

OPPORTUNITIES EXIST TO IMPROVE SENIOR EXECUTIVE SERVICE DIVERSITY IN LEGISLATIVE BRANCH AGENCIES

HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL WORKFORCE,
POSTAL SERVICE, AND THE DISTRICT
OF COLUMBIA

OF THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

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OPPORTUNITIES EXIST TO IMPROVE SENIOR EXECUTIVE SERVICE DIVERSITY IN LEGIS- LATIVE BRANCH AGENCIES

TUESDAY, NOVEMBER 13, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FEDERAL WORKFORCE, POSTAL
SERVICE, AND THE DISTRICT OF COLUMBIA,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2 p.m., in room 2154, Rayburn House Office Building, Hon. Danny K. Davis (chairman of the subcommittee) presiding.

Present: Representatives Davis of Illinois, Norton, and Clay.

Staff present: Tania Shand, staff director; Caleb Gilchrist, professional staff member, Lori Hayman, counsel; LaKeshia Myers, editor/staff assistant; Susan Ragland, GAO detailee; Teresa Coufal, clerk; and Leneal Scott, information officer.

Mr. DAVIS OF ILLINOIS. The subcommittee will come to order. Mr. Marchant, I understand, is having some difficulty with his flight, therefore, he may get here as we continue, but currently, he has not made it yet. And we'll just kind of play that by ear.

So let me thank those of you who have come and I want to welcome all of the witnesses, all of those who are in attendance. I want to welcome to you the Federal Workforce, Postal Service, and District of Columbia Subcommittee hearing on Senior Executive Service, women and minorities are underrepresented in most legislative branch agencies. The hearing will examine diversity at the executive level positions in legislative branch agencies and explore agency succession planning efforts, including the extent to which there is diversity at the GS-15 feeder pool levels or throughout the agencies' work force. Hearing no objection, the Chair and any other Members who are here will make opening statements and all Members will have 3 days to submit statements for the record.

Good afternoon, the subcommittee hearing is being held to examine diversity in the senior ranks of congressional support agencies. Democratic legislatures are traditionally supposed to represent a broad spectrum of the national population to assure that they will reflect the interest and outlooks of all people. Therefore, while it is important that the Congress itself represents the national diversity, it is equally important that the agencies that support Congress be broadly representative of the people it serves. Skilled persons reflecting all of the American people should have a hand in supporting the legislative process, whether it is to assist the Con-

gress in making laws, or in overseeing the operations of the executive branch. Diversity in the senior levels of executive and legislative branch agencies brings a variety of perspectives and approaches to policy development and implementation.

Today the subcommittee released a report, the first of its kind, analyzing the racial and gender diversity of the senior executive core of six legislative branch agencies: The Government Accountability Office [GAO]; the Library of Congress [LOC]; the Congressional Budget Office [CBO]; the Government Printing Office [GPO]; the Capitol Police; and the Architect of the Capitol.

The report, which was based on information provided to the subcommittee by these agencies, found that women and minorities in the Senior Executive Service [SES], are underrepresented in most legislative branch agencies. The SES, at each legislative branch agency, was less diverse in terms of minorities than its work force at a whole in fiscal year 2007, and less diverse in terms of women in four of the six agencies.

Some agencies, GS-15 feeder or successor pools, were less diverse than their SES core. The report also found that in some agencies the average tolled compensation for minorities and women in fiscal year 2007 was less than their non minority and male counterparts. All of these agencies work for us, the U.S. Congress, while we can provide oversight of these agencies, we cannot monitor their day-to-day efforts to improve diversity in their agencies. That is the role of their respective diversity offices.

Each legislative branch agency has a diversity office that exists to ensure that the agency's personnel policies and practices are fair, merit-based and promote the opportunity for all employees to maximize their contributions to the agency's mission. What Congress can do is ensure that these offices have effective programs in place to address the problems raised in the subcommittee report and the independence to do something about them.

I will soon formally ask all legislative branch inspector generals to review the diversity offices of their sister agencies. The IGs will be tasked with reviewing the programs the diversity offices have in place to address diversity concerns, how these programs are being evaluated to determine if they are yielding the desired results, the accuracy of the dispute and discrimination data being reported to Congress, and whether the diversity offices are sufficiently independent of the agencies general counsel and agency head.

Here are two examples of why it is necessary for Congress to take action. It is my understanding that employees at the LOC do not receive written performance appraisals. If this is the case, then on what basis are employees being promoted? How can an employee prove he or she was wrongly denied a promotion if their performance is not being documented? It is the responsibility of LOC's diversity office to raise these issues and challenge management on them.

In 2006, GAO restructured its pay bands and promoted employees based, in large part, on performance ratings. GAO knew, however, before implementing the restructuring, that African-Americans were receiving lower performance ratings than their White counterparts. It comes as no surprise that the restructuring had and continues to have a negative impact on African-Americans.

GAO's diversity office should have engaged in challenging management and ensuring that a restructuring did not take place that negatively impacted a group of employees. It apparently failed to do so.

I will ask the legislative branch IGs to report their findings to the subcommittee in June 2008. Their reports will help determine if agency diversity officers have the programming and influence to address the disparities raised in the subcommittee report.

I would like to caution the legislative branch agencies in comparing themselves to the executive branch when it comes to diversity in the SES. The executive branch is doing poorly in that regard and the legislative branch agencies are only doing slightly better. All of these agencies take pride in saying that they hire the best and the brightest. If that is the case, what is then preventing minorities and women from moving into their top ranks? Today's witnesses are here to help us answer that question, and I thank them for taking the time to do so.

I will indicate again, though that all Members will have 5 legislative days in which to submit statements for the record because of their inability to be here today.

[The prepared statement of Hon. Danny K. Davis follows:]

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STATEMENT OF CHAIRMAN DANNY K. DAVIS AT THE SUBCOMMITTEE ON FEDERAL WORKFORCE AND POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA

HEARING ON THE

UNDERREPRESENTATION OF WOMEN AND MINORITIES IN THE SENIOR EXECUTIVE SERVICE OF LEGISLATIVE BRANCH AGENCIES.

November 13, 2007

Good afternoon. This Subcommittee hearing is being held to examine diversity in the senior ranks of Congressional support agencies. Democratic legislatures are traditionally supposed to represent a broad spectrum of the national population to assure that they will reflect the interests and outlooks of all people.

Therefore, while it is important that the Congress itself represents the national diversity, it is equally important that the agencies that support Congress be broadly representative of the people it serves. Skilled persons reflecting all of the American people should have a hand in supporting the legislative process – whether it is to assist the Congress in making laws or in overseeing the operations of the Executive Branch. Diversity in the senior levels of Executive and Legislative branch agencies brings a variety of perspectives and approaches to policy development and implementation.

Today, the Subcommittee released a report, the first of its kind, analyzing the racial and gender diversity of the senior executive corps of six legislative branch agencies: the Government Accountability Office (GAO), the Library of Congress (LOC), the Congressional Budget Office (CBO), the Government Printing Office (GPO), the Capitol Police, and the Architect of the Capitol. The report, which was based on information provided to the Subcommittee by these agencies, found that women and minorities in the senior executive service (SES) are underrepresented in most legislative branch agencies.

The SES at each legislative branch agency was less diverse in terms of minorities than its workforce at a whole in FY 2007 and less diverse in terms of women in four of the six agencies. Some agencies' GS-15 "feeder" or "successor pools" were less diverse than their SES corps. The report also found that in some agencies, the average total compensation for minorities and women in FY 2007 was less than their non-minority and male counterparts.

All of these agencies work for us – the United States Congress. While we can provide oversight of these agencies, we cannot monitor their day to day efforts to improve diversity in their agencies- that is the role of their respective diversity offices. Each legislative branch agency has a diversity office that exists to ensure that the agency's personnel policies and practices are fair, merit-based, and promote the opportunity for all employees to maximize their contributions to the agency's mission.

What Congress can do is ensure that these offices have effective programs in place to address the problems raised in the Subcommittee report and the independence to do something about them. I will soon formally ask all legislative branch inspector generals (IG) to review the diversity offices of their sister agencies. The IGs will be tasked with reviewing the programs the diversity offices have in place to address diversity concerns; how these programs are being evaluated to determine if they are yielding the desired results; the accuracy of the dispute and discrimination data being reported to Congress; and whether the diversity offices are sufficiently independent of the agency's general counsel and agency head.

Here are two examples of why it is necessary for Congress to take action. It is my understanding that employees at the LOC do not receive written performance appraisals. If this is the case, then on what basis are employees being promoted? How can an employee prove he or she was wrongly denied a promotion if their performance is not being documented? It is the responsibility of LOC's diversity office to raise these issues and challenge management on it.

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All of these agencies take pride in saying that they hire the best and the brightest. If that is the case, what is preventing minorities and women from moving into their top ranks?

Today's witnesses are here to help us answer that question and I thank them for taking the time to do so.

Mr. DAVIS OF ILLINOIS. We will begin with our witnesses and our first witness is Dr. Curtis Copeland, who is currently a specialist in American National Government at the Congressional Research Service within the U.S. Library of Congress. His specific area of expertise is Federal rulemaking and regulatory policy. Welcome Dr. Copeland, we thank you for being here and you know the drill, you've done this so often. So if you would stand and raise your right-hand.

[Witness sworn.]

Mr. DAVIS. The record will reflect that the witness answered in the affirmative. And again, we thank you for your presence and for the work that you do and you may proceed.

STATEMENT OF CURTIS W. COPELAND, SPECIALIST IN AMERICAN NATIONAL GOVERNMENT, CONGRESSIONAL RESEARCH SERVICE

Mr. COPELAND. Thank you, Mr. Chairman. I am here today to present the data that were used in the subcommittee's report on racial and gender diversity and SES and SES-equivalent positions within six legislative branch agencies: GAO, LOC, CBO, GPO, the AOC and the Capitol Police. Most of my comments will be in terms of percentages and will be depicted in figures shown on these TV screens. However, it is important to realize that because of the relatively small size of each agency's SES core, a slight change in the number of minorities or women in the agencies can substantially effect the resulting percentages.

Together, the six legislative branch agencies had a total of 346 SES officials during fiscal year 2007. Of these officials, 16.8 percent were minorities, about the same percentages in the executive branch, which had 16 percent. However, the legislative branch agencies had a somewhat higher percentage of women in their SES ranks, about 36 percent compared to 29 percent in the executive branch.

The agencies differed substantially in their levels of SES diversity, as this first figure shows, less than 8 percent of the SES core at CBO were minorities compared to about 20 percent at the LOC and AOC. The composition of the minorities of SES population at the agencies also differed. For example, four of the six agencies, all except GAO and the LOC, had no Asian senior executives in 2007. The six agencies differed greatly in the percentage of their SES who were women, ranging from less than 12 percent at GPO to more than 40 percent at LOC and GAO. To put these numbers into context, the subcommittee's report compared the diversity of the agency's SES core to the work forces as a whole.

As this figure shows, none of the agencies SES core had as high a percentage as their overall work forces. And as this figure shows the percentage of SES who were women was less than in the total work force than four of the six agencies, all but the Capitol Police and the AOC. However, we should recognize that these two agencies also had the lowest percentage of women in their overall work forces.

In some cases, there were substantial differences between the diversity of the agency's work forces as a whole and the diversity of their SES core. For example, whereas nearly 60 percent of the

GPO'S work force was minorities in 2007, the percentage of minorities in the agency's SES stood at about 12 percent, nearly 50 percentage points lower.

Another way to put these diversity figures into context is by looking at trends over time. This figure shows the—it soon will be up—shows the percentage of women in the legislative branch agencies SES has gone up somewhat since 2002, from less than 32 percent to nearly 36 percent. However, the trend line from minorities has been rather flat since 2002 going from 16½–17½ percent to 16.8 percent, so the percentage of minorities in the legislative branch agencies actually went down by a little less than a percentage point.

Most SESers are hired from the GS–15 ranks, as you mentioned, so that the diversity of these GS–15 successor pools can be provide an indication of how diverse the SES may be in the future.

As this figure shows, the percentage of minorities at the GS–15 level was somewhat less than the percentage of the SES in four of the six legislative branch agencies, all but GAO and GPO. The situation for women was just the opposite. As this figure shows, the percentage of GS–15s who were women was greater than the women in the SES in four of the six agencies, all except the LOC and the AOC.

Finally, the subcommittee's report examined the extent to which women and minorities, once they got into the SES, received comparable salaries, bonuses and awards when compared to non minorities and men.

Table 3, which is on the last page of my written statement, provides the data on this—these salary comparisons or total compensation comparisons, it shows that on average, looking across all of the legislative branch agencies minorities and non minorities in the SES earned almost exactly the same total compensation. And women on average received about 1 percent more than men.

However, there were some substantial difference in SES total compensation within the agencies. For example, women in the SES at the LOC received an average of \$4,000 per year more than their male counterparts. On the other hand, at CBO, women received an average of about \$10,000 less than men, and minorities received about \$6,000 less than non minorities.

Mr. Chairman, that concludes my prepared statement. I would be happy to answer any questions.

[The prepared statement of Mr. Copeland follows:]



**Statement of Curtis W. Copeland
Specialist in American National Government
Congressional Research Service**

Before

**The Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, Postal Service, and the District of Columbia
House of Representatives**

November 13, 2007

on

“SES Diversity in Legislative Branch Agencies”

Chairman Davis and Members of the Subcommittee:

I am pleased to be here today to discuss data that the Subcommittee recently obtained from six legislative branch agencies regarding the extent of racial and gender diversity in their Senior Executive Service (SES) and equivalent positions (hereafter referred to simply as “SES” positions). Although CRS assisted in the collection and analysis of the data used in preparation of the Subcommittee’s report, neither CRS nor the Subcommittee verified the accuracy of the data that the agencies provided. My role today is to provide a factual presentation of the Subcommittee’s data.

The SES represents the most experienced and senior segment of the federal government’s career workforce, and provides needed continuity as presidential administrations and Congresses change. Racial, ethnic, and gender diversity in federal agencies’ SES ranks can bring a variety of perspectives and approaches to policy development and implementation. Many observers have found diversity in the leadership of public organizations to be a key organizational component for executing agencies’ missions, ensuring accountability to the American people, and achieving results.¹

¹ See, for example, David W. Pitts, "Representative Bureaucracy, Ethnicity, and Public Schools: (continued...)"

Although the Government Accountability Office (GAO) and others have previously examined the extent of diversity in the executive branch SES,² no similar examination has previously been conducted regarding the SES in the legislative branch. Therefore, the Subcommittee's report breaks new ground in understanding the racial and gender composition of the senior levels of the six largest legislative branch agencies — GAO, the Library of Congress (LOC), the Congressional Budget Office (CBO), the Government Printing Office (GPO), the Architect of the Capitol (AOC), and the U.S. Capitol Police.

The SES in Legislative Branch Agencies

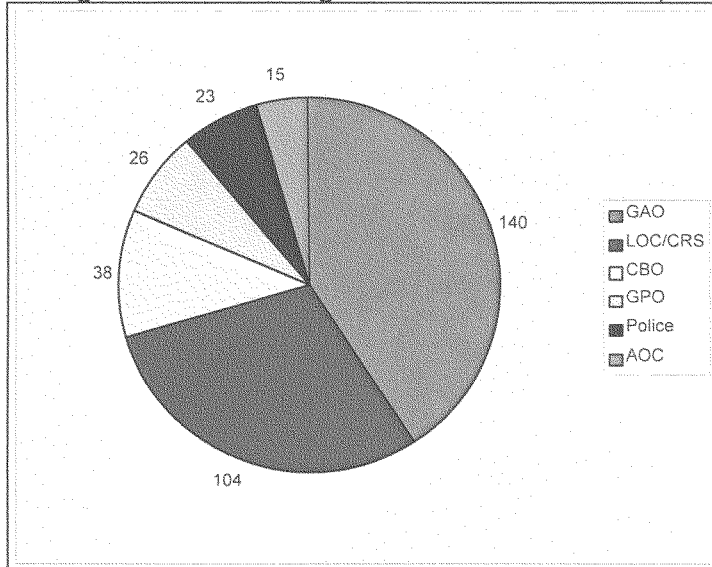
According to the Subcommittee's report, the six legislative branch agencies had a total of 346 SES or SES-equivalent staff members during FY2007³. As shown in **Figure 1**, GAO had the largest number of SES officials (140), and the LOC had the next largest (104). Together, GAO and the LOC employed 70.5% of the senior executives in the six agencies. The other four agencies each employed a relatively small number of senior executives, ranging from 38 at CBO to 15 at AOC.

¹ (...continued)

Examining the Link Between Representation and Performance," *Administration & Society*, vol. 39 (July 2007), pp. 497-527; and Morgen S. Johansen, "The Effect of Female Strategic Managers on Organizational Performance," *Public Organization Review*, vol. 7 (Sept. 2007), pp. 269-280.

² See, for example, U.S. General Accounting Office, *Senior Executive Service: Enhanced Agency Efforts Needed to Improve Diversity as the Senior Corps Turns Over*, GAO-03-34, Jan. 17, 2003; and U.S. Government Accountability Office, *Human Capital: Diversity in the Federal SES and the Senior Levels of the U.S. Postal Service*, GAO-07-838T, May 10, 2007.

³ The data provided by the agencies include on-board strength at any point during a fiscal year. Therefore, for example, if an SES official was employed by an agency for only a portion of a fiscal year, that official would be counted the same as if the employee had worked at the agency for the full fiscal year.

Figure 1: Number of Legislative Branch SES Officials, FY2007

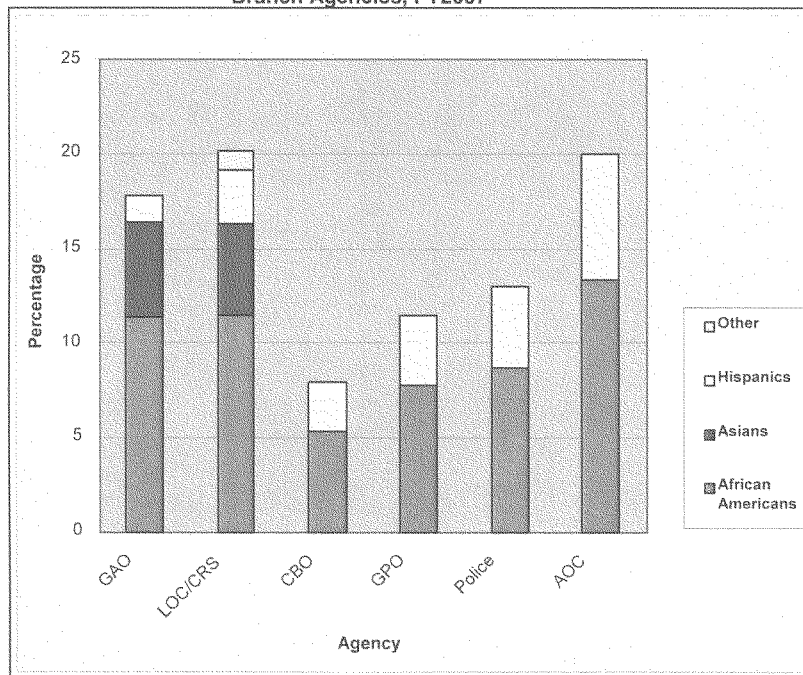
Source: Legislative branch agencies' data.

Differences in Diversity by Agency

In FY2007, minorities held 58 of the 346 SES positions in the six legislative branch agencies (16.8%), and women held 124 of the positions (35.8%). As **Figure 2** and **Table 1** indicate, the agencies differed substantially in the percentages of their SES corps who were minorities and women. For example, minorities were 7.9% of the SES at CBO, but more than 20% of the SES at the LOC. GPO's SES was 11.5% female, whereas women represented more than 40% of the workforce at the LOC and GAO. The agencies also differed in the composition of their minority workforces. For example, as **Figure 2** shows, four agencies (CBO, GPO, AOC, and the Capitol Police) had no Asian SES officials in FY2007. Five of the six agencies (all but the LOC) had no "Other" SES officials (e.g., Native Americans).

CRS-4

Figure 2: Percentage of SES Who Were Minorities in Legislative Branch Agencies, FY2007



Source: Analysis of legislative branch agencies' data.

Table 1: Number and Percentage of SES Who Were Minorities and Women Within Legislative Branch Agencies, FY2007

Agency	Minorities in the SES		Women in the SES	
	Number	Percent	Number	Percent
GAO	25	17.9	57	40.7
LOC	21	20.2	46	44.2
CBO	3	7.9	7	18.4
GPO	3	11.5	3	11.5
Capitol Police	3	13.0	6	26.1
AOC	3	20.0	5	33.3

Source: Analysis of legislative branch agencies' data.

It is important to recognize that, because of the relatively small size of the agencies' SES corps, a small increase or decrease in the number of minorities or women in the SES can substantially affect resulting percentages. For example, if CBO, GPO, the Capitol Police, and AOC each had three additional minorities in their SES corps, the percentage of minorities in the agencies' SES would have doubled. Also, as **Table 1** illustrates, although those four agencies had the same number of minorities in their SES, the percentages of their workforces who were minorities were different because the sizes of the agencies' SES corps differed.

Comparison to the Agencies' Workforces as a Whole

One way to put the legislative branch agencies' SES diversity data into context is to compare the representation of minorities and women in the agencies' SES corps to those groups' representation in the agencies' workforces as a whole. As shown in **Table 2**, the SES corps in all six agencies was less diverse in terms of minorities than their workforces as a whole, and the SES was less diverse in terms of women in four of the six agencies. The data also indicate that the agencies varied in the diversity of both their workforces as a whole and their SES.

Table 2: Percent Minority and Percent Female in Legislative Branch Agencies' Workforces as a Whole and SES, FY2007

Agency	Size of Agency Workforce	Percent Minority		Percent Female	
		Workforce	SES	Workforce	SES
GAO	3,114	30.4	17.9	55.9	40.7
LOC	3,688	46.0	20.2	55.0	44.2
CBO	227	15.9	7.9	42.7	18.4
GPO	2,291	59.9	11.5	42.4	11.5
Capitol Police	2,001	38.7	13.0	23.5	26.1
AOC	2,011	53.5	20.0	28.6	33.3

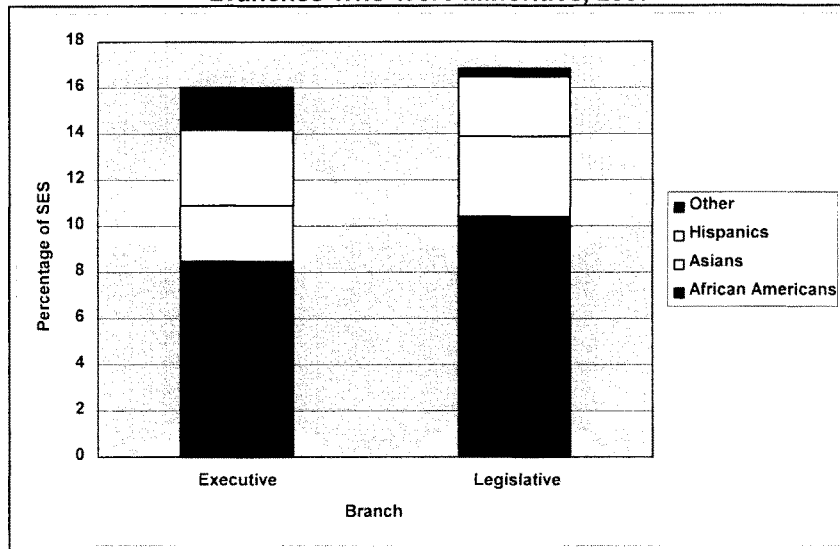
Source: Analysis of legislative branch agencies' data.

Comparison of Legislative and Executive Branches

Another way to provide context is to compare the diversity of the SES in the legislative branch agencies to the diversity of the career SES in the executive branch. As **Figure 3** shows, the legislative branch SES had a slightly higher percentage of minorities in 2007 than did the executive branch SES — 16.8% versus 16.0%, respectively.⁴ The percentage of particular minority groups represented also varied slightly between the branches. The legislative branch SES had a somewhat higher percentage of African Americans and Asians than did the executive branch SES, but the executive branch had a somewhat higher proportion of Hispanics and “Other” races (e.g., Native Americans). The legislative branch agencies also had a higher percentage of women in their SES ranks in 2007 — 35.8% compared to 28.9% in the executive branch.

⁴ Executive branch career SES data were drawn from the Office of Personnel Management's FedScope database, available at [<http://www.fedscope.opm.gov>]. The most recent data available through FedScope are as of June 30, 2007. Therefore, the data are reported here and in Figure 3 on the next page as “2007” rather than “FY2007”. As noted previously, the legislative branch data are as of any point during the fiscal year.

Figure 3: Percentage of SES Officials in the Executive and Legislative Branches Who Were Minorities, 2007

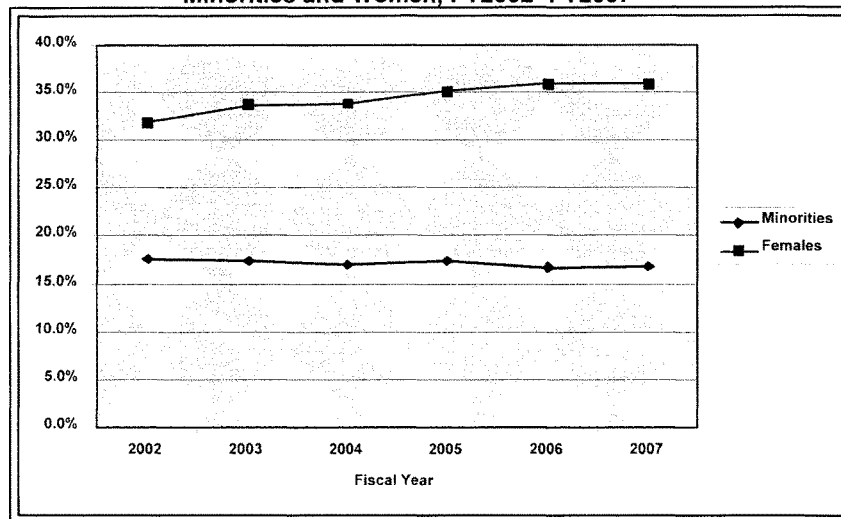


Source: Executive branch data obtained through the Office of Personnel Management's Fedscope website and legislative branch data provided by the legislative branch agencies.

Trends in Legislative Branch SES Diversity

Another way to view the diversity of the legislative branch SES is in terms of trends — i.e., whether the number or percentage of minorities has been going up, going down, or staying the same in recent years. As shown in **Figure 4**, the percentage of the legislative branch SES who were minorities has declined slightly in recent years — from 17.5% in FY2002 to 16.8% in FY2007. In terms of numbers, the decline was from 59 SES officials in FY2002 to 58 in FY2007. On the other hand, the number of women in the legislative branch SES increased by 17 between FY2002 and FY2007 (from 107 to 124), raising the percentage of the SES who were women from 31.6% to 35.8%.

Figure 4: Percentage of the Legislative Branch SES Who Were Minorities and Women, FY2002- FY2007

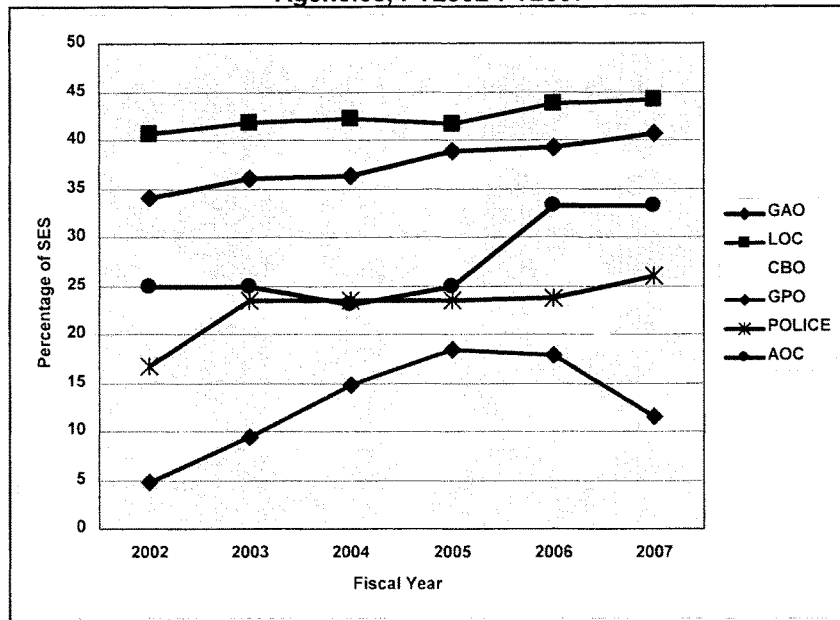


Source: Analysis of legislative branch agencies' data.

The trends in the six agencies during this period were not the same. In some agencies, the SES became slightly more diverse (e.g., GAO's SES went from 23 minorities in FY2002 to 25 minorities in FY2007, an increase from 16.5% minority to 17.9% minority); other agencies became slightly less diverse (e.g., the LOC's SES went from 23.1% minority to 20.2% minority, a decline from 25 to 21 minorities).

As **Figure 5** shows, female representation in the SES increased between FY2002 and FY2007 in most of the legislative branch agencies. For example, the number of women in GAO's SES increased from 47 in FY2002 to 57 in FY2007, raising the percentage of SES officials who were women from less than 34% to nearly 41%. At the LOC, the number of women in the SES increased by two during this period (from 44 to 46), which, combined with a slight drop in the size of the agency's SES corps, caused its percentage of the SES who were women to increase from 40.7% to 44.2%. At GPO, the number of females in the SES rose from one to three while the number of total SES in the agency rose from 21 to 26, thereby causing the percentage of the SES who were women to rise from 4.8% to 11.5%. At AOC in FY2002, 3 of 12 in the SES were women, but by FY2007, 5 of 15 in the SES were women. As a result, the percentage of women in the SES went from 16.7% to 26.1%. In FY2002, 3 of 18 SES officials at the Capitol Police were women (16.7%), but by FY2007, 6 of 23 in the SES were women (26.1%). In contrast, the number of female senior executives in CBO's workforce declined from nine to seven, and the size of the agency's SES corps fell from 40 to 38, thereby dropping its percentage of women in the SES from 22.5% to 18.4%.

Figure 5: Percentage of SES Who Were Women in Legislative Branch Agencies, FY2002-FY2007



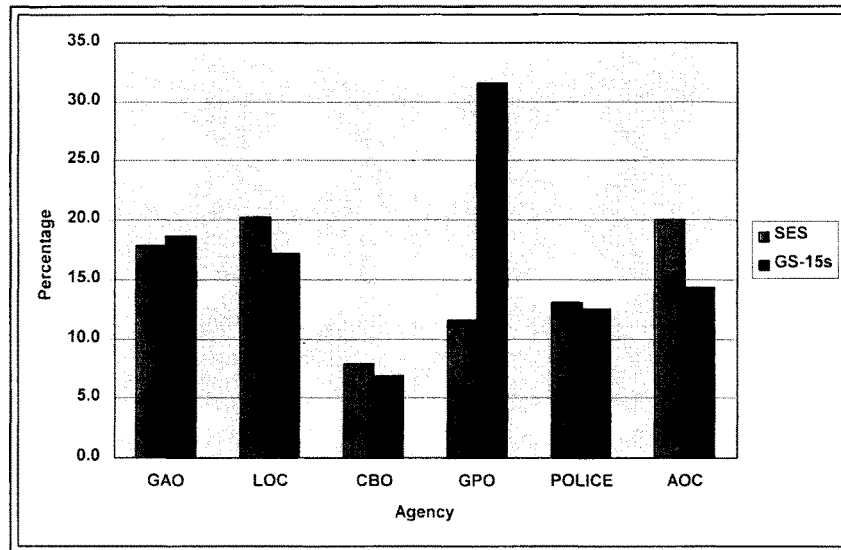
Source: Analysis of legislative branch agencies' data.

GS-15 "Successor Pools" Were Often Less Diverse Than SES

In the executive branch, many SES members are drawn from the agencies' GS-15 ranks.⁵ Therefore, if agencies select officials for the SES in proportion to the minority and female representation at the GS-15 level, the diversity of those "successor pools" can provide an indication of how diverse the SES ranks might be in the future. The Subcommittee's data indicated that, in FY2007, four of the legislative branch agencies (the LOC, CBO, AOC, and Capitol Police) had smaller percentages of minorities at the GS-15 level than in their SES. (See **Figure 6** below.) GPO was the most notable exception to this trend, with the percentage of GS-15s who were minorities nearly three times that of the agency's SES.

⁵ U.S. General Accounting Office, *Senior Executive Service: Enhanced Agency Efforts Needed to Improve Diversity as the Senior Corps Turns Over*, GAO-03-34, Jan. 17, 2003.

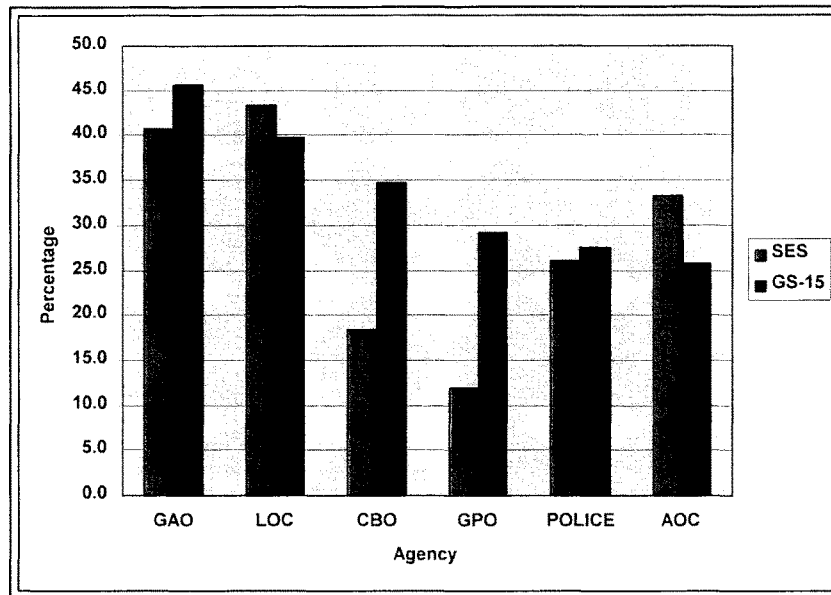
Figure 6: Comparison of Minority Representation in SES and GS-15 Levels Within Legislative Branch Agencies, FY2007



Source: Analysis of legislative branch agencies' data.

The trend for women at the GS-15 level in the legislative branch agencies was the opposite. (See **Figure 7** below.) In four of the six agencies, the percentages of GS-15s who were women exceeded the percentages in their SES corps. That trend was particularly notable at CBO and GPO, which had about double the percentage of women at GS-15 as in their SES. Two agencies (the LOC and AOC) had slightly smaller percentages of women at the GS-15 level than in their SES.

Figure 7: Comparison of Female Representation in SES and GS-15 Levels Within Legislative Branch Agencies, FY2007



Source: Analysis of legislative branch agencies' data.

Comparisons in Terms of Average Total Compensation

The Subcommittee's report also examines whether minorities and women in the SES in the legislative branch agencies received salaries, bonuses, and awards (hereafter referred to as "total compensation") comparable to those of their non-minority and male counterparts. As **Table 3** indicates, minorities and non-minorities in the legislative branch SES as a whole had almost exactly the same average total compensation in FY2007, and women received an average of nearly 1% more than men.

Table 3: Average Total Compensation for SES Officials, FY2007

Agency	Minorities	Non-Minorities	Women	Men
GAO	\$155,988	\$156,742	\$157,156	\$156,228
LOC	\$159,366	\$161,065	\$161,388	\$157,367
CBO	\$148,597	\$154,640	\$146,129	\$155,977
GPO	\$156,268	\$155,091	\$151,925	\$155,657
Capitol Police	\$157,769	\$155,664	\$153,531	\$156,788
AOC	\$154,526	\$152,250	\$153,036	\$152,572
Weighted Averages	\$156,847	\$156,753	\$157,635	\$156,310

Source: Analysis of legislative branch agencies' data.

Note: Weighted averages take into account differences in the size of the legislative branch agencies, and were developed by multiplying the average total compensation for each agency and subgroup (e.g., minorities) by the number of observations for that agency and subgroup, adding together those sums, and dividing by the total number of observations for that subgroup.

However, **Table 3** also shows that there were differences among the agencies in average total compensation for minorities and women, and differences by agency when comparing within the groups. At three of the agencies, the average total compensation of minorities in the SES exceeded that of non-minorities, but in the other three agencies, non-minorities received more than minorities. The same was true with regard to women and men: at three agencies, men received more than women; and at three other agencies, the opposite was the case. Most of the time the average total compensation differences between the groups were fairly minor (i.e., 1% to 2%). One exception was at CBO, where minorities received about \$6,000 less than non-minorities (about 4% less), and women received almost \$10,000 less than men (about 7% less). Also, at the LOC, women in the SES received about \$4,000 (2.5%) more than their male counterparts.

Mr. Chairman, that concludes my prepared statement. I would be happy to answer any questions.

Mr. DAVIS OF ILLINOIS. Well, thank you very much. And again, I want to thank you for being here.

You note in your testimony that the percentage rate of women increased was slight, about 4 percentage points between 2002 and 2007. If that rate was to continue, how long would it take for women to become, say, half of the legislative branch SES?

Mr. COPELAND. Right. The percentage of women rose from 31.6 percent to 35.8 percent across the 6 legislative branch agencies, which is about 8/10 of a percentage point a year. So at that rate, given that they are currently at 35.8 percent, the—at that rate, it would take about 17 years for women to reach the 50 percent mark.

Mr. DAVIS OF ILLINOIS. I guess that's about as long as it would take a snail to get to Baltimore. Do you know what a similar rate would be for the executive branch?

Mr. COPELAND. Yes, in the executive branch, the percentage of women in the SES rose from 25½ percent in 2002 to 28.9 percent. And so at that rate, given the distance between that current statistic and 50 percent, it would take about 30 years for women in the executive branch SES to reach 50 percent.

Mr. DAVIS OF ILLINOIS. I mentioned successor pools in my opening statement, of course you have mentioned successor pools. Why are these pools so important?

Mr. COPELAND. Primarily, because most at least in the executive branch, GAO has testified before this subcommittee back in May that most of the people in the SES were drawn from the GS-15 ranks. And so if you have a successor pool at the 15—at the GS-15 level, which is less diverse, than the current SES and you draw in proportion to their representation in that GS-15 successor pool, then your SES in the future will actually become less diverse.

Mr. DAVIS OF ILLINOIS. And so, in addition to work at the direct level of the SES, there is also seemingly need to do some work at the GS-15 successor pool level as well, would you agree?

Mr. COPELAND. I would agree that the subcommittee's report reaches the conclusion that in order for agencies to achieve levels of diversity that they currently don't have, they either have to increase the percentage of women and minorities in those successor pools, hire from outside of those successor pools or both.

Mr. DAVIS OF ILLINOIS. Although I know that you can't take a position about what level of representation there should be if Congress did decide that SES should mirror the representation within the agency's work force as a whole, but what would you see as the advantages or disadvantages if that was to happen?

Mr. COPELAND. Well, certainly the literature suggests that having a leadership of an agency that is reflective of the work force as a whole has a number of advantages in terms of morale, in terms of following the management initiatives and so forth.

The disadvantage of emulating the work force as a whole is if the work force as a whole isn't very diverse, then emulating that non diversity would yield a non diverse SES. So in fact, we have seen that in some of the agencies here, that some of the agencies in these six legislative branch agencies are much less diverse than others. And so an agency that is 85 percent White emulating that would yield an SES that would be 85 percent White.

Mr. DAVIS OF ILLINOIS. I know that for many years now, we've had great debate and great discussion about the concept of quotas, and yet we continue to have sort of as a goal the notion as it was reflected in the Preamble to the Constitution that all men, and I guess maybe at some point in time, women crept into that, I guess, if you go with the biblical definition, they say that when they say men, they also meant woman, or woman as they called it in some religious groups, but this notion that if America is to ever become the America that we all talk about, would it seem likely that some kind of something close to proportional share of opportunities as well as other things would ultimately come into being, would that make sense for the work force?

Mr. COPELAND. As you know, CRS doesn't take a position on any initiatives like that, but that certainly seems to be the guiding premise between a lot of the affirmative action programs that are place in agencies now, they are attempting to try and move toward that as a goal.

Mr. DAVIS OF ILLINOIS. Well, let me thank you very much, we appreciate your testimony and we appreciate the continuing work that you and your agency does. We appreciate your being here.

Mr. COPELAND. Thank you.

Mr. DAVIS OF ILLINOIS. We will then proceed to our next panel. I will go ahead and introduce them as they are being seated. Ms. Nadine Elzy is the Director of Office of Equal Employment Opportunity for the U.S. Government Printing Office, and as such, she directs the activities of the affirmative action programs, and counseling, and complaints processing divisions within the Office.

Mr. Ronald Stroman is the Managing Director of GAO Office of Opportunity and Inclusiveness. Mr. Stroman is responsible for reviewing GAO's human capital policies and practices to ensure they are fair, merit-based and promote the opportunity for all GAO employees to maximize their contributions to the Agency's mission.

Ms. Theresa Bailey is the Director of the Architect of the Capitol's Equal Employment Opportunity and Conciliation Programs. She has more than 20 years of progressively responsible human resources experience primarily in equal employment opportunity, affirmative employment, diversity and employee relations.

Ms. Stephanie Ruiz is the Director of Human Resources for the Congressional Budget Office [CBO]. At CBO, she is responsible for human resources and payroll-related functions, including, but not limited to recruitment, EEO benefits and compensation. She also advises management on matters related to human resources and contributes to the development of the agency's budget which is 90 percent compensation.

Mr. Dennis Hanratty is the Director for Human Resources Services at the Library of Congress. He has served in this position since August 2005. He has worked in human resources since 1993, first helping to manage all human resources functions and then managing human resources planning and technology.

And Mr. Daniel Nichols was appointed as the assistant chief of police for the Capitol Police last January. Inspector Nichols entered duty with the U.S. Capitol Police in 1983. Assistant Chief Nichols is recognized as an accomplished leader who builds the effective teams as strong communication skills and uses innovative ap-

proaches to improve the protection of the capital, the congressional community and visitors.

Thank you all for being here and if you would stand and raise your right hands.

[Witnesses sworn.]

Mr. DAVIS OF ILLINOIS. The record will show that the witnesses answered in the affirmative. And please know that because the other Members are not here, it's not because they are not interested in the subject matter of what is taking place. This is our last week before we recess and people are trying to get as many things done as they possibly can. And so there's all kinds of activity taking place. There are some weather-related difficulty, some Members are experiencing in terms of getting back today, but we shall proceed and thank you so much and we will begin with you, Ms. Elzy.

STATEMENT OF NADINE ELZY, DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY, GOVERNMENT PRINTING OFFICE; RONALD STROMAN, MANAGING DIRECTOR, OFFICE OF OPPORTUNITY AND INCLUSIVENESS, GOVERNMENT ACCOUNTABILITY OFFICE; TERESA BAILEY, DIRECTOR, OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY/CONCILIATION PROGRAMS, OFFICE OF THE ARCHITECT OF THE CAPITOL; STEPHANIE RUIZ, DIRECTOR, HUMAN RESOURCES, CONGRESSIONAL BUDGET OFFICE; DENNIS HANRATTY, DIRECTOR, HUMAN RESOURCES SERVICES, LIBRARY OF CONGRESS; AND DANIEL NICHOLS, ASSISTANT CHIEF OF POLICE, U.S. CAPITOL POLICE

STATEMENT OF NADINE ELZY

Ms. ELZY. Good afternoon, Chairman Davis and members of the subcommittee. Thank you for inviting the Government Printing Office to be here. I'm Nadine Elzy, GPO's Director of EEO. My prepared statement at the same time has been submitted for the record, and with your permission, I will summarize my remarks.

The head of the agency wanted to be here to testify before you today, but I'm glad that instead I am able to present the agency's testimony because for me, it is also a personal testimony. I am committed personally to insuring EEO.

I came to GPO in December 1997 as the EEO Director. I must admit that I thought at that point I had stepped backward into a time warp. I asked another of the senior managers, do you think GPO is diverse? His response was, well, the agency is about 60 percent Black. I replied by asking, well, in your opinion, is the agency diverse, because when I go to a senior staff meeting, I am the only female and the only minority. I'm not saying the only Black executive, I meant the only minority and the only female, period. At that point in GPO's history, there were no females at the grade 15. There were four Black males, one Hispanic male and one Asian male at the GS-15. I define diversity as an organization that reflects the composition of our Nation.

Let's fast forward 5 years to 2002. In 2002, we had 3,048 employees, of those, 32 were at the grade 15, at that point we had 1 female, 4 Black males and 1 Asian male. There had been no changes

whatsoever in the representation of females or minorities in the senior level.

Now let's take one other jump that is to fiscal year 2007 and like at the agency's diversity, GPO now has 23 females, 1 Hispanic, 17 Blacks, 6 Asians and 1 Native American at the grade 15. These are some of the employees who are in a position to ascend to GPO's future senior level positions.

In 2002, there was one female in SL as a GPO, in 2004 to 2005, there were five females in SL positions. We currently have three females, at this level. Females represent 28.4 percent of employees in the Federal executive service. They currently represent 12 percent at GPO.

In 2002, there was one minority in the SLS. At the end of fiscal year 2007, we have three minorities employed in the SLS. Minorities represent 16 percent of employees in the Federal executive service, and 12 percent of employees in senior pay level positions at GPO.

Do we have a way to go? Yes. Are we doing better than we did in 1997 in 2002? Most definitely. We are doing better by placing qualified minorities and females in positions at the grade 13 to 15, which will prepare them to become GPO's future leaders. We also want to ensure that these supervisors and managers know the agency's perspective on equity in the workplace. To ensure this, it was required by the head of the agency that during fiscal year 1997—2007, every manager and supervisor participate in EEO training. This was included as a core commitment in fiscal year 2007 for each senior level service employee.

What are some of the other efforts we have made to improve our diversity? We have changed our outlook. We realize the importance of a diverse work force. We have expanded our college outreach efforts to include other than predominantly White college campuses. We are visiting Morehouse, Spelman, Clark Atlanta, Florida A&P, Prairie View, all of which are historically Black colleges and universities.

We have included recruitment and outreach efforts to the University of Texas El Paso, New Mexico State, the University of New Mexico, the University of Miami, California State Los Angeles, all of which are Hispanic-serving institutions. We have recruited at the University of California Berkeley, which is the No. 1 public university in the country and which has a very diverse population.

In an effort to ensure that our organization is representative of this country's diversity we have also hired students from the National Training Institute for the Deaf, the Rochester Institute of Technology. GPO has one of the largest percentage of employees with disabilities and those with targeted disabilities in the entire Federal Government. Presently almost 7 percent of GPO's population has a disability and almost 2 percent of those are employees who have targeted disabilities. The Federal Government's average is less than 1 percent. GPO, ranked as one of the top five agencies for the employment of people with disabilities in the Federal Government.

Again, we who are involved in EEO at GPO, and most especially, the Public Printer Tapella, clearly recognize that attaining diversity in GPO's management rights has a ways to go, and we are

firmly committed to achieving this goal. As a result, I no longer feel as though I have walked backward into a time warp. I feel as though I am part of an agency that is moving forward with great speed and effort in the right direction. It is an organization that wants to utilize the skills and abilities of all of its employees to move us forward in the 21st century.

Mr. Chairman and members of committee, this concludes my prepared statement and I will be pleased to answer any questions you may have.

[The prepared statement of Ms. Elzy follows:]

Nadine L. Elzy

Director, Office of Equal Employment Opportunity
Government Printing Office

**Prepared Statement before
the Subcommittee on Federal
Workforce, Postal Service, and
the District of Columbia**

**Committee on Oversight and
Government Reform
House of Representatives**

*On Workforce Diversity at the
Government Printing Office*

Room 2247, Rayburn House Office Building

Tuesday, November 13, 2007
2 PM



U.S. GOVERNMENT PRINTING OFFICE | KEEPING AMERICA INFORMED
www.gpo.gov

Mr. Chairman and Members of the Subcommittee, on behalf of Public Printer Robert C. Tapella, thank you for inviting the Government Printing Office to appear before you this afternoon at this hearing on workforce diversity in the legislative branch.

I am Nadine L. Elzy, Director of GPO's Office of Equal Employment Opportunity (EEO). In that capacity, I administer GPO's EEO program, which includes oversight of GPO's Affirmative Employment, Special Emphasis Programs, and Counseling and Complaints Processing.

By both law and tradition, GPO has three essential missions: to provide expert publishing and printing services to all three branches of the Federal Government; to provide, in partnership with Federal depository libraries, permanent public access to the printed and electronic information products of the Government; and to sell copies of authentic printed and electronic documents and other Government information products to the general public. Information on all GPO operations and programs is available via our Web site, at www.gpo.gov.



GPO currently employs about 2,300 staff, more than 75% of whom are represented by 10 unions organized in 15 bargaining units. For FY 2007, GPO had a total budget of \$888 million. Approximately \$120 million of that came from direct appropriations under the Legislative Branch Appropriations Act for Congressional Printing and Binding and for the Superintendent of Documents. The vast majority of our budget derives from selling products and services to agencies of the Federal Government and to the general public.

GPO's EEO office was established as an organization reporting directly to the Public Printer in the early 1970's, at a time when opportunities for minorities at GPO were still very limited even though they existed in some of the printing crafts. In those early years GPO was the defendant in at least 3 class action lawsuits involving claims of workplace discrimination based on race and gender. By the early 1990's GPO had made adherence to EEO laws, regulations, and policies a core commitment of its managerial performance standards. With minorities today representing approximately 60% of GPO's employees, and women 42%, GPO still has a ways to go in achieving diversity within its management ranks, but it has made notable progress in the last few years, and is poised to make even more.

When I came to GPO in December 1997 as the EEO Director, I must admit that I thought after being there for a few days that I had stepped backward in a time warp. I asked a fellow senior manager if he thought GPO was diverse. His response was "Well, the agency is about 60% Black". I replied by asking "Well in your opinion—is that diversity reflected throughout the agency? Because when I go to senior staff meetings, I am the only female and the only minority". I was not saying I was the only Black senior executive, I meant I was the only minority and female executive.

Since that time, as a result of actively broadening GPO's outreach for talented managers both from within and outside the Federal Government, diversity has improved within GPO's Senior Level Service (SLS) ranks.

In 2002, there was 1 female in the SLS at GPO out of a total of 21, or 5%. Since then, the number has increased, with a maximum of 5 females serving among a total of 27 SLS managers in 2004-05, or 19%. (Because our SLS has numbered under 30 positions, a

change in even one position can make a dramatic difference.) We currently have 3 females within our overall SLS ranks of 26, or 12%. This compares with female representation of approximately 28% in the SES governmentwide as of September 2006, as identified for this Subcommittee by the Government Accounting Office (GAO) in its report, "Human Capital: Diversity in the Federal SES and the Senior Levels of the U.S. Postal Service" (GAO-07-838T, May 10, 2007), p. 1.

There is a similar picture for minorities within GPO's SLS. In 2002 there was 1 minority in the SLS, or 5%. Since then the number has increased. By 2003 there were 3 minorities among 21 SLS managers, or 14%. At the end of 2007 there were 3 minorities among a total of 26 SLS managers, or 12%. By comparison, the GAO report identified minorities as representing 15.9% of all SES managers governmentwide as of September 2006.

There is no question diversity for minorities and women has improved in GPO's SLS in recent years. One means of ensuring ongoing improvement is by placing qualified minorities and females in positions at the grade 13-15 which will prepare them to become GPO's future leaders. In those ranks, diversity has also improved significantly in recent years.

When I arrived at GPO, there were no females at the Grade 15 level. There were 4 Black males, 1 Hispanic male, and 1 Asian male at Grade 15, out of a total of 30, or 20%. By 2002, GPO still had 32 Grade 15 employees, and in those ranks we had 1 female (3%), and 4 Black males and 1 Asian male (16%). By 2007, GPO had a total of 79 Grade 15 employees, including 23 females (29%), and 1 Hispanic, 17 Blacks, 6 Asians, and 1 Native American (32%). These employees are in a position to be promoted to GPO's future SLS.

"Diversity among GPO managers and supervisors at the Grade 14 and Grade 13 levels also will help ensure that diversity is part of GPO's management succession planning. Currently, females comprise 36% of the Grade 14 workforce and 48% of the Grade 13 workforce. Minorities make up 29% and 40% of the Grade 14 and Grade 13 workforces, respectively.

GPO ensures that all SLS managers know the agency's perspective on EEO principles in the workplace. In FY 2007 every SLS manager was required to participate in EEO training as a core component of their annual performance plans.

Among other efforts we have made to improve our diversity, we have expanded our college outreach efforts to include other than predominantly white college campuses. We have visited Morehouse, Spelman, Clark Atlanta University, Florida A&M, and Prairieview A&M, all of which are Historically Black Colleges. We have included recruitment and outreach visits to the University of Texas/ El Paso, New Mexico State, the University of New Mexico, the University of Miami, and California State/Los Angeles, all of which are Hispanic Serving Institutions. We have recruited at the University of California, Berkeley, which is ranked first among public universities nationwide and which has a very diverse population.

In an effort to ensure that GPO is representative of America's diversity, we have also hired students from the National Training Institute for the Deaf at the Rochester Institute of Technology. Currently, GPO has one of the largest percentages of employees with disabilities and those with targeted disabilities in the Federal Government (1.74% of total GPO employment, according to the annual report of the EEOC).



Regarding allegations of discrimination, when I arrived at GPO a decade ago the EEO office had allegations of discrimination that employees had filed 3 years before which had not been reviewed for acceptance or dismissal. By 2007, the average number of days for an investigation was 151, a reduction of approximately 85%.

Again, we who are involved with EEO at GPO, and most especially Public Printer Tapella, clearly recognize that attaining diversity in GPO's management ranks has a ways to go, and we are firmly committed to this goal. As a result, I no longer feel as though I have walked backwards into a time warp. Today, I feel as though I am a part of an agency that is moving forward with great speed in the right direction. It is an organization that wants to utilize the skills and abilities of all of its employees to move us forward in the 21st century.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement, and I would be pleased to answer any questions you may have.



Mr. DAVIS OF ILLINOIS. Thank you very much and we'll go to Mr. Stroman.

STATEMENT OF RONALD STROMAN

Mr. STROMAN. Thank you, Mr. Chairman, Ms. Norton. Good afternoon, I am Ron Stroman, the Managing Director of the Office of Opportunity and Inclusiveness at the U.S. Government Accountability Office. I am pleased to be here today to address an issue of such vital importance to GAO and to the Congress; diversity and our Senior Executive Service. GAO's mandate to support the Congress in meeting its constitutional responsibilities and to help improve the performance and insure the accountability of the Federal Government requires a highly skilled and diverse work force and leadership team.

The diversity of our leaders increases the range of perspectives and problem solving approaches and creates higher value solutions for the Congress and for the American people. It is also true that it is important giving the increasing numbers of African American, Hispanic, Asian, women, Members of Congress, we issue reports of concern to those communities. It is important that we have representation of those communities involved in those report making processes.

The Office of Opportunity and Inclusiveness was created by the comptroller in 2001 to transform the agency's diversity management practitioners. Since then, we worked closely with the agency's top managers to improve diversity management practices at GAO. As an indicator of our success, GAO's analyst and specialist population is more diverse than the relevant civilian labor force, specifically the percentages of GAO analysts and specialist staff as of October 2006 exceeded the 2000 relevant labor force percentages for African-American, Hispanic, Asian Americans, as well as for women.

The diversity of our leadership team has also improved over the years. In fiscal year 2000, minorities represented 14 percent of the SES and SL core. As of fiscal 2007 about 18 percent of the SES SL members were minorities. Similarly the representation of minorities as a Band III, the SES feeder pool increased from 12 percent in 2000 to 19 percent in 2005. And the representation of women in the SES as well as at the Band III and Band II levels increased.

Figure 2 and 3 in my testimony illustrates changes in the percentages of minorities and women respectively. We have made progress—although we have made progress, we still have work to do. We are committed to improving the representation of all minorities on the leadership team, in particular, the representation of Hispanic and Asian-American staff should be improved.

As shown in table 1 of my testimony, percentages of GAO's Hispanic staff members at the SES level, and Asian staff at Band III level were lower than government wide percentages. However, for both these groups the percentages in the feeder pool staff at the lower level either equals or exceeded the government wide percentages.

We therefore expect that we will be prepared to move these staff into senior management positions. GAO is also—ONI is also work-

ing closely with the GAO executive committee and teams managing directors to ensure sufficient opportunities of being developed.

One of GAO's strategic objectives is to build and maintain a work environment that is fair and unbiased and inclusive and that offers the opportunity for all employees to realize their full potential. Several efforts and processes support our strategic commitment to diversity.

As shown in figure 4 of my testimony our work force planning and recruitment processes, training opportunities, reviews of human capital processes and the selection process for the Senior Executive Service helped to support and maintain our efforts at diversity in the Senior Executive Service.

Our agency's top leadership is fully committed to creating an environment that is fair and unbiased and has value diversity. Having a diverse work force and leadership cadre is an essential strategic component to GAO's success. While the diversity of our work force and leadership team has improved, there are areas that still need to be addressed. Our efforts to enhance diversity and Senior Executive Service coupled with incorporating our core diversity principles into our human capital processes should enable us to continue to improve diversity of our future leadership team. Thank you, Mr. Chairman.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Stroman and we will proceed to Ms. Bailey.

[The prepared statement of Mr. Stroman follows:]

United States Government Accountability Office

GAO

Testimony
Before the Subcommittee on Federal
Workforce, Postal Service, and the District of
Columbia, Committee on Oversight and
Government Reform, House of Representatives

For Release on Delivery
Expected at 2:00 p.m. EST
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HUMAN CAPITAL

Building Diversity in GAO's Senior Executive Service

Statement of Ronald A. Stroman, Managing Director
Office of Opportunity and Inclusiveness



GAO-08-275T

November 13, 2007



Highlights of GAO-08-275T, a testimony to the Subcommittee on Federal Workforce, Postal Service, and the District of Columbia

Why GAO Did This Study

A high-performance organization relies on a dynamic workforce with the requisite talents, multi-disciplinary knowledge, and up-to-date skills to ensure that it is equipped to accomplish its mission and achieve its goals. For GAO having a diverse workforce and Senior Executive Service (SES) corps is an organizational strength that contributes to the achievement of results by bringing a wider variety of perspectives and approaches to policy development and implementation, strategic planning, problem solving, and decision making. The Office of Opportunity and Inclusiveness (O&I) was created by the Comptroller General in 2001 to transform the agency's diversity management practices. As such O&I is the principal adviser to the Comptroller General on diversity and equal opportunity matter.

The subcommittee asked us to provide information on the diversity of GAO's Senior Executive Service and the agency's succession planning efforts. This testimony focuses on the diversity of GAO's workforce and leadership team and our efforts and processes for building and maintaining diversity in our SES and throughout our workforce.

To view the full product, including the scope and methodology, click on GAO-08-275T. For more information, contact Ronald A. Stroman at 202-512-6388 or stromanr@gao.gov.

HUMAN CAPITAL

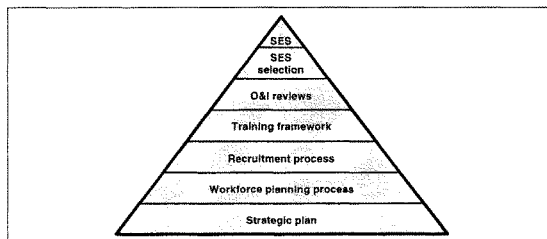
Building Diversity in GAO's Senior Executive Service

What GAO Found

As our transformational diversity efforts have been implemented, the diversity of GAO's workforce and leadership team—SES/SL and Band III level staff—has improved. In 2000, minorities represented about 14 percent of the SES/SL corps. As of fiscal year 2007, about 18 percent of the SES members were minorities. Similarly, the representation of minorities at the Band III level—the SES feeder pool—increased from nearly 12 percent in 2000 to nearly 19 percent in 2007, and the representation of women in the SES as well as at the Band III and Band II levels increased.

While we have made progress, we still have work to do. We are committed to improving the representation of all minority groups in the leadership team and in particular, representation of Hispanic and Asian American staff should be improved. The percentages of GAO's Hispanic staff members at the SES level and Asian American staff at the Band III level were lower than governmentwide percentages. However, for both of these groups, the percentages in the feeder pools—staff at the Band III and Band IIB levels—either equaled or exceeded the governmentwide percentages.

Several processes help build and maintain diversity in GAO's SES and workforce. Incorporating our core diversity principles into several key processes has played an important role in helping GAO to meet its strategic objective to build and maintain a work environment that is fair, unbiased and inclusive and that offers the opportunity for all employees to realize their full potential. Our workforce planning and recruitment processes, training opportunities, reviews of human capital processes conducted by O&I, and the selection process for SES candidates help support our efforts to maintain and improve diversity in our SES.



Source: GAO.

Chairman Davis and Members of the Subcommittee:

Good Afternoon. I am Ron Stroman, the Managing Director of the Office of Opportunity and Inclusiveness at the United States Government Accountability Office (GAO). I am pleased to be here today to address an issue of such vital importance to GAO—Diversity in our Senior Executive Service (SES).

GAO's mandate to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government requires a highly skilled and diverse workforce and leadership team. The diversity of our leaders—SES and Senior Level (SL) executives and our Band III directors—increases the range of perspectives and problem-solving approaches and creates higher value solutions for the Congress and the American people. For example, our leaders directed interdisciplinary teams of analysts, auditors, economists, accountants, investigators, and others; conducted work that addresses many difficult issues confronting the nation, and helped the federal government achieve a total of \$51 billion in financial benefits in fiscal year 2006.

The Office of Opportunity and Inclusiveness (O&I), supports GAO's strategic commitment to diversity. O&I is the principal adviser to the Comptroller General on diversity and equal opportunity matters. The office manages GAO's Equal Employment Opportunity (EEO) program, including informal pre-complaint counseling, and GAO's formal discrimination complaint process. We also operate the agency's early resolution and mediation program by assisting managers and employees to resolve workplace disputes and EEO concerns without resorting to the formal process. In addition, O&I monitors GAO's disability policy, including access to reasonable accommodations, and oversees the management of GAO's interpreting service for our deaf and hard-of-hearing employees. In furtherance of our transformational diversity approach, O&I monitors, evaluates, and recommends changes to GAO's major human capital policies and processes including those related to recruiting, hiring, performance management, promotion, awards, and training. These reviews, along with independent reviews conducted by our Human Capital Office, are generally conducted before final decisions are made in an effort to provide reasonable assurance that GAO's human capital processes and practices promote fairness and support a diverse workforce.

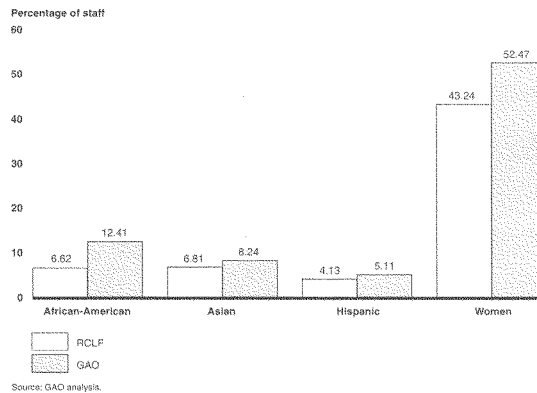
My testimony today will focus on the diversity of GAO's workforce and leadership team and our efforts and processes for building and maintaining diversity in our SES and throughout our workforce.

Diversity of GAO's Workforce and Leadership Team

The Office of Opportunity and Inclusiveness (O&I) was created by the Comptroller General in 2001 to transform the agency's diversity management practices. Since then we have worked closely with the agency's top managers to improve diversity management practices in GAO. As an indicator of our success, GAO's analyst and specialist population is more diverse than the relevant civilian labor force (RCLF).¹ Specifically, the percentages of GAO's analyst and specialist staff, as of October 2006, exceeded the 2000 RCLF percentages for African Americans, Asian Americans, and Hispanic staff as well as for women. Figure 1 compares the GAO and RCLF percentages.

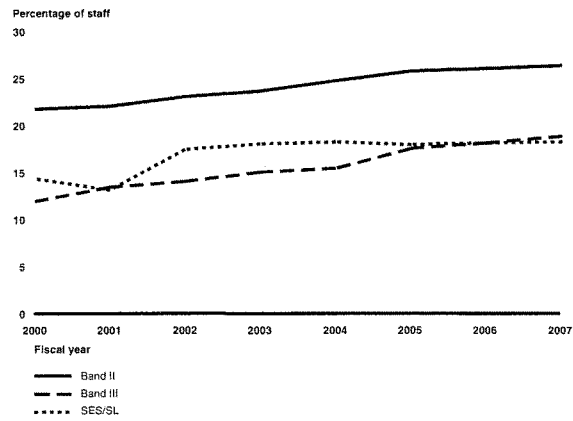
¹ The Civilian Labor Force (CLF) is defined as those 16 and older (including federal workers) who are employed or looking for work and not in the military or institutionalized. The Relevant Civilian Labor Force data (RCLF) are the CLF data that are directly comparable (or relevant) to the population being considered. Throughout this testimony we use 2000 RCLF because it is the most current and reliable data available at this time. Also, we use 2006 data for GAO in order to be make consistent comparisons to the 2006 government wide data.

Figure 1: Comparison of GAO's Analysts and Specialist Staff as of October 2006, to the 2000 Relevant Civilian Labor Force Data



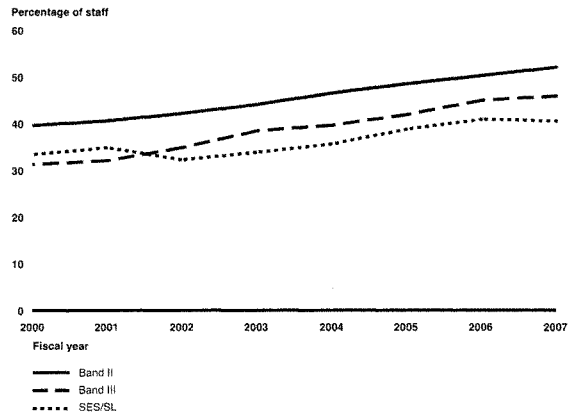
The diversity of our leadership team has also improved over the years. In fiscal year 2000, minorities represented about 14 percent of the SES/SL corps. As of fiscal year 2007, about 18 percent of the SES/SL members were minorities. Similarly the representation of minorities at the Band III—the SES/SL feeder pool—increased from nearly 12 percent in 2000 to nearly 19 percent in 2007, and the representation of women in the SES as well as at the Band III and Band II levels increased. Figures 2 and 3 illustrate changes in the percentages of minorities and women, respectively.

Figure 2: Percentage of Minorities in GAO at the SES/SL level, Band III, and Band II from fiscal year 2000 to fiscal year 2007



Source: GAO.

Figure 3: Percentage of Women in GAO at the SES/SL level, Band III, and Band II from fiscal year 2000 to fiscal year 2007



While we have made progress, we still have work to do. We are committed to improving the representation of all minority groups in the leadership team and in particular, representation of Hispanic and Asian American staff should be improved. As shown in table 1, percentages of GAO's Hispanic staff members at the SES level and Asian American staff at the Band III level were lower than governmentwide percentages. However, for both of these groups, the percentages in the feeder pools—staff at the lower levels—either equal or exceed the governmentwide percentages. Specifically, 3.9 percent of GAO's Band III staff and the GS-15's governmentwide are Hispanic and the Asian American staff represent 7.2 percent of the Band IIB level in GAO while Asian staff are 5.4 percent of the GS-14 staff governmentwide. We expect that several staff will be prepared to move into higher positions in the next few years and therefore improve the representation at these levels. O&I is also working closely with GAO executive committee and teams' managing directors to ensure that sufficient developmental opportunities are being provided.

Table 1: Percentages of GAO and Governmentwide staff by Demographic Group at the SES/SL, Band III, and Band IIB levels, October 2006

SES/SL staff as of October 2006		
Demographic Group	Government wide	GAO
African American	8.6	11.6
Asian American	2.3	5.8
Hispanic	3.6	0.8
Caucasian	84.0	81.8
Men	73.5	59.5
Women	22.7	40.5
GS-15/Band III staff as of October 2006		
Demographic Group	Government wide	GAO
African American	7.3	10.8
Asian American	7.1	4.1
Hispanic	3.9	3.9
Caucasian	80.9	81.2
Men	70.2	54.1
Women	29.8	45.9
GS-14/Band IIB staff as of October 2006		
Demographic Group	Government wide	GAO
African American	11.5	10.3
Asian American	5.4	7.2
Hispanic	4.3	4.4
Caucasian	77.7	78.1
Men	65.2	48.8
Women	34.8	51.2

Source: GAO and GAO's analysis of the Office of Personnel Management's Central Personnel Data File

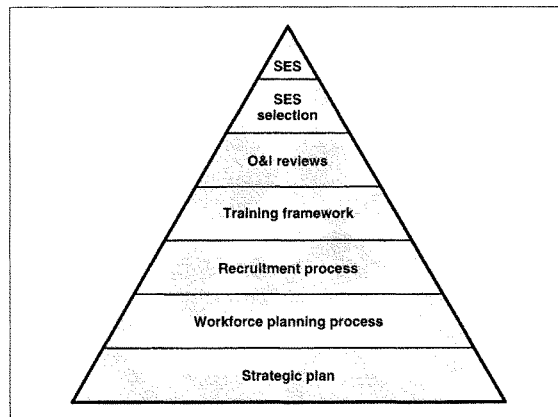
Note 1: Governmentwide includes civilian employees of all cabinet-level departments, independent agencies, commissions, councils and boards in the executive branch except the intelligence agencies, the Postal Service and the Foreign Services (as of 2006). We included GS-15, GS-14 and equivalent employees. GS-equivalent employees are those in equivalent grades under other pay plans that follow the GS grade structure and job evaluation methodology or are equivalent by statute.

Note 2: While Band IIB and GS-14 levels are not equivalent, we compared these groups because they represent the feeder pools for the Band III and GS-15 levels, respectively.

Several Processes Help Build and Maintain Diversity in GAO's SES and Workforce

One of GAO's strategic objectives is to build and maintain a work environment that is fair, unbiased, and inclusive and that offers the opportunity for all employees to realize their full potential. Several efforts and processes support our strategic commitment to diversity. As shown in figure 4, our workforce planning and recruitment processes, training opportunities, reviews of human capital processes conducted by O&I, and the selection process for SES candidates help support our efforts to maintain diversity in our SES.

Figure 4: Processes That Support Diversity in GAO's SES



Source: GAO.

Top Leaders Involved in Rigorous Selection and Training Processes for SES Candidates

Throughout the year, the Comptroller General and the executive committee engage in broad, integrated succession planning and management efforts that focus on strengthening both current and future organizational capacity. The Comptroller General and the executive committee members regularly discuss the anticipated leadership needs as well as the ability of the current workforce to meet future needs. Our top leaders are directly involved in the selection of our executives and support a diverse senior executive corps.

Our process for selecting individuals from among a diverse pool of qualified candidates directly affects the quality and diversity of our executives. The process begins when the Comptroller General determines that a need exists for additional executive candidates. Applications are reviewed by GAO Executive Resources Board—a diverse group of senior executives that includes the Chief Administrative Officer and the General Counsel—and those they recommend are then referred to the Chief Operating Officer and the Comptroller General. O&I reviews this list of applicants and provides comments to the Comptroller General. During the review, O&I considers the diversity of the proposed list of SES candidates, the relative strength of each applicant's nomination package in view of the workforce planning needs of the agency, and any issues regarding the diversity management practices of the candidates. The Comptroller General then selects the executive candidates.

Once selected, each SES candidate must complete a rigorous leadership training program. GAO's Executive Candidate Assessment and Development Program (ECADP) is designed to create candidates capable of becoming GAO executives. The program is designed to provide all candidates with an institutional framework to perform successfully as a GAO executive and to ensure that the candidates have essential technical and managerial competencies for success in the SES. The ECADP includes training workshops, and assessment and feedback on leadership styles and skills. Also, candidates are assigned mentors, shadow a senior executive, create individual development plans, and complete special assignments and projects. Some of the SES candidate special projects focus on human capital issues that could have an effect on diversity in the workforce. For example, one SES candidate conducted a review that examined whether there were differences in the retention rates of new staff from various groups. O&I participates in the training of executive candidates by discussing leading practices in diversity management, the importance of clearly communicating top leadership's commitment to diversity, and strategies that managers can use to communicate that commitment while holding staff accountable for results.

**Various Processes Support
a Diverse Workforce**

Each year, to coincide with the budget, GAO initiates a workforce planning process to help identify workforce requirements needed to accomplish our strategic objectives. GAO's workforce planning process helps us accomplish our mission efficiently and effectively; link our resources to our strategic direction; identify and address skill gaps, surpluses and succession shortages; and provide a strategy to attract and retain the right people with the right skills at the right time. GAO's 2008-

2009 workforce planning process established several principles to communicate and guide organizational expectations and to foster a transparent, effective and strategic resource planning process. Several of these principles addressed key human capital areas that affect the diversity of the workforce and the leadership, such as succession planning, hiring, and promotions.

Our recruitment process includes a variety of steps to help attract a diverse pool of candidates. We have identified a group of colleges and universities that have demonstrated overall superior academic quality, and that either have a particular program or a high concentration of minority students. This group includes several Historically Black Colleges and Universities, Hispanic-serving institutions, and institutions with a significant portion of Asian-American students. In addition, GAO has established partnerships with professional organizations and associations with members from groups that traditionally have been underrepresented in the federal workforce, such as the American Association of Hispanic CPAs, the National Association of Black Accountants, the Federal Asian Pacific American Council, the Association of Latino Professionals in Finance and Accounting, and the American Association of Women Accountants. GAO's recruiting materials reflect the diversity of our workforce, and we annually train our campus recruiters on the best practices for identifying a broad spectrum of diverse candidates.

GAO's training emphasis and framework supports our efforts to maintain a diverse workforce by providing opportunities for all employees to realize their full potential. Our Learning Center has established learning tracks for all levels of the GAO analyst population that help all staff prepare for leadership roles. These learning tracks identify mandatory courses required by federal statute or GAO policy that all GAO employees must complete, core courses designed to provide basic knowledge and skills needed to succeed at each band level and elective courses that provide supplemental knowledge and skills. As staff move to a senior level, the core courses include those that help prepare them to manage a diverse workforce. For example, Band II level staff should take a course on coaching others. One learning objective for this course is to understand the importance of recognizing individual differences and tailoring one's coaching style to the unique characteristics of the person being coached.

The O&I staff conduct reviews to ensure fairness in performance appraisal decisions, promotions, awards, hiring, and recruitment. For the review of draft performance appraisals, O&I uses a two-part approach; we review statistical data on performance ratings by demographic group within each

unit, and where appropriate, we conduct assessments of individual ratings. The O&I performance appraisal reviews have identified areas for improvement. As I testified before this Subcommittee on May 22nd of this year, GAO is deeply concerned about the differences in average appraisal ratings among African Americans at all bands for 2002-2005 compared with Caucasian analysts.² We have hired a full-service management consulting firm to conduct an independent assessment of factors that may influence these rating differences and to make recommendations regarding further steps that GAO can take to ensure fair, consistent, and nondiscriminatory application of GAO's performance management system. The contractor has an outstanding reputation for quality, working with public and private entities, including the Congressional Black Caucus Foundation. The contractor's report is due March 2008.

In addition, O&I staff perform a two-part review of the Band II and Band III promotion process. First, O&I staff review the proposed list of Best Qualified candidates. Generally, we expect that those candidates with the best appraisals scores—those who have performed well—would also be ranked highly by the panel. If our review identifies concerns, I discuss these concerns with the senior executive who served as the chairperson for the panel and in some instances discuss the matter with the executive committee members. The second part of the promotion review process focuses on the proposed promotion decisions, and we consider diversity relative to available candidates. As with the appraisal review process, if there are concerns I discuss them with the selecting officials and the executive committee, when needed. Promotion decisions are not finalized until after the O&I review process.

Concluding Remarks

The agency's top leadership is fully committed to creating an environment that is fair and unbiased and that values diversity. Having a diverse workforce and leadership cadre is an essential strategic component to GAO's success. While the diversity of our workforce and leadership team has improved, there are areas that still need to be addressed. Our efforts to enhance diversity in the SES coupled with incorporating our core diversity principles into our human capital processes will enable us to continue to improve the diversity of our future leadership team.

² GAO, *Human Capital: Efforts to Enhance Diversity and Ensure a Fair and Inclusive Workplace at GAO*, GAO-07-901T (Washington, D.C.: May 22, 2007).

This concludes my prepared statement. At this time I would be pleased to answer any questions that you or other members of the subcommittee may have.

GAO's Mission

The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

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STATEMENT OF TERESA BAILEY

Ms. BAILEY. Good afternoon, Mr. Chairman, and members of the subcommittee. Thank you for this opportunity to discuss the AOC's efforts to identify, attract, hire and retain a diverse work force, as well as training to promote current staffs to rise through the ranks to our executive level positions, thereby increasing diversity among the senior level management.

The ALC is firmly committed to equal employment opportunity and affirmative employment. We recognize the inherent value of diverse and inclusive work force because we all benefit from working in an environment that brings together people with different background, skills and experiences.

As one of our core values we strive to integrate diversity at every level as we carry out our mission to serve Congress and the American people. Even before the launch of our first strategic plan in 2003, the AOC has been dedicated to employing a diverse work force consisting of individuals with a variety of skills and institutional knowledge. We have defined our strategic goals and strategies in our human capital plan, which is an important component of our strategic plan.

The human capital plan outlines activities that will ensure we are adequately addressing the needs of our work force while at the same time addressing the future needs of our organization by developing strong leaders and managers. One of the ways we are assisting our work force is developing the skills they need to become effective managers and grow their careers is through participation in our leadership development program. This program establishes parameters and competencies for the training and development of supervisors, managers and executives, and helps develop the skills needed to perform effectively in these positions.

In addition, the program's participants serve as a pool of well-trained and qualified applicants for consideration for higher more senior managerial positions.

In 2006, we enhanced our agency leadership development program through employee participation and the Council For Excellence and Government Fellowship Program with the selection of three staff members. This development program is designed to improve the performance and accountability of government workers and is targeted specifically for those at GS-14 and GS-15 levels. Next year which will have two more employees participate in this program.

Additionally we proactively worked to recruit diverse new hires by expanding our outreach efforts to attract a diverse candidate pool. AOC career opportunities are advertised nationwide in OPMs, USAJobs Web site. We also have contracted for system for implementing our human capital strategy. One of the tools that we utilize heavily is the Contractors Association with various diverse organizations, societies, colleges and universities, and professional associations that allow us to electronically distribute an unlimited number of vacancy announcements. In addition, our recruitment manager conducts training sessions with staff on how to most effectively use our resources.

The AOC has also participated in a number of recruitment events to increase awareness of job opportunities in our agency.

This past summer, we attended the federally Employed Women's Job Fair Conference, and Mayor Fenty's D.C.-wide Job Fair. Over the past several years, we have been participating and Representative Albert Wynn's annual job fair, and later this week, we will be attending the Asian Job Fair.

We are now finalizing our affirmative employment program, which further delineates our commitment to equal employment opportunity. Once the policy is implemented, we will develop an affirmative employment plan that will identify specific action-oriented strategy efforts to achieve a more diverse work force. While the AOC utilizes an array of recruitment sources and techniques to generate an adequate pool of diverse, qualified applicants for job vacancies, our efforts under the affirmative employment plan will be expanded to include targeted recruitment initiatives, cooperative efforts with colleges and universities and stronger partnerships with national professional associations and local community organizations.

Mr. Chairman, I am pleased to note that our efforts have borne fruit. A comparative analysis of AOC-wide and work force data between 2002 and 2007 shows that at the GS-15 and SES equivalent levels the AOC has made significant progress in the recruitment and selection of women candidates making up 23.1 percent and 35.76 percent those ranks respectively. This is an increase over the 2002 levels of 7.7 percent in the GS-15 ranks and 20 percent of the SES equivalents.

Persons of color now represent 12.8 percent of GS-15 positions and 21.4 percent of SES equivalent positions. The AOC is deeply committed to our goal in attracting and retaining a diverse work force. However, we do recognize that we still have work to do. Throughout programs and initiatives we will demonstrate our actions speak volumes, and our work force will better reflect our society and we will be even more successful as a result of the rich diversity of our employees.

This concludes my statement, I will be happy to answer any questions subsequently you may have.

Mr. DAVIS OF ILLINOIS. Thank you very much.

[The prepared statement of Ms. Bailey follows:]

STATEMENT OF TERESA BAILEY
Director, Office of Equal Employment Opportunity/Conciliation Programs
OFFICE OF THE ARCHITECT OF THE CAPITOL

Regarding Diversity in Legislative Branch Agencies

**Subcommittee on Federal Workforce, Postal Service,
and the District of Columbia, Committee on Oversight and Government Reform
U.S. House of Representatives**

November 13, 2007

Mr. Chairman, Congressman Marchant, members of the Subcommittee, thank you for this opportunity to discuss the Office of the Architect of the Capitol's (AOC's) efforts to identify, attract, hire, and retain a diverse workforce, as well as train and promote current staff to rise through the ranks to our executive level positions, thereby increasing diversity among senior-level management.

The AOC is firmly committed to equal employment opportunity and affirmative employment. While it has been our longstanding policy to employ and promote persons based on merit and without regard to race, color, age, religion, national origin, or disability, the AOC recognizes the inherent value of a diverse and inclusive workforce. We all benefit from the opportunity to work in an environment that brings together people with different backgrounds, skills, experiences, and perspectives. It is our differences that strengthen our ability to meet established strategic goals. Because it is one of our core values, we strive to integrate diversity at every level of the Agency as we carry out our mission to serve Congress and the American people.

Even before the launch of our first Strategic Plan in 2003, the AOC has been dedicated to employing a diverse workforce consisting of individuals with a variety of skills and institutional knowledge. As a service-based organization, these individuals are the AOC's most valuable assets and are critical to our success. Therefore, it is imperative that we continue to attract, develop, and retain diverse and highly motivated employees with the skills, talents, and knowledge necessary to support our mission.

We have defined our goals and outlined our strategies to accomplish these goals in our Human Capital Plan, which is an important supporting component of our Agency's Strategic Plan. Our first Human Capital Plan was rolled out in FY 2004 and we are updating it to carry us forward over the next five years. The Plan outlines various activities that will ensure we are adequately addressing the needs of our workforce, while at the same time, addressing the future needs of our organization by developing strong leaders and managers.

One of the ways we are assisting our workforce in developing the skills they need to become effective managers and grow in their careers is through participation in our Leadership Development Program.

Implemented in June 2004, this program establishes parameters and competencies for the training and development of supervisors, managers, and executives, and provides for the development of skills needed to perform effectively in these positions. The program encourages continual learning and training to develop well-rounded and capable supervisors and managers. In addition, the program's participants serve as a pool of well-trained and qualified applicants for consideration for higher, more senior managerial positions.

Our Leadership Development Program was designed and implemented using the Office of Personnel Management's (OPM's) program as a benchmark. The AOC's program aligns with OPM's competency definitions for supervisors, managers, and executives. A tool is provided to assess current skills and form the framework for Individual Development Plans to help individuals master applicable core competencies. The Individual Development Plan incorporates mandatory training requirements and other developmental opportunities. An employee's training needs are reviewed twice each year during an evaluation process.

In 2006, we enhanced our Agency's Leadership Development Program through employee participation in the Council for Excellence in Government Fellowship Program with the selection of three staff members. This hands-on, results-based leadership development program is designed to improve the performance and accountability of government workers, and is targeted specifically for those at the GS-14 and GS-15 level.

In addition to focusing on developing the existing talent within our Agency and understanding how the workforce is changing in terms of demographics, we have proactively worked to recruit diverse new hires by expanding our outreach efforts to attract a diverse candidate pool.

Career opportunities with the AOC are advertised nationwide through OPM's Web site, USA Jobs, and we have contracted with a Human Resources service provider to assist with implementation of our comprehensive Human Capital strategy. One of the tools we utilize heavily is the service provider's association with various diverse organizations, societies, colleges and universities, and professional associations that allow us to electronically distribute an unlimited number of vacancy announcements. These distributions reach minority groups, women, and persons with disabilities, as well as specific organizations such as the American Indian Higher Education Consortium; the Hispanic Association of Colleges and Universities; Historically Black Colleges and Universities; and the National Association for Equal Opportunity in Higher Education. A number of minority organizations have endorsed the use of this service provider. They include Blacks in Government; Federal Asian Pacific American Council; National Image; and the Society of American Indian Government Employees.

In addition, our recruitment manager has conducted training sessions with staff on how to most effectively use our resources. We also use a number of recruitment sources to reach a large, diverse audience for our vacancy announcements. Examples include El Tiempo Latino Newspaper; the D.C. Mayor's Office of Latino Affairs; and the American Association of African American Museums – just to name a few.

The AOC has been participating in a number of recruitment events to increase awareness of job opportunities with our Agency. This past summer, we attended the Federally Employed Women Job Fair Conference and Mayor Fenty's DC-Wide Job Fair. Over the past several years, we have participated in Representative Albert Wynn's annual job fair. Later this week, we will be participating in the Asian Job Fair in Arlington, Virginia.

We are finalizing the AOC's Affirmative Employment Program which further delineates our commitment to equal employment opportunity and our goal of achieving a diverse workforce. Once the policy is implemented, we will develop an Affirmative Employment Plan that will identify

specific action-oriented strategies and efforts to achieve a more diverse workforce. While the AOC already utilizes a broad array of recruitment sources and techniques necessary to generate an adequate pool of diverse, qualified applicants for job vacancies, our efforts under the Affirmative Employment Plan will be expanded to include targeted recruitment initiatives, cooperative efforts with colleges and universities, and stronger partnerships with national professional associations and local community organizations.

Mr. Chairman, I am pleased to note that our efforts over the past several years have begun to bear fruit. A comparative analysis of AOC-wide workforce data between 2002 and 2007 demonstrates gains in hiring of Asian and Hispanic individuals, although employment of African Americans and American Indians has decreased slightly over the same period.

At the GS-15 and SES-equivalent levels, the AOC has made significant progress in the recruitment and selection of women candidates; making up 23.1% and 35.7% of those ranks respectively. This is an increase over 2002 levels of 7.7% in the GS-15 ranks and 20% of SES-equivalents. Persons of color now represent 12.8% of GS-15 positions and 21.4% of SES-equivalent positions.

The AOC is deeply committed to our goal of attracting and retaining a diverse workforce and this commitment begins at the top of the organization. Our senior leadership team leads the way in fostering and promoting equal employment opportunities and affirmative employment. Earlier this year, our senior managers participated in a mandatory EEO and Affirmative Employment training program.

We recognize we still have work to do. Through these programs and other initiatives we will demonstrate that our actions speak volumes and our workforce will better reflect our society – and will be even more successful and productive as a result of the rich diversity of the skills and experiences of our employees. This concludes my statement. I would be happy to answer any questions the Subcommittee may have.

Mr. DAVIS OF ILLINOIS. And we will go to Ms. Ruiz.

STATEMENT OF STEPHANIE RUIZ

Ms. RUIZ. Mr. Chairman, Ms. Norton. The Congressional Budget Office leadership shares your interest in a work force diversity and is strongly committed to a representative work force. We think this is an important issue, and thank you for bringing attention to it.

Today I will address the following key issues, the benefits of and the need for CBO's recruitment of a diverse work force at all levels, the challenge of recruiting staff skilled in the fields necessary to carry out the analyses CBO does for the Congress, the aggressive diversity recruiting efforts CBO undertakes annually, and finally CBO's recent progress toward greater work force diversity.

CBO needs representative work force at all levels because the broad range of our analytical product benefit from diverse experiences and viewpoints of all of its analysts. Perhaps the less obvious reason is that given the specialized nature of our work, CBO managers must have substantive knowledge of the policy areas in which their analysts work and experience with the methodologies used to perform these analyses.

The needs for substantive experience coupled with CBO's small size and flat organizational structure results in the majority of CBO's staff managers being promoted from within. Therefore, we must recruit a diverse work force at all levels so junior staff can gain the requisite expertise to take on broader roles in our agency. Roughly 80 percent of CBOs work force professional staff hold Ph.D.s or has Masters degrees generally in economics or public policy. The demographics of individuals completing Ph.D.s in economics poses a tremendous challenge in achieving a diverse work force at CBO.

In 2005, there were approximately 1,000 individuals who completed a Ph.D. in economics in the United States. Only 30 percent of them are women. Foreign nationals made up the majority, more than 2/3, and although we can hire some foreign nationals, this limits the overall pool and the diversity over the pool from which we can draw.

Even more striking is that among the 284 U.S. citizens that entered the labor market from those 1,000 Ph.D.s, only 4.3 percent were members of underrepresented minority groups. That's 44 people in the entire Nation. The numbers are even more disheartening given the small share of the new Ph.D. economist who enter government service, only 16 percent in 2005.

Recruiting Master's level employees is somewhat less of a problem given the demographics, the National Association of Schools of Public Affairs Administration reports that of those completing MPPs and MPAs in 2005, 57 percent were female and 28 percent minorities. Not surprisingly, given these statistics, CBO must be both aggressive and creative in its recruiting efforts in order to achieve a diverse staff.

CBO makes special efforts to reach out to women and minority candidates, we provide information on relevant employment opportunities to such groups as women and international security and the committee on the status of women in the economics profession.

In college recruiting we—we target historically Black colleges and universities, HBCUs and Hispanic serving institutions, HSIs that have programs from which CBO may draw candidates. We host a substantive internship program that is focused on graduate students and is managed with an eye toward diversity. CBO interns perform analyses and are introduced to the challenge and reward of public service. One goal over the program is to encourage these interns to consider CBO employment full-time upon graduation. And results suggests that we have been successful, about 8 percent of our current work force are former interns. In the past 5 years, the intern class has been between 36 and 50 percent female, and in most years, it has been approximately 30 percent minority.

Since most students who pursue Ph.D.s in economics were economics undergraduates, CBO does a number of things to encourage underrepresented—underrepresented economic students to pursue advance degrees and to prepare them for CBO positions. Specifically we present information to Morehouse/Spelman's joint economic club, we meet with Howard on economics majors and we participate annually in programs designed to increase minority representation and Master's and Ph.D. programs, including the public policy international affairs program, which prepares under represented students for advanced degrees leading to careers in public service. And the American Economics Association Summer Program and Minority Scholarship program which prepares talented under graduates for doctoral programs in economics and related disciplines.

In the end, a few students from underrepresented groups enter advanced degree programs in economics and public policy, we have little hope of recruiting staff and grooming future managers who are representative of the rich diversity of the U.S. population. Like his predecessor, CBO's new Director Peter Orszag is committed to diversity. During his short tenure, 48 percent of the CBO staff hired have been women, including one female SES equivalent and 9 percent has been minorities.

As the Human Resources Director, I know that he and our new Deputy Bob Sunshine have reached out to female candidates for positions. Last June, Dr. Orszag personally addressed the American Economics Association Summer Minority Scholars when they visited CBO for seminars about the agency and our work and met informally with CBO economists.

Despite our efforts, CBO's work force is not as diverse as we would like it to be. CBO's most valuable resources are strong staff and in pursuit of that end we dedicate a great deal of resources to our recruitment program, including speaking with students from more than 60 campuses. An important focus has been and must continue to be the recruitment of a diverse work force at all levels within an organization.

Thank you, again, for the opportunity to discuss this important issue. I would be delighted to hear any ideas you or others may have to improve the results of our diversity program and to take whatever questions you may as well.

[The prepared statement of Ms. Ruiz follow:]

CBO TESTIMONY

**Statement of
Stephanie M. Ruiz
Director of Human Resources and
Equal Employment Opportunity Officer**

Diversity of Executive-Level Employees at the Congressional Budget Office

**before the
Subcommittee on Federal Workforce, Postal Service,
and the District of Columbia
Committee on Oversight and Government Reform
U.S. House of Representatives**

November 13, 2007

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electronic media before that time.*



**CONGRESSIONAL BUDGET OFFICE
SECOND AND D STREETS, S.W.
WASHINGTON, D.C. 20515**

Mr. Chairman, Congressman Marchant, and Members of the Subcommittee, thank you for the invitation to discuss issues related to the diversity of executive-level employees at the Congressional Budget Office (CBO).

CBO's leadership shares your interest in workforce diversity in executive-level positions and is strongly committed to a representative workforce at all levels. My testimony this morning will address the following key issues:

- The benefits of and the need for CBO's recruitment of a diverse workforce at all levels;
- The challenge of recruiting staff skilled in the fields necessary to carry out the analyses that CBO prepares for the Congress;
- The aggressive diversity recruiting efforts that CBO undertakes annually; and
- CBO's recent progress toward greater workforce diversity.

Recruitment of a Diverse Workforce at All Levels of the Agency

Diversity at CBO produces many important benefits, including an expansion of the perspectives that are brought to bear on its analytical products. For several reasons, CBO must recruit a diverse workforce at all levels—junior, midcareer, and senior:

- CBO produces analyses on a broad range of issues that benefit from the diverse experiences and viewpoints of its analysts.
- The specialized nature of CBO's work and of the analyses it provides to the Congress requires a high level of expertise among all of its employees, from those in the most junior-level position to those at the management level.
- CBO's managers must have substantive knowledge of the various policy areas in which their analysts work and experience with the methodologies used to produce the agency's analyses. That expertise is crucial to CBO's ability to produce work with the timeliness required for it to be of use to the Congress.
- The need for substantive experience coupled with CBO's small size and flat organizational structure results in the majority of CBO's managers being promoted from within the agency. Consequently, the agency must recruit a diverse workforce at all levels, so that more junior staff members gain the requisite expertise to take on broader roles. Internal promotion also increases staff retention.

The Challenge of Recruiting Skilled Staff to Produce CBO Analyses for the Congress

CBO employs individuals who have the specialized skills necessary to perform the complex economic and budgetary analyses that the Congress requires. Roughly 80 percent of its professional staff members hold Ph.D.s or master's degrees (see Figure 1); about 40 percent hold Ph.D.s, mostly in economics, and an additional 40 percent hold master's degrees, generally in public policy or administration. The other 20 percent have bachelor's degrees. (Those staff fill roles principally in administrative fields, such as information technology and editing.)

Because of the specialized skills needed at CBO, the organization faces a substantial challenge in achieving a diverse workforce, given the demographics of individuals who complete the necessary educational requirements. According to the most recent Survey of Earned Doctorates (SED), there were approximately 1,000 recipients of doctorates in economics in 2005.¹ Only 30 percent of those newly minted Ph.D. economists were women (see Table 1). An additional recruiting difficulty for CBO is that foreign nationals make up the majority—more than two-thirds in 2005—of recipients of doctorates in economics. Although the agency hires some non-U.S. citizens, the small proportion of U.S. citizens among new Ph.D.s in economics nonetheless limits the pool from which CBO can attract candidates. What is perhaps even more striking is that among the U.S. citizens who came into the labor market from that pool, only 4.3 percent (44 people in the entire nation) were identified as members of a minority group. Those numbers are even more disheartening in light of the small share of the overall number of new Ph.D. economists who enter government service—only 16 percent in 2005.

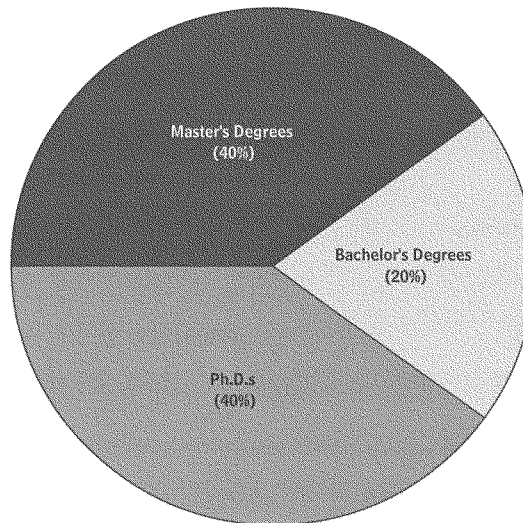
The characteristics of graduates are somewhat less of a problem in recruiting master's-level employees. For example, data from the National Association of Schools of Public Affairs and Administration suggest that 57 percent of those completing master's degrees in 2005 were female, and 28 percent were identified as members of minority groups.²

CBO's Diversity Recruiting Efforts

Not surprisingly, given the above statistics, CBO must be both aggressive and creative in its recruiting efforts to achieve diversity among its staff. In addition to such traditional activities as advertising and college recruiting, CBO makes special

1. The SED is a survey conducted by NORC Academic Research Center at the University of Chicago for the National Science Foundation and five other federal agencies—the Departments of Agriculture and Education, the National Aeronautics and Space Administration, the National Endowment for the Humanities, and the National Institutes of Health.

2. National Association of Schools of Public Affairs and Administration, *Fall 2005 Enrollment and Academic Year 2004–2005 Degrees Awarded Survey* (Washington, D.C.: National Association of Schools of Public Affairs and Administration, 2005).

Figure 1.**Academic Degrees of CBO Professional Staff**

Source: Congressional Budget Office.

efforts to reach out to women and minorities in seeking candidates for open positions.

CBO provides information on relevant employment opportunities to groups such as Women in International Security and the Committee on the Status of Women in the Economics Profession. It also carries out targeted mailings to Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs) that have programs from which CBO may draw candidates.

The agency hosts a substantive summer internship program that is focused on graduate students, particularly Ph.D. candidates, and that is administered with an eye toward diversity. While at CBO, the interns not only perform analyses but are introduced to the challenge and reward of positions in public service. One of the goals of the program is to encourage the students to consider full-time employment at CBO on completion of their academic preparation. And the results suggest that this approach has been an effective recruitment tool—about 8 percent of CBO's current staff members are former interns.

To further address the demographic challenges of the specialized workforce needed to prepare CBO's products, the agency engages in grassroots efforts to "grow the pool." Data indicate that most students who pursue a doctoral degree in

Table 1.

**Diversity Information About Recipients of
Ph.D. Degrees in Economics Awarded in the
United States in 2005**

	Number	As a Percentage of the Total
Recipients		
Males	720	69.8
Females	309	30.0
Total, recipients	1,031	100.0
Citizenship		
United States	284	27.6
Non-U.S. Citizen	698	67.7
Race of U.S. Citizens		
White	231	81.3
Minority		
Black	6	2.1
Hispanic	13	4.6
Asian	24	8.5
American Indian	1	0.4
Subtotal, minority	44	15.5
Other and unknown	9	3.2
Total, U.S. citizens	284	100.0

Source: Congressional Budget Office based on data from the Survey of Earned Doctorates, conducted by NORC Academic Research Center, University of Chicago.

Note: Numbers may not add up to totals because of rounding or missing data.

economics studied economics as undergraduate students. Although CBO hires very few staff who hold only bachelor's degrees, we nevertheless visit a number of campuses and participate in various programs to encourage candidates from underrepresented groups to pursue advanced degrees that would prepare them for positions such as those at CBO. Specifically, the agency makes special efforts to present information to such undergraduate student groups as Morehouse/Spelman's Joint Economic Club, and to conduct group meetings with Howard University economics majors. Those kinds of activities provide an opportunity to introduce students at HBCUs, HSIs, and other large flagship campuses with diverse student populations to the idea of pursuing a Ph.D. in economics or a master's degree in public policy and to discuss the careers to which such paths may lead. The agency also participates annually in the following:

- The Public Policy and International Affairs (PPIA) program, a national effort that focuses on preparing students from underrepresented groups to pursue advanced degrees leading to careers in public service. CBO has contributed to that program in a variety of ways, including presenting campus seminars on the agency's work, organizing and participating in a multiagency panel (which included the Government Accountability Office), and attending and serving on panels related to government service at the career expos for PPIA alumni in various cities.
- The American Economics Association Summer Program and Minority Scholarship Program, which seeks to prepare talented undergraduates for doctoral programs in economics and related disciplines. In two of the past five years, CBO hosted the students at lunches and seminars at our facilities; in three other years, CBO staff presented seminars at the host campuses. On three occasions, including this past summer, CBO's Director personally addressed this group.

In the end, if few students from underrepresented groups enter advanced degree programs in economics and public policy, we have little hope of recruiting staff and grooming future managers who are representative of the rich diversity of the national population.

Beyond those annual recruitment activities, CBO has made special efforts to increase the diversity of its candidate pool. Examples include the following:

- Noting that CBO's National Security Division has a need for scientific as well as economic expertise, the division director participated in a student conference sponsored by the Society of Hispanic Engineers to discuss employment opportunities at CBO and nontraditional public policy careers that engineers might consider.
- Although the agency does not recruit attorneys as analysts, CBO sought candidates who had skills and interests in line with the agency's responsibilities at the Kennedy School of Government's Latino Law and Public Policy Conference.
- CBO staff annually contact the American Indian Graduate Center, the only national nonprofit organization dedicated to aiding Indian graduate students in all fields of study, to ascertain whether they have students in economics and public policy whom the agency might contact about employment opportunities.

Recent Progress

Like his predecessors, CBO's current Director, Peter Orszag, is committed to staff diversity. During his short tenure, 48 percent of CBO staff members hired have been women, including one female Senior Executive Service-equivalent, and 9 percent have been members of underrepresented minority groups. As the Human Resources Director and Equal Employment Opportunity Officer at CBO, I know

that Dr. Orszag and CBO's new Deputy Director, Robert Sunshine, have personally reached out to female candidates for additional leadership positions.

Conclusion

Despite the small size of CBO's staff—the agency has only 235 authorized full-time equivalents under the current budget—and our limited travel funds, our interest in a diverse workforce and the expertise required for our positions drives us to recruit very broadly. CBO's most valuable resource is a strong staff, and in pursuit of that end, we dedicate a great deal of time and effort to our recruitment program—including, during each of the past four years, conducting seminars and information sessions for students from more than 60 campuses; hosting student groups at CBO; and participating in consortium visits in the District of Columbia. An important focus of that effort has been, and must continue to be, the recruitment of a diverse workforce at all levels of our organization.

Mr. DAVIS OF ILLINOIS. Thank you very much. And we'll go to Mr. Henratty.

STATEMENT OF DENNIS HANRATTY

Mr. HENRATTY. Mr. Chairman, thank you for the opportunity to discuss diversity throughout the Library of Congress—the Library's senior level diversity has increased dramatically since 1990. Then only 12.4 percent of our senior level work force was minority compared with 20 percent today. The Library's current executive committee is comprised of 29 percent minorities and 57 percent women.

The Library has made a concerted effort to build and nurture diversity throughout its work force, even as the size of the Library today reflects nearly 1,200 fewer staff than when Dr. Billington was sworn in as Librarian of Congress 20 years ago.

As of June 2007, the latest date for which governmentwide statistics are available, minorities comprised 20 percent of the Library's senior leadership. In comparison, 15 percent of SES executives governmentwide are minorities. Also for the same period, 44 percent of the Library's senior leadership positions are held by women, compared with 29 percent of SES executives governmentwide. The Library also exceeds government wide levels of racial and gender diversity for the key GS-13 to GS-15 pay cluster, the Library's future leaders. Diversity at the Library's senior level has remained fairly constant in recent years. We've hired 42 permanent employees at the senior level since fiscal year 2002. Of these 19 percent were minorities and 45 percent were women.

By most measures diversity has improved among the ranks of the higher general schedule grade levels. Those who along with those recruited from outside the agency will be the next generation of Library senior managers. At the GS-15 level, minority representation has increased from 13 percent in 2002 to 17 percent in 2007. While the percentage of Hispanics in this group has remained below that in the general population, the number of Hispanics at the GS-15 level in the Library has more than doubled at the same period. The percentage of women has remained stable.

The Library's effort to achieve a diverse work force are evident through the entire process of recruiting, screening and collecting new employees to fill vacancies. The Office of Workforce Diversity develops target recruitment plans in collaboration with our service units based upon an analysis of the Library's work force profile. The information is used to identify specific areas to focus our targeted recruitment efforts.

The Library's merit selection system keeps the goal of a diverse work force at the forefront throughout the process and includes two discrete areas where the diversity of the applicant pool is examined. First we create a recruitment plan for each individual vacancy, identifying underutilized groups in the Library's population compared with the civilian labor force.

Second, we compare the pool of applicants to be considered for an interview with the underutilization data that's been identified in the recruitment plan. When the applicant pool contains members of underutilized groups, they will be added to create a list of up to 12 ranked candidates instead of forwarding the names of only 7 candidates.

We also fill permanent positions through targeted recruitment outside of our merit selection plan. For example, under the HACU cooperative education program, qualified students may be converted non competitively to permanent conditional positions following successful completion of a minimum of 640 hours of career-related work at the Library. The Library also provides staff development program to enhance our staff's opportunities to advance to management positions.

For example, our leadership development program selects staff and grades GS-11 through GS-13 from diverse backgrounds for a year-long training and development program to prepare them to compete for leadership and management positions at the Library. Since the program's inception in 1995, six leadership development classes have graduated 57 staff, of those, 65 percent have been minorities and 70 percent of the graduates have been women, 54 percent have received new jobs or promotions since they graduated from the program, and a full two-thirds of these were minorities.

Another example is the comprehensive development intern program which we can conduct periodically as resources permit. The program has been an excellent means for staff, including minorities, to move from clerical and technical to professional positions in grades GS-9 through GS-12 for example four African-American women have moved to professional ranks in my own office human resources services through this program.

Finally let me reassure the committee that my office tracks to completion of annual performance appraisals throughout the Library and works with service units to ensure that any performance appraisals that are not completed on time will be completed during the next quarter. Our new master labor agreement with AFSCME Local 2477, the employee's union, contains a comprehensive performance management article that includes performance planning, midyear reviews, annual reviews and individual development plans.

And management and labor are working collaboratively to implement these provisions throughout the year. I will be happy to answer any questions that you may have about the library's diversity employment or its senior level system.

[The prepared statement of Mr. Hanratty follows:]

Statement of Dennis Hanratty
Director, Human Resources Services
Library of Congress
Before
The Committee on Oversight and Government Reform
Subcommittee on Federal Workforce, Postal Service, and the District of Columbia
United States House of Representatives
on
Diversity at the Senior Level: Legislative Branch Agencies
November 13, 2007

Chairman Davis and Members of the Subcommittee:

My name is Dennis Hanratty. I am the Director of Human Resources Services (HRS) at the Library of Congress, a position I have held since August 2005. Thank you for the opportunity to discuss diversity throughout the Library of Congress, and specifically within the Library's senior management.

The Library's diversity, particularly within the senior management, has increased dramatically since 1990 when the Library's Senior Level Executive System (SLES) was created. Then, only 12.4 percent of our Senior Level work force was minority, compared with 20 percent today. The Library's current Executive Committee is comprised of 29 percent minorities and 57 percent women. The Library has made a concerted effort, under the leadership of the 13th Librarian of Congress, Dr. James H. Billington, to build and nurture diversity throughout its workforce, even as the size of the Library today reflects nearly 1200 fewer staff than when Dr. Billington was sworn in as Librarian of Congress 20 years ago. During this period, the Library's aggregate minority profile grew to exceed that of the federal civilian workforce, and the Library continues to recruit, retain and develop management-caliber staff from among different racial, ethnic, gender and disabilities demographics.

The Library's **Senior Level Executive System** (SLES), the particular focus of this hearing, was created pursuant to the Federal Employees Comparability Act of 1990, which abolished "super-grade" positions and replaced them with new categories of senior executive positions. The Library's SLES is comparable to the Senior Executive System, with the vast majority of our participants serving in executive, managerial/supervisory capacities. The Library is an information and policy conglomerate whose principal mission is to serve Congress. Each of the Library's component entities -- the National Library, Congressional Research Service, Copyright Office, Law Library, and National Library Service for the Blind and Physically Handicapped -- requires staff and managers with highly specific expertise at virtually all levels. The Library also enjoys a highly specialized employee base whose average tenure at the Library is in excess of 25 years. This long tenure has an impact on the number of new hires the Library can make and presents a unique challenge in the Library's commitment to diversity at all levels.

As of June 30, 2007, the latest date for which government-wide statistics are available, minorities comprise 20 percent of the Library's senior leadership, which consists of those in the Executive Schedule, Senior Level, and Scientific and Professional pay plans. In comparison, 15 percent of SES executives government-wide are minorities. Also for the same period, 44 percent of the Library's senior leadership positions are held by women, compared with 29 percent of SES executives government-wide. The Library also exceeds government-wide levels of racial and gender diversity for the key GS-13 to GS-15 pay cluster, the Library's future senior leaders.

Diversity at the Library's Senior Level has remained fairly constant in recent years. We have hired 42 permanent employees at the Senior Level since fiscal year 2002. Of these, 8 were minorities (19 percent) and 19 were women (45 percent).

By most measures, diversity has improved among the ranks of the higher GS grade levels, those who, along with those recruited from outside the agency, will be the "next generation" of Library senior managers. At the GS-15 level, minority representation has increased from 13 percent in 2002 to 17.1 percent in 2007. While the percentage in this group of Hispanics has remained below that in the general population, the number at the GS-15 level in the Library has more than doubled over that same period. The percent of women has remained stable.

We have also provided the Subcommittee with diversity data that separates out Senior Level positions within the Congressional Research Service (CRS). In fiscal year 2007, 18 percent of CRS' Senior Level staff are minorities, compared to 15 percent in fiscal year 2002. The proportion of women among CRS' senior ranks has remained the same over the five year period, 36 percent. These levels have been achieved even as the total number of Senior Level CRS staff has decreased by 20 percent, from 55 to 44.

But diversity at the Library of Congress is much broader than simply the demographics of our staff – it is ingrained in our culture as an institution. The Library of Congress, the nation's oldest federal cultural institution, is a worldwide symbol of democracy, the world's preeminent reservoir of knowledge, providing unparalleled integrated resources to Congress and the American people. Founded in 1800, the Library seeks to further human understanding and wisdom by providing access to knowledge through its magnificent collections, which bring to bear the world's knowledge in almost all of the world's languages and America's private sector intellectual and cultural creativity in almost all formats. With our mission to acquire and preserve this exponentially growing body of knowledge comes the responsibility to make it relevant and accessible to our widely diverse population.

We are particularly proud of the breadth of our collections and programs, which reflect holdings in over 450 languages from throughout the world. As the mint record of American creativity by virtue of the Copyright Office, the Library's collections are particularly strong in the evolution of American history and culture, from the indigenous peoples of the pre-Columbian exploration era, Native Americans, colonization, slavery

and the African-American quest for full citizenship, to the role of folk cultures and tradition in the formation and continuity of America's rich national identity.

Diversity Across the Library of Congress

As stated in our newly released FY2008-2013 Strategic Plan, "a talented and diverse staff is at the heart of the Library of Congress and its vision for the future." The breadth of our collections and scope of our public programs are in part why our workforce is so diverse.

Policies

We are currently re-writing and updating our **Multi-Year Affirmative Employment Program Plan (MYAEPP)**, connecting it with specific elements of the 2008-2013 Strategic Plan. A working group of representatives from across the Library will complete its review later this year, and present to the Library's Executive Committee for its approval a new MYAAEP, incorporating the accountability, performance indicators, strategies, and outcomes designed to achieve what we have set out in our Strategic Plan.

As we are working toward documenting how we will attract and retain a diverse workforce, the **Diversity Advisory Council** serves as a conduit through which ideas and opinions on policymaking and employment issues flow between management and staff. This Council, administered by the Office of Workforce Diversity (OWD), consists of representatives of our unions, recognized employee organizations, and management. The Council has developed a working definition of common diversity concepts as they apply to the Library and laid the framework for a **Diversity Action Plan** with a goal of establishing the Library as an employer of choice in the federal community.

The Library supports managers in fulfilling their responsibility to promote diversity in the workplace. All supervisors, up to and including GS-15 levels, must complete the Supervisory Development Program that was established in 2007. The first mandatory *Essential Supervisory Skills* course addresses optimizing diversity among other baseline topics. An additional mandatory course, *Hiring and Optimizing a Diverse Workforce*, further clarifies the Library's focus on diversity and each supervisor's role. This will be implemented in January, 2008.

Recruitment and Selection

The Library's efforts to achieve a diverse workforce are evident throughout the entire process of recruiting, screening, and selecting new employees for vacancies.

The OWD develops targeted recruitment plans in collaboration with HRS and the Service Unit representatives based on an analysis of the Library's workforce profile. The information is used to identify specific areas to focus our targeted recruitment efforts. These efforts include recruiting through organizations such as the Congressional Black Caucus Annual Legislative Weekend Conference, the Hispanic Association of Colleges and Universities (HACU), academic institutions such as Gallaudet University, and job/career fairs, such as the annual Eleanor Holmes Norton Job Fair, that target diverse job seekers.

The Library's hiring system, governed by the Merit Selection Plan, was developed specifically in 2001 as a key element of the settlement of the Cook class-action case that dated from 1975. The plan itself, comprehensively covering development of job descriptions through the final selection process, keeps the goal of a diverse workforce at the forefront throughout the process and includes two discrete areas where the diversity of the applicant pool is examined:

- Each Service Unit develops a fiscal year staffing plan, outlining projected hiring for the fiscal year. The OWD, together with HRS and the Service Unit, examine under-utilization data, areas where protected categories of individuals are underutilized in the Library's existing workforce when the Library's workforce is compared to the civilian labor force. The analysis provides the information necessary to develop overall staffing strategies and targeted recruitment plans for the coming year.
- At the individual vacancy level, the Library conducts a **Stage 1 Diversity Analysis** to create the individual vacancy's recruitment plan. The individual recruitment plans are developed based on previously successful recruitment sources, data identifying groups under-utilized in the Library's population when compared to the civilian labor force and professional organizations relevant to the position.
- At the stage where applicants are reviewed for initial consideration, HRS conducts a **Stage 2 Diversity Analysis** to determine the diversity of the applicant pool. HRS compares the pool of applicants to be considered for an interview with the under-utilization data identified in the recruitment plan. When the applicant pool contains members of under-represented groups, they will be added up to the 12th ranked candidate. The Selection Official also has the option of requesting a larger interview pool.
- The Library also periodically monitors the hiring outcomes from its filled vacancies to assess the Library's workforce diversity compared to the federal civilian workforce and the Library's previous diversity profiles.

We also fill some permanent positions through targeted recruitment outside of our Merit Selection Plan. For example, the Library's regulations allow hiring outside of the normal competitive selection process under the following programs:

- *Presidential Management Fellowship (PMF) Program:* The PMF program, established by Executive Order, draws graduate students from diverse social and cultural backgrounds to apply for public service jobs in the Federal Government.
- *Selective Placement Program:* The Library uses this program to hire candidates with documented, severe disabilities.
- *HACU Cooperative Education Program:* Qualified students who successfully complete a minimum of 640 hours of career-related work at the Library may be converted noncompetitively to permanent-conditional positions for which they qualify within 120 days of completing their academic degree requirements.
- *Work Study Program:* Local high school students (usually seniors) work at the Library on a paid and volunteer basis. Interested students recommended by a school official work during the school year on a part-time basis on a temporary NTE one-year appointment. Upon successful completion of the program the students may be promoted or noncompetitively converted to a career appointment.

CRS also conducts additional targeted recruitment to increase the diversity of its hiring pools and workforce. Examples include:

- *Student Diversity Internship Program* - CRS partners with Historically Black Colleges and Universities (HBCUs), HACU and other minority serving organizations to attract minority students to positions in CRS. Since the program began in 2003, CRS has hired 54 interns; 54 percent female and 91 percent minority.
- *The Law Recruit Program* – CRS targets third year law students, with a focus on attracting minorities, for permanent legislative-attorney positions. Over the past five years (since fiscal year 2002), 16 legislative attorneys have been hired under this program; 50 percent female and 19 percent minority.
- *Senior Level Outreach* – CRS' Deputy Director and another senior level official regularly identify and visit schools such as the HBCUs with a large minority student population and meet with school officials to promote CRS as a place to work.
- *Hispanic Recruitment* – CRS uses various programs, primarily the HACU Cooperative Education Program. Since fiscal year 2004 when CRS began to participate in this program, four interns have been hired and converted to permanent positions.

Workforce Development

Largely through the generosity of private donors, the Library has over the last decade conducted a **Leadership Development Program**. Library staff in grades GS-11 through GS-13 from diverse backgrounds are selected to participate in a year-long

training and development program designed to prepare them to compete for leadership and management positions in the Library.

Program participants are provided with leadership and technical training, along with invaluable external and internal short-term work experiences to help prepare them for the responsibilities likely to be faced by leaders of libraries and cultural institutions in the future.

Since the program's inception in 1995, six Leadership Development classes have graduated 57 staff. Of those, 64.9 percent have been minorities and 70 percent of the graduates have been women. Thirty of the Leadership Development graduates (54 percent) have received new jobs or promotions since they graduated from the program. A full two-thirds of these were minorities.

While this program would not have been possible without private funding, the Library's service units contributed materially by committing the time, salaries and benefits of their participating employees so that they could benefit from the training and experience of this program.

The Library also conducts a **Comprehensive Development Intern Program** (CDIP) and an **Affirmative Action Tuition Support Program**. The CDIP, conducted periodically as resources permit, has been a means for staff, including minorities, to move from clerical and technical to professional positions, GS-9 to GS-12. For example, four African American women have moved to the professional ranks in my own office, HRS, through this program. The Affirmative Action Tuition Support Program provides assistance up to \$2,000 for a Library employee's education process including tuition, books, and other fees directly related to the educational process. This program provides an opportunity for Library staff to gain additional education and training that will help them compete for positions in targeted job series such as Social Science Analyst, Economist, Information Technology Specialist, Administrative Officer, Copyright Examiner, and Librarian.

In 2008, the OWD will implement a pilot for a new **Career Development Program**. This program is being designed to address the professional development needs of staff in grades GS-2 through GS-9. Women make up 63 percent of this targeted population while 73 percent of this group are minorities.

Diversity as Performance Target

The Library also has in place top-down accountability measures for its managers' performance based on their demonstrated commitment to equal opportunity and fairness. As part of their annual performance review, all senior managers must show their commitment to eliminating any under-representation and grade level disparity of minorities, women and persons with disabilities. Managers are expected to set long- and short-range goals for achieving a balanced work force through the Library's MYAEPP and the application of AA/EEO principles to employee management.

Managers' performance is also measured by the extent of commitment to implement decisions and to work with the Equal Employment Opportunity Complaints Office and the Dispute Resolution Center in processing complaints expeditiously.

Succession Planning

The Library's 2008-2013 Strategic Plan includes under its "workforce" goal the establishment of an agency-wide succession plan. This effort will be coordinated by the HRS Office of Workforce Development. The office has partnered with Office of Personnel Management's (OPM) Center for Small Agencies and established an interagency agreement with OPM's Division for Human Resources Products and Services Training and Management Assistance Program to provide assistance as the Library creates and implements the plan.

In FY07 HRS created a small team to develop a succession planning proposal. To date, the team has researched best practices of succession planning at other institutions and has established a project proposal that will be presented to the Librarian's Office and Executive Committee.

Upon approval to proceed, the project will be chartered and initiated to ensure participation across the Library. Expected deliverables for the first phase include (1) the plan, (2) identification of mission critical positions, (3) executive core competencies, (4) Library (all staff) core competencies and (5) a current state report of knowledge transfer initiatives across the Library.

In the late 1990's, when it was projected that 52 percent of CRS overall staff would be eligible to retire by fiscal year 2006, CRS developed a succession planning initiative to bring in junior staff while the more senior staff were available to pass on their expertise. CRS received budgetary support from the Congress to cover the first two fiscal years of this initiative. With Congress' initial support and CRS' commitment to continue to carry out the succession planning initiative in subsequent years using regular appropriations, CRS has been successful in acquiring the professional expertise it needs. CRS continues to conduct a bi-annual survey of staff eligible to retire within five years to determine their planned retirement date. A risk assessment is then completed to identify potential gaps in the coverage of critical areas. When these "at risk" areas are identified, positions are included on the annual staffing plan to ensure future coverage.

About 75 percent of the CRS senior management team is eligible or will be eligible to retire within the next couple of years. In preparation for this major loss (50 percent have been eligible to retire for 5 years or more) and as part of its succession planning efforts, CRS is creating new section research management positions that will replace the current section head system. The expectation is that when these new positions are competitively filled, those selected will serve as a rich candidate pool from which to fill the senior management positions as current incumbents retire. In filling

these new section research management positions, CRS will ensure that its targeted recruitment efforts include a specific focus on attracting minorities and women.

Senior Level Compensation and Awards

The Committee has also requested information regarding the distribution of compensation and awards to Library senior managers.

Increases in aggregate compensation caps for the Senior Executive Service through the Homeland Security Act of 2002 [P.L. 107-296] and the Defense Authorization Act of 2003 [P.L. 108-136] have meant that the Library lags far behind in senior manager pay. Taken together, the pay gap is currently over \$29,000 per year in aggregate compensation and nearly \$13,000 per year in basic pay for senior managers between the executive branch and the Library; the Library has for several years explored legislative strategies to eliminate this gap. Meanwhile, approximately 85 percent of Library Senior Level executives are at the statutory pay cap, resulting in pay compression throughout the institution. As a result, recruitment and succession planning are particularly challenging at the Senior Level.

Under Library regulations, adjustments to senior level basic pay, other than those driven by statute, are based on performance. Senior Level executives are subject to a comprehensive, model performance management system. Performance plans must be established for all executives and, as noted earlier, must include a commitment to diversity and fairness. The executive and the supervisor determine, in a consultative manner, applicable critical elements, as well as appropriate relative weights to be assigned to each element, against which performance will be measured. Executives must be appraised annually, on a calendar year cycle.

Each year, the Library's **Performance Review Board**, whose members are designated by the Librarian, meets to ensure that final ratings and performance recognition are justified properly in the performance appraisal and to ensure equity and consistency among ratings. Following this review process, ratings are transmitted to the Chief Operating Officer, who makes final determinations regarding performance appraisals after consulting with the Librarian.

Upon the conclusion of this process, HRS implements the performance-based pay adjustments. If an adjustment would take the executive above the salary limit established by law, then the amount of the proposed performance adjustment that exceeds the limit will be given as an award rather than as an increase to the base. Indeed, most Library executive awards are given because such executives cannot receive performance-based pay adjustments because of statutory pay caps outlined above.

In addition to performance-based pay adjustments or an award issued because the executive is at the salary limit established by law, an executive may be eligible for a performance award. To be considered for a performance award, the executive must have

made an outstanding achievement in an activity that is critical to the mission of the Library. Again, Library executive total compensation, which includes pay, awards, and other allowances authorized by law, is capped by statute at a level that is over \$29,000 less than that available to most executive branch senior executives, a situation that no doubt hampers the Library's ability to attract the best and brightest candidates and make further progress in its efforts to hire and retain an even more diverse senior management.

I will be happy to answer any questions Subcommittee members may have.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Hanratty. And we will go to Mr. Nichols.

STATEMENT OF DANIEL NICHOLS

Mr. NICHOLS. Good afternoon, Mr. Chairman.

Ms. Norton, how are you? Thank you for the opportunity to testify before you today on the important matter of diversity in the workplace. The vision of the Chief of the U.S. Capitol Police encompasses the importance of including a wide variety of perspectives and approaches, including policy development and its implementation within the department.

Currently, our department is comprised of 2,085 employees, 80 percent of which are sworn law enforcement officers, and 20 percent are civilian employees. U.S. Capitol Police values and champions diversity at all levels of the department. Diversity brings to us a wider variety of perspectives and approaches to enrich our decisionmaking. According to the latest Bureau of Justice Statistics Bulletin for Law Enforcement Officers, the U.S. Capitol Police sworn work force is comprised of 34.7 percent minority representation. Currently, at our SES equivalent positions, 43 percent are occupied by women and minorities. While we will be never be complacent in our efforts, we are proud of our achievements regarding diversity.

Our ability to maintain a diverse work force differs between our sworn and civilian populations. With regard to sworn employees, to obtain optimum diversity at the SES equivalent level requires planning many years beforehand. Because we do not hire supervisory/managerial sworn employees from external organizations, our succession planning and efforts to enhance the diversity of the pool of sworn employees must be concentrated on recruitment efforts for entry level sworn positions and retention of those employees. In the 2002 to 2006 time period, we have found that our recruitment efforts for entry level sworn positions have resulted in minority race/ethnicity representation ranging between 36 to 38 percent.

Our recruiting program of the department is a nationwide effort. While a significant number of applicants are from the Washington metropolitan area, which is itself a diversified employment market, our recruiters travel nationwide to targeted recruiting events that are geared toward women and minority candidates. In addition, a continual nationwide advertising campaign complements the recruiting efforts of the department.

From September 2002 to September 2006, the department's work force has undergone significant changes both in terms of size and diversity. The sworn overall leadership ranks increased by 16 percent in size, and the population from which to select new leaders grew by almost 30 percent. Within the overall leadership group, the U.S. Capitol Police increased its minority representation to 30 percent, which represents a 13 percent increase over this 4-year period.

Within the civilian side of the police department, we have professionalized the ranks of our administrative processes and functions. In 2002, women and minorities representation in civilian SES equivalent positions was 40 percent. Today that percentage has in-

creased to 47 percent. Our efforts in developing a strategic human capital plan includes the development of a department work force plan as well as a succession plan. The department is actively working to incorporate strategic work force diversity principles into planning tools that we believe will facilitate our goal of becoming the Federal Government's premiere law enforcement agency. We believe we have been successful to date, but clearly we strive for continued growth, responsibility and new opportunities for both the department's sworn and civilian work force.

Mr. Chairman, Ms. Norton, that concludes my statement, and I will be pleased to answer any questions you may all may have.

[The prepared statement of Mr. Nichols follows:]

Testimony of Assistant Chief Daniel R. Nichols

United States Capitol Police

Before the Subcommittee on Federal Workforce, Postal Service,
and the District of Columbia

Tuesday, November 13, 2007, 2:00pm
Rayburn House Office Building 2247

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Mr. Chairman and Members of the Committee, this completes my statement. I would be pleased to respond to any questions that you may have.

Mr. DAVIS OF ILLINOIS. Thank you very much. And I want to thank each one of our witnesses. And I have one question I would just like for each one of you to take a shot at answering. I have noted that all of your agencies hire the best and the brightest. We all work with a diverse network of associations and universities when looking for new hires. We all collect diversity and appraisal data, and have programs in place and programs that we are developing to support diversity, and yet we all have poor records. Would you venture an opinion or a guess as to why? I mean, it is kind of like asking, why have we not made any more progress than what we have made?

Perhaps we begin with you, Ms. Elzy.

Ms. ELZY. I think we have made significant progress in the last 5 years as far as our feeder pool. I think that, from my perspective, GPO was a very male-dominated organization because of the trades and the crafts that it traditionally was. However, if you have noticed, we have made significant changes in our Grade 15 feeder pool. We went up from 2002 when we had 3 percent females to almost 30 percent in 2007. Minorities in the Grade 15 went from 19 percent to almost 32 percent. So we have been really striving to ensure that we will have a more diverse pool of individuals who will be prepared to move into the senior level positions.

Mr. DAVIS OF ILLINOIS. All right.

Mr. Stroman.

Mr. STROMAN. Certainly it is a complicated question, Mr. Chairman. Let me say that our biggest problems at the SES level are with Hispanics and Asians. And certainly, given the increase in the demographic changes within the Hispanic and Asian community, I think that has created a need for us to reach out and develop processes to reach out to the Asian and Hispanic community. If you look at our feeder pool, however, numbers for the SES with regard to both of those organizations, both of those groups, they look reasonably good.

On the other hand, I think, you know, the reality is that, you know, for GAO, like much of the Federal Government, up until the early 1970's, we were a segregated institution. And the Federal Government was a segregated—where we were segregated up until the early 1970's. It was really as a result of the Civil Rights Act of 1964. It was as a result of litigation that took place in the 1970's and 1980's that really forced the changes that we are—that we have made thus far. We are in the process of trying to put into place processes within the human capital processes that I think are needed to make these changes.

And quite honestly, Mr. Chairman, you know, when you look at the composition of our offices, we are trying to do this without much in the way of legislation which would empower us to do that. Most of our offices are structured in a way which says that—which we have statutory and legislative responsibility to process complaints of discrimination. There is very little that gives us the authority to implement diversity principles within the human capital processes. We are trying to implement that and do that. But there is no real legislation which allows us to do that. It is as a result of our efforts, I think, working with senior managers, but I think

much of the work is hamstrung by that lack of legislative hammer that would be helpful in implementing.

Mr. DAVIS OF ILLINOIS. Ms. Bailey, based upon your vast human resources experience?

Ms. BAILEY. Well, I do think that we have made progress as well over the last 5 years. But I think one of the primary factors hindering our ability to further diversify senior level staff is the fact that we are dealing with a very competitive marketplace. We are competing against other government agencies and private sector employers who are offering things that we are not in a position to do. So what it means for us is trying to figure out a way how we can distinguish ourselves as an employer of choice and also developing methods so that we can build name recognition. Not a lot of people know what the AOC or who the AOC is. So that is one of the areas that we need to focus our attention. Then, I think, if we get there, we can better attract diverse talent.

Mr. DAVIS OF ILLINOIS. Ms. Ruiz.

Ms. RUIZ. Similarly to my colleagues on the panel, I would say that we, too, have made definite efforts and have had successes in improving our diversity. In 1997, 10 years ago, the minority make-up of our professionals and management staff was 5.6 percent, and now, as of January this past year, it was 13.8 percent. So it has more than doubled. So we have seen strides. And I will point out to you another thing, which is that we are very much struggling against the demographics that I described. In the early 1970's, there were less than 10 percent women in Ph.D. economics programs. We are delighted that number has increased to 30 percent in 2005 and anticipate, hope, expect that it will continue to do so.

And to that end, you don't see many other agencies of 230 employees going out and making grass roots efforts to grow pools. When we are at Morehouse, we have senior executives who are saying to these young men, saying, please consider these as options. These are interesting and exciting options.

And then, like my colleague at the AOC, we struggle against competitive markets. Any Ph.D. economist coming into the market who is worth their salt can go to Wall Street and make significantly more than any of our economists. A few years ago, we had a terrific financial economist, and he took an opportunity that was almost twice as much compensation as our director was making. Our current director took a pay cut to come to CBO. The reality is, we can't compete at that level.

Despite all of that, I am very encouraged. Dr. Orszag, our new director, is very committed to this. Recently, on his own initiative, he started some discussions with some economists that he knows about how to increase our pool and things we could do differently and more things we can do. And so I am very excited by that and encouraged by it.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Mr. Hanratty.

Mr. HANRATTY. Mr. Chairman, historically the largest challenge that the library has had in terms of ensuring diversity of its senior level was to ensure the diversity of the GS-15 successor pool. And in 2002, minorities comprised 13 percent of that successor pool. But today that number is 17 percent. And this is largely a consequence

of promotions. During that same period of 2002 to 2007, minorities accounted for 21 percent of all promotions at the library to GS-15. So I think that this bodes very well for the future.

Mr. DAVIS OF ILLINOIS. Thank you very much.

Mr. Nichols.

Mr. NICHOLS. Thank you, sir. Your question really drives to the heart of the challenge that we face. If you look at the history of the U.S. Capitol Police, we have been a structure of sworn employees for our history up until about 10 years ago, when we started to civilianize. When we started the civilianization effort, we were able to bring talent and diversity from outside the organization into very senior civilian positions that had never existed before.

But clearly the decisions that were made 20 to 30 years ago with regard to diversity aren't where we are today. And we are still struggling with those decisions. The feeder group that we have has to walk in the front door and then be filtered up through the police department as a means of competitive testing and promotional processes. If you look at our history, we didn't even bring female police officers on the police department until the early 1970's. So we have only had the experience of female officers—actually, the first African American female officer was brought on about 30 years ago. So we are still trying to struggle with the feeder group and bring people up through the ranks. And that does impact the sworn diversity at our top executive level of the police department.

Mr. DAVIS OF ILLINOIS. Well, thank you all very much.

Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

I must thank you for the steadfastness you have shown ever since you have come to Congress as ranking member and now as the Chair of this subcommittee in pressing this issue of minority representation where one might most expect it, in the Federal Government. Mr. Chairman, almost all these agencies boasted about their minority representation have been the subject of lawsuits. We take special note of them here in the Congress, because, frankly, it is a matter of some embarrassment that we who are here, particularly in this committee and subcommittee, trying to get the private sector to do the right thing often see lawsuits against our own agencies.

Mr. Chairman, I am going to have a bill for next year that would allow Federal workers—and legislative workers may be different—to apply directly to the EEOC like everybody else. The agency I chaired, I see no reason for the disparate treatment at least for Federal workers. We, of course, passed the bill that said that all laws that apply to us should apply to everyone. That is why Mr. Stroman's comment about how you need some laws; you don't need any more laws than the private sector needs—you are held under Title 7 the way everybody else is, so I don't see why you would need more legislation to proceed. Somehow others have been able to improve the top ranks. We are even beginning to get Blacks who are CEOs who can be fired because they have not produced enough revenue, as we have seen from two recently. The figures on the percentage of women and minorities are impressive.

To tell you, as a native Washingtonian since my father's time, for decades the Federal Government has had a larger percentage. It

was a little bit ahead of the private sector. The more you are able to show large numbers in the ranks, the greater the burden on you to show why they are not rising through the ranks like everybody else does. And we have seen it both for women, slight improvements; for minorities, virtually none.

By the way, Ms. Bailey, you mentioned that you had gone to a number of local job fairs, and I commend you for that. As somebody who has had a job fair where literally we have had up to 10,000 residents come every year, we have never seen the AOC there.

And I think, Mr. Chairman, that Chairman Brady has taken—this is the chairman of the Administration Committee—is to be commended, because the first time I have seen any movement from AOC at all was when they had a special forum for small businesses at the Congressional Black Caucus weekend. And we need to see some action on employees as well. And I am pleased that Chairman Brady has taken this special interest.

Mr. Stroman, before I ask you questions about what has been a most troublesome issue in this committee, may I ask you, do you understand that you don't need any more laws than other Federal agencies have in order to try to improve the ranks of the SES and of minorities in general at GAO?

Mr. STROMAN. Yes. Let me address that, Ms. Norton. What I mean is that all of the civil rights offices in the executive committee to our legislative branch committees are essentially focused on complaint processing. I mean, when you look at the legislation that we have in place now, most of the—

Ms. NORTON. Excuse me, who are focused on complaint processing?

Mr. STROMAN. Yes, ma'am.

Ms. NORTON. Who are?

Mr. STROMAN. The civil rights offices within the executive and legislative branch offices, the statutory legislation essentially gives them the authority to process complaints of discrimination. What we are talking with regard to increasing diversity requires oversight over the human capital processes within each of the agencies. And that is what I mean.

Ms. NORTON. I am not sure I understand.

Mr. STROMAN. OK.

Ms. NORTON. If anything, they shouldn't have jurisdiction to process their own complaints. And that is exactly what I am going to take from them.

Mr. STROMAN. No, no, I understand that. But I am saying, when you look at the statutory legislation of each of the civil rights offices, the legislation itself empowers them to process complaints of discrimination. It says nothing about personnel practices. It says nothing about recruitment. It says nothing about your ability to review ratings.

Ms. NORTON. Mr. Stroman, I am not sure what you are referring to. As a former Chair of the EEOC, I am here to tell you that they and the private sector at least in one respect are held to the same standard. And that is the standard of Title VII.

Mr. STROMAN. No, I understand that, Ms. Norton.

Ms. NORTON. Maybe if you would like to suggest some more legislation you need. I am distressed to hear you talk about the com-

plaint process because that has been precisely the problem with the legislative branch agencies. And what we are talking about is not a complaint process, but whether these agencies are conscious of the need to reach out to overcome these disparities and whether they are conscious about what others in the Federal Government and in the private sector have done to help minorities rise. And I don't think—if you need more legislation, I think you will find a subcommittee and a committee willing to give it.

Actually, I have a question for you about a very troubling GAO issue. I am wondering whether your office alerted GAO management of the disparities in ratings between African Americans and Caucasians when the Comptroller General was involved in the new effort to restructure that agency, creating huge turmoil, where this committee noted that African Americans had received consistently lower performance ratings than their White counterparts and the danger of using those ratings in the appraisal of effort that was underway some months ago.

Mr. STROMAN. Yes. The answer is, yes, Ms. Norton. In fact, we were—our office put into place a process to publicize those ratings.

Ms. NORTON. So you alerted the management that the process they were going through would build in these disparities?

Mr. STROMAN. We alerted management to the consequences of moving forward with the reorganization.

Ms. NORTON. Why did GAO proceed to restructure the bands in 2006 if your office alerted management that it would have a negative and perhaps ultimately an illegal effect on African Americans?

Mr. DAVIS OF ILLINOIS. Ms. Norton, could I just, before he answers, I understand the Second Chance is coming up, and I am going to ask Mr. Clay if he would take the Chair until I run over and make a statement, since it is my bill.

Mr. CLAY. Mr. Chairman, would it be possible for Ms. Norton to take the Chair? I do have a doctor's appointment. I just wanted to get my 5 minutes in.

Ms. NORTON. Ms. Norton is going down to speak on the Second Chance.

Mr. DAVIS OF ILLINOIS. I will run and do it and then come back.

Ms. NORTON. You only have 20 minutes. We may have to recess. I will keep going here. And my office needs to tell me when Mr. Davis begins because his bill, Second Chance bill, is enormously important. I am sorry, Mr. Stroman, you were about to answer my question.

Mr. STROMAN. Yes, ma'am. As I indicated, yes, we did alert the Comptroller.

Ms. NORTON. But you don't know why they went ahead. They ignored you is what you are saying?

Mr. STROMAN. There was a decision made that the best way to deal with it would be to bring in an independent, outside contractor to review and to look at the underlying causes for the disparity.

Ms. NORTON. So why didn't they stop until the independent—

Mr. STROMAN. It was a decision that the Comptroller General made to go forward with the reorganization, Ms. Norton.

Ms. NORTON. Well, you have recently hired a consulting firm—

Mr. STROMAN. Yes, ma'am.

Ms. NORTON [continuing]. To conduct an independent assessment of the factors that could influence rating differences——

Mr. STROMAN. That is correct.

Ms. NORTON [continuing]. Between African Americans and others. But this committee learned that a study was recommended by Blacks in Government in 2004. So you had noticed that people were watching, recommended a study. You have gone ahead. Why wasn't a study conducted when you had this notice from an outside organization as well that a study of the kind you have now authorized would be necessary to keep a disparate effect from resulting?

Mr. STROMAN. Well, all I can tell you, Ms. Norton, is that the discussion with regard to contractors came up with regard to the reorganization. And at that point, it was the decision——

Ms. NORTON. Well, let me ask you this, Mr. Stroman. Will the study——

Mr. STROMAN. Yes, ma'am.

Ms. NORTON [continuing]. Include a review of the impact that the Band II restructuring has had on African Americans?

Mr. STROMAN. We know what the impact is. The question becomes, what are the causes of the disparities within the ratings? The impact has been, it has had certainly a disproportionate impact on African Americans at the Band II-B level. That there is no question about.

Ms. NORTON. Who is selecting the employees who will participate in the focus groups that are being interviewed by the consulting firm?

Mr. STROMAN. Yes, ma'am, the contractor. It was a random selection process by the contractor.

Ms. NORTON. This subcommittee had a very troublesome hearing about essentially the report that denied COLAs in 2006 to people after the survey was done. And it is bad enough that we have disparate impact, but then these employees were said to be, colloquially, overpaid, and so, for the first time in the history of the Federal Government, there have been employees who have been denied their COLAs. And as I understand it, they continue to be denied their COLAs even though this committee in the strongest terms has indicated that was unacceptable. What are you doing to see to it that these employees get their COLAs the way 2 million other employees of the Federal Government get their COLAs and to therefore mitigate the continuing disparate impact of the original action taken?

Mr. STROMAN. Well, that, Ms. Norton, you would have to address to the Comptroller.

Ms. NORTON. Yeah, what is your office recommending? It is going to have a disparate impact. The COLAs have caused a conflagration in, of all places, the GAO. You have a union—I love unions, but that is a bad way to get one—you have a union now because the employees rose up against the way in which this was implemented both for African Americans and for others. You are the EEO office. What are you doing to see to it that African Americans and others who may be in this group do not continue to have their COLAs denied? That is all I am asking. I know that you are—I didn't ask you what GAO was doing. You are the guy in charge of the EEO. What are you doing?

Mr. STROMAN. I understand. We are having—we are having discussions with the Comptroller General. Ultimately, he has to make the call with regard—

Ms. NORTON. I know who is in charge, Mr. Stroman. I'll tell you who is going to have to make the call, Mr. Chairman, and the Chair. The Congress of the United States is going to have to make the call because it is an outrage that nothing has happened thus far. And you know what, liability is building up for us, Mr. Chairman. If you keep denying COLAs to people who should have received them, then there are going to be more and more employees wanting their COLAs going back to when they didn't receive them. And you know what, I got a hard time telling them that there is no basis to get COLAs you should have received 5 years ago because somehow or the other the Treasury of the United States is going to have to come up with them now. And Mr. Chairman, I will be back.

Mr. CLAY [presiding]. Thank the gentlelady from the District of Columbia. Let me start with Ms. Elzy. Let me ask you about what steps does GPO plan to take to increase the representation of minorities and women in its SES?

Ms. ELZY. We have a lot of things in place where we are trying to—we have a fellows program, so we can give them additional skills, individuals who are interested in progressing into leadership positions. And as I previously stated, we are doing very well as far as the promotion and hiring of individuals into the 13 to 15 grade level. And it significantly increased over the last 5 years.

Mr. CLAY. And how does this differ from what GPO has done in the past?

Ms. ELZY. In the past, I think it was a big cultural change for GPO to go ahead and have minorities and females in more leadership positions. And I do think that they are making a significant change. There has been an increase from 1997 to 2005 and, again, from 2005 to 2007 in both SES and Grade 15.

Mr. CLAY. And what does GPO plan to do to increase the representation of Asian American officials in the SES ranks?

Ms. ELZY. We have recently promoted more Asians into the Grade 15 and also into the Grades 13 to 15.

Mr. CLAY. All right. Thank you so much for that. Let me go to Ms. Bailey. What steps does the AOC plan to take to increase the representation of minorities and women in its SES?

Ms. BAILEY. The AOC has and will continue to engage in a number of efforts to affirmatively recruit minorities and women into their SES and GS-15 positions. In the 11 months that I have been there, I have been working to develop and implement the agency's Affirmative Employment Program. And that will include and has included a number of good faith efforts to increase our diversity. And they include targeted recruitment initiatives for women, minorities and persons with disabilities; expanding our recruitment efforts when the pool fails to identify sufficient diversity in the applicant pool for any given position. We are building partnerships with professional associations. Right now we are heavily recruiting for the CVC, to staff that. We have been working with the American Association of African American Museums, for example. We are cooperatively working with colleges and universities. And I

think it is important to note that, earlier this year, the leadership determined that all of our senior leaders would be required to attend a mandatory training program in EEO in diversity so they would understand what the goal is and the commitment is to diversity, to increase diversity at those levels.

Mr. CLAY. What did you find? What was the situation when you came 11 months ago to the AOC? What did you find that was just glaring disparities? Did you see any glaring disparities?

Ms. BAILEY. Well, in the absence of analyzing our work force data, because that has not yet occurred, I am not really in a position to determine or share with you what the numbers reveal. But I do recognize that there is some work to do just based upon the report that came out today in our own cursory analysis of the data from 2002 to 2007.

Mr. CLAY. Now the architect hires the people who wear the blue shirts; right?

Ms. BAILEY. Correct.

Mr. CLAY. Don't you employ them?

Ms. BAILEY. Correct.

Mr. CLAY. OK. Let me share with you one of my concerns. As a college student, I worked on the Hill in the late 1970's. And I came back 17 years later. And some of the same people still worked there making the same salary. Now does the COLA apply to them, too, where they have missed years of COLAs?

Ms. BAILEY. No, they have been entitled to, as far as I know—I probably would need to check further—but I have not heard nor am I aware that they have not gotten the COLAs that all the other employees are entitled to. But I will be happy to research that information.

Mr. CLAY. Would you, Ms. Bailey? Because I have heard from numerous employees of the Architect who say that they are attempting to raise a family and they make woefully low salaries. And these are people that I have known for almost 30 years who have worked in this position. And that should be looked at.

Ms. BAILEY. I will do that.

Mr. CLAY. The whole salary structure in your office is woefully insufficient. And if you have somebody working 30 years and they are making \$24,000 a year, there is something wrong.

Ms. BAILEY. I agree. I agree.

Mr. CLAY. And so it tells me that perhaps they didn't receive COLAs either. I would love for you to report back to this committee.

Ms. BAILEY. I will do that, sir.

Mr. CLAY. Let me also ask you, minorities and women in the AOC's GS-15 level successor pool comprised a smaller percentage than its SES corps. Now the report, I want to say said that—what does AOC intend to do to improve minority and female representation at the GS-15 level? Go ahead and try to answer.

Ms. BAILEY. Pretty much what I have already outlined. We are going to make sure that we develop targeted recruitment initiatives for candidates at that level; really build our partnerships with professional associations with the backgrounds that we are looking for.

Mr. CLAY. Ms. Bailey, can you pull the mike closer, please?

Ms. BAILEY. Sure.

Mr. CLAY. It is hard to hear.

Ms. BAILEY. As I said before, we are going to be targeting specific recruitment initiatives for women, minorities at that level, building our partnerships with professional associations in the fields that we are looking for. We know that is an area that we need to address. And that serves as the feeder pool for our SES equivalents. And so we are ready and prepared to make the necessary—or implement the necessary actions to increase diversity at those levels.

Mr. CLAY. At 7.9 percent of the top positions filled with minorities, what has been the obstacles in the past of recruiting qualified bona fide minorities?

Ms. BAILEY. As I said earlier, in the 11 months that I have been there, I really believe it is our ability to compete with the labor market the way that it is. I think we need to do some work in establishing ourselves as an employer of choice and getting people to recognize what the AOC is and what we do. I don't think there is a lot of name recognition for our agency. So that is one of the areas that we need to work on and develop.

Mr. CLAY. OK. Thank you for that response.

Ms. Ruiz, we understand from your testimony that CBO faces challenges in improving its minority and female representation in SES corps. The report just released from this committee says that an applicant pool is devoid of diversity, your applicant pool. What do you all—in what ways do CBO's planned efforts to increase its representation differ from what it has done in the past?

Ms. RUIZ. Yes, sir. A couple of things. No. 1, I came to CBO as an H.R. Specialist in 1999. And that was the first time that the agency put together a comprehensive recruitment plan. And since that time, we have established a very solid, comprehensive recruitment plan that we review and analyze every year. A big component of that is grass roots outreach to students from HBCUs, large flagship institutions that have minority populations that are greater than others, and other individuals who would be underrepresented in the economics pool.

The reality is, it takes about 5 to 7 years to get a Ph.D. And so any efforts that we would be—any results that we would be seeing from those efforts would just now be coming to fruition. And we are seeing increases in the diversity. The pool is nearly devoid. I wouldn't say that there are no minority candidates. In 2005, there were 44 individuals who completed Ph.D.s in economics.

The second part of our problem is compensation. Like my colleague from the AOC said, we are public service. And so we have to rely on our organization's importance to the Congress, the service that we provide to the public and other kinds of things like that. As Dr. Orszag said—Dr. Orszag is our new director—as he said recently, he has to make CBO an exciting and creative and challenging place to work because individuals coming out of Ph.D. programs in economics can go to Wall Street and earn twice what they make at CBO. They can go into academia at the top schools and make more than they make at CBO. So we have that challenge as well to face.

Mr. CLAY. Well, right now, have you worked outside of the box to try to attract economists and Ph.D.s to your agency?

Ms. RUIZ. Yes, sir. There are a couple of organizations. The American Economics Association is the primary economics or professional association for economists. The AEA, the American Economics Association, does a couple of things. They have a committee on the status of women in the economics profession, and we work with them, provide them all of our announcements, talk with them about creative ideas to increase women within our work force. More importantly, we think, they provide a summer program to top talent undergraduate students identified. Principally, these are students who have economics undergrads, but oftentimes math as well, because that is a strong leader to economics. And what they do is they take these students onto campuses across the country. The campus rotates. It was recently at Duke. I believe it has moved to California for the coming year. And they provide students a couple of things, academic preparation in econometrics and higher statistical math to help them prepare for Ph.D. programs, and they introduce them to employers who will be able to show them the benefits of pursuing a degree in economics. CBO for the last 5 years has participated in that program 4 of the last 5 years. We have done everything from send staff to do seminars there about our work. Three of our directors in the past years have actually gone to the program and met with the students or met with the students individually when they have come to CBO. Last summer, we were delighted that the folks were at Duke, and so they were able to bring up about 50 students and faculty to CBO. We hosted them for a luncheon and informal meetings, dialog with our economists. And then we did a seminar. Dr. Orszag, our new director, spoke with them about CBO and the importance of our work. And then two of our more junior economists presented work to show how exciting and dynamic the types of things we can do can be.

Mr. CLAY. How many of those students are on track to come in to join your agency?

Ms. RUIZ. Well, we have all of their contact information, and they are still undergraduates, sir. So if they left undergraduate programs last year and entered econ programs, the yield rate from this program I wouldn't know the rates of, but I would expect that it is not 100 percent.

Mr. CLAY. Do you offer internships to these students?

Ms. RUIZ. Yes, sir, we do.

Mr. CLAY. How many do you give a year?

Ms. RUIZ. We have had one intern from the AEA's summer minority program and—or excuse me, from a similar program, the PPIA, which is similar, but for students pursuing masters degrees. And generally, our internship program we manage with an eye toward diversity. And in fact, our intern pool in the last 5 years has been between 30 and 50 percent—excuse me, between 36 and 50 percent female, and generally around 30 percent minority, the low number being 21 percent, the high number being 36.5 percent. And interestingly, sir, if I could add—

Mr. CLAY. Sure.

Ms. RUIZ [continuing]. We have been very successful when we have worked with students on campuses or in PPIA or similar programs to then have those folks come on as internships and then have them join us as full-time employees. We find that it is about

establishing a relationship with the student that can start earlier. We are more successful in that regard than in just going out and talking to masses.

Mr. CLAY. OK. Thank you for that response.

Let me go to Mr. Stroman. The first payouts under GAO's new pay system began in January 2006. The number of resignations by African Americans at GAO in 2006, 20 of them, was 90 percent higher than the average of the previous 7 years, which was 11 per year on average. Also, 2006 evidenced the second highest number of transfers to other agencies by African Americans in the last 8 years. What, other than the implementation of GAO's new pay system, could be causing those trends?

Mr. STROMAN. Well, I have to take a look at who actually transferred, Mr. Clay, but certainly I would suspect that the reorganization played an important role in those decisions.

Mr. CLAY. Well, it is 20 in 2006. On average, it is 11 per year. GAO's new pay-for-performance system was approved in 2004 and began to be implemented shortly thereafter. The average number of resignations by GAO women since 2004 was about 20 percent higher than in the previous 5 years. And the number of women transferring to other agencies has increased each year since 2004. So what steps does GAO plan to take to increase?

Mr. STROMAN. Well, again, Mr. Clay, I would need to look at the statistics. I believe—

Mr. CLAY. I am just sharing with you the statistics.

Mr. STROMAN. No, I understand. What I am saying, though, is I believe that the women who left were in the administrative classifications. But I need to go back and take a look at that. And I think certainly there are limiting opportunities in the administrative field than there are in the professional field. But I would certainly, again, be happy to provide that to you for the record.

Mr. CLAY. OK. Next question. GAO had the lowest percentage of Hispanics in its SES among the six legislative branch agencies specifically. How does GAO plan to address this gap?

Mr. STROMAN. Well, again, if you look into our feeder pool, which is immediately under the GS—I mean the SES, our feeder pool numbers are at governmentwide levels. So we believe that the feeder pool puts us in a very good position. And if you go down below that to the Band II and the Band Is, the percentages of Hispanics in those bands are even higher. So over the next several years, we think that the feeder pools will allow ascension into the SES at a commensurate level.

Mr. CLAY. So you have representative levels of—

Mr. STROMAN. Yes. At the level immediately below the SES, there's representative levels. And below that level there's even higher representation.

Mr. CLAY. OK. Thank you so much for that response.

Turning to Mr. Hanratty, although the Library of Congress had a slightly higher percentage of minorities in its SES than did the other legislative branch agencies in fiscal year 2007, the percentage of minorities in the SES decreased each year except for fiscal year 2007, when it remained steady. Has the Library made any effort to identify what factors contributed to this downward trend? And if so, what have you found?

Mr. HANRATTY. Yes, Mr. Chairman, I believe that the principal factor that was contributing to the downward trend was the relatively comparatively small feeder pool at the GS-15 level. And that is an issue that we have addressed. We have made substantial gains since fiscal year 2002. As I mentioned previously, we have gone from 13 percent to 17 percent of minorities at the GS-15 level. So that, as senior level positions emerge, we have a much stronger feeder pool. And so that is—in our opinion, that is the principal factor that contributed to the downward trend between 2002 and 2007. And I believe we have addressed that.

Mr. CLAY. Would you say, I guess, the smaller feeder pools in the past were a result of the culture of the Library and the people that made the decisions to supply these feeder pools or to select those who would be on track for promotions?

Mr. HANRATTY. No, I wouldn't say it is a consequence of a cultural issue. I think we had—in 2001, we completely revamped our merit selection system. And that was in response to our settlement agreement from the early 1990's. And we built in a number of additional checks and balances that did not exist in that previous system. For example, creating recruitment plans at the individual vacancy level. And second, ensuring that, at the applicant pool stage, that the pool is enriched with underutilized candidates. So I think those factors have really resulted in the increase that you are now seeing at the GS-15 level. And I believe that will bear fruit in the coming years with respect to the senior level as well.

Mr. CLAY. If we called you back here next year would representation of minorities in the SES, would you be able to come back here and tell us that it has increased?

Mr. HANRATTY. I would certainly hope so, Mr. Chairman.

Mr. CLAY. And would it have increased exponentially?

Mr. HANRATTY. I can't say for certain. But we will certainly do our very best, and we are doing our very best right now to ensure that we have as strong a minority presence at the senior level as possible.

Mr. CLAY. OK. If I were to walk over to the Library and just pick out any employee and talk to them, what kind of reaction would I get from say an African American female who had been there 20 years? What kind of reaction? What kind of evaluation of the agency would she give me?

Mr. HANRATTY. Well, I can't say, Mr. Chairman. But I feel confident that we have put into place a number of excellent programs to enhance minority representation at the Library. I mentioned at the beginning of my testimony the close collaboration that we have established with the AFSCME Local 2477. That is the employees union. They are representing the paraprofessional employees at the Library of Congress. As a result of this close collaboration that we have with AFSCME Local 2477, we are developing as we speak a career development program aimed specifically at that GS-2 to GS-8 level. We hope to have a pilot in place within the next few months. And then following the successful review of that pilot, to implement that program on a larger scale at the end of the fiscal year. So we are taking very aggressive steps in trying to ensure that opportunities exist not merely for those at the top but also throughout the ranks of the Library of Congress.

Mr. CLAY. OK. Let me ask you about pay. Minority SES officials at the Library received on average \$1,699 less than nonminorities in fiscal year 2007. Why do you think that is and what does the Library intend to do to address this issue? And what role does the Library's Performance Review Board play in issuing performance-based pay and awards? And are there minority and women members on that board?

Mr. HANRATTY. We have a Performance Review Board, Mr. Chairman, that reviews the appraisals from each of the service units. And it is specifically designed to ensure equity and consistency across ratings. So that is a check and balance that exists right in the system right now. The disparity that you indicated in terms of total compensation between minorities and nonminorities again is a relatively small percentage. We are talking about 1 percent in terms of total compensation. But the point I would like to make is that it is going to be very difficult to achieve equity across minorities, nonminorities, men, women, at any given slice of time because we may be having employees coming into the senior level system at a relatively low level as opposed to those who have been in the system for a number of years and have reached the statutory cap for pay. So you could have two individuals who are coming into the system or who are being rated at the same time in the system; one might have a pay several thousand dollars lower than the employee who has been there for several years. So you have that built in factor that will be very difficult to address in any particular year.

Mr. CLAY. Mr. Hanratty, that is an interesting way to explain the facts. Now you say it is 1 percent. But I bet you it makes a difference to the people who get the 1 percent less. And you have thrown out some facts that may or may not be true, whether time served and all of that. Just as I explained to Ms. Bailey, there are people who have been here for 30 years and haven't received adequate pay increases. And I am willing to bet it is the same at the Library. This is about equity and fairness. This is about paying people what they are worth, paying them what they deserve. Now how do you think those employees feel who are getting \$1,700 less a year than their counterpart? That is probably not too rewarding for them. And it probably has an effect on morale when you are paying somebody who does the same job less. This is about equity and fairness. And so, I mean, I hear what you are saying, but it certainly doesn't make it right. And it is not a good reason. I would ask that the Library take a look at pay equity.

Mr. HANRATTY. We will.

Mr. CLAY. Thank you.

Mr. Nichols, you testified that the sworn Capitol Police work force is comprised of 34.7 percent minority representation, in contrast to the data that the USCP provided to us, which showed that minorities comprised 38.7 percent of the work force. Similarly, you state that 43 percent of Capitol Police SES positions are occupied by women and minorities. The data from Capitol Police in fiscal year 2007 showed 3 minorities, which is 13 percent of the SES, and 6 women, which is 26.1 percent, which adds up to 39.1 percent, not 43 percent. Further, your statement begins by stating that the department is comprised of 2,085 employees. And 80 percent of 2,085 is 1,668, which according to your statement is the number of sworn

law enforcement officers. However, the information provided to the subcommittee was that the number of staff was 2,001 at the Capitol Police. Can you explain these differences?

Mr. NICHOLS. I would have to go back and look at the information that was provided to the committee. The question I have is if the two recruit classes were included in the statistical information that was provided to you. Because they haven't been sworn in as police officers yet. They shouldn't be carried on our rolls, because they haven't been sworn in as police officers. That may account for the disparity on the sworn side.

Mr. CLAY. And that is explainable. I mean, that is understandable. Your total number of SES total in the department is what?

Mr. NICHOLS. Twenty-one.

Mr. CLAY. Twenty-one?

Mr. NICHOLS. Yes, sir.

Mr. CLAY. All right.

Mr. NICHOLS. And if I could explain, that is also broken down between sworn and civilian. That is the total SES complement of the police department.

Mr. CLAY. I see.

Mr. NICHOLS. So the SES equivalent for a sworn is a deputy chief or above.

Mr. CLAY. What steps does the Capitol Police plan to take to increase the representation of minorities and women in its SES? Are there some who are on track now to be promoted?

Mr. NICHOLS. There are some who are on track now. I have had—you asked the person who preceded me what somebody would say if you talked to them about their feelings on their agency. I have had these conversations. I think that the one thing that we have to do is to build confidence in the promotional process that it is fair and open and that the door is open. If you want to take advantage of going up through the ranks of the police department, regardless of your gender or ethnicity, that the opportunity is there. Perhaps we haven't done a good job of imparting that level of confidence in the minority officers in the past, but we have to do that.

We are also on a track, the chief and I, when we were lieutenants on the police department recommended to the chief at the time that we partner with Johns Hopkins University so that we can start to mentor and groom officers at various official levels and give them the skills and capabilities to move up in an agency that is as complex as the U.S. Capitol Police has become. We are a legislative law enforcement agency, but when you get up to the very high levels, it is a business that we are running. And you have to understand the business concepts in addition to the law enforcement concepts. So we are trying to lay the foundation and make sure that we have a diverse group of people who are eligible to go through that program as well as many others.

The other thing that I have seen, Mr. Clay, is the mentoring that should be done by the people at my level and the people immediately below me with the feeder group needs to be embraced. And we really need to facilitate that better, to share with the younger officers who are coming up through the ranks the experience that we have had, how we make these decisions, how the different

pieces of the agency work together and talking to people of different aspects of the police department. I can tell you that the mentoring side of our agency is not where it needs to be.

Mr. CLAY. Has the chief embraced a mentoring program or a mentoring process?

Mr. NICHOLS. It is something that we are looking at right now. There are various ways. One, as I said, we have done the educational side. We have gone to the FBI National Academy. We have a fellowship with the International Association of Chiefs of Police. We have partnered with Johns Hopkins University, which the chief and I both graduated from. We are looking at George Washington University. And we are also looking at the military college.

So we are laying the foundation for the education. We are bringing transparency and fairness to the promotional process. But the next piece of the pie that we need to fill is the mentoring. We have a good model we want to follow with the Air Force National Guard, Air National Guard, that is probably a good fit for U.S. Capitol Police.

Mr. CLAY. How about the part of your statement that you do not hire supervisory managerial sworn employees from external organizations? I mean, that may be an obstacle to actually increasing your ranks at the GS-15 level and above.

Mr. NICHOLS. Well, it is something we want to look at, Mr. Clay, but what I don't want to do is bring in—somebody on the sworn side, bring in somebody from a GS-15, because that means we are taking away a position from a career U.S. Capitol Police employee who can move up and fill that position either himself or herself. So what we really want to do on the sworn side is, and even to a large extent on the civilian side, but especially on the sworn side because of the way we are structured, is make that career path within the U.S. Capitol Police open and inclusive and transparent so that people engage in the promotional process. I think that the conversations I have had with people is, the one thing that has probably worked against us over the years is that, that there is a perception, whether it is real or not, there is a perception that certain people won't get promoted no matter how well they do in the process. Well, we need to work on that perception, because that chills the effect of people moving up through the ranks. So to bring somebody from the outside will just further delay our ability to bring people up from within.

Mr. CLAY. Thank you for that response.

Let me thank the entire panel for their responses. And we hope that when we invite you back we, will have better data to look at. Let me thank you all again for being here. This panel is dismissed, and we will set up for panel three. Thank you.

Thank you for joining us.

Panel three consists of three witnesses, and they are: William Bransford, who is currently the general counsel and lobbyist for the Senior Executives Association. Mr. Bransford is a partner in the law firm of Shaw, Bransford, Veilleux & Roth, PC, where he has practiced since 1983. His practice is concentrated on the representation of Federal executives, managers and employees before the U.S. District Courts, the Merit Systems Protection Board, the EEOC and the Office of Special Counsel.

Welcome, Mr. Bransford.

Also we have Ms. Shirley Jones, who is the current president of the GAO Chapter of Blacks in Government. She was first elected president in 2005 and was re-elected in January 2007. Ms. Jones is assistant general counsel in the Office of General Counsel at the U.S. Government Accountability Office. In this role, she is responsible for supervising the legal support for the strategic issues mission team work related to tax policy and administration.

Welcome, Ms. Jones.

Lieutenant Sharon Blackmon-Malloy is president of the U.S. Capitol Black Police Association. She has served in this capacity for 8 years. Lieutenant Blackmon-Malloy joined the U.S. Capitol Police force in October 1982 and, after 25 years of dedicated law enforcement service, retired last month.

Welcome to all three.

And it is the policy of the Oversight and Government Reform Committee to swear you in. Would you all please stand and raise your right hands?

[Witnesses sworn.]

Mr. CLAY. Let the record reflect they have answered in the affirmative.

We will begin with Mr. Bransford.

STATEMENTS OF WILLIAM L. BRANSFORD, GENERAL COUNSEL, SENIOR EXECUTIVES ASSOCIATION; SHIRLEY A. JONES, PRESIDENT, BLACKS IN GOVERNMENT, GAO USACE CHAPTER; AND LIEUTENANT SHARON BLACKMON-MALLOY, PRESIDENT, U.S. CAPITOL BLACK POLICE ASSOCIATION

STATEMENT OF WILLIAM BRANSFORD

Mr. BRANSFORD. Thank you, Mr. Chairman. The Senior Executives Association appreciates the subcommittee's focus on the important topic of how to promote diversity in the senior ranks of Government.

We believe the SES of the future must fully represent the diversity of America. It is not only the right thing to do, but achieving diversity will pay dividends by producing a Government led by executives who are even better to respond to and provide services to all Americans. SEA believes this is achievable only through proper data, a strong pipeline and, most of all, strong central leadership on this issue.

Legislative branch agencies tend to follow the same guidelines as those in the executive branch when it comes to career executive personnel. We understand that the systems vary in different agencies, but merit selection plans apply, and general principles of requiring executive leadership qualifications are also applicable.

Executive and legislative branch agencies also share similar problems when it comes to their SES corps. Both have concerns about diversity and developing the pipeline of candidates being trained and recruited to become a part of the SES.

SEA has stated its support in the past for greater collection of data on the SES. We would like to see OPM, the Office of Personnel Management, be a greater guide for the SES by collecting better data. Consolidating policies and programs into one office and

acting as a clearinghouse for agencies in need of guidance, the central office will be invaluable in guiding the SES to greater diversity.

A central OPM SES resource office can provide best practices for both executive and legislative branch agencies. SEA believes that legislative branch agencies could be required to meet periodically with a central SES resource office at the Office of Personnel Management. Without such an office, as is currently the case, there will continue to be no central voice of leadership on SES matters, and many agencies will continue to implement SES policy differently on issues ranging from diversity to pay and performance issues.

SEA would also suggest legislative branch agencies consider a council which provides coordination for sharing best practices on diversity and addressing pipeline issues. This would contribute to ensuring best practices when it comes to hiring a diverse work force, not to mention the cohesiveness of the SES corps and general work force best practices as a whole.

SEA believes that structural changes to hiring practices can help and should focus on both the selection process and pipeline development. SEA supports a proven model to allow for what we have termed Executive Resources Board Diversity Subcommittees. It is modeled after a process developed by former Secretary of Energy Bill Richardson, which proved successful during his tenure.

This subcommittee would have oversight responsibility, including authority to review SES selections and to reverse any selection that it deemed did not provide significant outreach to or consideration of minority and women candidates. Further, this subcommittee would be responsible for ensuring a diverse pipeline through guiding minority outreach and leadership development for SES recruitment.

We believe that Executive Resources Board Diversity Subcommittees consisting of agency senior executives, a majority of whom must be either minority or female, would be an effective way for legislative branch agencies to assure a diverse Senior Executive Service. Such a strong leadership group would provide proactive monitoring and management of diversity.

SEA applauds Chairman Davis for taking the first steps to address issues concerning diversity, proper oversight and providing much needed data on the SES corps. SEA believes it is necessary to begin improving the candidate pipeline, addressing pay concerns, and, most of all, have better leadership if we are going to achieve diversity in the SES.

Thank you very much. I look forward to your questions.
[The prepared statement of Mr. Bransford follows:]



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TESTIMONY

of

WILLIAM L. BRANSFORD

General Counsel

SENIOR EXECUTIVES ASSOCIATION

Before the

FEDERAL WORKFORCE, POSTAL SERVICE, AND THE DISTRICT OF COLUMBIA
SUBCOMMITTEE OF THE HOUSE OVERSIGHT & GOVERNMENT REFORM
COMMITTEE

November 13, 2007

Chairman Davis and Distinguished Members of the Subcommittee:

The Senior Executives Association (SEA), the professional association representing the interests of members of the career Senior Executive Service and those holding equivalent positions, appreciates the Subcommittee's focus on the important topic of how to promote diversity in the senior ranks of government. I have been happy to work with committee staff and other interests in an effort to strive to achieve greater diversity in the senior ranks of government in a practical way which respects merit system principals, and am pleased to continue our discussion on this issue here today concerning Legislative Branch agencies.

As SEA stated at the May 05, 2007 hearing on SES diversity in the Executive Branch before this Subcommittee, we believe the SES of the future must fully represent the diversity of America. It is not only the right thing to do, but achieving diversity will pay dividends by producing a government led by executives who are even better able to respond to and provide services to all Americans. SEA believes this is achievable only through proper data, a strong pipeline, and—most of all—strong, central leadership on the issue

Legislative Branch agencies tend to follow the same guidelines as those in the Executive Branch when it comes to career executive personnel. We understand that the systems vary in different agencies, but merit selection plans apply, and general principles of requiring executive leadership qualifications are applicable. Executive and Legislative Branch agencies also share similar problems when it comes to their SES corps. Both have concerns about diversity and developing the pipeline of candidates being trained and recruited to become part of the SES corps.

SEA has stated its support in the past for greater collection of data on the SES. We would like to see OPM be a greater guide for the SES by collecting greater data, consolidating policy and programs into one office, and acting as a clearinghouse for agencies in need of guidance, the central office will be invaluable in guiding the SES to greater diversity. A central OPM SES Resource office can provide best practices for both Executive and Legislative Branch agencies. SEA believes that legislative branch agencies could be required to meet periodically with a central SES resource office at the Office of Personnel Management. Without such an office, there will continue to be no central voice of leadership on SES matters and many agencies will continue to implement SES policy differently on issues ranging from diversity to pay and performance issues.

SEA would also suggest legislative branch agencies consider a council which provides coordination for sharing best practices on diversity and addressing pipeline issues. This would contribute to ensuring best practices when it comes to hiring a diverse workforce, not to mention the cohesiveness of the SES corps and general workforce best practices as a whole.

When approaching the challenges of diversity in Executive agencies, some have suggested a proactive approach in managing for diversity through structural changes to their Executive Resources Boards or to the selection process. These committees might have a different name in a Legislative Branch agency, depending on how the agency manages its executive corps, but the concept is the same. SEA believes that structural changes can help and should focus on both the selection process and pipeline development. SEA supports a proven model to allow for what we have termed Executive Resources Board Diversity Subcommittees. It is modeled after a process developed by former Secretary of Energy Bill Richardson. The Subcommittee would have oversight responsibility, including authority to review selections made by the Executive Resources Board and to reverse any selection that it deemed did not provide significant outreach to or consideration of minority and women candidates. Further, this subcommittee would be responsible for ensuring a diverse pipeline through guiding minority outreach and leadership development for SES recruitment. We believe that Executive Resources Board Diversity Subcommittees consisting of agency career Senior Executives, a majority of whom must be either minority or female, would be an effective way for legislative branch agencies to assure a diverse Senior Executive Service. Such a strong leadership group would provide pro-active monitoring and managing of diversity.

SEA applauds Chairman Davis for taking the first steps to addressing issues concerning diversity, proper oversight and providing much needed data on the SES corps. SEA believes it is necessary to begin improving the candidate pipeline, addressing pay concerns, and—most of all—have greater leadership, if we are going to achieve diversity in the SES.

Mr. CLAY. Thank you so much for your testimony.
Ms. Jones, you may proceed.

STATEMENT OF SHIRLEY JONES

Ms. JONES. Mr. Chairman, thank you for this opportunity.

For the last 3 years, I have served as the president of the GAO Chapter of Blacks in Government. I am here to share the chapter's efforts to ensure equal opportunity and to effect change that will lead to increased diversity at all levels, but particularly at the SES and equivalent levels where the most important agencies decisions are in fact made.

I believe that the broad issues that I will present here will be similar to those present at other agencies where African American staff are underrepresented at the management level.

These views in no way represent the views of the U.S. Government Accountability Office.

Comptroller General David Walker previously made a statement regarding diversity at GAO that our chapter agrees with. In his July 24, 2006, CG chat, he said, "America's strength is its diversity. As a public-sector employer and as a public servant with public trust, GAO has the responsibility to lead by example and reflect the diversity of this country."

This quote is particularly noteworthy for two primary reasons. First, if we are to achieve equal opportunity and the level playing field that BIG and African American staff have spoken out about, then there must be a strong demonstrated commitment to diversity from top management.

But the quote was also important because, along with it, Mr. Walker also acknowledged that there continues to be a significant difference between the average performance appraisal scores between African American staff and Caucasian staff at GAO. This acknowledgement was particularly important to our BIG chapter because this is a longstanding issue that our chapter had brought to GAO management even before Mr. Walker's tenure but particularly in the 2 years preceding his acknowledgment.

For example, prior to the restructuring at GAO and split of GAO's Band II, our chapter wrote a letter to Comptroller General Walker in 2004 stating our concern that African American staff, in particular, would be at a distinct disadvantage in the placement decisions. We specifically noted that GAO's appraisal data showed that African American employees at all band levels were consistently receiving the lowest performance appraisal scores. In that 2004 letter, we recommended that GAO initiate a study before proceeding with the restructuring to determine why African Americans consistently receive the lowest appraisals in the agency. Performance appraisal scores for 2003 through 2005 were ultimately, however, one of three major criteria used to make placement decisions and was the primary criterion that kept a large percentage of staff from being placed into Band II-B.

In that letter and on numerous other occasions since then, we have also voiced concerns about African American staff being infrequently assigned analyst-in-charge opportunities, thereby preventing them from gaining valuable leadership opportunities.

So with a history of expressing concerns about the significantly lower appraisal scores, lack of individual control over staffing assignments and other issues that would prevent African American staff from advancing, Mr. Walker's acknowledgment was particularly important. I personally believed and hoped that it signaled a commitment to initiate change at the agency that would enhance diversity.

In conclusion, I believe the significant difference in appraisal scores and diversity issues in general are of personal concern to Comptroller General Walker. Our concern continues to be, however, that this commitment from top management has to also be evident in the action of front-line managers who are deciding on appraisal scores, making analyst-in-charge decisions, staffing individuals to high-risk and high-visibility jobs and making other professional development decisions that may disparately impact African American staff.

I also think that Mr. Walker and the agency took a positive step in rolling out a formal mentoring program. It is clear, however, that mentoring itself is not a cure. Rather, as this hearing indicates, in addition to mentors it is critical that African Americans and other minority staff who share our diverse traits are represented at the SES and upper-management levels so they can, in turn, serve as sponsors and advocates.

Finally, our chapter is particularly encouraged by GAO's decision to bring in an outside consultant to study the differences in appraisal scores. We are hopeful that the study will, in fact, make some actionable recommendations that will ultimately lead to greater diversity.

Mr. Chairman, this concludes my prepared statement. I will be happy to answer any questions you may have.

[The prepared statement of Ms. Jones follows:]



Blacks In Government
U.S. Government Accountability Office
And U.S. Army Corps of Engineers Chapter
P.O. Box 50533
Washington, D.C. 20001

**Testimony before the Subcommittee on Federal Workforce,
Postal Service, and the District of Columbia,
Committee on Oversight and Government Reform,
House of Representatives**

Diversity at the SES and Equivalent Levels in Legislative Branch Agencies

Statement of Shirley A. Jones, Esq., President
Blacks In Government, GAO USACE Chapter

For Release on Delivery
Expected at 2:00 p.m. EST
Tuesday, November 13, 2007

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss diversity at the Senior Executive Service and equivalent levels in the legislative branch agencies. My name is Shirley Jones. I am an Assistant General Counsel with the U. S. Government Accountability Office. For the last three years, I have served as the President of the GAO and U.S. Army Corps of Engineers Chapter of Blacks In Government. Today, I come before you to share the Chapter's efforts to ensure equal opportunity and to effect change that will lead to increased diversity at all levels but particularly at the SES and equivalent levels. Because GAO is a legislative branch agency, my remarks today will focus on the Chapter's activities at GAO. These views in no way represent the views of the U.S. Government Accountability Office.

Summary of Our Chapter's Purpose and Goals

The GAO chapter received its charter from the national BIG organization in September of 1980 with the purpose of addressing the interests and concerns of African American staff at GAO so that all staff could have an equal opportunity to succeed.¹ Since that time, our chapter has sought to organize around issues of mutual concern and to use our collective energy to address workplace challenges. Through monthly information sharing sessions, regular contact with African American staff at all levels in the agency, representation on GAO's Employee Advisory Council (EAC), memoranda and letters on issues of concern addressed to responsible parties in management, and the creation of professional development programs, we strive to promote excellence and to seek a level playing field. Our goal is not only to be a resource to the staff but also to be an asset to the leaders and managers of our agency as they similarly pursue the purpose of equal opportunity for all staff. Through our efforts our ultimate goal is to help GAO be the model for the rest of the government in ensuring that its greatest assets, its human capital, are all treated fairly and equally.

Chapter Positions and Expression of Concern on Major Issues Impacting Diversity

Comptroller General David Walker previously made a statement regarding diversity at GAO that we support. In his July 24, 2006 CG Chat, he made the following statement:

"America's strength is its diversity. As a public sector employer and as a public servant with public trust, GAO has the responsibility to lead by example and reflect the diversity of this country."

This quote is particularly noteworthy for two primary reasons. First, it is clear from diversity best practices that if we are to achieve equal opportunity and the level playing field that BIG and African American staff have been speaking out about even before Mr. Walker's tenure, then there must be a strong demonstrated commitment to diversity from top management. And, importantly, if we are to have diversity at the SES and GS 15 levels, this commitment must emphasize not just diversity in recruiting and hiring but also must focus on advancement opportunities and retention efforts.

¹ Historically, the national organization of Blacks In Government (BIG) was conceived in 1975 as a means of preserving and enhancing the work experience of Black civil servants.

The quote was also important because of the context in which Mr. Walker made it. Along with this statement, Mr. Walker also acknowledged that there continues to be a statistically significant difference between the average performance appraisal scores between African American staff and Caucasian staff at GAO. This acknowledgment was particularly important to our BIG Chapter because this is a longstanding issue that our chapter had brought before GAO management even before Mr. Walker's tenure as Comptroller General but particularly in the two years preceding his acknowledgment. As you know, the issue of lower appraisal scores had taken on even more significance for us during that time period because it was during those two years that the restructuring of our Band II for analyst staffs was under consideration and had ultimately taken place.

Prior to the restructuring of GAO's Band II (e.g. Grades 13 and 14 equivalent) – in the two years in which it was being considered and being called a “split” – our chapter wrote a letter in March 2004 to Comptroller General Walker stating our concern that African American staff in particular would be at a distinct disadvantage in the placement decisions. One of the reasons that we specifically noted was that GAO's appraisal data showed that African American employees at all Band levels were consistently receiving the lowest performance appraisal scores. In that letter we recommended that GAO initiate a study to determine why African Americans consistently received the lowest performance appraisals in the agency. Performance appraisal scores for 2003-2005 were ultimately, however, one of three major criteria used to make placement decisions for the restructuring and was the primary criterion that kept a large percentage of staff from being placed into Band IIB.² Moreover, performance appraisal scores were the only criterion that effected staff could not appeal.

In that letter and on numerous other occasions since then, we also voiced our concerns not only about the historically lower appraisal scores for African American staff but also about the staffing practices of GAO teams. We noted that some African American staff had told us that they were being assigned Analyst In Charge (AIC) opportunities infrequently which was preventing them from gaining valuable leadership opportunities that would be vital to their future advancement. Accordingly, we have previously suggested that GAO examine the staffing practices of GAO teams.

So, with a history of expressing concerns about the significantly lower appraisal scores, lack of individual control over staffing assignments, and other issues³ that would prevent African American staff from advancing to Band IIB, Band III and ultimately the SES level,

² After the restructuring, our chapter sent a letter on May 5, 2006, to then GAO Chief Human Capital Officer Jesse Hoskins commenting on the demographic data that had been released agency-wide. We noted our belief that the data did not paint a full picture with regard to the impact of the restructuring on African American Band II analyst staff and requested that additional data be released to increase transparency.

³ We have also voiced concerns about the retention rates for African American analyst staff, noting particular concern for the retention of African American males.

Mr. Walker's acknowledgment was particularly important. I personally believed that it signaled a commitment to initiate change at the agency that would enhance diversity.

Recent GAO Actions Taken that Could Enhance Diversity

During that same chat, Mr. Walker said that the agency planned to take several positive steps to address the issue. He noted that the establishment of a formal mentoring program for a broader array of analysts was in the works. He also committed to specifically monitoring the efforts of various GAO teams. Since that chat, he has also stated that he has a zero tolerance policy for discrimination.

Importantly, Mr. Walker and his Executive Committee agreed with and adopted a suggestion by the Employee Advisory Council (EAC) that an independent outside assessment was needed to examine the factors that may influence ratings differences and in pursuing what additional steps GAO may take to address them. The agreement came after additional concerns were raised by both Mr. Walker and the EAC when the most recent appraisal data reflected similar lower ratings for African American staff with less than 5 years at GAO. On August 16, 2007, GAO awarded the African American Performance Assessment Study contract to Ivy Planning Group (Ivy) of Rockville, Maryland. According to a project overview for the study from Ivy dated October 17, 2007 the next steps are to determine if African Americans and Caucasian staff have the same skills and background when they arrive and what happens to people after they arrive. The last task would be to determine given the quantitative and qualitative data, what GAO should do differently.

Conclusion

I believe the significant difference in appraisal scores and diversity issues in general are of personal concern to Comptroller General Walker just as they are to our chapter of Blacks In Government. I also believe that he and GAO's Executive Committee have signaled a commitment to enhancing diversity and that any delays in responding to our concerns were due in large measure to his belief that efforts previously undertaken early on in his tenure such as development of the Professional Development Program, more consistency in hiring/recruitment practices across teams, and changes to the performance management system would have rectified this issue at least as it relates to staff here less than five years.

Our concern continues to be, however, that this commitment from our top management has to also trickle down and be evident in the actions of front line managers. It is these front line managers who are indeed deciding on appraisal scores, making AIC decisions, staffing individuals to high risk and high visibility jobs, and making other professional development decisions that may disparately impact African American staff. Managers throughout the agency from the top down have to see diversity as a core value and all have to be held accountable to ensure progress.

I also think that Mr. Walker and the agency took a positive first step in rolling out a formal mentoring program that includes more staff. It is clear, however that mentoring

itself is not a cure-all by any means. Rather, as this hearing indicates, in addition to mentors, it is critical that African Americans and other minority staff who share our diverse traits are represented at the SES and upper management levels so that they can in turn serve as sponsors and advocates for other minority staff and positively influence others that are involved in making important decisions that impact diversity and equal opportunity.

Finally, I am encouraged by GAO's decision to bring in the Ivy consulting group to study the differences in appraisal scores for African American staff. And, I applaud the agency for doing the study now rather than later even in the midst of budget constraints and continuing resolutions. I am hopeful that the study will in fact make some actionable recommendations that will ultimately lead to greater diversity at all levels but particularly at the SES and upper levels at GAO where the most important decisions are in fact made.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I will be happy to answer any questions you may have.

Mr. CLAY. Thank you very much, Ms. Jones.
 Ms. Blackmon-Malloy, you may proceed.

STATEMENT OF SHARON BLACKMON-MALLOY

Ms. BLACKMON-MALLOY. Thank you. Good afternoon, sir, Acting Clay and the committee members. My name is Sharon Blackmon-Malloy. I am a recently retired lieutenant from the U.S. Capitol Police force, and I am also the current president of the U.S. Capitol Black Police Association.

I am here today to speak about the serious underrepresentation in the upper-level ranks, in the ranks of captain and above in particular. I would like to provide some recommendations about correcting this problem. I thank you for this opportunity to speak about these issues. And I have previously submitted my testimony in its full capacity to the subcommittee.

The U.S. Capitol Police Force, where I worked for a period of 25 years, is entrusted with the responsibility of securing and protecting the U.S. Capitol, the House and State office buildings and adjacent grounds, Member of Congress, their staffs and a multitude of visitors to the U.S. Capitol campus.

The Capitol Police Black Police Association was formed in 1990. In the early 1990's, our mission was to increase diversity in our police force and remedy discrimination practices in the area of hiring, job assignments, promotions and training. And as you can see today, we are still fighting those same struggles.

It should be noted that between the period of 1990 and 1993 in this agency, members of the Black Police Association testified in Congress several times about diversity and other related topics. In 1993, there was only 29 percent of the U.S. Capitol Police force African American, as compared to September 2006 in which it remained 29 percent. See attached data in my full text testimony. Thus, there has been no change in African American representation within this force over a 13-year period.

There has been no progress in the upper ranks of captain and above, where an African American woman has never served. In fact, it took 176 years for an African American woman to be promoted to the rank of lieutenant, which occurred in November 2004. I hope that it will not take another 176 years for an African American woman to achieve the rank of captain in this U.S. Capitol Police force. I also hope that our recommendations for a greater diversity and less discrimination will not fall on deaf ears this time around.

Recommendations: To start effecting change, Congress must have the will and the commitment to provide oversight and ensure responsibility and accountability for noncompliance and seriously enforce those measures. We don't need any more laws. Just like Congresswoman Eleanor Holmes Norton stated, the laws are on the book. We need to enforce what we have and abide by them.

And if that does not occur, we need to—for instance, there could be a series of penalties for an agency's violations in the area of diversity and discrimination. And some of the consequences could start with salary decreases. Then you are going to promote and proceed to demotions, demotions in a particular rank. And if that doesn't work, removal from the force, because if you're not comply-

ing with what we have in place, then your organization shouldn't be condoning it, nor should Congress continue to allow it to happen.

We took some data from the Office of Personnel Management, and it gives us a wealth of knowledge and opportunity and gives you examples of how you can go about creating that diverse work force. We don't have it at this time. So there are resources out there, a multitude of resources, that could assist us in overcoming these issues, so 20 years from now, my daughter is not sitting here testifying before your kids, telling you that we told you about this 20 years ago.

We can look at the area of recruitment to start, and that was some of the OPM data. In the area of recruitment, we had a White, male lieutenant who stayed in that rank for 20 years or more. Now, that is clearly unacceptable. It is mainly the norm with this agency, and that cannot continue. You cannot have a commander of recruiting stay in a position for that amount of time and expect change to come. It is just not going to happen until those things are remedied.

Hiring: We can ask our human resources division what can we do better to ensure that we are complying with the Nation as a whole and looking at the standards in which we are required to hire a diverse group. We want this Nation to look like—we want the Capitol Police force to look like the Nation that it represents. But if you look at it today, that is clearly not happening.

Then how do you retain them once you hire them? There is a wealth of information that is in my testimony. It will take too much time to go into it.

And commitment, commitment is the foundation for a successful effort to build a diverse, high-quality work force. This must be communicated through actions that will start from the top management, because if you're not committed and you're not demonstrating commitment to this change, it is not going to happen. So it starts from the top, and it filters down.

And that's what we're asking you to help us do today. We need to encourage our leadership that creates an environment of inclusion and valued differences, clearly assign adequate resources to diversity activities. And if you ask our offices today if, do we feel as though we're included in the decisionmaking process, 99 percent are going to say no, because we feel isolated. We are isolated from the rank lieutenant on down. And there's a disconnect between the rank of captain and above. So we have a long way to go.

We need to ensure that our employees are trained in the intercultural communications to address differences. What is your difference that's so different from mine? And if you really look at it, we are no different from each other, if you only gave each other the opportunity to share those thoughts and ideas, and we can grow from learning from each other. But if you keep it separate, then we will be back here another 20 years from now.

In conclusion, we are seeking a serious commitment from Congress, and this branch of Government is a natural place to start. We do not need the last plantation operating on the doorstep of Congress. Agencies like the U.S. Capitol Police force and the Fed-

eral Government in general should be a Nation and a world leader in promoting equality and justice for all.

It is my hope that our leaders will take pride in ensuring that 15 years from now we do not find ourselves testifying before Congress concerning the underrepresentation of women and minorities within any branch of Government.

Mr. Chairman, this concludes my formal testimony. And, again, I would like to thank you for giving me an opportunity to appear before this subcommittee. And I will be available for any questions that anybody might have. Thank you.

[The prepared statement of Lieutenant Blackmon-Malloy follows:]

TESTIMONY BEFORE THE
SUBCOMMITTEE ON FEDERAL WORKFORCE POSTAL SERVICE AND THE
DISTRICT OF COLUMBIA
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
BY
SHARON BLACKMON-MALLOY
PRESIDENT
UNITED STATES CAPITOL BLACK POLICE ASSOCIATION
Tuesday, November 13, 2007, 2:00 P.M.

Good afternoon Chairman Davis, Ranking Member Marchant, and Committee Members. My name is Sharon Blackmon-Malloy. I am a recently retired Lieutenant from the United States Capitol Police Force and the President of the United States Capitol Black Police Association. I am here today to speak about the serious underrepresentation of African Americans in the U.S. Capitol Police Force in the upper-level ranks of Captain and above. I would like to provide some suggestions about correcting this problem and increasing diversity in the legislative branch agencies. I thank you for the opportunity to speak about these issues. I have previously provided the full text of my testimony to this Subcommittee.

The U.S. Capitol Police, where I worked for 25 years, is entrusted with the responsibility of securing and protecting the U.S. Capitol, the House and Senate buildings, adjacent grounds, Members of Congress, their staffs, and the multitude of visitors to the Capitol area. The U.S. Capitol Black Police Association was formed by me and other African American Capitol Police Officers in early 1990. Our mission was to increase diversity in our police force and remedy discrimination practices in the areas of hiring, job assignments, training, and promotions.

Between 1990 and 1993, members of the U.S. Capitol Black Police Association testified in Congress several times about diversity and related topics. In 1993, 29% of the U.S. Capitol Police Force was African American, as compared to 29% in September 2006. (See attached data.) Thus, there has been no change in African American representation within the U.S. Capitol Police over this 13-year period. Significantly, there has been no progress made in the upper ranks of Captain and above, where an African American woman has never served. In fact, it took 176 years for a woman to be promoted to the rank of Lieutenant, which first occurred in November 2004.

I hope that it will not take another 176 years for an African American woman to achieve the rank of Captain in the U.S. Capitol Police Force. I also hope that our recommendations for greater diversity and less discrimination will not fall on deaf ears this time, and 15 years from now, we will achieve greater diversity in the U.S. Capitol Police Force at all levels. As my Association did approximately 15 years ago, I will speak today about how to increase diversity, especially regarding the African American Officers who protect and serve the public and stakeholders against all threats on a daily basis. You can make changes if you have the will and commitment.

To start changing the culture of minute African American representation in upper management, senior managers must have a serious commitment to diversity and be held accountable for non-compliance. For instance, there could be a series of penalties for violations of the agency's diversity policy or discrimination by managers. You could start with salary decreases, and then proceed to demotion and even removal for a non-compliant manager.

We need a serious commitment from Congress on diversity principles, and the legislative branch agencies are a natural place to start. We do not need the last plantation operating on the doorstep of Congress. Legislative agencies like the U.S. Capitol Police and the federal government in general should be a national and world leader in the promulgation of equity among people, which starts with real enforcement of measures prohibiting discrimination and the endorsement of diversity as a societal virtue.

The following is data from the Office of Personnel Management, regarding creating and retaining a diverse work force, with valuable recommendations for federal government agencies:

A. Building a High-Quality Workforce

To build a diverse workforce, agencies should incorporate tailored approaches to recruit and hire these individuals into their overall strategies. The first step is to find the candidates.

Recruitment

The purpose of effective recruiting is to attract strong candidates who are prepared both to meet the agency's strategic goals and priorities and to work in the agency's environment. Suggestions for effective recruitment techniques include:

- Ensure that recruiters and selection officials work closely with human resources and EEO/civil rights/special emphasis staff during the recruiting process. Maintaining close relationships with the experts will facilitate a smooth and easy recruiting process.
- Know the competition and their recruiting needs. Issuing one vacancy announcement is no longer an effective method of finding candidates. Learn where the candidates go to find jobs and information about finding jobs -- make sure the agency's message can be found. Consider using a variety of common job search locations, such as:
 - college placement centers,
 - minority student associations,
 - college organizations of students with disabilities,
 - high schools,
 - Internet websites,

- newspapers and magazines,
- community newsletters,
- radio announcements,
- community centers,
- professional organizations,
- minority organizations,
- libraries, and
- grocery stores.

In addition, employees can provide recommendations regarding good sources of diverse candidates (their alma maters, professional organizations, etc.).

- Candidates must feel there is a match between their personal goals and the agency's goals. To create and foster a positive image, state the agency's mission and goals clearly and include an inspiring vision. Develop a theme for the recruiting message and craft it to fit each audience.
- When developing a recruitment plan, consider campus visits, job fairs, brochures, displays, and website use.
- Design a long-term recruitment plan with input from managers, supervisors, and employees, as well as from specialists in the areas of human resources management and EEO/civil rights/special emphasis. Be creative.
- Develop and maintain long-term partnerships with academia and professional associations for the purpose of recruiting high-quality candidates. The goal of partnering is to start the recruitment process ahead of the actual recruitment schedule. Relationships with these sources, which are often best formalized through memoranda of understanding or formal agreements, can afford both sides opportunities for increased awareness and opportunities.

Examples of partnering activities include:

- making regular presentations to faculty, students, and the community about issues of interest to both the agency and the school or community
- making visits to high schools, using video tapes and CD-ROMs to describe the agency's work
- hosting field trips to the agency
- sponsoring agency employee volunteer activities such as mentoring and tutoring
- offering presentations at meetings and conferences of professional associations
- Ensure that senior managers are directly involved in planning and conducting recruitment activities. As leaders who are familiar with their agency's cultures and needs, as managers who understand skills needs, and as selecting officials, they are an important part of the agency's recruitment activities.

Hiring

After finding high-quality candidates, the agency must now hire them. When implementing a diversity program, several aspects of hiring are important to consider:

- Review internal human resources policies, processes, and operations. Often, if agencies are unable to make quick job offers, good candidates are lost to competitors who are able to move quickly. Many flexibilities are available to agencies and reviewing internal staffing procedures may identify new ways to streamline hiring.

Take full advantage of customizing the competitive process by using the many staffing flexibilities and hiring authorities available. Take full advantage of technology by using [USAJOBS](#) and accepting online applications.

Retention

Achieving a diverse, high-quality workforce by successfully attracting and hiring the desired employee mix is only the first step. Having made investments to recruit and hire high-quality employees, the agency risks wasting those efforts absent a strong retention strategy. The agency's next objective is to ensure that their valuable employees stay with the agency. That goal is the focus of the second major set of elements to be included in the design and implementation of the agency's diversity program.

These elements can be described as part of a broad model of rewards, which sustain employee commitment. These rewards include support for:

- a flexible and supportive work environment, including the quality of the supervision and leadership employees receive
- an emphasis on learning and development
- effective rewards and recognition systems

These aspects of work and working conditions are clearly becoming at least as important to employees' decisions to stay with an organization as their direct pay and benefits levels. An agency that commits to cultivating these broader rewards will be far better positioned to retain the diverse workforce it builds.

A Supportive Work Environment

A supportive work environment is one that provides employees with the direction and tools they need to perform the work of the organization to the very best of their ability. As an employer, the Federal Government offers many government-wide programs to support employees; other aspects of a supportive work environment are in the hands of individual agencies. Actions to support employees include:

- Ensure that supervisors and managers are provided leadership and diversity training. Their understanding of the benefits and rewards of a diverse workforce

helps create a supportive work environment that enhances the potential of all employees.

- Emphasize existing quality of worklife initiatives as effective policies that advance the interests of a diverse workforce.

Learning and Development

Professional development and training opportunities are important reasons why valued employees choose to stay with an organization. Agencies can use a variety of approaches to establish a climate that supports continuous learning and development, including:

- Establish clear paths for acquiring the skills, knowledge, and experience that employees need for their continual learning and career development.
- Use a variety of ways to provide training and development experiences for employees, such as:
 - developing formal and informal mentoring programs,
 - using CD-ROMs and other interactive and online training technology,
 - using internal and external training courses, and
 - establishing individual learning accounts (ILAs).
- Provide training opportunities for all employees. Through investments in training, agencies reflect the value they place on employees and support employees in their own interest in keeping their skills updated in order to remain competitive.
- Encourage employees to become mentors. In particular, senior managers should be strongly encouraged to mentor individuals from different cultural, racial, or academic backgrounds.
- Use tuition reimbursement programs. Agencies have the authority to pay all or part of the necessary expenses for training and formal education.
- Widely publicize developmental opportunities for employees, such as detail assignments and leadership training, to give everyone interested a chance to participate in assignments that prepare them for higher-level positions.

Rewards and Recognition

The systems that reward and engage employees are key to maintaining a diverse, high-quality workforce. All people desire to see their efforts acknowledged. Agencies should continually monitor their use of awards, incentives, and recognition to ensure that individuals and groups all receive their fair share based on transparent criteria and well-understood processes for nominating and granting awards.

Monitor Results

Agencies should develop systems of measures to continually monitor the effectiveness of their diversity initiatives and make adjustments as needed. The results should be shared and discussed with senior managers and supervisors.

- Regularly monitor the agency workforce profile. Periodic analysis of the resulting data will help determine progress and successes. In turn, the data may be used to adjust recruiting strategies and other workforce planning initiatives as needed.
- Monitor existing career development systems and programs (e.g., who is being chosen for non-routine assignments, special projects, rotational opportunities, training, and conference participation) to ensure that cultural bias is not a factor in participation rates. Evaluate and re-engineer career development systems and programs to better achieve the agency's diversity goals.
- Work with EEO/civil rights office to monitor agency-wide numbers and trends regarding formal EEO complaints.
- Monitor the number and diversity of applicants and participants in developmental opportunities and assess the effectiveness of the publicity efforts.

Accountability

To succeed in developing and sustaining strong diversity initiatives, agency heads should hold their executives, managers, and supervisors accountable for achieving results. OPM also assesses agencies' effectiveness in implementing diversity initiatives.

- Build accountability for hiring, retaining, and developing a diverse, high-quality workforce into the performance management systems for managers and supervisors.
- Ensure that candidates for the Senior Executive Service have certain leadership competencies which include "Cultural Awareness." Selecting officials are accountable for ensuring that the candidates provide examples which evidence possession of such competencies.

B. Recommendations

Commitment is the foundation of a successful effort to build and maintain a diverse, high-quality workforce. This commitment should be clearly stated and communicated from the top leadership to employees at all levels. In addition, agencies need to take action to assure that resources and staff are available for each stage of the program. Commitment can be demonstrated through such actions as:

- Encourage a leadership that creates an environment of inclusion and values differences.
- Clearly assign adequate resources to their diversity activities. An agency could choose to clearly identify resources in its budget to diversity initiatives.
- Ensure that senior managers are directly involved in planning and conducting diversity activities.
- Ensure that employees are an integral part of the agency's efforts to plan and conduct diversity activities.
- Consider training employees in intercultural communication to address differences in communication across cultures.

- Establish Special Emphasis Programs (SEPs) and appoint SEP Managers as management advisors on how to obtain and manage a diverse workforce. SEP Managers can be critical to help agencies establish an effective diversity management program.

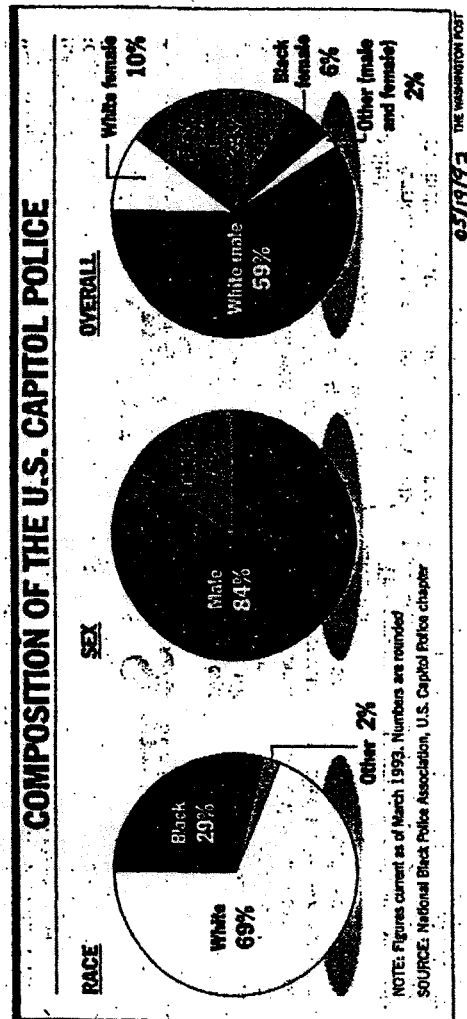
U.S. CAPITOL POLICE SWORN RANK DISTRIBUTION BY RACE/ETHNICITY
 @ September 30, 2006

Rank	White	Native American	Asian/ Pacific Islander	African American	Hispanic	Total
Chief of Police	0	0	0	0	0	0
Assistant Chief of Police	1	0	0	0	0	1
Deputy Chief of Police	3	0	0	1	0	4
Inspector	7	0	0	1	0	8
Captain	15	0	0	2	1	18
Lieutenant	35	1	1	9	1	47
Sergeant	116	1	1	53	4	175
Detective	15	0	1	3	0	19
Plainclothesman	1	0	0	0	0	1
Technician K-9	38	0	0	2	2	42
Technician	7	0	0	0	0	7
Private First Class	631	4	15	347	49	1046
Private With Training	111	0	4	39	13	167
Private	41	0	4	14	9	69
Total	1021	7	26	471	79	1604

Federal Law Enforcement
 Statistical Information

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Mr. CLAY. Thank you, Ms. Malloy. Now, I want to know how you really feel.

Let me ask you, you spent how many years—

Ms. BLACKMON-MALLOY. Twenty-five years, sir.

Mr. CLAY. Twenty-five years, and you made it to the rank of lieutenant.

Ms. BLACKMON-MALLOY. Yes, sir.

Mr. CLAY. And you said there had never been an African American female above that rank?

Ms. BLACKMON-MALLOY. That's correct, sir. Actually we have—in 2004, when I did obtain the rank of lieutenant, there was never a lieutenant even in that rank. So the ranking structure goes from sergeant lieutenant, then captain, then inspector and so forth.

Mr. CLAY. Let me ask you, I assume you retired because you had the time. What were your impressions of your total experience on the Capitol Police Force? You said you started in 1982?

Ms. BLACKMON-MALLOY. Yes, sir.

Mr. CLAY. OK. And then, what were your feelings the day you left about your total experience with the force?

Ms. BLACKMON-MALLOY. I can start from the beginning, if you want, briefly—

Mr. CLAY. No, we don't have that kind of time, but—

Ms. BLACKMON-MALLOY. It's going to be really brief. I can tell you my experience when I walked in the door.

Mr. CLAY. Yes, go ahead.

Ms. BLACKMON-MALLOY. And I walked in—I was here approximately 6 months; I knew then that we had some issues. And so I dedicated my entire career, for the most part, to trying to effect change, and that's what I've done.

The day that I left, I walked away with pride and joy. There have been changes. And the most progressive chief that we have had was Chief Terrance Gainer. And under his leadership, we had better morale, we had more promotions and we had more training. So we did progress during my 25-year tenure, so I want to make sure that is stated in the record as well.

Mr. CLAY. You know, Mr. Nichols testified that there are African American Capitol Policemen that are on track to be at the SES level. How much stock do you put in that?

Ms. BLACKMON-MALLOY. Without taking a lot of time—I can give you an example. The last captain's promotion process, we did have outside contractors. And, you know, thanks to our efforts, we have been able to obtain that over the years. And with those outside contractors, it was the captains process—and I have competed in all processes. And at one point I called—I was doing the fellowship program, so I called back and I was trying to get some assistance, some mentorship that we need to get to the next rank. And I found that the majority of people that was in a position to mentor me, they were part of the process. They had to excuse themselves from assisting.

So it has been that way throughout my entire career, either as far as promotions—there is just too many—there is not enough African Americans willing to reach back and pull someone with them. So we have to struggle on our own and do the best that we can, while we sit back and watch other people, in particular White

males, sail through the process. They accelerate their promotion track, if you want to call it. And there's not a diversity program or there's no diversity program in place where you see them moving and they get promoted.

So it can happen. It can happen in the next 6 months; it can happen the next year. It doesn't have to take 20-something years. So it definitely can happen.

Mr. CLAY. And I couldn't agree with you more. I hope 20 years from now your children are not here telling my children this same story. It should not be generational. If it is a culture change that's needed in the Capitol Police, then that's what ought to take place.

And that's upon us, Mr. Chair, to impress that on the hierarchy of the police force.

Thank you for your response.

Ms. Jones, what do you think is the cause for significant difference in ratings between African Americans and Caucasian staff at each band level at GAO? I heard you say top management and front-line management must also be diverse, too, or culturally sensitive.

Ms. JONES. Right.

Mr. CLAY. Is there much cultural training over there or sensitivity training given at GAO?

Ms. JONES. I can't speak to that. I'm not sure if there is sensitivity training. I'm sure it's available. I don't know if they are taking advantage of it.

Mr. Stroman, from the previous panel, has in the past cited insufficient or poor communication between African Americans and supervisors. I agree that's one of the reasons for the differences in appraisal scores, but I would like to offer a couple more reasons.

First, I believe—I would like to believe, as Mr. Walker does, that there's not widespread intentional bias against African American employees. But I do believe the infrequent assignment of African Americans as analysts-in-charge and assigning them to high-risk and high-profile jobs, the lack of those opportunities for African American staff leaves their supervisors to place less value on their work.

Also, I believe the performance appraisal system itself is a large factor. Putting aside the subjectivity of any performance appraisal system, GAO's system allows employees to be rated without the assistance of written narratives. Now, I don't want to dismiss GAO's decision to do away with a written narrative, because I know they did do it in consultation with the Employee Advisory Council. And that was because they wanted to cut down on the amount of time that people were spending on doing the performance appraisals. But that has also had the unintended effect of allowing these appraisal scores to basically be unjustified.

So I believe those are two very important reasons for the low appraisal scores for African Americans.

Mr. CLAY. Thank you for that response.

Mr. Bransford, in your written statement you indicate that OPM should play a more prominent role in improving both executive and legislative branch diversity.

Given the different roles of the branches of Government, would you support the idea of the legislative branch agencies council you envision be a clearinghouse and liaison with OPM?

Mr. BRANSFORD. Yes, sir, Mr. Clay, I would. I think the idea of the council, of getting legislative branches together would help. But I think OPM, governmentwide, has the potential to provide tremendous leadership and information. And I think we can be creative, and it can do nothing but help.

Mr. CLAY. Thank you for your response.

And I will turn it over to the chairman, Mr. Davis.

Mr. DAVIS OF ILLINOIS [presiding]. Thank you very much, Mr. Clay. And let me say I hope you will be here 20 years from now to carry on. I don't intend to be. But, no, let me thank you for taking over the duties and handling the rest of this hearing.

Mr. Bransford, let me ask you, you indicate that this council may be able to coordinate best practices and give people the opportunity to see and know what's taking place and what's going on in other places.

How would you feel about the requirement that promotions be based upon recommendations that a panel of at least three individuals would sit on and that at least one of them must be a woman and one of them must be a minority, and that this panel could make recommendations and suggestions relative to promotions?

Mr. BRANSFORD. Mr. Chairman, that, of course, is present in the legislation that's been introduced for the executive branch agencies as a requirement to come into the SES whenever a vacancy announcement is posted for an SES position.

The Senior Executives Association has concerns about putting that in as the only way to get into the SES. And we are suggesting and hoping to make a case that agencies either have a panel, as you suggest, as a clearinghouse or a diversity subcommittee, as we also suggest; one or the other. In other words, they exercise active, aggressive leadership to make sure that the SES is diverse or they have a clearinghouse, whatever that agency culture is.

The concern we have is that putting a requirement of a minority and a woman, three people on a panel, would delay the process, would be a bureaucratic exercise and, we think, over time, would lose its effectiveness.

I understand the concept and the principle, but we do think it is a good option. And we think that if an agency doesn't do an executive panel as a clearinghouse to get into the SES, then it ought to demonstrate aggressive leadership to promote diversity, one or the other.

Mr. DAVIS OF ILLINOIS. Ms. Jones, we just listened to testimony a few minutes ago from representatives who suggested that part of the problem is that many highly qualified, well-trained females and African Americans have other options and that there's competitiveness in terms of where people go. We heard testimony about people leaving and going out and earning two, three times more than they would have been earning in the agency or more than what the director earns.

Do you think there is a pool of qualified individuals who work for the Government who could move up to these ranks?

Ms. JONES. Chairman Davis, I definitely think there is a highly qualified pool that exists currently in the Government and outside the Government.

The statements that the previous panelist made in that regard I hear all the time. I recruit for GAO, and I strongly disagree with that statement. There are highly qualified African Americans and other minorities who want to be dedicated public servants. Of course there are going to be highly qualified candidates that will choose the higher-paying jobs over public service, but there are just as many who would forego those salaries and work here, just as I do.

Mr. DAVIS OF ILLINOIS. Lieutenant Malloy, based upon your analysis, if things don't change, most of us would probably be gone by the time there is some serious movement within the ranks of the Capitol Police.

You made some recommendations and some suggestions that I certainly find intriguing and concur with, but do you think that there's anything else that could be done on the recruitment end that would assist in the upward movement of individuals within the department?

Ms. BLACKMON-MALLOY. Yes, that's correct. I think currently—I met with Assistant Chief Nichols before I left the force, and that was one of the issues that we had raised. And they are working to make improvements in that area as we speak. So there is something in place; it just has to actually be implemented.

Mr. DAVIS OF ILLINOIS. How do you feel about this notion of panels where at least there are representatives from the most affected minority groups being on the panel that make recommendations?

I have friends who are police officers, and many of them can't get sergeant because the supervisor won't recommend them. I have one friend who's got a doctorate's degree who is just frustrated to death because he can't get beyond the rank of patrolman in the Chicago Police Department, because he can't get a recommendation from his supervisors for merit selection to move up to the ranks of sergeant. I mean, I haven't been able to figure it out. I interact with him quite frequently. He seems to be a pretty intelligent guy. He's about 50 years old, you know, about as responsible as you can get. But he has a doctorate's degree and can't make sergeant in the police department.

So how do you feel about this notion of individuals on panels?

Ms. BLACKMON-MALLOY. Yes, in response to your question, with our agency I think for the last 6 years we've used outside agencies as far as promotion process for sergeants and lieutenants. And we do have outside panels who are a diverse group, so we have accomplished that mission without our ongoing efforts to effect change.

But once you get past the rank of lieutenant, that rank, which is underrepresented by African American women—it currently has three White females and one Hispanic—the problem we are facing now is we do have an outside promotion process company comes in. Then there's a two-part process. There's an oral review panel, and then after which there's an evaluation. But in the evaluation period you have your same supervisors that you work with sitting on the panel. So that's another hurdle we have to work to overcome.

We support outside panels 100 percent, and it has been effective over the past 6 years or so. But when we get behind the rank of lieutenant, then we're back to square one again, because the agency is involved in making the decisions, and they are your supervisors. And that clearly should not be acceptable in 2007.

Mr. DAVIS OF ILLINOIS. Let me ask each one of you—and perhaps this might be my last question. How important a role do you think that subjectivity ought to play in the movement of individuals from one level of employment to the next level? Is subjectivity a major factor or does it play a major role, in your mind.

Mr. BRANSFORD. Mr. Chairman, what my experience has taught me is the higher you go in Government, the more subjectivity comes into the process. And I don't think it can be eliminated completely.

But I was somewhat stunned to learn that written comments at GAO were eliminated and that there is a problem with accountability. I think most of my experience, particularly at the executive level or the GS-15 level, in performance appraisals there are comments, there are justifications for them. And I think that even though subjectivity comes into it, there needs to be some accountability, some way to judge whether that subjectivity that is being exercised is reasonable.

Mr. DAVIS OF ILLINOIS. Ms. Jones.

Ms. JONES. I agree with Mr. Walker that, in our system, there has to be some level of subjectivity because we don't make widgets, so you just can't count productivity in that manner.

Where I disagree with the agency is in their oversight. Our agency believes it has some oversight over the appraisal process, but it is obviously somewhat broken. So there needs to be more management oversight and sufficient controls in place to ensure that there's equity in rewarding and recognizing staff through these appraisal scores but also in ensuring that they have opportunities to be on the jobs at GAO that are more highly valued.

Mr. DAVIS OF ILLINOIS. Lieutenant.

Ms. BLACKMON-MALLOY. Yes, I think I can speak for the majority of the agency employees when it comes to subjectivity. We all agree that is going to be with us, but if there is no documentation to support what you are saying, then we are back to square one again, where we are bringing in our own biases.

But if there is a process in place and you can clearly the document why this person shouldn't receive A, B, C, or D, and it is documented and it can be articulated as such, then, yes, we will support it. But anything different than that, then there's going to be problems.

Mr. DAVIS OF ILLINOIS. Well, let me thank all of you for being here, for participating and for your testimony and for your answers.

I can't help but be struck by the testimony that you were giving when I came in. And it reminded me when there was an effort to abolish slavery, and every time somebody would come up with a good plan, there would be a lot of buts about it, a lot of things that could happen, until finally Frederick Douglass got a little agitated and suggested that there were those amongst us who would profess a love for freedom but yet deprecate agitation. And he was of the

opinion that when we do that, it means that we want the rain without the thunder and the lightening.

And so I guess in some instances we want to make sure that we have a diverse work force, but we don't want to do anything different than what we've been doing all along. Or we want individuals to feel like they can rise to the top based upon merit, based upon preparation, based upon hard work, but somehow or another they just never get there.

Well, I can assure you that this committee intends that there be some movement on this issue, certainly during the time that I'm chairman of it.

And it's agonizing, quite frankly. I have seen personally so many instances of discrimination. I have seen some of the brightest people that I've ever encountered be stymied, because they just reached the point of knowing that, in that particular situation, they will never be able to go beyond a certain level. And so, they are never able to experience the fulfillment of the American dream or the notion that to every man and every woman is chance, is golden opportunity to become whatever his manhood, womanhood, talent and ambitions combined to make him or her. That's sort of the promise of America.

And so, we appreciate all of you helping us, hopefully to move in the direction of that promise. It's been a good hearing.

I want to thank our staff for their staff work.

Thank all of you for being here.

And this meeting is adjourned.

[Whereupon, at 4:42 p.m., the subcommittee was adjourned.]

