

**STATEMENT OF
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**Regarding Oversight of the January 6th Attack:
Review of the Architect of the Capitol's Emergency Preparedness**

Committee on House Administration, U.S. House of Representatives

May 12, 2021

Introduction

Chairperson Lofgren, Ranking Member Davis and members of the Committee, I am pleased to submit this testimony regarding oversight of the January 6th Attack: Review of the Architect of the Capitol's (AOC) Emergency Preparedness.

On January 6, 2021, rioters stormed the U.S. Capitol in an attempt to prevent the U.S. Congress from counting Electoral College votes and formalizing President Joe Biden's election. Subsequently, the Capitol campus was locked down while congressional members and their staff were evacuated or sheltered-in-place as rioters occupied and vandalized the Capitol building for several hours. The events of January 6th resulted in several congressional hearings, which, not all inclusive, included testimonies from the Acting Chief of Capitol Police, the Acting Sergeant at Arms for the U.S. House of Representatives and the Architect of the Capitol. The dominating theme of the hearings was how the events were permitted to happen and how to prevent a similar catastrophe from unfolding in the future.

On January 14th, the AOC Office of Inspector General (OIG) announced plans to initiate a Joint Oversight Project examining the events that occurred at the U.S. Capitol on January 6, 2021. The project would involve resources from the OIG's Investigations, Audits, and Inspections and Evaluations divisions. The objective of the joint project was to determine the effectiveness and integrity of the AOC's security and internal policies, procedures, and practices and provide an independent evaluation of the same.

This announcement also issued a hold notice to the AOC to immediately preserve all materials in its possession and control that constituted or related to a request for information surrounding the events of January 6th. The requested materials included all documents, records, agreements, drafts, data (including electronic data), correspondence, notes, emails (including emails on a computer or personal digital assistant), whether official or unofficial, that may have been relevant to the planning for or execution of response activities on the day of the riots. Our request for information often ran into road blocks as some of the security information, although in the possession of the AOC, was the property of the U.S. Capitol Police Board (Board), of which the Architect is a voting member. New requests for information were drafted, submitted to the Board, including the Architect, and ultimately were received via the Architect's office. This delayed our reporting by several weeks.

While the AOC OIG Audit and Inspections and Evaluations Divisions combed through the data received, our Investigations Division aided other law enforcement agencies assigned to investigate January 6 events by providing referrals our office received from tips about those who may have participated in the riots. Our investigators also assisted other law enforcement entities liaise with the proper AOC personnel to aid in their respective investigations.

Once all data requests were received and reviewed, the OIG divisions began to develop plans for independent assessments that would identify critical security and safety gaps and provide impactful recommendations that would mitigate the risk of another such event in the future. We implemented an agile process for our flash reporting series in an effort to provide the Architect and the Congress with timely, independent assessments for needed improvements and information. These independent assessments are not audits; therefore we did not perform procedures in accordance with Generally Accepted Government Auditing Standards. This reporting process reduces the reporting time of traditional Audits and Evaluations by approximately two-thirds while providing impactful and focused information summaries to key stakeholders.

Evaluation of the Architect of the Capitol's Emergence Preparedness Posture

The first report in our flash report series revisited our previous evaluation report, the [*Evaluation of the Architect of the Capitol's Emergency Preparedness Posture*](#) that we had worked on for seven months prior to January 6 concerning the AOC's emergency preparedness posture. We initially started work in this area because the AOC's emergency preparedness posture had registered "high" twice on the Inspector General's agency wide risk assessment conducted by our contracted Independent Public Accounting firm, Kearny and Company. Our objective for this evaluation was to determine the effectiveness of the AOC's emergency incident drills, exercises and training in accordance with the AOC Base Emergency Action Response Plan (EARP). This evaluation also included a limited review of the AOC's response efforts to the COVID-19 pandemic. The final product of this evaluation report was released in February 2021, and was in the hands of the Architect and his staff for review in December 2020. We also held an exit conference in December 2020 to brief the results of this evaluation and our recommendations to the Architect and his staff.

Based on our evaluation, we found that the AOC emergency incident drills, exercises and training were generally effective with minor gaps in policy, training preparation and exercise evaluation activities. We also noted that the AOC's efforts to prepare for, respond to and recover from the COVID-19 pandemic allowed for efficient and sustained operations across the Capitol campus. However, AOC organizations' preparation and participation in multi-jurisdictional emergency management training was not always consistent and the AOC lacked a standardized emergency management training evaluation process. We also found that the AOC organizational EARPs were not consistently updated nor were they aligned with the AOC Base EARP in policy structure and guidance. Taken altogether, our report recognized these important factors that created gaps in safety and security on January 6. This report made the following eight recommendations, which the AOC concurred with:

- 1) The AOC organization leaders in coordination with the AOC organization head responsible for Emergency Management, implement a quarterly review and validation process to ensure the appropriate emergency management personnel are designated to fully represent and communicate jurisdiction interests for planning and participation in AOC emergency management exercises;
- 2) The AOC organization head responsible for Emergency Management, perform a feasibility study to consider the development and implementation of a quarterly AOC Emergency Management Training Program to train and educate AOC executive leaders and organizational emergency management personnel on critical emergency management functions, emergency management responsibilities and emergency incident management systems;
- 3) The AOC organization head responsible for Emergency Management in coordination with AOC Training and Employee Development, develop and implement a standardized AOC emergency management training evaluation process for all AOC organizations;
- 4) The AOC organization leaders in coordination with the AOC organization head responsible for Emergency Management, designate appropriate personnel to review and update the organizational EARPs and Base EARP to synchronize alignment of policy structure, content and application guidance;
- 5) The AOC organization head responsible for Emergency Management in coordination with AOC organization leaders, implement a standardized timeline for periodic review of emergency management policies and procedures to improve means of tracking and sustaining these efforts;
- 6) The AOC organization head responsible for Emergency Management in coordination with AOC organization leaders, designate appropriate personnel to continue to monitor, review and update the AOC Pandemic Plan and organizational EARPs in accordance with emerging federal guidelines and medical best practices;
- 7) The Chief Administrative Officer (CAO) in coordination with the AOC Return to Work Tiger Team, continue to develop and update AOC policies and operational related changes in accordance with emerging federal pandemic legislation; and
- 8) The CAO, perform a feasibility study to consider the purchase and maintenance of an emergency stockpile of Personal Protective Equipment and cleaning supplies beyond the standard on-hand levels for the AOC.

Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event

Emergency preparedness has many layers and our prior work focused on preparedness at a single point in time with specific objectives as previously mentioned. After January 6, my office decided to review the emergency preparedness training and drills the AOC was concentrating on and developing. Likewise, we wanted to focus on what training was lacking in order to keep the campus prepared and expertly drilled for the appropriate threat response. Thus, we produced the independent assessment [*Flash Report Series – Architect of the Capitol’s Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event*](#).

Prior to the events at the U.S. Capitol on January 6, 2021, the AOC Base EARP, dated April 2, 2018, served as the framework and baseline guidance for AOC emergency management policies

and procedures. Our Flash Report determined that the AOC lacked updated emergency management policies and procedures for active shooter, workplace violence, protestors and contained limited information on emergency actions in response to a riot or civil disturbance. One notable delay in the update of emergency management policies was the October 2020 AOC organizational realignment initiative that resulted in the transference of the Emergency Management Program from Safety and Code Compliance to the current Office of the Chief Security Officer (OCSO). The AOC Emergency Management Coordinator commented that new and updated emergency management policies, procedures and initiatives were provided to the OCSO for review in October 2020 and were still under review following the January 6 events. Our report noted that timeliness in policy review and revision remain a critical component in the emergency management framework along with mitigation strategies to ensure a well informed and well-prepared organization. Outdated emergency management policies and procedures have the potential to cause inconsistencies in protective actions and wasted response time during an emergency incident, which we believe occurred in some instances during the January 6 breach of the U.S. Capitol.

Even more concerning was that the AOC conducted limited virtual emergency management training in 2020 and the planned training, specifically drills and exercises, was inadequate because it failed to address active shooter, workplace violence, protestors and civil disturbances. COVID-19 limited the AOC's ability to conduct in-person and live training drills and exercises in 2020 because of the reduced Capitol campus presence. However, looking back before the COVID-19 pandemic it was found that the AOC's planned emergency preparedness training and exercises largely focused on natural disasters and not man-made disasters, with the last shelter-in-place drill conducted in February 2019 based on a weather related scenario. In addition, an aircraft intrusion (or AIRCON) drill planned for Mid-March 2020 was canceled, citing COVID-19 concerns.

The acting U.S Capitol Police (USCP) Chief told lawmakers on March 3, 2021, that threats against members of Congress have nearly doubled in the past year. She said there has been a 93.5 percent increase in threats to members in the first two months of 2021 compared to the same period last year. Additionally, she noted that threats have more than doubled overall by about 119 percent from 2017 to 2020, with most suspects living outside the Washington region. The AOC should have adjusted their threat risk training based on the highlighted indicators given that the likelihood of active shooter, shelter-in-place, evacuations, civil disturbances and workplace violence steadily increased.

When interviewed concerning this lack of specific training, AOC emergency management leaders commented that the Legislative Branch Organizations (LBOs) do not conduct all-inclusive joint exercises. Often, Life-Safety drills involve one or the other side of the campus and coordination of these drills is extremely difficult. Threats to Congressional members, the AOC workforce and other LBOs can come at anytime and anywhere in and around the Capitol campus. Additionally, Life-Safety drills are important to ensure the proper working condition of safety equipment, identify the need for replacement of expired or uninspected equipment and also ensure users have familiarity with the equipment in the case of evacuation, shelter-in-place or active shooter scenarios.

In March 2021, Congressional representatives introduced a bill that would require lawmakers and staff in the House to take emergency preparedness training focused on emergency equipment like escape hoods, egress routes, emergency alerts and safe haven locations. This proactive step by Congress is applauded and will address a part of Congress's preparedness for Life-Safety incidents.

To this end, our *Flash Report Series – Architect of the Capitol's Emergency Preparedness Ahead of the January 6, 2021 U.S. Capitol Event* made four recommendations to the AOC to address the remaining gaps and deficiencies. We recommended:

- 1) The Chief Security Officer in coordination with AOC organizational leaders, review AOC organizational Emergency Management Policies, develop and implement standardized emergency incident procedures to address active shooter, workplace violence, protestors and civil disturbances;
- 2) The Chief Security Officer in coordination with the Board, review AOC protective actions to determine if current protective action definitions and categories are sufficient for emergency incident responses;
- 3) The Chief Security Officer in coordination with AOC Training and Employee Development, review the AOC Emergency Management training and exercise program, develop and implement AOC training and exercise curriculum to address active shooter, workplace violence, protestors and civil disturbances; and
- 4) The Chief Security Officer in coordination with the Emergency Management Task Force LBO's (Emergency Management Divisions of House Sergeant at Arms, Senate Sergeant at Arms, Library of Congress, USCP and AOC) develop a quarterly, integrated training and exercise program to address active shooter, work place violence, protestors and civil disturbances for the AOC, and all other LBOs that work and serve inside the Capitol campus.

The last recommendation requires coordination from other entities of which the AOC OIG does not have oversight, but we feel it is imperative that these entities coordinate, collaborate and communicate, should there be another incident requiring evacuation, shelter-in-place, active shooter response, or civil disturbances. These drills executed together are the only way to eliminate confusion and increase the likelihood of successful life and safety response by the occupants.

Our recommendations in this report are intended to promote the life and safety of the occupants working on the Capitol campus in accordance with The Congressional Accountability Act of 1995, which notes regulations that govern emergency evacuation procedures and emergency response training, are applicable by extension to the legislative branch. While none of the actions recommended would have prevented the breach of the Capitol building, the policy implementation, training, drilling, collaboration and coordination certainly would have lessened the panic, confusion and aided in the evacuation and safety and security of those inside.

Flash Report Series - Independent Assessment of the Architect of the Capitol's Role in Securing the Capitol Campus for Large Public Gatherings

Our second Flash report released May 5, 2021, entitled [*Flash Report Series - Independent Assessment of the Architect of the Capitol's Role in Securing the Capitol Campus for Large Public Gatherings*](#) offers recommendations and suggested legislative changes that could have hampered or prevented the breach from happening if they were in place prior to January 6. We made six recommendations in this report to include:

- 1) The AOC coordinate with legislative stakeholders to draft legislation that would incorporate the following:
 - a. add the AOC OSCO to an advisory or consultative role to assist in the plans and execution of securing the Capitol campus for large public gatherings, and
 - b. require communication, coordination and collaboration between the AOC, Board and USCP;
- 2) The AOC OSCO coordinate with the USCP to draft a memorandum of agreement to support the roles, responsibilities and services required for preparation and execution of the perimeter security plans for large public events;
- 3) The AOC OSCO establish well-defined policies and procedures with a preparation checklist for jurisdictions based on the severity of threat that provides clear guidance on execution of support activities related to coordination, mobilization, de-mobilization, asset protection and reporting of activities associated with special events across the Capitol campus;
- 4) The AOC coordinate with the Board and legislative stakeholders to evaluate the overall focus on campus security, and reevaluate the responsibilities for design, installation and maintenance of the Capitol campus security systems and determine who should execute those responsibilities;
- 5) The AOC Office of the Chief Security Officer hold a security briefing with AOC senior leadership for each event, which highlights the security threats and risks identified during their monitoring and received from coordinating agencies along with the AOC's approach to manage such risks and instructions for jurisdictions to execute the developed preparation checklist; and
- 6) The AOC inform the USCP of the deferred security maintenance work elements prior to large public gatherings and events on the Capital campus.

During this assessment of the AOC's role in securing the Capitol campus for large public gatherings, we found the AOC has an important role only in the execution of operations to secure the Capitol campus for large public gatherings, to include concerts, presidential inaugurations and First Amendment demonstrations. However, the AOC's role and responsibilities for the preparation of security plans for large public gatherings at the Capitol building is limited. The AOC's role and responsibilities in securing the Capitol campus during large public gatherings has been to serve primarily in a support only function. The OCSO have been in a customer support role to the Board and USCP versus an active peer and contributing member involved with the communication, coordination and collaboration to secure the Capitol campus. It also appears that the Architect's role on the Board has been disregarded for matters of campus security for large public events. Communication, collaboration and coordination by all members

of the Board and its respective agencies could prove to be beneficial in fortifying the security and resilience of the Capitol campus during large public gatherings.

The AOC's OCSO Facility Maintenance Division (FMD) is responsible for the execution of the security infrastructure for all events on the Capitol campus. The FMD only operates in a support function to the USCP by providing security, safety and crowd control elements, to include jersey barriers, bike racks, fencing and tents as authorized by the USCP on the perimeter security plan. The FMD executes the implementation of the security infrastructure as governed by a perimeter security plan created and owned by the USCP. The security plan provided by the USCP to the FMD usually includes a map drawing of the grounds that notates the equipment needed and its placement.

We noted that there is currently no memorandum of understanding or service level agreement between the AOC and the USCP that supports services or coordination, nor are there formal OCSO policies and procedures that govern how the staff executes the perimeter security plans.

Instead, the USCP's Security Service Bureau notifies the FMD via secure email of an upcoming event. The email should include an approved perimeter security plan and timeline for deployment of security elements. The FMD forwards the plan and timeline to other AOC stakeholders that may be needed to support the request or be informed on how the plan may affect their jurisdiction, to include the Chief Security Officer, OCSO Resilience and Security, Capitol Grounds and Arboretum, U.S. Botanic Garden, and AOC Capitol building Superintendent's Office. The FMD will then work with the Consolidated Facility Management contractor to obtain pricing for the required equipment.

As previously noted, AOC's role in the preparation of the perimeter security plan for large public gatherings is limited. The AOC has little to no role in developing the security plan. Through discussions with the OCSO staff, we found that most recommendations or concerns raised by the staff and conveyed to the USCP are mostly dismissed. OCSO states that USCP routinely reminds OCSO staff of their role as support, as prescribed by legislation, and not law enforcement; therefore, to consider their opinions, recommendations and/or concerns as it relates to a perimeter security plan is not required.

In 1995 and 1996, Congress enacted new legislation, 2 USC §1964 and §1965, that transferred the AOC's responsibility for design, installation and maintenance of security systems for the Capitol buildings and grounds to the USCP. According to this legislation, the AOC only approves alterations to structural, mechanical or architectural features of the Capitol buildings and grounds required for a security system. According to AOC staff, this legislative change has created limitations on the AOC's ability to support its mission to preserve The U.S Capitol. A culture exists wherein the AOC operates in a supporting capacity and has no authority to contribute to the design and/or preparation of a security plan unless directed by the Board under administrative support for the Architect.

As previously noted, the Architect is a voting member of the Board. As a member of the oversight board for the USCP, a law enforcement agency, the Architect should be an active member in the oversight of the USCP's responsibilities to safeguard the Congress, members of

Congress, employees, visitors, and congressional buildings and grounds from crime, disruption and terrorism. The USCP protects and secures Congress so it can fulfill its constitutional and legislative responsibilities in a safe, secure and open environment and it must communicate, coordinate and collaborate with the AOC to secure and maintain the Capitol campus and its members.

According to AOC staff and confirmed via recent testimony by the Architect and Acting Chief of Capitol Police, the perimeter security plans and security concerns for large public gatherings are generally not shared or approved by the Board. Consequently, the Architect is not officially informed as a Board member on the security plans and safeguards in place at the time of these events. We perceive this as a significant limitation.

The Architect, as the head of the AOC and voting member of the Board, has the authority, knowledge and the capacity to provide significant value to the oversight of securing the Capitol campus during large public events. The AOC's OCSO is staffed with expertise in the fields of civil engineer readiness, antiterrorism/force protection, emergency management, operations security, physical security, critical infrastructure risk management, law enforcement, homeland security, and security engineering architecture and design. Incorporating the OCSO staff into the preparation of perimeter security plans and the resolution of any security concerns through either: 1) the administrative support provided to the Architect as a member of the Board; and/or 2) through the execution support provided to the USCP, could add immense value in effectively and efficiently securing the Capitol campus. Specifically, participating in the preparation of security plans, being informed of pertinent security information and having the ability to provide feedback, would allow OCSO to notify AOC's leadership of the expectations of the event and any security risks; issue timely orders to stop construction projects, secure construction and maintenance materials, equipment, tools and scaffolding; and ensure appropriate staff is available to support the event and communicate any security concerns to appropriate AOC officials.

The events of January 6 at the U.S. Capitol demonstrated that increased communication, coordination and collaboration between the Board and the AOC is required. According to the Architect's testimony and OCSO staff, the official security posture for the Joint Session of Congress was that there were no credible threats. Although understaffed with a Deputy vacancy and collateral duties managing COVID-19 protocols and policies over the last year, the Chief Security Officer and the OCSO staff were monitoring open source reporting, social media, information reported by D.C. Government and AOC Legislative and Public Affairs leading up to January 6. There were reports and social media posts of threats of violence by several opposed groups, threats including use of weapons and how to bring weapons and ammunition into the area, plans to create mob violence to draw law enforcement to certain areas and mimicking the dress of counter protestors to allow the opposed groups to spread across the area and cause damage. The OCSO shared information with the USCP, and were told by the USCP that there were no credible threats.

In an effort to secure the Capitol campus, the OCSO took it upon themselves to hold a security briefing with AOC senior leadership on January 5, which highlighted the security threats and risks identified during their monitoring along with the AOC's approach to manage such risks.

The AOC efforts to manage the heightened security risks included extending the work stoppage period, performing ground sweeps, placing blood borne pathogen teams and teams to address graffiti on standby, extending hours of the OCSO point of contact within the USCP command center, pre-positioned staff to an off-site facility and advised the Architect to work from home, for continuity of operations; and instructed AOC staff to make adjustments to their normal work habits, to include: 1) awareness of surroundings and to report any suspicious activities to the USCP; 2) use tunnels and internal walkways when possible; 3) ensure all AOC vehicles were locked; 4) secure all equipment, tools and materials when not in use; and 5) to avoid the demonstration area.

In our assessment, the independent actions of the OCSO most likely contributed to a better prepared AOC as well as the safety of AOC personnel and minimized damage to the Capitol building. According to the Architect's testimony, the AOC was able to immediately commence cleanup and repairs to approximately \$2.5 million in damages, which enabled the AOC to return the Capitol building to working order by that evening so the Congress could continue to certify the election.

Heroic acts of other AOC staff members, who through their presence, quick thinking and actions, assisted with sheltering congressional staff in their shops to protect them from the insurgents, reversed the airflows within the building to help clear the air of chemical irritants, like bear repellents and pepper spray, and provided bottles of water and eye wash stations to USCP officers in need of assistance. The move by AOC staff to reverse the airflow within the Capitol speaks volumes to the importance of the USCP coordinating with the AOC personnel who know and maintain the systems of the Capitol building, prior to large public gatherings. The order to reverse airflow may have never been made had this proactive action by AOC staff been dependent on USCP authorization due to their unfamiliarity with the HVAC systems.

Lastly, it is the opinion of the AOC staff that there should be some consideration in returning the responsibilities for design, installation and maintenance of security systems for the Capitol campus back to the AOC. The AOC has dedicated trained staff to: 1) perform the design and installation of security systems; 2) develop program goals and timelines for completion; and 3) ensure the performance measures linked to those program goals are included in AOC strategic plans for security. AOC staff interviewed concluded that Capitol campus security infrastructure could be enhanced by focusing more on "force protection" rather than law enforcement.

Force protection is a military term used to describe preventive measures taken to mitigate hostile actions in specific areas or against a specific population, while law enforcement may primarily focus more on enforcing the laws and public safety. In coordination with the Board and legislative stakeholders, the AOC should evaluate the overall focus on campus security given recent events, and reevaluate the responsibilities for design, installation, and maintenance of the Capitol campus security systems and determine who should execute those responsibilities.

During our overall assessment of the events of January 6, the AOC OIG obtained the listing of all maintenance requirements, which remained deferred on January 6. Deferred security

maintenance alone totaled \$144.1 million. Due to the frequency of large campus gatherings and events, and the possibility of these events devolving into violence, these deferred security maintenance issues should be funded in entirety and placed at the highest priority level above all others to repair and/or maintain. Those security features maintained by the AOC that are malfunctioning, under repair or remain deferred should be reported to the USCP and security personnel to ensure adequate preparation in the face of potential vulnerabilities.

Although the AOC is not a law enforcement entity and it is agreed the Architect should not have tactical input for law enforcement matters, the Architect is responsible for the maintenance, construction, preservation and security of the Capitol campus and should have input to carry out that role. Additionally, AOC staff are the experts for the Capitol campus infrastructure. An increased sharing of information by both the Board and the USCP would allow the AOC to better plan, prepare and protect the AOC staff and the costly assets in their care. It would be beneficial to confer with AOC experts to understand the infrastructure and facilities in order to implement effective protection measures. To this end, Capitol campus law enforcement agencies should communicate, coordinate and collaborate with the OCSO experts when preparing perimeter security plans for every large public gathering and event.

Conclusion

A significant concern identified within each of the flash reports highlights a lack of communication and coordination amongst the many entities working across the Capitol campus. Although each entity has specific roles and expertise, it is necessary for all of these experts to come together and collaborate to ensure that the Capitol campus is a more secure and safe place to work and conduct the nation's business.

Thank you for the opportunity to address the committee. I look forward to answering your questions.