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United States Government

MEMORANDUM

DATE: April 25, 2022

TO: Brett Blanton, P.E.,
Architect of the Capitol

FROM: Christopher P. Failla, CIG 
Inspector General

SUBJECT: ***Correction*** to the *Flash Report Series - Independent Assessment of the Architect of the Capitol's (AOC) Role in Securing the Capitol Campus for Large Public Gatherings* (Report No. OIG-AUD-2021-03); and

Termination of the Independent Assessment of the AOC's Progress on the Backlog of Security Related Deferred Maintenance Projects Subsequent to the Events of January 6 (2022-AUD-003-O)

The purpose of this memorandum is to issue a correction for the prior *Flash Report Series – Independent Assessment of the AOC's Role in Securing the Capitol Campus for Large Public Gatherings* (Report No. OIG-AUD-2021-03) issued May 5, 2021; and to terminate the independent assessment of the AOC's progress on the backlog of security-related deferred maintenance projects subsequent to the events of January 6 (2022-AUD-003-O), announced February 1, 2022.

Background

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. On January 14, 2021, the Office of the Inspector General (OIG) announced plans to initiate a Joint Oversight Project examining the events that occurred at the U.S. Capitol on January 6. 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. Our independent assessments are a product of the research conducted from the joint project and congressional inquiries.

In response to a congressional inquiry received on January 12, 2021, related to the events of January 6, the OIG requested the following information from the AOC on January 25, 2021:

1. A detailed listing of the AOC's deferred maintenance by jurisdiction
2. A detailed listing of the AOC's deferred maintenance that would relate to the AOC's or the U.S. Capitol Police's (USCP) security requirements by jurisdiction

On February 3, 2021, the OIG received the following response from the AOC:

A detailed listing of deferred maintenance by jurisdiction as of the fiscal year 2020 annual reporting period is contained in the attachment. Deferred maintenance is defined as maintenance or repair work on existing facilities and infrastructure that is past due and is already detrimentally affecting the building or facility in question. “Detrimentially affecting” can occur in a variety of ways to include the deterioration of a Heritage Asset to the outright inability to use a building or some portion thereof as intended and needed. Deferred maintenance is surveyed as part of the facility condition assessment program and represents part of the agency’s backlog.”

For the deferred maintenance relative to security requirements, “The AOC is unable to provide the requested information because the release of security-related information is controlled by the Capitol Police Board and the U.S. Capitol Police pursuant to 2 U.S.C. § 1979.

On February 8, 2021, the OIG sent a follow up request to the members of the Capitol Police Board (CPB), to include the Architect, requesting “a detailed listing of the AOC’s deferred maintenance relative to the AOC’s or USCP’s security requirements by each jurisdiction.” In response to our request, the AOC sent the following response on March 1, 2021:

This responds to your February 8, 2021 letters submitted individually to the Capitol Police Board (Board) members regarding the events of January 6, 2021 (events). The Board has authorized the Architect of the Capitol (AOC) to provide the following pursuant to 2 U.S.C. § 1979:

- *List of the AOC's deferred maintenance. The AOC's deferred maintenance was previously provided to the Office of the Inspector General (OIG) on February 2, 2021. Attachment (1) contains the list of the unfunded requirements in support of the U.S. Capitol Police (USCP) or security-related requirements*

Based on the information provided by the AOC, our *Flash Report Series – Independent Assessment of the Architect of the Capitol’s Role in Securing the Capitol Campus for Large Public Gatherings* (Report No. OIG-AUD-2021-03) reported the following as Other Matters:

“During our overall assessment of the events of January 6th, the AOC OIG obtained the listing of all maintenance requirements, which remain deferred on January 6th to include deferred security maintenance totaling \$144.1 million. Due to the frequency of large campus gatherings and events, and the possibility of these events evolving into violence, these deferred security maintenance issues should be funded and placed at the highest in 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.”

As a follow up to our *Flash Report Series – Independent Assessment of the AOC’s Role in Securing the Capitol Campus for Large Public Gatherings*, on February 1, 2022, we announced an independent assessment of the AOC’s progress on the backlog of security-related deferred maintenance projects subsequent to the events of January 6. The objective of the independent assessment was to assess the AOC's progress in reducing the backlog of the security-related deferred maintenance projects subsequent to the events of January 6.

Correction to the Flash Report Series – Independent Assessment of the AOC’s Role in Securing the Capitol Campus for Large Public Gatherings (Report No. OIG-AUD-2021-03)

During the planning phase of our independent assessment of the AOC’s progress on the backlog of security-related deferred maintenance projects subsequent to the events of January 6, we found that the Other Matters section of this flash report contained inaccurate information. The AOC provided a list of unfunded security requirements¹ in response to our request for a detailed listing of the AOC’s deferred maintenance related to security. After several interviews with AOC staff and a follow up request for an updated list of security-related deferred maintenance, we found that the list provided in our previous assessment (AOC’s Role in Securing the Capitol Campus for Large Public Gatherings) was for unfunded security-related requirements, not existing facilities, and infrastructure unfunded security-related deferred maintenance.

The AOC stated that deferred maintenance and unfunded requirements are not synonymous. Per the AOC, an “unfunded requirement is an identified requirement that is not included or funded in the annual budget program and execution plan. Some requirements are not always known at the beginning of a fiscal year. In these circumstances, these unfunded requirements are identified, tracked and possibly added to subsequent budget planning cycles for execution.”

According to the AOC, the agency does not have any security-related deferred maintenance. The AOC did not disclose this information to us during the assessment, which led to inaccuracies in the report. In addition, we provided the AOC the draft report on April 15, 2021, for a review of the accuracy, tone, context or any technical irregularities within the report. The AOC’s response on April 23, 2021, stated, “We did not have any comments/changes to the technical content.”

Due to the inaccurate information identified, the Other Matters and Recommendation section within the report is revised as follows:

Corrections

Other Matters

During our overall assessment of the events of January 6, the AOC OIG obtained a listing of all deferred maintenance and unfunded security projects, which remain deferred and unfunded as of January 6. Due to the frequency of large campus gatherings and events, and the possibility of these events devolving into violence, security maintenance projects should be funded and placed at the highest in priority level above all others for repair and/or maintenance. Any security features maintained by the AOC that malfunction or are under repair should be promptly reported to the USCP and security personnel to always ensure adequate preparation for large campus gatherings and events.

Recommendation 6

¹ Unfunded Security/USCP Projects

We recommend the AOC inform the U.S. Capitol Police of any security maintenance work elements prior to large public gatherings and events on the Capital campus.

Termination of the Independent Assessment of the AOC's Progress on the Backlog of Security related Deferred Maintenance Projects Subsequent to the Events of January 6 (2022-AUD-003-O)

As a result of the revised information and statements provided by the AOC during the planning phase of this assessment, we determined that the scope of the objective was no longer valid. The objective was to assess the AOC's progress in reducing the backlog of the security-related deferred maintenance projects subsequent to the events of January 6. As previously noted, in response to our prior assessment request for a detailed listing of the AOC's deferred maintenance relative to the AOC's or USCP's security requirements, the AOC provided a list of unfunded security projects.

Consequently, the OIG terminated the independent assessment on March 14, 2022.

We appreciate the courtesies extended to the staff during our assessment. If you have any questions or comments, please contact Erica Wardley, AIGA, at erica.wardley@aoc.gov or 202.215.3395; or Paul Braxton, Lead Auditor, at paul.braxton@aoc.gov or 202.449.2740.

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