First a comment. It may comfort you to know at one time I issued a request on the history of contested elections in the House because I was chairing one. The Congressional Research Service decided that was not a legislative matter and it took me a long time to get a report. So not everyone gets prioritized. They do prioritize, I can assure you of that.

A question, Mr. Mulhollan. In 1995 the Congress discontinued the Office of Technology Assessment and passed some duties on to the Congressional Research Service. I have noticed in the years since then that we more and more are asking the National Academy of Sciences, the National Research Council, to do studies for us, which we pay for. They are not particularly cheap.

Have your requests increased since we made that decision in 1995? Are people automatically going to the National Academy? Furthermore, how many scientists do you have on staff to handle requests if they come to you?

Mr. MULHOLLAN. Well, with regard to the first question, I would submit to you that the kinds of questions that OTA handled were quite different from the Congressional Research Service. OTA did technology assessments. There were roughly, I believe, about 25 a year. They were very in-depth. They brought to the table the private sector, the executive, the Academy, together to look at a complex issue.

Our job is policy analysis. In statute we are to, as much as possible, anticipate the consequences of alternative provisions in proposing and the drafting of law.

Mr. EHLERS. Did your workload go up after that?

Mr. MULHOLLAN. Yes. But the number of science questions, science-related questions, has gone up. I do not have any—I cannot give you any definitive figures. What we have done, and the Congress has helped us, actually in 2001 Congress gave us five additional senior GS–15 positions on impact of technology on Congress itself. Most recently, in 2003 we got seven positions, also five positions on terrorism, which included an epidemiologist and a bioethicist.

We also have, for the aging we have a demographer, we have a gerontologist, a geneticist. We have increased also through our succession initiative, because we are in the same situation Dr. Billington was mentioning about our succession planning, to maintain our science capacity with physics, biology, and the solid sciences, coming in to expand that. Our scientific capacity has increased, not to the degree that I would like to see or I think you would like to see or the Congress needs, but we have increased that. I could give you more solid figures.

Mr. EHLERS. I do not want to take more time now, but if you could send me a note on that I would appreciate it.

Mr. MULHOLLAN. You have got it.

Chairman STEVENS. Mr. Ney?

Mr. NEY. Thank you, Mr. Chairman.

I thought the Internet, when I first heard of it, would cure all the—this did not come from you—but cure all your problems, because the staff could just research everything right there. It obviously has not decreased your workload, having the Internet available.

Mr. MULHOLLAN. Well, it actually has helped in managing the service. CRS' web site provides on a 24 by 7 basis to Members and staff of the committees service analysis on a constant basis. So that when, for instance, when the Space Shuttle Columbia came down, our nationally known expert Marsha Smith was over the weekend and had up on Monday morning——

Mr. NEY. No, no, I am sorry. I mean, our staff should be able—at one point in time I was told here years ago that the Internet would allow our staff to go ahead and conduct research without calling CRS. In reality, there are issues with the accuracy of information and actually locating that for which you are looking. That is what I meant.

Mr. MULHOLLAN. Well, in that instance, you are quite right. This was several years ago: One of the major search engines, when you put "holocaust" the first 23 of the 25 said it did not exist. There are significant problems as far—and that is why I think Dr. Billington has talked about why librarians are expert as far as navigation on the concern.

But what has happened is, as I indicated—and we closed the Longworth Research Center as a cost-benefit—is that the information-seeking behavior of Members and staff has changed and certain specific questions can be obtained, factual questions, but they need to be checked, but the kinds of questions we are getting are actually more complex. It is hard to document, but that is in fact the universal response that I get from my colleagues.

Mr. NEY. I will not take much more time. We had LSC in Ohio—I do not know if you are familiar with that—when I was a State senator. It was this great research engine and resource for the legislature. What you do is clearly important. If we do not have you, if you cannot do it, it is going to not allow us to respond to constituents, because things have changed.

The opening up of people knowing about hearings and information creates a great ability to get information out to the public or to the world, but it also creates work, too, because there are more people who know what is going on and ask us questions.

I will just close by saying, too, something that our great ranking member Congressman Larson worked on, that we did and we got a lot of heat for it, but it ties to your potential bankruptcy. We made a decision, and there was a pilot previous to us that looked at CRS and making every single CRS product available online.

We decided if a Member wants to do that, that is fine, but if the Member does not want to do it that is fine, too, because there are a lot of things we will go research and, frankly, it is sensitive information in the sense that when you put it out there, what constituent asked you to research it. So there is a confidentiality issue.

I know some people are not happy about it, but it was proven correct what we did, because I got a phone call last week. There were some lobbyists who were horrifically upset with Congressman Larson and me because they could not get freebies any more off of CRS through Members offices. So I think what we did was correct. I did not want to comment, but I just thought I would say that. That would have cost I think millions and millions of dollars, for you to have to put every single thing on line.

Mr. MULHOLLAN. Thank you.

Chairman STEVENS. My apologies. We have a tradition of going from one side of the Congress to the other and I did not look to my right. I should have looked. Senator Cochran.

Senator COCHRAN. Mr. Chairman, thank you very much.

I was pleased to notice in your statement, Mr. Mulhollan, that you refer to the report that we included in 2001 setting forth our commitment to support the Congressional Research Service and its budget request to meet the staffing needs so that you can respond to the Congress. I still think that when we have it in the title of this institution, the "Library of Congress," that is what it means. It is the Library of Congress, for Congress, to support Congress.

It also is, as Dr. Billington has often so eloquently pointed out, a national treasure as well, and it goes way beyond that. But still, this is a core function, and I am hopeful that your budget request can be approved and supported by the committee.

Mr. MULHOLLAN. Thank you. I appreciate that.

Chairman STEVENS. Mr. Larson.

Mr. LARSON. Thank you, Mr. Chairman.

Just a comment. I appreciate your eloquent defense of the need to make sure we continue to provide Members of Congress with the most up to date and knowledgeable research available to us. It is a core function of the institution and you perform your jobs admirably. I want to thank you for that.

Mr. MULHOLLAN. Thank you.

Chairman STEVENS. I am going to close with just a comment to you two. I would like to have you consider some kind of a Congressional hour once a week, that we will know if we come over there we will see another facet of the Library and have that facet explained to us, and leave it open to Members or one staff from each. Theoretically you could have 500 people. You are not going to have that. And let us know what the subject is going to be.

I find at times there are things over there that I did not even dream were there. As long as I have wandered around there—and I have been wandering around there since 1950, as you know—it is still a complex thing for us. I would like to have a show and tell hour for Congress and the staff once a week. You pick the time, like 9:00 to 10:00 in the morning on a Tuesday or something, and we will see that you get some people over there to try and learn more about what you are doing, so we can be more articulate in terms of defending your budgets and the authorizations we have to give you.

Just consider it. Now, it is not a mandate. That is just a thought. Okay?

Dr. BILLINGTON. It would be helpful if you indicate to us what the best time would be for Members.

Chairman STEVENS. For the Senate it would be Tuesday morning. There are not enough here on Monday morning, I have got to tell you.

I do not know about you. We do not usually meet before 10:00 on Tuesday morning. So if we had a 9:00 to 10:00 show and tell on Tuesday morning, we could stop by there on the way to work, if we were interested. And you would send us a bulletin on what it is going to be next week, okay.

Dr. BILLINGTON. Okay.

Chairman STEVENS. Just think about it, if this will be helpful. Would you not like that?

Senator COCHRAN. Yes.

Chairman STEVENS. Do you have any problem with that, Mr. Chairman?

Mr. EHLERS. No, that would be fine.

Chairman STEVENS. Thank you. That is just a suggestion.

Now, any further questions of the Library of Congress, gentlemen?

[No response.]

Chairman STEVENS. Well, we do thank you both. It really is a grand asset for our country and it has become even more so important, more important in the world. I just wish we had another one of those years when we had enough money that we could give you another little bit of a boost like we did once. I do not see it this year, but we will do our best to get you the money you need.

Dr. BILLINGTON. Thank you very much.

Mr. MULHOLLAN. Thank you.

Chairman STEVENS. And General Scott, thank you very much for being with us.

General SCOTT. Thank you, sir.

Chairman STEVENS. We appreciate it.

The Architect of the Capitol, please.

STATEMENT OF HON. ALAN HANTMAN, ARCHITECT OF THE CAPITOL

ACCOMPANIED BY:

LEONE REEDER, ACTING CHAIR, NATIONAL FUND FOR THE U.S. BOTANIC GARDEN

STEPHEN WARD, EXECUTIVE DIRECTOR, NATIONAL FUND FOR THE U.S. BOTANIC GARDEN

Mr. HANTMAN. Chairman Stevens, Vice Chairman Ehlers, members of the Joint Committee: I would like to submit my formal statement for the record——

Chairman STEVENS. First, who is with you, please?

Mr. HANTMAN. That is the next line, sir.

And make some brief opening remarks. I thank you for inviting me here to update you on the National Garden project and to bring before you our recommended method of recognizing supporters of the National Garden.

I am joined at the table by Ms. Leone Reeder, who is Acting Chair of the National Fund for the U.S. Botanic Garden and representative on the Fund's board of the Garden Clubs of America from all 50 States; and Mr. Stephen Ward, Executive Director of the National Fund for the U.S. Botanic Garden. I have asked these folks to join me here because, as you are aware, this project has been a joint venture among the Joint Committee on the Library, the Office of the Architect of the Capitol, and the National Fund for the U.S. Botanic Garden. It also has a long history that goes back to 1989 when the project was first conceived. It has been a major work in progress until today.

Mr. Chairman, we are now at the end of that very long road and we are ready to move forward to make the vision for this National Garden, conceived by your predecessors and mine, a reality. In working with the National Fund over the past several years, I have

watched them try to meet the challenge of their mission to raise the necessary funds to begin this project, and also to wrestle with the issue of what they wanted to propose as appropriate donor recognition for their fundraising efforts.

I have also witnessed, Mr. Chairman, how the fund overcame the sudden tragic death of its executive director last year and seen how it became re-energized under the direction of Ms. Reeder and Mr. Ward.

I have also met with members of the JCL staff and discussed their concerns with the issue of the nature of donor recognition on Capitol Hill. We believe our proposal reaches an acceptable and appropriate compromise, one that effectively blends together the fund's prior commitments and the desires of my office and the Congress to provide for a respectful, dignified National Garden of which we can all be proud.

When we held the symbolic groundbreaking ceremony for this project, Mr. Chairman, in October 2001, we had a well-defined vision. Today we come before you with a final plan and the National Fund's financing in hand, ready to be transferred for the construction of a beautiful garden. This National Garden will not only be a wonderful oasis on what is now a vacant, invaluable piece of Capitol Hill real estate, it will be a natural complement to the U.S. Botanic Garden, an outdoor living museum of plants.

In that regard, we are here today to request your approval of the donor recognition plan so that we may move forward expeditiously, sign a contract with a contractor selected through a competitive bidding process, and begin construction on this beautiful garden. The fund is here today, Mr. Chairman, check in hand.

At this time Ms. Reeder, Mr. Ward, and I would be happy to answer any questions that you might have.

[The statement follows:]

PREPARED STATEMENT OF HONORABLE ALAN M. HANTMAN, FAIA

Chairman Stevens, Vice-Chairman Ehlers, and Members of the Joint Committee; thank you for inviting me here today to bring before you our prepared method of recognizing supporters of the National Garden. I am joined at the table by Ms. Leone Reeder, acting Chair of the National Fund for the U.S. Botanic Garden (USBG); and Mr. Stephen Ward, Executive Director of the National Fund for the U.S. Botanic Garden.

As you are aware, donor recognition in the National Garden was approved by the Joint Committee on the Library by then-Chairman Claiborne Pell in 1991. The JCL reaffirmed its position in 1993 under then-Chairman Charlie Rose, with the condition that the Joint Committee on the Library would approve specific design plans proposed to recognize donors. The National Fund for the Botanic Garden then began to solicit donations for the National Garden with the understanding that those donors would be recognized in an appropriate and respectful way.

We are here before you today to request your approval of our donor recognition plan so we may move forward with our efforts to begin construction of this beautiful garden.

Mr. Chairman, this project was competitively bid and the selected proposal will expire on March 11, 2004. The contractor has already extended its bid twice and will not do so a third time. With your approval of the donor recognition plan we are proposing, the money raised by the fund will be transferred to my office and procurement for construction will be completed.

As you can see in Attachment A provided with my testimony, currently the National Fund has raised $9.3 million for the National Garden construction. By securing this level of funding, we will be able to build the Base Bid plus Option One. The base bid includes the Rose Garden, Butterfly Garden, Lawn Terrace, Hornbeam Court, and a simplified and reduced grading and landscape plan with infrastructure

planning for future options. Option One includes the Garden pathway which frames the area for future options and provides attractive groupings of trees and shrub plantings.

The construction of the Base Bid and Option One will create a beautiful garden that will be enhanced by the staff of the Botanic Garden's creative landscape ability. Because it sits at the base of Capitol Hill, we would expect nothing less.

The National Fund believes that once construction begins, they will be able to raise additional funds that would allow for the inclusion of other options in the contract. Option Two is the Regional Garden. Option Three is the First Ladies Water Garden; and Option Four, the Environmental Learning Center—would be the only structure built on the site—if funding becomes available.

We have been moving forward with our preparatory efforts to construct the Garden. In August of 2002, a solicitation was issued to 25 qualified and interested bidders. We solicited competition through the use of competitive negotiation procedure of Source Selection. Two proposals were received in December 2002, both exceeding available funds. Over the next several months, we worked with the Fund and our architect and engineering firms to produce a viable action plan. The project was simplified over the next few months, and in November 2003, we produced a workable proposal. The project is now phased into a Base Bid with four options, allowing the fund to raise additional money for future options within the time frame it takes to construct the project.

Based on conversations we have had with Members' offices, we also have worked with the National Fund to dramatically scale back its original proposal for donor recognition.

The issue before the JCL today is how do we recognize donors in a respectful way, while at the same time, not detracting from the garden's beauty and stature?

We believe we have found an appropriate and acceptable way to do so. If you refer to Attachment B, you will see a rendering of a freestanding bronze plaque. The plaque measures four feet by six feet and will include the names of the Garden's founding donors. The next attachment shows a sample listing of the donors. This list is subject to revision if additional donations are received during construction of the project, however, size of the plaque will not change. Finally, the plaque will be located in a discreet location in the Hornbeam Court, as seen on the map—Attachment C.

The second form of recognition that the National Fund solicited was in the form of sidewalk pavers that would be located in the Butterfly Garden—Attachment D. To date approximately 500 pavers at $1,000 each have been sold. The Fund initiated this fundraising effort to include many National Garden Clubs of America and individual citizens. In addition, many current and former Members of Congress are supporting the project through the purchase of these pavers to commemorate the Bicentennial of Congress.

At the heart of this effort are the 235,000 individuals—from nearly every state—who have purchased the pavers. Individuals from organizations such as the Federated Garden Clubs of Connecticut and Michigan, to the Garden Clubs of Georgia and Mississippi, to the Alaska State Federation of Garden Clubs; have raised money through flower sales and local fundraisers. They have worked very hard for this National Garden and it would be a shame for them to go unrecognized.

We hope the Committee will approve the recognition design plan before you today so the project may move forward. We believe the Garden will greatly add to visitors' experiences to Capitol Hill by connecting people to nature and provide Members of Congress and their staffs with a beautiful and peaceful sanctuary which will complement our wonderful Botanic Garden Conservatory.

I would be happy to answer any questions you may have. Thank you.

PURCHASED PAVERS FOR THE NATIONAL GARDEN

The National Fund for the USBG sold close to 500 pavers at $1,000 a piece. Purchasers were given a certificate, see attached, for their paver. Also attached is a list of paver purchasers which include current and former Members of Congress, 271 individuals and 223 garden clubs from across the United States representing 235,000 members.

Groups

Akron Garden Club	Florida Federation of Garden Clubs, District Ten
Alaska State Federation of Garden Clubs	Forest Garden Club
Alexandria Garden Club	Fort Payne Garden Club
Andover Garden Club	Four Rivers Garden Club
Arizona Federation of Garden Clubs	Four Seasons Garden Club
Arkansas Federation of Garden Clubs	Franklin Garden Club
Arlington Rose Foundation	Friends of Dan Cudaback
Arthur and Clara Morrissette Foundation	Garden Club Federation of Maine
Augusta Council Garden Club	Garden Club Federation of Massachusetts
Ayr Hill Garden Club	Garden Club Federation of Pennsylvania
Bellmere Garden Club	Garden Club Federation of Pennsylvania, District I
Bethlehem Garden Club	Garden Club Federation of Pennsylvania, District IV
Beverley Hills Garden Club	Garden Club Federation of Pennsylvania, District V
Biglerville Garden Club	Garden Club Federation of Pennsylvania, District VI
California Garden Clubs	Garden Club Federation of Pennsylvania, District VII
California Garden Clubs	Garden Club of America
California Garden Clubs, Channel Islands District	Garden Club of America, Zone VI
California Garden Clubs, Golden Foothills District	Garden Club of Chevy Chase
Calvert Garden Club and Chesapeake Garden Club	Garden Club of College Gardens
Carmie and Skip Fletemeyer	Garden Club of Fair Haven
Central Atlantic NCSGC	Garden Club of Georgia
Central Region NCSGC	Garden Club of Georgia
Chambersburgh Garden Club	Garden Club of Georgia
Chapel Square Garden Club	Garden Club of Georgia, Azalea District
Charles County Garden Club	Garden Club of Georgia, Camellia District
Chartwell Garden Club	Garden Club of Georgia, Magnolia District
Chester Garden Club	Garden Club of Georgia, Magnolia District
Chunnenuggee Public Garden Club	Garden Club of Georgia, Oleander District
Colon Garden Club	Garden Club of Georgia, Redbud District
Colorado Federation of Garden Clubs	Garden Club of Harrisburg
Conway Garden Club	Garden Club of Hinsdale
Crofton Village Garden Club	Garden Club of Indiana
Deep South Region	Garden Club of Indiana
Delaware Federation of Garden Clubs	Garden Club of Indiana
Diablo Women's Garden Club	Garden Club of Kentucky
Dorchester Garden Club	Garden Club of Montclair
Federated Garden Club of Connecticut	Garden Club of New Jersey
Federated Garden Clubs Deep South Region	Garden Club of New Jersey
Federated Garden Clubs of Maryland	Garden Club of North Carolina
Federated Garden Clubs of Maryland - Landscape Design Council	Garden Club of Ohio
Federated Garden Clubs of Maryland Judges Council	Garden Club of Ohio
Federated Garden Clubs of Maryland, District I	Garden Club of Ohio
Federated Garden Clubs of Maryland, District II	Garden Club of South Carolina
Federated Garden Clubs of Maryland, District III	Garden Club of Watchung
Federated Garden Clubs of Maryland, District V	Garden Clubs of Illinois
Federated Garden Clubs of Michigan	Garden Clubs of Illinois
Federated Garden Clubs of Michigan, District I	Garden Clubs of Illinois
Federated Garden Clubs of Michigan, District I	Garden Clubs of Illinois
Federated Garden Clubs of Minnesota	Garden Clubs of Mississippi
Federated Garden Clubs of Missouri	Garden Clubs of Mississippi
Federated Garden Clubs of Nebraska	Gateway Garden Club
Federated Garden Clubs of New York	Gibson Island Garden Club
Federated Garden Clubs of New York	Glastonbury Garden Club
Federated Garden Clubs of New York	Glen Arm Garden Club
Federated Garden Clubs of Vermont	Glenwood Road Garden Club
Five Hills Garden Club	Hawaii Federation of Garden Clubs
Florida Federation of Garden Clubs	Herb Society of American - Potomac Unit
Florida Federation of Garden Clubs	Highland Park Garden Club
Hoe 'N Hope Garden Club	Rhode Island Federation of Garden Clubs

Holland Garden Club	Rock Port Garden Club
Homeland Garden Club	Rocky Mountain Region State Garden Clubs
Howard County Garden Club	Seaweeders Garden Club of Bay Head and Mantoloking
Howard H. Callaway Foundation	Seven Districts of Garden Club of Georgia
Idaho Garden Clubs	Shades of Green Garden Club
Judges Council Federated Garde Clubs Maryland	South Atlantic Region NCSGC
Kansas Associated Garden Clubs	South Central Region
Kansas City Garden Club	South Central Region NCSGC
Kent Garden Club	South Dakota Federation of Garden Clubs
Landscape Design Critics Council	Southwind Garden Club
Landscape Design Critics Council	Spade and Trowel Garden Club
Lexington Council of Federated Garden Clubs	Springfield Acres Garden Club
Little Farms Garden Club	St. Mary's Garden Club
Longfellow Garden Club	Sumpwams Garden Club
Louisana Garden Club Federation	Tanta-Cove Garden Club
Louisana Garden Club Federation	Taylor Garden Club
Louisana Garden Club Federation	Tennessee Federation of Garden Clubs
Louisiana Garden Club Federation	Tennessee Federation of Garden Clubs
Louisiana Garden Clubs, District III	Texas Garden Clubs
Louisiana Garden Clubs, District V	Texas Garden Clubs
Louisiana Garden Clubs, District VI	Texas Garden Clubs
Luray Garden Club	The Designers Club
Lutherville Garden Club	The Garden Club of Alabama
Luxmanor Garden Club	The Garden Club of Alabama
Lyndhurst Garden Club	The Garden Club of Alabama, District I
May Farm Garden Club	The Garden Club of Alabama, District II
McLean Hamlet Garden Club	The Garden Club of Alabama, District III
Mississippi Flower Show Judges Council	The Garden Club of Alabama, District IV
Montana Federation of Garden Clubs	The Garden Club of Alabama, District V
National Capital Area Council of Flower Show Judges	The Garden Club of Alabama, District VI
National Capital Area Federation of Garden Clubs	The Garden Club of Alabama, District VIII
National Capital Area Federation of Garden Clubs, District II	The Garden Club of Alabama, District VIII
National Capital Area Federation of Garden Clubs, District III	The Sunshine Girls
National Capital Area Federation of Garden Clubs, District IV	Town and Country Garden Club
National Council of State Garden Clubs	Tucson Garden Club
National Council of State Garden Clubs	Utah Associated Garden Clubs
National Council of State Garden Clubs	Village Pines Garden Club
National Council of State Garden Clubs	Virginia Federation of Garden Clubs
Naval Academy Garden Club	Virginia Federation of Garden Clubs, Piedmont District
Nevada Garden Clubs	Virginia Federation of Garden Clubs, Shenandoah District
New England Region NCSGC	Virginia Federation of Garden Clubs, Southwest District
New Hampshire Federation of Garden Clubs	Washington State Garden Clubs
New Mexico Garden Clubs	West Virginia Garden Club
New Mexico Garden Clubs	Winter Park Garden Club
Norristown Garden Club	Wisconsin Garden Club Federation
North Dakota State Federation of Garden Clubs	Wyoming Federation of Garden Clubs
North Georgia Flower Show Judges	Yacht Haven Garden Club
Oak Hill Garden Club	Youth Gardeners of NCSGC
Oklahoma Garden Clubs	
Oklahomans for Boren	
Oklahomans for Boren	**Total 223**
Old Farm Morning Garden Club	
Oregon State Federation of Garden Clubs	
Pacific Region State Garden Clubs	
Penn-Cumberland Garden Club	
Potomac Rose Society	
Rebecca Hassebroek	

Individuals

First Name	Last Name
James	Abdnor
Sonia	Aiken
David	Akaka
Carolyn	Allen
Jim	Bacchus
Betty and Don	Bagert
Carlos	Barcelo
Barbara	Barnette
Jeff and Karen	Barnhart
Patricia	Beall
J.	Beall, Jr.
Reba	Beaver
Lloyd	Bentsen
Jane	Berger
Tom	Bevill
Barbara	Boggs
Barbara	Boggs
Pat	Brackley
Nicholas	Brady
Jack	Brooks
Janet	Bullinger
Quentin	Burdick
Eloise	Busher
Robert	Byrd
Harry	Byrd, Jr.
Frances	Callan
Jeffery	Capron
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Charlene	Carroll
Mary	Catlett
John	Chafee
Sarah	Chapoton
Sarah	Chapoton
Mary	Chor
Buck and Judy	Clemson
Elizabeth	Coffey
Elizabeth	Coffey
Joanne and Arthur	Coia
Sterling	Cole
Holland	Coors
Rilla	Crane
Kevin	Crean

First Name	Last Name
Mary	Loncin
Trent	Lott
Joan G.	Lutz
Edward	Madigan
Michael	Mandel
Michael	Mandel
Chandler	Mashek
Jack	Massey
Jack	Massey
Jack	Massey
Jack	Massey
Patsy	Matthews
Barbara	May
Mike	McCormack
Ri	McGlamery
Marge	McGoff
Robert	McLean III
Mary	Merz
Lee	Metcalf
John	Mica
Carlos	Moorhead
Christine	Mott
Christine	Mott
Dessie	Moxley
Dee	Mozzochi
Austin	Murphy
Edmund	Muskie
Elizabeth	Neal
Elizabeth	Neal
Elizabeth	Neal
Elizabeth	Neal
Elizabeth	Neal
Elizabeth	Neal
Nanci	Newcomb
Shirley	Nicolai
Mae Jean	Nothstine
Sam	Nunn
George	Panaretos
Robert	Parker
Lee	Pearns
Nancy	Pelosi
Joyce	Person
J.J.	Pickle
John	Porter
Katherine	Quinn
Mary	Ray
Leone and Jim	Reeder
Leone and Jim	Reeder
Leone and Jim	Reeder

Kevin	Crean
Paul	Cronin
Paul	Cronin
Ene	Cronk
Dana	Dalrymple
John	Danforth
Buddy	Darden
Berne	Davis
Violet	Dawson
Linda	Derrick
Alice	DeSomma
Doreen	Dew-Kauffman
Mary	Dixon
Robert	Dole
Marjorie	Duarte
Sydney and Kenneth	Duberstein
Sydney and Kenneth	Duberstein
Sydney and Kenneth	Duberstein
Sydney and Kenneth	Duberstein
Sydney and Kenneth	Duberstein
Kathleen	Dunman
Eugene	Eaton, Jr.
Robert and Elouise	Eberly
Clifford	Elow
Charles	Ely
Harvey	Ernest, Jr.
Dante	Fascell
Dianne	Feinstein
Linda	Fisher
Linda	Fisher
Floyd	Fithian
Thomas	Foley
Thomas	Foley
Thomas	Foley
Gerald	Ford
Lynn	French-Phillips
Robert and Hildy	Gander
Jim	Gibbs
Sylvia	Gibson
Mary	Giordano
Helen	Gough
Nancy	Goulette
Bill	Gradison
Cary	Gregory
Lloyd	Hand
Lloyd	Hand
Edward	Harte
Mark	Hatfield
Alice	Heilman
Alice	Heilman
Alice	Heilman
Alice	Heilman

A.A.	Ribicoff
Ina	Rihani
Richard	Riley
Matthew	Rinaldo
Paul	Rogers
Charlie	Rose
Elizabeth	Russell
Deen Day	Sanders
Deen Day	Sanders
Deen Day	Sanders
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Deen Day	Sanders
Deen Day	Sanders
B.F.	Saul
B.F.	Saul
B.F.	Saul
B.F.	Saul
B.F.	Saul
Elaine	Scheier
Pat	Schroeder
Sara	Schupf
Richard	Schweiker
Clay	Shaw
Lois	Shuster
Robert	Simon
Alan K.	Simpson
Martha	Sims
Jean	Sleeper
Deen Day	Smith
Martha	Smith
Martha	Smith
Deen Day	Smith
Martha	Smith
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Deen Day	Smith
Deen Day	Smith
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Deen Day	Smith
Deen Day	Smith
Nancy	Sorensen
Ellen	Spencer

Marion	Hilliard
Judith	Hofmann
Judith	Hofmann
Judith	Hofmann
Ruth	Hoyt
William	Hughes
Lyndon B.	Johnson
Wyatt	Johnson
Wyatt	Johnson
Janine	Johnson
J. Bennett	Johnston
Susan	Jones
Susan	Jones
Susan	Jones
Susan	Jones
Susan	Jones
Helen	Jordan
Katherine	Kane
Laurene	Keltner
Donn and Bev	Kelver
Jack F.	Kemp
Susannah	Kent
Herbert	Klein
Joel J.	Knight
Horace	Kornegay
June	Kummer
Ernest	Kunnyu
Sarah	Lain
H. Martin	Lancaster
H. Martin	Lancaster
Genevieve	Lane
Norman	Lent
Tom	Lewis
Sarah	Lindsey
Jack	Little
Loretta	Lively

Don and Gerry	St. Peters
Gerry	St. Peters
Dorothy	Stacy
Pete	Stark
Herbert	Stevens
Herbert	Stevens
Martha	Stewart
Dr. and Mrs. William	Stuart
Natalie	Sweat
Sara	Swijter
Ann	Thomas
Strom	Thurmond
Sara	Townsend
John	Trask, Jr.
John	Trask, Jr.
Dottie and Harold	Trinkle
Dottie and Harold	Trinkle
Patricia	Twickler
Robert	Utley
Katrina	Vollmer
Steve	Ward
Janet	Warshauer
Janet	Warshauer
James	Warshauer
J. Irving	Whalley
Jamie	Whitten
Lou	Whittington
Tom	Wiesner
Joan	Wipperman
Timothy	Wirth
John G.	Wood
Donald & Audrey	Young
Nancy and Michael	Zirkle
Total	**271**

Grand Total **494**

Coin To Mark U.S.B.G.'s 175th Anniversary

A good idea and a good deal of persistence paid off when the U.S. House of Representatives and the U.S. Senate passed legislation authorizing the Secretary of the Treasury to mint the U.S. Botanic Garden Commemorative Coin. The legislation was signed by President Clinton on September 29, 1994.

Credit for the idea of a commemorative coin that salutes the U.S.B.G's 175th Anniversary and benefits the National Garden goes to Mary Johnston and Heather Foley. Persistence on the part of board members and staff to enlist support garnered 228 co-sponsors in the House and 66 in the Senate.

In 1997, the U.S. Mint will issue 500,000 silver dollar coins featuring a rose, the National Flower, on one side and the facade of the U.S. Botanic Garden on the other. The coins will sell for approximately $35 each, including the $10 surcharge that will go to the National Garden for each coin sold. Based on past performance of similar limited mintage silver coins, the U.S. Mint predicts a quick sellout of our coin, which will result in $5,000,000 toward the construction of the National Garden.

This coin will give the public a way to join in support of this great national institution and recognize its distinguished 175-year history.

Encouraging Response to Congressional Walk Donor Program

The Congressional Walk in the National Garden offers a unique opportunity for former and current members of the U.S. House of Representatives and the U.S. Senate to commemorate their years of service in the Congress. For a $1,000 contribution to the National Garden, members may purchase a 6" x 12" stone paver in the walk on which their name and state will be carved. The National Garden commemorates the Bicentennial of the Congress and is a fitting legacy to a member's service in the House or the Senate. To date, these current and former members are Congressional Walk donors:

Daniel K. Akaka
Jim Bacchus
Carlos Romero-Barcelo
J. Glenn Beall, Jr.
Lloyd Bentsen
Tom Bevill
David Boren
Lyle H. Boren
Nicholas Brady
Jack Brooks
Conrad Burns
Harry Byrd
Robert Bryd
Sterling Cole
John H. Chafee
Larry Coughlin
Robert Dole
Dianne Feinstein
Tom Foley
Wendall Ford
Bill Gradison
John Heinz
J. Bennett Johnston
Horace Kornegay
Norman Lent
Jerry Lewis
Trent Lott
Ed Madigan
Harlan Mathews
Lee Metcalf
Austin Murphy
Nancy Pelosi
J.J. Pickle
John Porter
Matthew Rinaldo
Paul Rogers
Charlie Rose
Richard Schweiker
E. Clay Shaw
Alan Simpson
Strom Thurmond
J. Irving Whalley
Jamie Whitten
Tim Wirth

Don't Miss the Fall Flower Show, "Bountiful Harvest"!

October 29 through November 27, 1994 at the U.S. Botanic Garden from 9 to 5 every day. Admission is free.

Certificate of Appreciation

THE NATIONAL FUND
FOR THE UNITED STATES BOTANIC GARDEN

honors your commitment to helping "our garden grow" by placing an engraved blue granite paving stone on the Nation's Garden Path in the National Garden

EUGENE DAVID
EATON

THE ARCHITECT OF THE CAPITOL,
Washington, DC, September 25, 1991.

The Honorable CLAIBORNE PELL,
Chairman, Joint Committee on the Library, United States Congress, Washington, DC 20510.

DEAR MR. CHAIRMAN: As indicated in my recent letter to you, the continued success of the fund-raising effort for the construction of the National Garden by the National Fund for the United States Botanic Garden ("the Fund") requires the Fund to be able to offer major donors appropriate recognition of their contributions. It is also important that the Fund be able to offer such recognition when major gifts are being solicited.

The Executive Committee of the Fund, comprised of the representatives who met with me on July 30, have accordingly proposed a program of major donor recognition that, in my judgment, requires the advance approval of the Joint Committee on the Library. In general, recognition would involve the placement of the name of the donor within the garden, in a tasteful and dignified manner that would not detract from the beauty of the garden display. An instructive example may be found in the recognition given to major donors to the Capitol Columns site within the National Arboretum. As you may know, this project was undertaken by the Friends of the National Arboretum, a nonprofit organization operating under an agreement with the Secretary of Agriculture. Major donors to this project are recognized by dignified inscriptions incised into the marble floor adjacent the columns, which as you know are the original columns from the East Front of the Capitol. Another major donor is recognized by an inscription on the small fountain in the center of the site.

The Fund proposes that donors of $1 million or more could have their names associated with a specific component of the garden, such as the teaching pavilion, the

fountain, the rose garden or the like. The actual design of such recognition would await the design of the National Garden itself so that it would be properly integrated into the overall plan. (Inasmuch as the total cost of the National Garden is estimated to be somewhat more than $4 million the number of names to be so recognized would be quite limited.) Donors of amounts of $1,000 and above would be recognized in some tasteful aggregated way with appropriate distinctions according to the levels of giving. It would be our plan to work with the Fund to have this form of recognition embodied in some work of art integrated into the design of the garden itself. This might perhaps be a wall or some work of sculpture. The actual design of the collective recognition treatment will also be worked out during the preparation of construction documents for the National Garden, which process will begin soon with funds already raised by the Fund. Contributions of less than $1,000 would be recognized in a suitably designed and bound book located within the teaching pavilion.

In addition, the Fund proposes that donors of $200,000 or more be given the opportunity, if they so desire, to host a function in the National Garden after its completion. On the presumption that the relevant rules for use of the Conservatory would apply, this would involve only the advance waiver of the condition of the Joint Committee for the use of the facility that requires the host to be a non-profit entity with IRS tax exempt status. All conditions that otherwise pertain to such Congressionally related events, such as sponsorship by a Representative or Senator, would continue to apply.

I believe these proposals constitute ordinary and necessary policies for any professionally organized undertaking to raise private funds for a significant project of this nature, and I recommend your approval. Every major donor may not require recognition but its availability is important to the creditability of the Fund's campaign. As stated in my earlier letter to you on this subject, the existing National Garden legislation requiring the raising of private funds, in my view, reasonably contemplates the use of standard practices typically employed in fund-raising campaigns.

It would be the role of this office to assure that these policies are followed in a way that does not detract from the dignity of the Congress or the U.S. Botanic Garden or from the high aesthetic standards that will apply to the design of the National Garden.

The approval of this approach by the Joint Committee at this time will enable the Fund to pursue its fund-raising activities more effectively.

A similar letter has been sent to the Honorable Charles Rose, Vice Chairman, Joint Committee on the Library.

I would be pleased to provide any further information you might desire in this regard.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

Approved: Claiborne Pell, Chairman.
Date: October 21, 1991.

THE ARCHITECT OF THE CAPITOL,
Washington, DC, April 16, 1993.

The Honorable CHARLIE ROSE,
Chairman, Joint Committee on the Library, United States Congress, Washington, DC 20515.

DEAR CHARLIE: I am pleased to report that planning for the National Garden is proceeding well, in cooperation with the National Fund for the U.S. Botanic Garden ("the Fund").

As you will recall, the Fund sponsored a national competition for design approaches to three components of the National Garden, the rose garden, water garden and environmental learning center. We are in the process of melding the approaches taken by the three winners of that competition with the overall master plan approved by your committee in 1989.

The Fund has been successful in raising approximately $2 million thus far for the National Garden, and it is financing the design work now being undertaken by transferring funds to this office as contemplated by the applicable authorizing and appropriations legislation.

The success achieved thus far in raising funds is based in significant measure on the ability of the Fund to recognize major donors in some appropriate way. In 1991

I received approval from the Honorable Claiborne Pell, then Chairman of the Joint Committee, for a proposal from the Fund as described in the enclosed letter.

It has come to my attention that my request to you of September 25, 1991 as then Vice Chairman of the Committee has been misplaced, and this letter is intended to renew the request so that the Fund can continue with its program with confidence that it has the Joint Committee's approval.

In general, recognition would involve the placement of the name of the donor within the garden, in a tasteful and dignified manner that would not detract from the beauty of the garden display. An instructive example may be found in the recognition given to major donors to the Capitol Columns site within the National Arboretum. As you may know, this project was undertaken by the Friends of the National Arboretum, a nonprofit organization operating under an agreement with the Secretary of Agriculture. Major donors to this project are recognized by dignified inscriptions incised into the marble floor adjacent the columns, which as you know are the original columns from the East Front of the Capitol. Another major donor is recognized by an inscription on the small fountain in the center of the site.

The Fund proposes that donors of $1 million or more could have their names associated with a specific component of the garden, such as the environmental learning center, the water garden, the rose garden or the like. The actual design of such recognition would await the design of the National Garden itself so that it would be properly integrated into the overall plan. (Inasmuch as the total cost of the National Garden is estimated to be somewhat more than $5 million the number of names to be so recognized would be quite limited.) Donors of amounts of $1,000 and above would be recognized in some tasteful aggregated way with appropriate distinctions according to the levels of giving. It would be our plan to work with the Fund to have this form of recognition embodied in some work of art integrated into the design of the garden itself. This might perhaps be a wall or some work of sculpture. The actual design of the collective recognition treatment will also be worked out during the preparation of construction documents for the National Garden, which process will begin soon with funds already raised by the Fund. Contributions of less than $1,000 would be recognized in a suitably designed and bound book located within the environmental learning center.

In addition, the Fund proposes that donors of $200,000 or more be given the opportunity, if they so desire, to host a function in the National Garden after its completion. This would involve only the advance waiver of the condition of the Joint Committee for the use of the facility that requires the host to be a non-profit entity with IRS tax exempt status. All conditions that otherwise pertain to such Congressionally related events, such as sponsorship by a Representative or Senator, would continue to apply.

I believe these proposals constitute ordinary and necessary policies for any professionally organized undertaking to raise private funds for a significant project of this nature, and I recommend your approval. Every major donor may not require recognition but its availability is important to the creditability of the Fund's campaign. In my judgment, the existing National Garden legislation requiring the raising of private funds reasonably contemplates the use of standard practices typically employed in fund-raising campaigns.

It would be the role of this office to assure that these policies are followed in a way that does not detract from the dignity of the Congress or the U.S. Botanic Garden or from the high aesthetic standards that will apply to the design of the National Garden.

The approval of this approach by the Joint Committee at this time will enable the Fund to continue to pursue its fund-raising activities more effectively.

I would be pleased to provide any further information you might desire in this regard.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

Enclosure.

Approved: With the condition that the Joint Committee on the Library be kept informed of the specific design plans proposed to recognize those donors contributing $1,000 and more.

Charlie Rose, Chairman.

Date: May 11, 1993.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON THE LIBRARY OF CONGRESS,
Washington, DC, November 22, 1989.

Honorable GEORGE M. WHITE,
Architect of the Capitol, SB–15, The Capitol, Washington, DC 20515.

DEAR GEORGE: After contacting the full membership of the Joint Committee on the Library, I am pleased to inform you that the Committee has approved the conceptual design for a National Garden commemorating the Bicentennial of Congress.

The planned National Garden, which will occupy the adjacent tract west of the U.S. Botanic Garden Conservatory, will serve as a splendid commemoration of the Bicentennial of the Congress and a beautiful public garden for those visiting and living in our Nation's Capitol.

The design having been approved, you are authorized to seek funding for the purpose of constructing the National Garden. Pursuant to Public Law 100–458, you are directed to accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the National Garden project.

As Chairman of the Joint Committee on the Library, I would like to be kept informed of the progress of this project.

With every best wish, I am

Sincerely,

FRANK ANNUNZIO,
Chairman.

TITLE 2—THE CONGRESS

CHAPTER 30—OPERATION AND MAINTENANCE OF CAPITOL COMPLEX

SUBCHAPTER VI—BOTANIC GARDEN AND NATIONAL GARDEN

Sec. 2146. National Garden

(a) Establishment; gifts

The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Conservatory to Third Streets, S.W., in the District of Columbia; and

(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

(b) Gifts and bequests of money; investment; appropriations

(1) Gifts or bequests of money under subsection (a)(2) of this section shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled "Botanic Garden, Gifts and Donations". The gifts or bequests described under subsection (a)(2) of this section shall be accepted only in the total amount provided in appropriations Acts.

(2) The Secretary of the Treasury shall invest any portion of the account designated in paragraph (1) that, as determined by the Architect, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect, has a maturity date suitable for the purposes of the account. The Secretary of the Treasury shall credit interest earned on the obligations to the account.

(3) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to section 5 of title 41, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

(c) Donations of personal services

(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally related work assignments for students in nonpay status, if the service is to be rendered without compensation.

(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Botanic Garden.

(d) Tax deductions

Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.

SOURCE

(Pub. L. 100–458, title III, Sec. 307E, Oct. 1, 1988, 102 Stat. 2183; Pub. L. 102–229, title II, Sec. 209(a), Dec. 12, 1991, 105 Stat. 1716; Pub. L. 104–53, title II, Sec. 201(b), Nov. 19, 1995, 109 Stat. 529; Pub. L. 105–275, title II, Sec. 201, Oct. 21, 1998, 112 Stat. 2445.)

REFERENCES IN TEXT

The income, estate, and gift tax laws of the United States, referred to in subsec. (d), are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

Section was classified to section 216c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, Sec. 1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1998—Subsec. (b)(2), (3). Pub. L. 105–275 added par. (2) and redesignated former par. (2) as (3).

1995—Subsec. (a)(1). Pub. L. 104–53 substituted "plants" for "plans".

1991—Pub. L. 102–229 amended section generally. Prior to amendment, section read as follows: "The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

"(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the United States Botanic Garden Conservatory to Third Street, S.W., in the District of Columbia; and

"(2) accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the purpose of constructing the National Garden described in paragraph (1)."

FUNDS AVAILABLE FOR CONSTRUCTING, EQUIPPING, AND MAINTAINING NATIONAL GARDEN

Pub. L. 102–392, title II, Sec. 201, Oct. 6, 1992, 106 Stat. 1716, as amended by Pub. L. 104–53, title II, Sec. 201(a), Nov. 19, 1995, 109 Stat. 529; Pub. L. 106–554, Sec. 1(a)(2) (title III, Sec. 312), Dec. 21, 2000, 114 Stat. 2763, 2763A–120; Pub. L. 107–68, title I, Sec. 135, Nov. 12, 2001, 115 Stat. 583, provided that:

"(a) Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c) (now 2 U.S.C. 2146), not more than $16,500,000 shall be accepted and not more than $16,500,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.

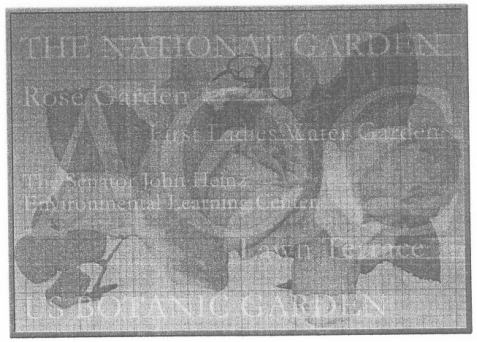
"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) (now 2 U.S.C. 2146(a)(2)) in excess of the $16,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall

not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)) (now 2 U.S.C. 2146(b)(3))."

RENOVATION OF CONSERVATORY OF BOTANIC GARDEN

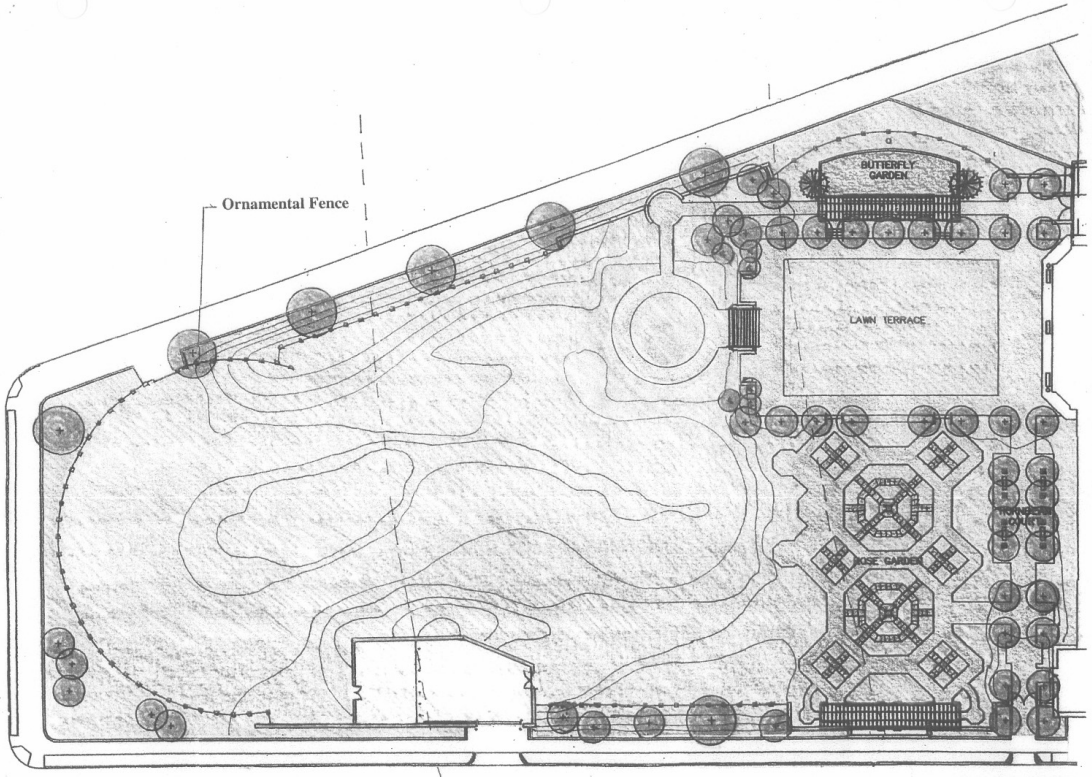
Section 209(b) of Pub. L. 102–229 provided that: "Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), not more than $2,000,000 shall be accepted and not more than $2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden."

THE NATIONAL GARDEN



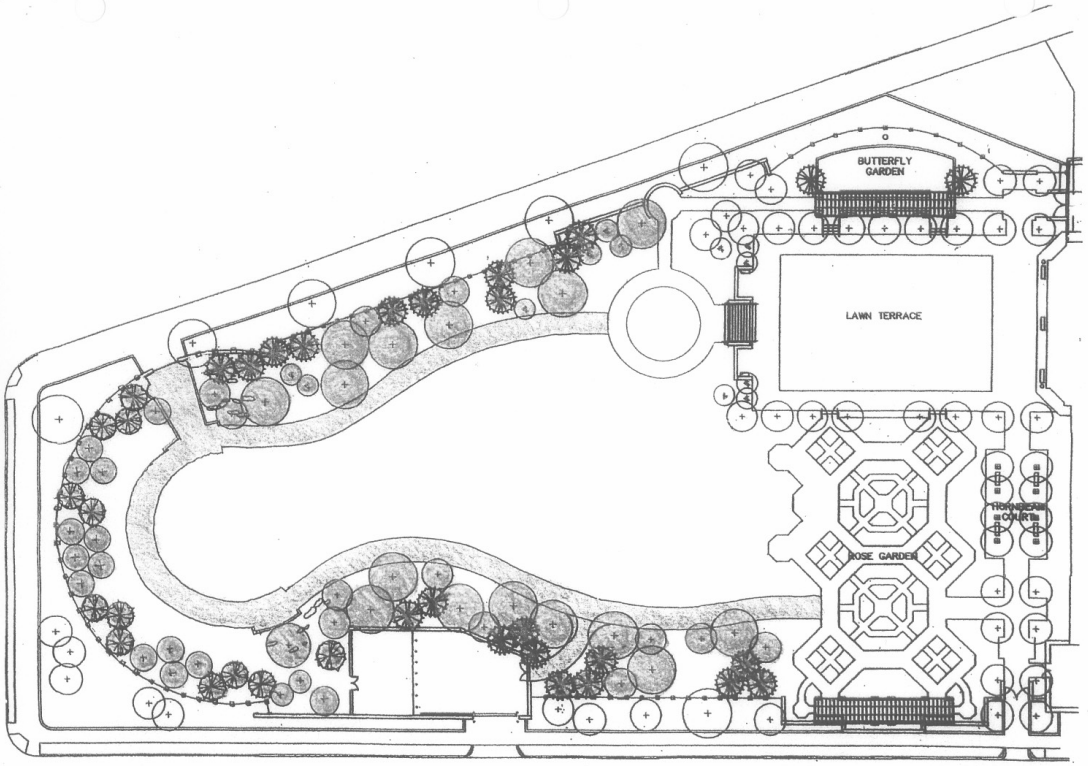
AT THE US BOTANIC GARDEN

Attachment A



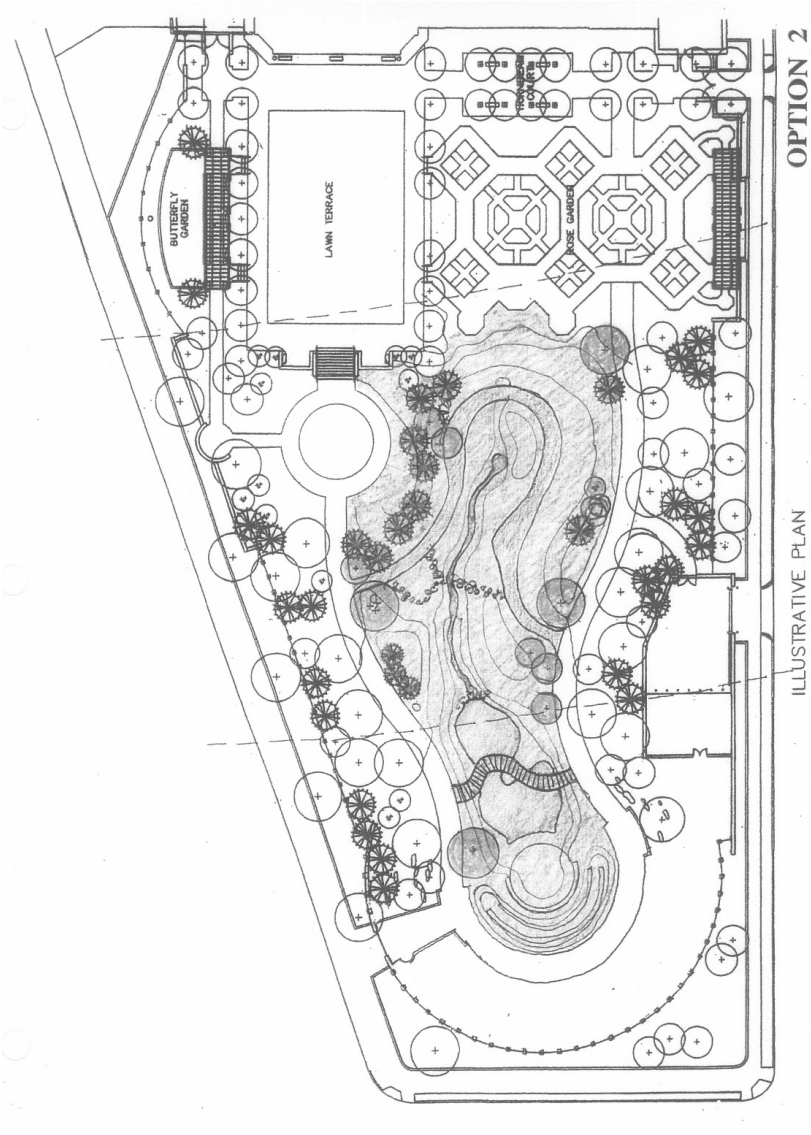
ILLUSTRATIVE PLAN

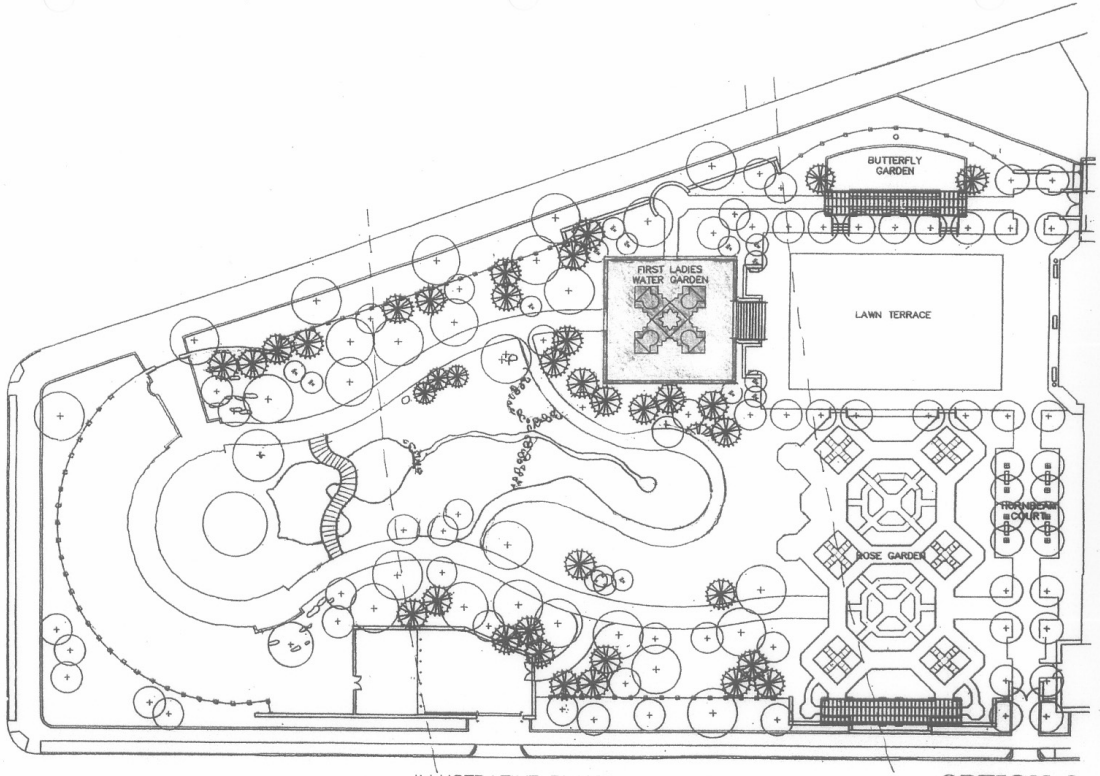
BASE BID



ILLUSTRATIVE PLAN

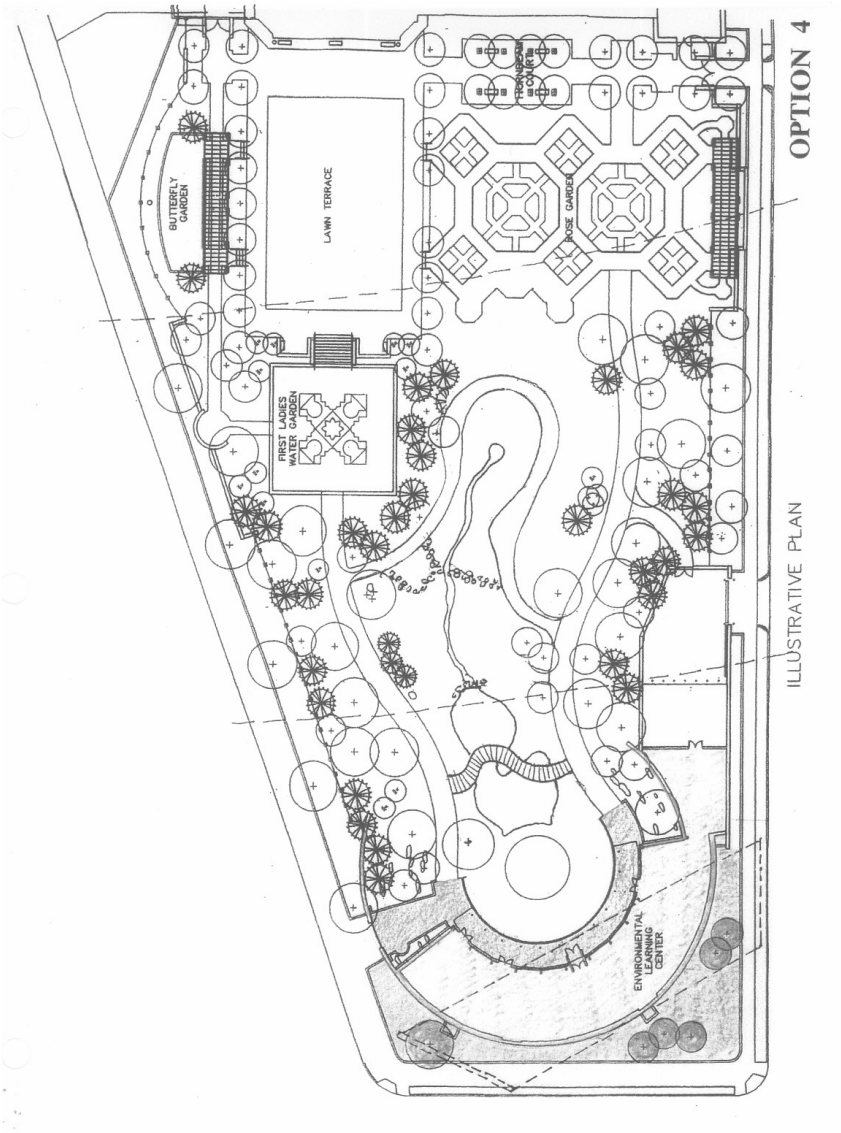
OPTION 1


BUTTERFLY GARDEN
LAWN TERRACE
ROSE GARDEN
OPTION 2
ILLUSTRATIVE PLAN



ILLUSTRATIVE PLAN

OPTION 3



OPTION 4

ILLUSTRATIVE PLAN

THE NATIONAL GARDEN AT THE U.S BOTANIC GARDEN

Attachment B

Donor Recognition Plaque

With thanks to the following individuals and corporations whose generosity made this garden possible.

FOUNDING SPONSORS

THE SCOTTS COMPANY
The Margaret Hagedorn Rose Garden

THE HEINZ FAMILY FOUNDATION
Senator John Heinz Environmental Learning Center

LOWE'S HOME IMPROVEMENT
The Garden Path

BENEFACTORS

NATIONAL GARDEN CLUBS
The Butterfly Garden

DEEN DAY SANDERS
The Cecil B. Day Garden Pergola

JOHN W. KLUGE FOUNDATION
The Regional Garden

JOSEPH ALBRITTON
The Lawn Terrace

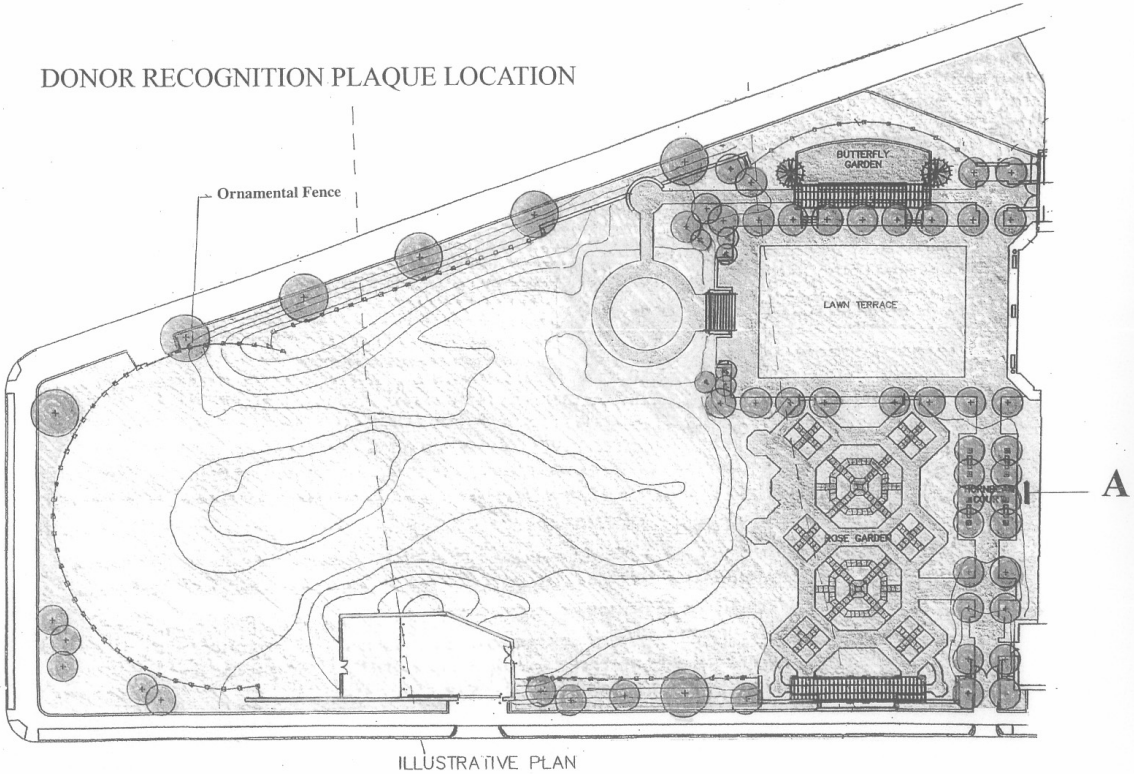
HOME AND GARDEN TELEVISION

SHELL OIL COMPANY FOUNDATION

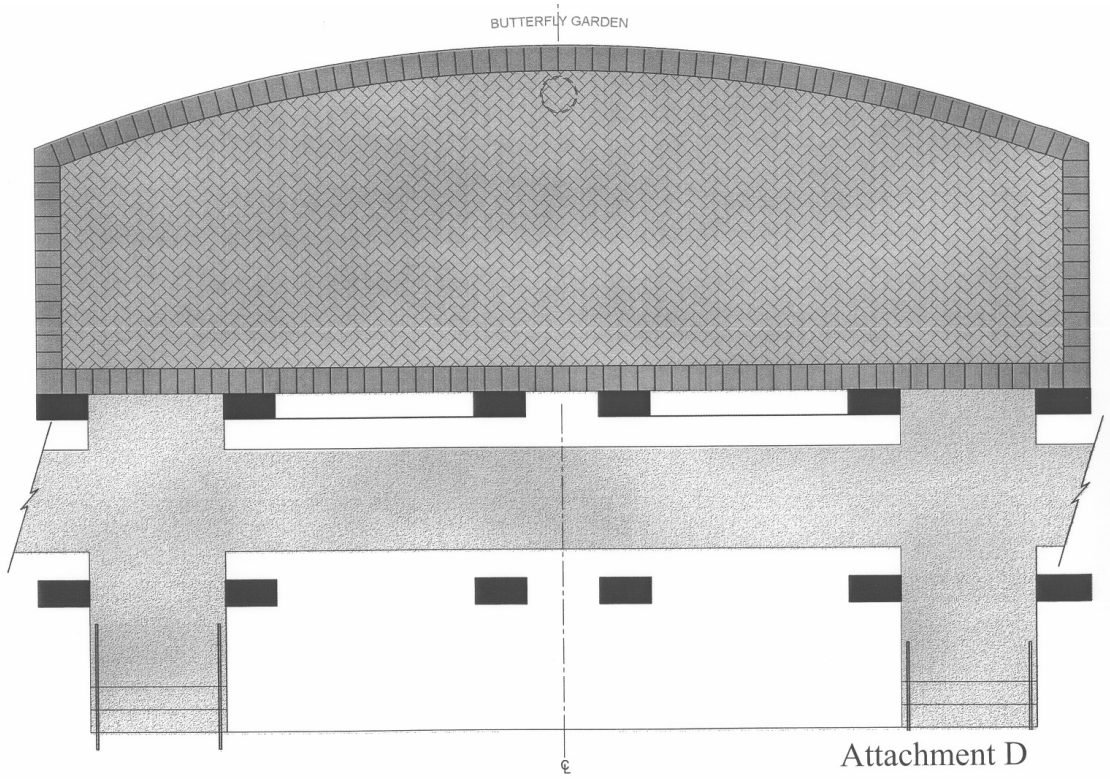
AMES LAWN AND GARDEN TOOLS

PATRONS

The Morris & Gwendolyn Cafritz Foundation
ChevronTexaco Corporation
Philip L. Graham Fund
Gerald D. Hines
The Henry Luce Foundation
Lockheed Martin Corporation
The Wasserman Foundation
Laborers' International Union of North America
Chevy Chase Bank
ExxonMobil Corporation

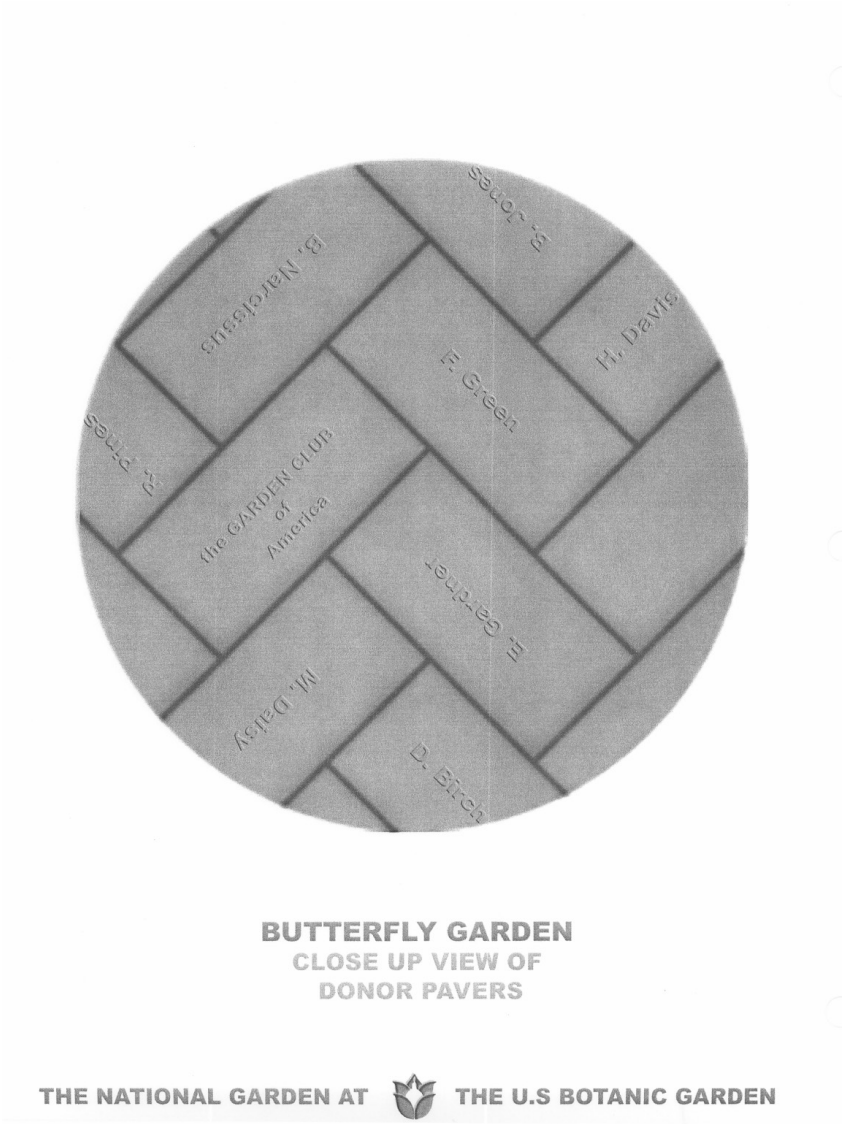


Attachment C



Attachment D

THE NATIONAL GARDEN AT THE U.S BOTANIC GARDEN



Chairman STEVENS. Pardon us. I had showed to Senator Cochran the letter that you sent to me as chairman. I think you received one too, Mr. Ehlers. It requested approval of a specific form of recognition for donors to the National Garden.

I have shown that to a couple of members and one objected very strenuously to it. That is one of the reasons we have gotten around to calling this meeting today. It is my understanding that the garden has gone forward now with the solicitation of funds for the pavers and for the wall and that we actually have, you actually

now have received a substantial amount of money. Would you tell us where that stands?

Mr. HANTMAN. Mr. Chairman, a check for $9,296,000 and change is right here; from the fund, ready to be transferred to us so that we can sign a contract, hopefully before March 11 of this year. The money is in hand for the completion of the base bid and the first phase of the project as defined in the material that we sent to you.

The fund also believes that in the next 12 months that they could raise additional funds for phases two and three of the project as we are under construction, and the contractor who has been selected through the competitive bidding process is ready to accept those additional dollars within the first 12 months or so of the construction period.

Chairman STEVENS. The objection was that never before in history has there been an identification of a donor in that way. There has been recognition in the sense of having a room or a building named after a donor, but not of the kind of recognition that comes from having a physical presence on a wall or having names on the floor. To your knowledge, has this been done by the Congress in any other way?

Mr. HANTMAN. I do not believe it has been done on Capitol Hill, Senator. The issue is, right across the street at the American Indian Museum—I was there on Friday. I think two-thirds of the cost of that building was funded by the Congress, the rest through private funding. They have a donor wall right at the main entrance for major donors and low walls on the upper levels for up to 40,000 donations of $150 each. It is right across the street from where the National Garden will be built.

But in terms of Capitol Hill itself, I am not aware specifically of donor recognition.

Ms. REEDER. Could I address that? We have in our files a letter to Senator Moynihan in 1992 from the Federal Election Commission, where he was getting—when this garden was started, the plan was that this would recognize the bicentennial of the Congress—so it has been going for a very long time, since 1992—and that the pavers in particular would be a Congressional walk.

So this paper says that it is all right for a Congressperson to give $1,000 out of their campaign funds for a paver.

Chairman STEVENS. What appears on the paver then?

Ms. REEDER. Well, their name, the name of the person on the paver.

So when we started it was to be a Congressional walk. I understand that they did not sell that many pavers to Congressmen, but there are 60 pavers that were bought by Congressmen, including Gerald Ford, the former President.

They then opened those up to the people of the country, and so the National Garden Clubs, which is the largest gardening organization in the world, were recruited to help us sell those pavers. They have 8,800 garden clubs and the garden clubs in 49 States responded, representing 235,000 of their members, and they did the equivalent of a bake sale, these little clubs. They sold——

Chairman STEVENS. May I interrupt you. We have got to go to a meeting.

That is not the point. The point is this establishes a tradition of putting donors' names on facilities of the Congress and it was objected to. I think before we are through here we are going to have to have a motion for a vote, and we will circulate the item to the members who are not present and then have everyone vote.

Am I correct that there was no specific authorization of Congress for a concept that the pavers or the wall would have the names of donors?

Mr. HANTMAN. There was specific authorization of Congress to have recognition of the donors. The method for that recognition was not defined.

Chairman STEVENS. But nothing said it would be a physical presence on the walls or on the floors or on anything, other than the traditional plaque at the door saying that the Garden Clubs of America have donated this?

Mr. HANTMAN. I believe there were words that did address specific recognition in different parts of the garden. In fact, it started out that a $1 million donor could get a name in a specific portion of the garden.

Chairman STEVENS. Congress gave approval to that?

Mr. HANTMAN. That is correct, sir.

Chairman STEVENS. Who gave that approval?

Senator COCHRAN. It is dated April 16, 1993, in one document where George White writes a letter confirming the understanding with Charlie Rose, who was the chairman at that time of the Joint Committee, and they talk about "an appropriate way of recognizing donors of $1 million or more, to have their names associated with a specific component of the garden, such as the environmental learning center, the water garden, the rose garden, or the like."

Then it goes on to talk about "Donors of amounts of $1,000 and above would be recognized in some tasteful aggregated way, with appropriate distinctions according to the levels of giving."

This was approved and signed by Charlie Rose May 11, 1993, as chairman of the committee, and it was approved with the condition that the Joint Committee on the Library be kept informed of the specific design plans proposed to recognize those donors contributing $1,000 or more.

Chairman STEVENS. How was that done?

Mr. HANTMAN. In terms of——

Chairman STEVENS. Was there further consultation with the committee on the plans for this type of recognition of donors?

Mr. HANTMAN. There was a lot of discussion, Mr. Chairman, over time about how best to raise funds. The fund was working on that very strongly, and the issue of how they wanted to recognize donors was something that they had dealt with with great difficulty.

Their projections for their fundraising, unfortunately, were overly optimistic. So as they tried to raise the funding—and in fact we raised the cap level potentially to $16.5 million that would allow the fund to raise those dollars—that unfortunately was optimistic, and the unexpected death of the executive director last year caused a major disruption in the fund's activities.

But under the direction of Ms. Reeder and Mr. Ward, the fund was re-energized. They reviewed what was discussed with donors over the years and the commitments that were made and then

came to us with a donor recognition plan. We recognize the sensitivities of the Congress to the issue of the donor recognition on Capitol Hill and I was working with the fund, members of JCL staff and my staff to craft what I believe is an appropriate compromise that balances the fund's commitments and Congress' requirements.

The proposal we bring to you today, Mr. Chairman, is much more modest than the fund originally proposed. When you talked about walls, that in fact was what was being proposed originally. It was a donor wall with names across it maybe 30 feet long. What we are coming to you today for, sir, is one 4 by 6 foot plaque, freestanding in bronze, and the pavers in the one section.

Chairman STEVENS. Mr. Ehlers, do you have any comment—oh, pardon me.

Senator COCHRAN. May I ask a question?

Chairman STEVENS. Yes.

Senator COCHRAN. Am I not correct too that at the Madison Library we had a long discussion one time about recognition of specific individuals with engraved names in the walls there? Was that not approved? Did that not go forward? I do not know if Dr. Billington remembers that.

Ms. MIES. That was the 106th Congress.

Senator COCHRAN. But we did approve that. Oh, we did not approve it?

Ms. MIES. You did not approve that. There was discussion of that.

Chairman STEVENS. No, I do not think that was done.

Mr. HANTMAN. There were discussions to that effect.

Chairman STEVENS. Mr. Ehlers, do you have any comment, sir? Are you done, Thad?

Senator COCHRAN. Yes.

Mr. EHLERS. I would verify that, because I was present for that discussion and my memory is it was rejected and the Library was instructed to find some alternative.

Mr. Chairman, my comments first of all are more general. I think we have a problem that goes beyond this and I think we need to institute regular reporting requirements from the Architect of the Capitol. This is now the third time that I have basically been informed of a project when it has already gone out for bid. The plans are drawn, it has gone out for bid, and we are asked to approve it.

I would like to request that we get regular reports from the Architect of the Capitol on every project that it is undergoing and be kept informed. Specifically, the letter that Senator Cochran just read, the bottom, it is very clear, "approved with the condition that the Joint Committee on the Library be kept informed of the specific design plans proposed to recognize the donors contributing $1,000 or more." This is my sixth year on this committee. I have never seen, received any notification or recognition of that at all.

I think we have to have in place some good reporting requirements. We could have caught the problem long ago because, as Senator Cochran pointed out, 6 years ago we talked about this issue and rejected it for the Library of Congress. Had this come before us before, we could have dealt with it according to that policy.

Now we are in the completely embarrassing position of donors having been promised something by people who were not aware of the decision, prior decisions, and the rules we have established. And we have been put in a real box because people have contributed money on the basis that they would receive this recognition, and now we are saying: Oh, thanks for the money, but we do not want to recognize you. We should not be put in these boxes by not being kept informed of things.

Also, I do not know to what extent we have detailed records of all this. The Architect's Office of course does, but this is again an internal committee concern. I do not know to what extent we have established procedures for keeping records within the committee. It jumps back and forth between the House and the Senate and I am not sure there is any permanent record kept of everything that happens within this committee and decisions made.

So I just wanted to make those comments in general. I am also concerned, although perhaps the permission was given to go out and raise money, it appears that this letter implies it was, but—you were not formed by the Congress per se, were you? Congress did not ask you to perform this function?

Ms. REEDER. George White as I understand went to Akin Gump when there were actually a group of Congressional wives who felt like we needed a National Garden that would spotlight the rose, which is the national flower, and it came into being shortly after that. So these Congressional wives got together. George White approached Akin Gump to form a separate not-for-profit committee who could raise the funds to build the garden and then hand them over to the Architect.

Mr. WARD. All private sector funds.

Mr. HANTMAN. A 501(c)(3) was set up and submitted to the committee for approval.

Mr. EHLERS. When was that approved?

Ms. REEDER. That was in 1992.

Mr. EHLERS. So it was submitted to the committee?

Ms. REEDER. Or before.

Mr. HANTMAN. The agreement was submitted to the committee.

Mr. EHLERS. So these are private funds that have then been turned over. Were the subject of fundraising and the control of the funds under the Architect's control? Was this audited at any point?

Ms. REEDER. The fund has had its own legal counsel and its own treasurer and has had its own independent audit every year, and the moneys have been held in escrow at Chevy Chase Bank and the only moneys that have been expended have been in connection with either fundraising or blueprints, architectural designs.

Mr. WARD. We have turned over $1½ million for design services.

Mr. EHLERS. Understand, I am not casting any aspersions on you.

Chairman STEVENS. None of us are, really.

Mr. EHLERS. But things got out of hand and now we have a real problem. For example, Scott's, which is famous for beautiful lawns and many other things, contributed $1 million and they were expecting good recognition. I think they deserve it. But we are flat up against the decisions we have made before not to do this sort of thing.

Mr. WARD. Could I make——

Chairman STEVENS. Could we just go through this. We are late for a leadership meeting.

Do you have any comments?

Mr. NEY. Mr. Chairman, I will be real quick. I would like to submit this for the record from Congressman Kingston. It is a question to be answered later, if I could.

Chairman STEVENS. Yes. Yes, sir.

Mr. NEY. And I promise I will be extremely brief.

I do not like the position we are in. I do not think names should be assigned to things. I do not think the Visitors Center should be assigned a name. We had this issue that came up that somebody wanted a certain business name and I happened to tell them: Fine, there are a couple of unions; I would like to have that union wing. They said: Well, we cannot do that. Well, if you can have a business wing you can have a union wing.

I do not like it. I do not like to do names. But, having said that, I think personally, and I will shut up here, but this was signed by the chair. Members, that were here at the time, told me that they knew this was going on. Even though I do not think we should do this, I do not like doing this, I do not think we should do it down the road, but I will still support doing what people across the country were told: Give your money and this is what happens.

So we are in a mess. I did not know how I was going to—I said I did not know how I was going to go. I will support it. I just do not like it, but I think we are stuck with signatures from the past. That is what I think.

Chairman STEVENS. I am constrained to tell you about the first trial I conducted in Nome years ago as a U.S. attorney. It was a case involving a charge of rape and the young man who was accused of that was the basketball star for the town. The jury came in with a verdict that said: Not guilty, but he better not do it again.

Mr. Larson.

Mr. LARSON. Mr. Chairman, it is very hard to follow that. But I want to associate myself with the remarks of our distinguished chairman, Mr. Ney, and say that again I agree entirely that this is a public place and a public facility. I do not feel that there is a place for corporate, labor, or other names, in spite of the great philanthropic entities that exist throughout this country and around the globe who would be eager to continue this splendid place that in fact indeed belongs to the people.

Yet, as the chairman eloquently stated and as Mr. Ney has said, we are in a real bind here, and I reluctantly feel that there probably is not any other way out, and commend you for working out a compromise.

Chairman STEVENS. Do you wish to comment, sir?

Mr. WARD. I just wanted to be sure that there is some clarity for what the fund is asking for. We are just asking for the standard donor recognition plaque, not a wall, and about 500 of these pavers. We are not asking for anything beyond that.

Mr. NEY. Mr. Chairman, just a quick one if I could. Like my grandma always said, quit while you are ahead. That is my personal opinion.

Chairman STEVENS. We have this question for the record from Mr. Kingston: "I understand from Deborah Pryce that the Ohio-based company Scott Fertilizer donated substantially to the National Garden project. They were told they would be recognized for this contribution. While I realize these assurances were made under a different administration, Scott Fertilizer donated substantial resources to the project. I would like to know what can be done to recognize their efforts."

We would like to have you answer that in writing if you would. That is a question that has been asked for the record by one member.

[The information follows:]

The Joint Committee on the Library recently approved the recognition plan proposed by the AOC and the National Fund where the names of major donors will be engraved on a free-standing, 4 foot × 6 foot bronze panel located in the Hornbeam Court, adjoining the Rose Garden. The other major donors have agreed that, "The Scotts Company—The Margaret Hagedorn Rose Garden" will appear on the panel as the first listing.

Early this year, Ms. Leone Reeder, Acting Chair for the National Fund for the Botanic Garden, traveled to Ohio to meet with Mr. James Hagedorn, Chairman of the Board and Chief Executive Officer for The Scotts Company. They agreed on the plaque as an appropriate form of recognition for Scotts efforts. In addition, the National Fund will be working toward developing a Margaret Hagedorn rose that will be grown in the Rose Garden.

Chairman STEVENS. So it is my understanding that the Senator from Mississippi would make a motion. It would be my suggestion as chair that we entertain a motion to approve the request for the use of these funds and to proceed with this project and leave the subject of what the standard should be for the future to be determined, with the understanding that there will be no further fundraising efforts until we do establish that standard.

Are you prepared to make a motion?

Senator COCHRAN. I am prepared to make that motion. I think the commitments that have been made were made in good faith by the Architect's Office based in reliance on the April 16, 1993, letter. I do not know if there may be some evidence of communications that are not in the file here, but I think the thing to do is to support the Architect and to live up to the commitments that have already been made.

Chairman STEVENS. Mr. Ehlers, is it agreeable to you that we submit that to the membership by written memorandum and ask them to vote, and we will report the results of that vote to the Architect and we will ask that that be—that members respond to us before this time next week, so we will have you an answer by next week as to proceeding. Mr. Ehlers?

Mr. EHLERS. That procedure is certainly acceptable. I just want to clarify. You did not specifically mention the recognition issue in your motion, did you?

Senator COCHRAN. Yes, I do intend to include that, the recognition of major donors in an appropriate way, and I think the way that has been suggested is appropriate and we should confirm that.

Mr. EHLERS. I will support the procedure dealing with that. Let me also add, Mr. Chairman, as part of the discussion, there are other ways or additional ways to recognize these, because there were three major donors. Scott Fertilizer and two others donated $1 million each. I think it would be entirely appropriate for the

garden to continue that recognition—for example, one of them, I am not sure which, donated the rose garden; that the directory or the guide that is handed out to every visitor specifically mention the company that donated the rose garden. That sort of recognition does not violate our rule against putting things, mounting them on walls.

Chairman STEVENS. It is my understanding that Senator Cochran's request is to approve the two procedures that have been requested here today, the large bronze plate and the pavers, and we will address the question of recognition when you submit to us what you intend to do for them. Is that acceptable? You have three major donors that deserve recognition.

Mr. HANTMAN. Their names are all appearing on that plaque, sir.

Chairman STEVENS. Their names are already on the plaque?

Mr. HANTMAN. They will be on the plaque, yes. That is the proposal, all three of their names.

Chairman STEVENS. Then that is taken care of. That will be explained to all the members. So that we will submit that to the members.

Mr. HANTMAN. Mr. Chairman, one clarification, please.

Chairman STEVENS. Yes?

Mr. HANTMAN. Would that allow the fund over the next 12 months to hopefully raise funds for option two and option three and just add names to that same plaque if they get major donors which they have on the hook right now?

Chairman STEVENS. We will—will the Senator modify his amendment to include the phase two concept and phase three for further donors to be recognized in a similar way?

Senator COCHRAN. I agree with the modification that is suggested.

Chairman STEVENS. Has staff got that?

Ms. MIES. Yes.

Chairman STEVENS. Anything further to come before the committee? Mr. Ehlers?

Mr. EHLERS. Mr. Chairman, if I may, I would like to offer a motion and if you wish to study it further we can defer a decision until later. I would like to offer the motion that we ask the Architect of the Capitol to submit an annual report giving the status of all projects and a monthly report on those that are actively ongoing.

Chairman STEVENS. May I suggest that we ask the legislative appropriations committees to put that in law? I think that would be acceptable.

Mr. HANTMAN. Absolutely.

Chairman STEVENS. So we know what to expect, and let those committees determine the timing for them, because that would be something—they meet annually for the legislative review of the Architect and I think that we should let them do it.

Mr. EHLERS. I only request that that report come to this committee as well.

Chairman STEVENS. Yes, it will come. We will ask the legislative committee to say the report comes to this committee and to the legislative subcommittees once a year. It would be the same report, Mr. Architect.

Anything further to come before the committee?

[No response.]

Chairman STEVENS. I am sorry to be this abrupt.

Thank you very much.

[Whereupon, at 5:21 p.m., Wednesday, March 3, the meeting was recessed, to reconvene subject to the call of the Chair.]

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