

TURNING AN IDEA INTO LAW: MODERNIZING
THE LEGISLATIVE PROCESS

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TURNING AN IDEA INTO LAW: MODERNIZING THE LEGISLATIVE PROCESS

THURSDAY, APRIL 28, 2022

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS,
Washington, DC.

The committee met, pursuant to call, at 10:08 a.m., in Room 210, Cannon House Office Building, Hon. Derek Kilmer [chairman of the committee] presiding.

Present: Representatives Kilmer, Cleaver, Phillips, Williams, and Timmons.

The CHAIRMAN. All right. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for 5 minutes for an opening statement.

Thanks, everybody, for your patience as we dealt with technical difficulties. I have often joked that the name “the Select Committee on the Modernization of Congress” makes us sound like we are the IT help desk, and today we actually needed the IT help desk. And I thank our staff for figuring out the technology.

I have really been looking forward to this hearing, because turning ideas into laws is at the core of what Congress does. It is where Members get to combine their representative and lawmaking roles by giving their constituents a voice in the policymaking process.

I think Schoolhouse Rock got it right when the little bill on Capitol Hill explained it started as an idea from folks back home who decided they wanted a law passed. Of course, not all ideas for bills come from our constituents, but, in my experience, some of the most meaningful ones do.

Every Member can tell you a story about a great idea that they got from a constituent and why that idea should be law. And I love those stories because they perfectly exemplify what we are here to do, which is to represent the views of the folks who we serve.

While the ideas I get from my constituents are sometimes unique to the district I represent, there is often a thread that connects the idea to issues that span districts across the country. A great example is the Building Civic Bridges Act, which is a bipartisan bill I recently introduced, which now has 10 Republicans and 10 Democratic cosponsors, including Mr. Timmons and Mr. Phillips. And it came from events in my district.

We had a series of horrific attacks against faith-based institutions in our region, and an interfaith group came together for the purposes of fostering understanding and building community.

And, after a conflict surfaced at a local YMCA, a group of community leaders joined forces to help build understanding across differences. And those groups sought resources from the Federal Government to support their bridge-building efforts but were told resources for this kind of work didn't exist.

And, when that was brought to my attention, I wondered why our government supports this kind of work in other countries but not here at home. That didn't make sense to me, and so my staff and I dug into it and tried to figure out what we could do to help.

And, working with constituents back home and some partner organizations who lead in the civic bridge-building space, we actually came up with the Building Civic Bridges Act, which would establish the Federal Government as a key partner in the deliberate effort to bridge divides and strengthen American democracy.

Groups are doing this important work in districts nationwide, so an idea that originated in Washington's Sixth Congressional District with some conversations with constituents has the power to resonate with constituencies from coast to coast, and I think that is pretty amazing and a powerful testament to how representative democracy is supposed to work.

Ideas are the sparks that ignite the legislative process. That is the fun part, but what comes next can sometimes be confusing and frustrating. Ideas need to be drafted into legislative text. Bills have to be assigned numbers and printed and introduced, referred to committee and referred to the floor. Every step of the way, different House offices and support agencies are involved to ensure that the bill text is accurate and accessible to the public.

The behind-the-scenes work of turning an idea into a law is mysterious to most people, including Members and their staff, but it is incredibly important. And today's hearing is about shedding light on this highly specialized work and figuring out how to streamline and improve processes, and so I am looking forward to learning from the witnesses joining us today.

The committee will use its rules that allow for a more flexible hearing format that encourages discussion and the civil exchange of ideas and opinions, so here goes. In accordance with clause 2(j) of House rule XI, we will allow up to 30 minutes of extended questioning per witness, and, without objection, time will not be strictly segregated between the witnesses, which will allow for extended back-and-forth exchanges between members and the witnesses.

Vice Chair Timmons and I will manage the time to ensure that every member has equal opportunity to participate. Additionally, members who wish to claim their individual 5 minutes to question each witness pursuant to clause 2(j)(2) of rule XI will be permitted to do so following the period of extended questioning. Phew.

All right. With that, I would like to now invite Vice Chair Timmons to share some opening remarks.

Mr. TIMMONS. Thank you, Mr. Chairman.

Really appreciate you all being here today. I think, between the three of you, you have over 80 years of experience in this institution. We are doing our best to get this place to work better. Part of that is to help you do your jobs more effectively and more efficiently.

I am—I was looking for the exact numbers, but I think, in the last decade, you have added a handful of attorneys and you have had a 20 percent increase in the number of bills that have been drafted. Obviously there is a resource issue, but I think there is also an understanding issue.

I would imagine it would shock a lot of people the number of offices that don't fully understand the challenges that you all face, and trying to educate all the different Member offices to more effectively address our concerns while also keeping an understanding of the challenges that your offices face, I think, is very important. I think that is an area that we can really dig into.

Technology is another thing. I think we have got to use technology at any place that we can to be more effective and efficient. And I look forward to hearing from you all on what you think we can change, what resources you need, what education we can provide to this institution to more effectively, you know, pursue the mission—pursue the mission.

So thank you for being here today, and we look forward to your testimony, and we are going to have some good questions.

Thanks.

The CHAIRMAN. Okay. I would now like to welcome our three experts who are here to share with us their knowledge and recommendations for how Congress can improve and modernize the legislative process. This is a reminder that your written statements will be made part of the record.

Our first witness is Noah Wofsy. Mr. Wofsy has served as the Deputy Legislative Counsel for the U.S. House of Representatives since 2018. Prior to this position, he was an assistant counsel and senior counsel within the Office of Legislative Counsel, where he has served since 1986.

Mr. Wofsy earned his bachelor of arts from James Madison College of Michigan State University and his law degree from the University of Southern California.

Mr. Wofsy, you are now recognized for 5 minutes.

STATEMENTS OF NOAH WOFSY, DEPUTY LEGISLATIVE COUNSEL, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC; KEVIN McCUMBER, DEPUTY CLERK, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC; AND HUGH HALPERN, DIRECTOR, GOVERNMENT PUBLISHING OFFICE (GPO), WASHINGTON, DC

STATEMENT OF NOAH WOFSY

Mr. WOFSY. Thank you very much.

Co-Chair Kilmer, Co-Chair Timmons, and members of the select committee, good morning. I am honored to speak with you today and share my thoughts on modernizing the legislative process, the process by which an idea becomes law. And I am especially honored to do so on behalf of my colleagues at the House Office of Legislative Counsel.

For over 100 years, the office has provided professional, non-partisan legislative drafting and related services to Members, committees, and leadership offices of the House. We are the ones who get the call when a Member says, "There ought to be a law."

We are proud of our service to the House, especially during the challenging times the House has faced over the past several years. And I believe that the House is pleased with our service for no other reason than the simple fact that our business is booming. We must be doing something right.

We share your interest in making the process more effective and more responsive to the needs of the House. And, indeed, we are uniquely positioned to discuss this process, because, in most cases, the proponent of an idea of a law will at some point ask us to turn that idea into actual legislative text.

So, when we respond to a request to turn an idea into legislation, our goal is always to carry out our mission. And, as set forth in our charter, our mission is to assist offices of the House in the achievement of a clear, faithful, and coherent expression of legislative policies. That means that we cannot ourselves provide the policy; rather, we can only provide language to express the policy of the proponent of the legislation. In other words, we can't fill in the blanks.

It also means that, for our drafts to express policy clearly, faithfully, and coherently, we need a sufficient understanding of the policy. And, in many instances, the request doesn't convey enough information, so we need to ask questions and begin an iterative process.

And these questions may include questions about scope, administration, timing, and enforcement. And often the most important and the most complex issue to be addressed is the extent to which existing law already addresses the idea behind the policy and how the application and enforcement of existing law might be affected by the policy.

And note that these issues apply even in the case of a request which consists of pre-drafted legislative text. If we don't know the policy intent which generated the idea that was behind the text in the first place, we have no way of knowing whether the legislative text accomplishes the goal of translating the idea into law.

A bill may be drafted perfectly on a technical level, but if it doesn't fix the problem that inspired the idea behind the bill, it doesn't work. It is legally insufficient.

And there are two other features of our office, which are also included in our charter, that help us ensure the integrity of the legislative documents that the House produces and considers. And what I mean by integrity is that anyone who encounters a document will know that the document reflects an accurate statement of the current state of the legislation involved.

So the first of these features, we are required to keep our work product confidential. We take this very seriously. If we prepare a draft for any office of the House, we cannot share it with anyone else, no matter which side they are on, without the express consent of that office. Even if doing so could promote collaboration and efficiency, we can't do it, and we don't do it. So, if a document is under our control, Members and committees will know that it will not be disclosed without their consent.

And, second, we work only for the House. We cannot provide drafting or other services to people from the outside, including lobbyists, constituents, or people from the executive branch, even if

they are nonpartisan professional staff. We cannot prepare a draft or make changes to a draft without the express direction of the House client. Again, even if doing so could promote collaboration and efficiency, we can't do it, and we don't do it.

So, if a document is under our control, Members and committees will know that the only changes which will be made to it are the changes that they alone authorize. And, as you keep these features in mind, remember that they don't necessarily apply to Members, committees, leadership, or their staffs.

So, as I mentioned at the beginning of my testimony, the office has been extremely busy, so we have adopted policies which will expand our capacity to respond to requests. For example, we are sending more and more of the requests we receive for simple resolutions and reintroductions to our paralegals. We have expanded our recruiting, increased pay, and enabled flexible work arrangements. We have expanded education programs so that Members and staff will know more about the drafting process and the best practices for working with our attorneys.

And we continue to explore developments in technology, building on existing initiatives with the Office of the Clerk, the Government Publishing Office, and other legislative branch organizations.

So, in conclusion, thank you again for inviting me to speak on behalf of the Office of the Legislative Counsel. I have been with the office for over 35 years, and much has changed over that time. But what has remained the same is our commitment to turning the ideas of the House into law that works.

And I look forward to answering your questions and to continuing the dialogue between our office and the select committee.

Thank you.

[The statement of Mr. Wofsy follows:]



Testimony of Noah L. Wofsy, Deputy Legislative Counsel, Before the Select Committee on the Modernization of Congress, April 28, 2022

“Modernizing the Legislative Process”

Chair Kilmer, Vice Chair Timmons, and members of the Select Committee, good morning. I am honored to speak with you today and share my thoughts on modernizing the legislative process, which is the process by which an idea becomes law. I’m especially honored to do so on behalf of my colleagues at the House Office of Legislative Counsel. For over 100 years, the Office has provided professional legislative drafting and related services to the Members, committees, and leadership offices of the House. We are the ones who get the call when a Member says, “There ought to be a law.” We are proud of our service to the House, especially during the challenging times the House has faced over the past several years. I believe that the House is pleased with our service for no other reason than the simple fact that our business is booming.¹ We must be doing something right.²

At the same time, we need to assess how well we are doing and to continue to adapt to the extremely dynamic environment of the House. That’s why we are especially interested in participating in today’s discussions of the process by which an idea becomes law. We share your interest in making the process more effective and more responsive to the needs of the House. Indeed, we are uniquely positioned to discuss this process, because for most legislation, the proponent of an idea of a law will at some point ask us to turn that idea into actual legislative text.

Drafting as an Iterative Process

Let me begin by telling you about how people present us with their ideas, because the way people present their requests for legislation varies. Sometimes requests come in

¹ See Statement of E. Wade Ballou, Jr., Legislative Counsel, Before the House Subcommittee on Legislative Branch Appropriations for Fiscal Year 2023 <https://docs.house.gov/meetings/AP/AP24/20220406/114592/HHRG-117-AP24-Wstate-BallouW-20220406.pdf>

² See Congressional Record of 12/16/21, “Thanking the Office of the Legislative Counsel” <https://www.congress.gov/117/crec/2021/12/16/167/217/CREC-2021-12-16-pt1-PgE1379-4.pdf>

the form of policy specifications, perhaps laid out in bullet points or in some narrative. Sometimes requests come in the form of draft legislative text, sometimes in the form of text that's clearly a rough draft, and sometimes in the form of text that appears to be polished and comprehensive. Sometimes we are given another bill that's already been introduced, often from a previous Congress. Sometimes we are given a bill from the Senate or a draft prepared by our counterparts in the Senate Office of Legislative Counsel.

No matter what form a request takes, what matters most to us is whether we will be able to carry out our mission when we respond to that request. As set forth in our charter, our mission is to assist the House, its Members, and its committees and leadership offices in the achievement of a clear, faithful, and coherent expression of legislative policies.³ That means that we cannot ourselves provide the policy; rather, we can only provide language which will hopefully express the policy of the proponent of the legislation. In other words, we can't fill in the blanks.

It also means that for our drafts to express policy clearly, faithfully, and coherently, we need a sufficient understanding of the policy. In many, many instances, the words people present to us don't convey enough information, so we need to ask questions. We may need to clarify the scope of the policy, meaning to whom or to what the policy applies. For example, does a policy that applies to the States apply to the territories and the District of Columbia? We may need to clarify how and by whom the policy is meant to be carried out. For example, if the Federal Government is responsible for carrying out the policy, what specific agency or office is involved? We may need to clarify the timing of the policy, so that it's clear, for example, whether the policy is meant to change current behavior or only affect future behavior, and whether a transition is desired. And often, the most important and the most complex issue is to clarify the extent to which existing law already addresses the idea behind the policy or how the application and enforcement of existing law will be affected by the policy.

It's for these reasons that we assign drafting requests to attorneys who have expertise in the subject matter of the request. Many of these attorneys have spent years and even decades drafting law in the subject matter and are therefore able to engage in a high-level of analysis and shed light on issues that an attorney who is less familiar with the subject matter might overlook. Moreover, an attorney with expertise in the subject matter of a legislative request will be able to respond both more effectively and more quickly than one who is unfamiliar with that subject matter. At a time when fewer and fewer House staff, especially staff in Member offices, stay around long enough to develop expertise in the legislative process, let alone in specific areas of law, the existence of a core of legislative policy experts is crucial to the ability of the House to

³ See 2 U.S.C. 281a

[https://uscode.house.gov/view.xhtml?req=\(title:2%20section:281a%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title2-section281a\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:2%20section:281a%20edition:prelim)%20OR%20(granuleid:USC-prelim-title2-section281a)&f=treesort&edition=prelim&num=0&jumpTo=true)

turn its ideas into law that works. To put it another way: In an institution that is increasingly staffed by generalists, we are the specialists.

Note that these issues apply even in the case of a request which consists of pre-drafted legislative text, including a bill from the Senate. If we don't know the policy intent which generated the idea that was behind the text in the first place, we have no way of knowing whether the legislative text accomplishes the goal of translating the idea into law. A bill may be drafted perfectly on a technical level. It may use the appropriate terms and citations, follow the general rules of formatting and style, and even be easy to read and understand, but if it doesn't fix the problem that inspired the idea behind the bill, the bill is not legally effective.

Our questions are meant to inspire answers, and sometimes further questions in return. We will respond with our own answers and questions and continue until everyone involved is satisfied with information that's been generated. This kind of iterative process gives us the best chance to draft legislation that meets the standards of clarity, faithfulness, and coherence, so that the legislation is truly responsive to the idea behind it. Moreover, it helps the Members understand the issues which may arise if the idea is enacted into law. Even if the questions don't get answered, we can at least make the Member aware of the issues, and that can be valuable as the idea behind the legislation continues to circulate.

This process is time consuming, and sometimes it's just not possible or practical to engage in extensive iterations of notes and drafts. Nevertheless, it remains the goal. Ideally, we treat every draft as if it has the chance of becoming law, because it could happen.

Document Integrity

Other features of the Office, as set forth in our charter⁴, promote not only the drafting of effective legislation, but help to ensure the integrity of the legislative documents that the House produces and considers. What I mean by document integrity is the idea that anyone who encounters a document can feel secure that the document reflects an accurate and honest statement of the current state of the legislation involved. Our Office is in a unique position to ensure this kind of integrity because of these features, which do not apply to Members, committees, or leadership or their staffs.

First: The Office is not only nonpartisan, meaning that we don't work for or represent either the majority or the minority, but we are prohibited from advocating for the adoption or rejection of any legislative proposal, even a proposal which enjoys overwhelming bipartisan support. This provides the House with an important benefit. If we suggest changes to legislative text or point out what we believe are its flaws, the

⁴ See 2 U.S.C. 281a

[https://uscode.house.gov/view.xhtml?req=\(title:2%20section:281a%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title2-section281a\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:2%20section:281a%20edition:prelim)%20OR%20(granuleid:USC-prelim-title2-section281a)&f=treesort&edition=prelim&num=0&jumpTo=true)

proponent of the text can be assured that we are not trying to undermine them or otherwise oppose their goal of turning their idea into law. Moreover, if we are responsible for editing and maintaining a document, Members and committees will know that we will not use that authority to promote our own agenda.

Second: We are also required under our charter to keep our communications and work product with our clients confidential. We take this very seriously. If we prepare a draft for an office, whether it's for a Member, a committee, or the leadership, we cannot share it with anyone else without the express consent of that office. Even if doing so could promote collaboration and efficiency, we can't do it and we don't do it. For example, if we prepare an amendment for the majority staff of a committee which will be offered at a markup, and we receive a request from the office of a member who serves on the same side of that same committee to draft that same amendment, we can't share the amendment with that member. We can't even tell that member that we've already received the request. That means that if a document is under our control, Members and committees will know that it will not be disclosed without their consent.

Finally: We work only for the House. We cannot provide drafting or other services to people from the outside, including lobbyists, constituents, or people from the executive branch even if they are nonpartisan professional staff. The only exception is if someone from the House authorizes us to work with them. Even then, we cannot prepare a draft or make changes to a draft without the express direction of the House client. Again, even if doing so could promote collaboration and efficiency, we can't do it and we don't do it. That means that if a document is under our control, the Members and committees will know that the only changes which will be made to it are the changes they alone authorize.

As you explore methods of promoting collaboration and efficiency, we encourage you to keep in mind the advantages of having documents edited and maintained by nonpartisan professionals who are required to keep information confidential and who may act only at the direction of the Members, committees, and leadership, advantages that are especially important during times of intense partisan conflict.

Responding to Challenges of Capacity

As I mentioned at the beginning of my testimony, the Office of Legislative Counsel has been extremely busy during the 117th Congress. It is a great challenge for our attorneys to meet the deadlines requested by staff. We have adopted several policies which are designed to ease the workload of attorneys. For example, we are sending more and more of the requests we receive for simple resolutions and reintroductions to our law clerks and paralegals. They can respond to these requests with minimal supervision from the attorneys, freeing attorneys up to work on more substantive requests. We also continue to work on establishing drafting teams for the various subject matter areas of law, so that multiple attorneys will be able to cover especially busy areas of legislative activity.

At the request of the Committee on Appropriations, we prepared and submitted a plan for increasing the capacity of the Office to meet the demands of the House. I will highlight its three fundamental components: First, to increase the number of attorneys and support staff of the Office through expanded recruiting and to retain attorneys for longer periods of time through increases in salary and flexibility in work arrangements. Second, to expand the education programs we provide to the House, including through the Congressional Staff Academy, so that Members and staff will know more about the drafting process and the best practices for working with our attorneys, and to also expand education opportunities for our attorneys so they may develop even deeper expertise in their subject matter areas. Third, to continue to explore developments in technology, building on the efforts related to the Comparative Print Suite, shared document standards for our legislative documents, and other initiatives with the Office of the Clerk, the Government Publishing Office, and other legislative branch organizations.

Conclusion

Thank you again for inviting me to speak on behalf of the Office of the Legislative Counsel. I have been with the Office for over 35 years, and much has changed over that time. What's remained the same, however, is the commitment of our Office to the best possible process of turning ideas into law, and to the goal of helping the House achieve the clear, faithful, and coherent expression of its legislative policies. I look forward to answering your questions, and to continuing the dialogue between the Office and the Select Committee.

The CHAIRMAN. Thank you, Mr. Wofsy.

Our next witness is Kevin McCumber. Mr. McCumber has served as a Deputy Clerk of the U.S. House of Representatives since 2021. Prior to this position, he served in numerous positions in the House Office of Legislative Operations, including as chief, deputy chief, and assistant journal clerk. Mr. McCumber earned his bachelor of arts degree from the University of Colorado-Denver.

Mr. McCumber, you are now recognized for 5 minutes.

STATEMENT OF KEVIN McCUMBER

Mr. McCUMBER. Chair Kilmer, Vice Chair Timmons, members of the committee, thank you for inviting me to testify about modernizing the legislative process.

It is an honor to represent the Office of the Clerk before this committee alongside my colleagues from the House Office of Legislative Counsel and the Government Publishing Office.

Our office pursues numerous diverse goals and priorities, and our primary function is supporting the day- to-day operations of the House.

The committee members have my written statement, which includes an appendix that describes the bill introduction process. In short, legislative counsel drafts the legislative text, a Member or committee introduces it to the House, and Clerk staff process it and coordinate publication with GPO. GPO and the Library of Congress publish bill versions and related materials online at govinfo.gov and congress.gov, and GPO delivers paper copies to the House.

I have four points to highlight for the committee about how an idea becomes law and the process for creating, amending, and publishing legislation.

First, the House must manage both paper and digital workflows. Only recently has Congress added a digital layer to a centuries-old paper process. Traditionally, tasks related to preparing, managing, distributing, and preserving the House's official documents were confined to paper. Today, paper is still the official document of record, and we must also manage the electronic rendition and its related data.

Second, Clerk staff, bound by House rules, traditions, and precedents, execute critical tasks. There are skilled and dedicated public servants behind each step of the legislative process. When you or one of your colleagues offers a floor amendment, our clerks read it from the rostrum.

When you cast a vote using the Electronic Voting System or a well card, our clerks confirm those votes.

When a committee meets, an official reporter, such as the one you see here today, covers the proceedings. We ensure your work is accurately recorded and made publicly available. We are bound by House rules, traditions, and precedents.

Third, legislative branch staff rely on linked systems. The organizations represented here today interact daily and use the same tools to create and publish bills, resolutions, and amendments. GPO provides the composition engine that creates PDFs. We provide the XMetaL editing tool used by legislative counsel, committees, and our clerks.

Experience has taught us that changes must be considered across the entire ecosystem. They cannot be considered in a vacuum. Any change may have unintended consequences for Members in both Chambers, as well as the more than 10 legislative branch organizations and agencies that support congressional operations.

Fourth, nonpartisan support staff have ideas for improving how Congress works. I am sure Mr. Wofsy and Mr. Halpern will agree, together, we have seen immense change in this institution since we began our careers, yet there is more work to be done.

As the committee is aware, the Clerk's top priorities are modernizing the Legislative Information Management System, deploying the eHopper and Comparative Print Suite applications, maintaining the Electronic Voting System, and redesigning the lobbying disclosure system.

This is an exciting time for our office. As we work on these projects and other modernization initiatives, we value opportunities to think creatively about how to improve processes for Members and staff.

In my written statement, I provide a few of our many ideas, including collaborative drafting tools, a Member office portal for submitting legislative documents, as well as amendments and appropriations requests, and a committee portal for scheduling official reporters, sharing required information for the Congressional Record, and submitting committee reports.

In closing, I am proud to represent the 227 public servants who work for the Clerk of the House. Our organization has steadfastly supported the House in a nonpartisan institutional capacity for more than two centuries.

The capability, commitment, and energy of Clerk staff are critical to maintaining and modernizing this great institution. Together, alongside Member offices, committees, and our legislative branch partners, we can make Congress more effective, efficient, and transparent.

I look forward to our continued discussions and will be happy to take any questions you may have.

[The statement of Mr. McCumber follows:]

**STATEMENT BEFORE THE SELECT
COMMITTEE ON THE MODERNIZATION
OF CONGRESS**

KEVIN McCUMBER, DEPUTY CLERK
APRIL 28, 2022

Chair Kilmer and Vice Chair Timmons, Members of the Committee:

Thank you for inviting me to testify about the operations of the Office of the Clerk, the responsibilities of our staff, and the role our organization has in the operations of the House and more specifically the law-making process.

As the Committee is aware, the Clerk of the House is an officer whose primary duty is to act as the chief record-keeper for the House.¹ The Clerk's Office is a nonpartisan organization that provides procedural assistance and support necessary for the orderly conduct of official business of the U.S. House of Representatives, its Members, and Committees. Over time, the duties of the Office have expanded to include disseminating organizational information, preserving the history of the House, and supporting its technological advancement.

Although the U.S. Constitution does not mandate open sessions, the House of Representatives opened its doors to the public starting in April 1789. Since those first meetings, the House has been preparing, managing, distributing, preserving, and archiving its official proceedings and documents.

Like it was in the beginning days of the House, the paper document is still the official document of record. In the past, the tasks related to preparing, managing, distributing, and preserving the House's official documents were confined to paper. Today, these tasks include managing the electronic rendition of the paper record and any accompanying data, as well as making documents available online. No longer are citizens required to visit the Chamber in Washington, DC, to view the House's proceedings nor do they need to frequent their local library to find the *Congressional Record* or a Committee report. Members, staff, and the public may access Congress online via resources and repositories, such as the Office of the Clerk's website (clerk.house.gov), Live.House.gov, the U.S. House of Representatives Document Repository (docs.house.gov), govinfo.gov, and Congress.gov. In many ways, the process for how an idea becomes law has become more complex. Many of the technological changes this institution has implemented are documented on the Office of the Historian's website and the Legislative Branch Bulk Data Task Force's Technology Timeline.²

My testimony today will focus on the people and processes within and supported by the Office of the Clerk that facilitate the House's legislative functions. The Clerk's organization comprises 227 steadfast public servants whose institutional knowledge and keen attention to detail are integral to House operations and the legislative process. With more than sixteen years of experience serving three Clerks, I have worked with my colleagues to help execute our legislative responsibilities. I have seen firsthand the professionalism and unending dedication of Clerk staff to support the House's legislative schedule under any conditions. We faithfully complete our duties within the bounds of the traditions, rules, and precedents of this great institution.

¹ <https://www.crs.gov/Reports/RL33220>.

² <https://history.house.gov/Exhibitions-and-Publications/Electronic-Technology/House-Technology/>; <https://usgpo.github.io/innovation/resources/2019-Tech-Timeline-Booklet.pdf>.

People First

The legislative process can be complex and unpredictable, and Clerk staff are an integral part of each step.³ The responsibility of preparing, managing, distributing, preserving, and archiving the House's official documents is a joint effort among several offices including the House Office of the Legislative Counsel (HOLC), Government Publishing Office (GPO), Library of Congress (LOC), Office of Law Revision Counsel (OLRC), and our Senate counterparts. Staff across these organizations work together to ensure that both the official document of record, along with its paper and digital representations, are accurate and accessible to Members of Congress, congressional staff, and the public in a timely manner. The three organizations represented at this hearing complete a significant amount of this work.

For our part, the Clerk's organization supports the House's key legislative functions, from the introduction of a bill through the presentation of an enrollment to the President. House Rules and federal law charge the Clerk with administering a range of responsibilities on behalf of the House. Below is a summary of some of our key roles throughout the legislative process.

- Support Floor operations for legislative business and Pro Forma sessions.
- Process legislation for introduction and add cosponsors to measures.
- Transcribe Committee meetings and proceedings on the House Floor and release these records to Committees and the public in various formats.
- Process legislative and non-legislative Committee reports and coordinate publication with GPO.
- Produce the *House Journal*, the House Calendar, and the House portions of the *Congressional Record*.
- Process motions for discharge petitions and the Consensus Calendar and make motions available to the public on the Office of the Clerk's website (clerk.house.gov).
- Manage the U.S. House of Representatives Committee Repository (docs.house.gov/committee) and Bills to be Considered on the House Floor (docs.house.gov/floor).
- Record Floor votes, maintain the Electronic Voting System and Member voting cards, and make Roll Call Votes available on the Clerk's website.
- Manage the sound system and microphones in the House Chamber for Member recognition and broadcast Floor proceedings on Live.House.gov.
- Prepare engrossments for delivery to the Senate and enrollments for presentation to the President.

³ <https://usgpo.github.io/innovation/resources/2019-legislative-workflow.pdf>.

- Receive and transmit to GPO for printing all versions of bills and resolutions. This includes retrieving the electronic versions of legislation and amendments from HOLC, entering data into LIMS, and sending both electronic and paper files to GPO.

For more context, during the First Session of the 117th Congress, Clerk staff processed 7,333 bills—with 57,947 original cosponsors and 56,082 additional cosponsors—and supported 712 hours of legislative Floor activity. In addition, we processed 17,318 proxy votes and made all proxy letters available on our website. We engrossed 500 measures totaling 21,303 pages and enrolled 53 measures totaling 1,430 pages. At the same time, we supported Committees in their use of the Committee Repository and transcribed 7,849 *Congressional Record* pages and 133,665 Committee hearing transcript pages. Completing these critical tasks requires the expertise of well-trained staff who support the House’s operations.

Processes

When it comes to its roles in the legislative process, the Clerk’s organization takes a two-track approach. First, Clerk staff adhere to the rules, practices, and precedents of the House, meaning that some of our processes are based on tradition and maintaining procedures we trust to produce accurate work. Second, our processes are infused with modern technology and constantly changing and improving, whether driven by a Clerk initiative, a change in House Rules, or the authority of the Speaker.

Respecting Practices and Precedents

Many tasks related to law-making have remained the same since the beginnings of this institution. Examples of law-making tasks that are still the same because they are, by nature, steeped in tradition and are procedurally limited include the exchange of the official papers between the House and Senate, the certification and signature of bills and resolutions, and the preparation of the constitutionally mandated *House Journal*, a record of the proceedings of each legislative day in the House. The Clerk of the House (often the Reading Clerks on her behalf) physically delivers all House-passed legislation to the Senate for its consideration. Prior to delivery, each bill is attested to by the Clerk, requiring her written signature. The *House Journal*, a book hand-bound by GPO’s artisans which contains hand-dipped marbling on the exterior, continues to be recorded in cursive before its contents are transferred into digital format, approved by the House the next legislative business day, and eventually published in a bound volume and online at GPO’s govinfo.gov.⁴

Another area that is largely paper based is the consideration of legislation, whether in Committee or on the Floor. Members are not often seen reviewing bill text or amendments on laptops, tablets, or other mobile devices. Instead, Members and staff work with paper copies because it provides them the flexibility to refine the legislative text quickly by making a hand-edit on the paper. It is much faster to mark the physical copy than go to the computer, make the change, and print the document again—something that cannot be done easily during a markup. Various staff

⁴ Article I, section 5, of the U.S. Constitution.

review these hand-edits, including Committees and HOLC while preparing the reported measure, the Clerk's Office while incorporating amendments into the engrossment, and GPO while processing paper. Additionally, Members are allowed to hand-edit draft legislation submitted to the Hopper on the House Floor or the eHopper electronically. Members and staff, including me, appreciate this flexibility, autonomy, and agility in the law-making process and firmly believe it is complementary to electronic means (even if hand-edits may briefly delay the process).

While HOLC helps Members ensure that the legislative text meets their policy intent, Clerk staff execute agreed-upon amendments and ensure all legislative language the Members agreed to is present. The quality assurance process we employ to produce engrossments and enrollments is another example of how our Office relies on paper-based procedures to ensure an accurate work product. For engrossments (the House-passed version of a bill), the Reading Clerks produce a paper version on the Floor, physically inserting amendments into the bill as the amendments are adopted. The Enrolling Clerks use this paper version to proofread against the electronic version they create. This multi-step process, using print and digital formats, ensures accuracy and consistency between the versions and instills confidence among staff that their work reflects the actions of the House. For enrollments (the House and Senate agreed upon version of a House measure), the process also depends on paper. The Enrolling Clerks compare two versions, and often with the assistance of GPO's professional proofreading staff, they read aloud each word and character to ensure accuracy. To contextualize this process, reading an 1,100-page enrollment takes nearly 24 hours with a team of 20 to 30 people working around the clock. There is no room for error as the enrollment is the official document of record and will be certified by the Clerk, signed by the Speaker of the House and President Pro Tempore of the Senate, and physically presented to the President. The Enrolling Clerks and GPO facilitate this high-level of proofreading to verify enrollments are accurate, complete, and identical to what was enacted by Congress.

As I will discuss below, the Clerk's organization is committed to the House's modernization initiatives; though it is important to note that not all of our processes can or should be transitioned to machine-processing.

Adding a Digital Layer to a Centuries-Old Paper Process

Again, the legislative process is driven by paper, and today's challenge is to manage both the print records and the digital layer that sits on top of the paper process. We have documented and made available online a high-level legislative process workflow.⁵ A portion of that workflow is at the end of my statement and highlights how closely legislative branch organizations work together on day-to-day operations.

Congress is a large, bicameral institution with many stakeholders. The Clerk's Office is committed to helping Members and staff understand legislative procedures and developing ways to modernize its processes. Under a typical scenario, the shortest path for an idea to become law

⁵ <https://usgpo.github.io/innovation/resources/2019-legislative-workflow.pdf>.

is 22 decision points.⁶ The legislative process, technologies that support it, and our staff's efforts to build, operate, and sustain systems that support the House are all interrelated. As this institution modernizes, we need time to consider the impact of proposed changes, as well as time and resources to implement requested changes. This does not mean we cannot respond swiftly. This institution and its support offices, including ours, have proven we can adjust quickly. This is evidenced by our ability to create the email-based systems for submitting legislative documents, including legislation, cosponsor forms, and *Congressional Record* Inserts during one weekend in April 2020 and quickly after, standing up the email for proxy letters and our internal processes for ensuring accuracy in recording proxy votes on the Floor. We now manage six secure email solutions that allow Members to submit additional documents, such as Committee reports, requisitions and stationery requests, and gift waivers and travel disclosure forms.

As the Committee is aware, our Office is currently engaged in several modernization initiatives with our legislative data partners, including GPO and HOLC, related to the law-making process. Below I have summarized several key efforts.

- **Bulk Data Task Force and Common Data Standards:** One of the Task Force's key goals is to develop the next generation of legislative document formats. Our common data standards are foundational to the digital layer and necessary for modernizing the law-making process. This work enables data exchange across the legislative branch for legislative activities, and ultimately the dissemination of Congress's work to the public. This is a significant modernization of decades-old formats to accommodate modern usage. Also, this project has delivered new ways of managing and using the U.S. Code maintained by the OLRC. We are incorporating more key legislative documents into this data standardization effort. This work will allow for the creation of a simpler drafting system, improved tools for collaboration, instant comparisons of proposed bills to current law, and the automatic display of approved changes made by amendments to legislation.
- **GPO's XPub Program:** Formerly the Composition System Replacement project, GPO's XPub Program is replacing its aging and proprietary MicroComp composition system and associated applications and is a major initiative in furthering GPO's transformation to an all-digital, all-XML workflow. This is a generational change in the way documents are printed and published and requires extensive coordination across the legislative branch to ensure a smooth rollout. Before deploying XPub, it must be fully and seamlessly integrated with the XML editors the House and Senate use to draft legislation, commonly called XMetaL and LEXA. Our staff in Legislative Computer Systems (LCS) maintain XMetaL and provide it to HOLC for drafting bills, resolutions, and amendments. Our Enrolling Clerks also use this software to prepare enrollments and engrossments.
- **Comparative Print Suite:** The Comparative Print Suite is a set of applications that allows House staff and others to create on-demand, point-in-time comparative prints

⁶ <https://usgpo.github.io/innovation/resources/2019-legislative-status-steps.pdf>.

between legislative texts and between legislative text and the law. LCS staff, in partnership with HOLC and our contractors, lead the project team. We look forward to delivering the Comparative Print Suite House-wide pending the completion of the migration to the cloud and its required security audits.

- **eHopper:** This application streamlines electronic submissions of select legislative documents. The eHopper began during the public health emergency and has become an integral part of how Members introduce legislation. LCS and Legislative Operations staff are working to deliver a web-based eHopper experience that will improve interactions between the Clerk's Office and Member offices. We will launch the Member application House-wide in the coming days.
- **Legislative Information Management System:** LCS is managing a significant modernization of the Legislative Information Management System (LIMS). LIMS is the primary system Clerk staff use to record and manage legislative processes and activities. LIMS contains several mission-critical modules for House Floor and legislative operations, and many of its components enable data exchange with partners across the legislative branch. We are preparing an initial rollout of new LIMS modules and actively working on a multi-year effort to modernize and replace the entire legacy application. LCS is developing the modernized LIMS to take advantage of cloud architectures—a significant part of the Clerk's cloud adoption strategy.
- **Committee Votes and Tools:** To assist our analysis of potential projects to maintain a database of Committee votes and create a Committee meetings scheduling tool, we published two requests for information (RFIs) on January 27, 2022. The response deadline for both RFIs was February 18, 2022, and we are continuing to review responses. After completing our review, we will study the possible solutions, evaluate our options, and make recommendations. We value opportunities to provide tools that improve Committee work and streamline communications between Committee, Member, and Clerk staff.

More information on these efforts is available in our reports submitted to the Committee on House Administration and previous testimony by the Clerk before this Committee and the Appropriations Subcommittee on the Legislative Branch.⁷

The close collaboration between the nine divisions of the Office of the Clerk and other House and legislative branch organizations is a force multiplier for our ability to support and streamline legislative operations. Changes cannot be considered in a vacuum; changes must be considered across the entire ecosystem, regardless of if they involve technical solutions or not. A change in one area may have unintended consequences for Members in both chambers, as well as in the

⁷ <https://cha.house.gov/modernization-reports>; <https://usgpo.github.io/innovation/reports>; https://modernizecongress.house.gov/imo/media/doc/clerk_written_testimony.pdf; <https://docs.house.gov/meetings/AP/AP24/20220406/114592/HHRG-117-AP24-Wstate-JohnsonC-20220406.pdf>.

HOLC and Senate Office of Legislative Counsel, Office of the Clerk and Secretary of the Senate, Office of the Chief Administrative Officer, GPO, OLRC, LOC, Congressional Budget Office, and the Office of Federal Register at the National Archives.

Increasing Collaboration and Improving Member and Committee Workflows

I am sure my colleagues at HOLC and GPO will agree that we have seen an incredible amount of change in this institution. The Clerk, the staff I represent here today, and I are dedicated to maintaining our day-to-day operations while developing inventive solutions to modernize how the institution works. We have shared several ideas—many of which have been reflected in the recommendations made by this Committee.

Below are some of our additional ideas to improve Member and Committee processes.

- **Tools for Collaborative Drafting:** One area of improvement is the lack of software tools for collaborating on proposed legislative text. Requests for better legislative drafting tools, editing, and publishing is a natural outcome of adding a digital layer to our centuries-old, paper process. Our Office and legislative branch staff who work through the Legislative Branch Bulk Data Task Force believe we can develop collaborative tools for Members and staff. The Clerk and the Legislative Counsel sent a letter, dated March 31, 2022, to the House Committee on Appropriations about our work evaluating risks, requirements, and potential paths forward⁸.
- **Improvements for Members:** As our Office has previously discussed, Members need better tools to obtain and manage cosponsor requests, and we need solutions that support the volume and frequency of cosponsorships. There is a need and a desire to deliver more robust solutions that will improve the House’s ability to manage legislative and related activities electronically. As the CAO and Clerk’s Office release new products, a central, shared portal for accessing such tools is a logical next step. Members and their staff could log in to one portal to access House resources, such as the eHopper for select legislative documents and Quill application for signatures, and Office resources, such as viewing Individual Voting Records, updating the *House Telephone Directory*, and filing Financial Disclosure reports. This same portal could even include links to the Rules Committee form for amendments and the Appropriations Committee form for appropriations requests to help Members and staff submit materials from one location.
- **Improvements for Committees:** Like the Members’ portal, a central location for Committee clerks to communicate meeting information to the CAO and Clerk’s Office would be beneficial. Currently, most preparations for a Committee hearing or markup involve email. Committee staff email our offices of Legislative Operations and Official Reporters to schedule Reporters and share required information for the *Congressional*

⁸ The joint Clerk and HOLC letter is available on page four of our most recent modernization report about adopting standardized formats for legislative documents at <https://usgpo.github.io/innovation/resources/reports/Clerk-QR7-Standardized-Formats.pdf>.

Record. This portal could also facilitate the electronic submission of Committee reports and related material, moving away from the secure email solution our office created in April 2020.

These are just a few ideas that Clerk staff and I have to modernize the House's operations and the law-making process.

Again, thank you for inviting me to testify today about the people and processes of the Clerk's organization.

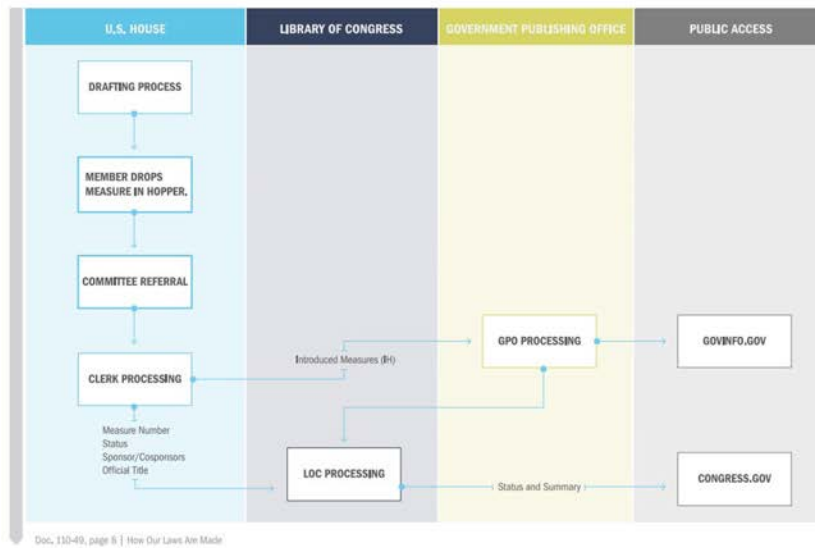
I look forward to our continued discussions with the Committee and am happy to take any questions.

Thank you.

**APPENDIX:
Introduction and Referral to Committee Legislative Workflow**

At a high level, legislative branch processes are illustrated in a set of legislative process charts available online.¹ Below is a narrative excerpt describing the introduction and referral to Committee processes.

LEGISLATIVE WORKFLOW | INTRODUCTION AND REFERRAL TO COMMITTEE



¹ <https://usgpo.github.io/innovation/resources/2019-legislative-workflow.pdf>.

Drafting

A Member has an idea and wants to develop draft legislation. Legislation may take the form of a bill, joint resolution, concurrent resolution, or simple resolution. Members may obtain assistance from the House Office of Legislative Counsel (HOLC) while drafting legislation. The majority of drafting includes assistance from HOLC; however, other drafting avenues exist, such as

- Positive Law Codification bills drafted by Office of Law Revision Counsel (OLRC) are most often introduced by a Member(s) of the House Committee on the Judiciary.²
- If a Committee proposes a bill (original jurisdiction measure), it is drafted through the Committee Consideration process. Often, the Committees draft legislation in XML using the same software application as the HOLC and Enrolling Clerks.
- If the President or an executive branch agency requests that a bill be considered by the House, a Member—often a Committee chair—will introduce it “by request.” The legislation may be reviewed by HOLC prior to introduction.

Upon a Member or Committee's request, HOLC helps turn the idea into legislative text. HOLC drafts the legislation in XML format using the XML editing software called XMetaL, which is provided by the Office of the Clerk. HOLC staff use XMetaL and GPO's MicroComp to create a PDF and send it to the Member via email. Collaboration and revisions to the text may occur during the drafting process.

When the Member decides to introduce the draft legislation, the Member prints and signs the legislation and drafts a Constitutional Authority Statement.³ The Member gathers original cosponsors in a variety of verbal and written means, including word-of-mouth, email, and the Dear Colleague system.

Hopper Processing

For the bill draft to be considered as introduced, the Member places the bill (along with the Constitutional Authority Statement if required and any original cosponsors) in the Hopper, the physical wooden box on the House Floor. Alternatively, the Member or staff on their behalf may submit the bill and the accompanying material electronically using the eHopper, the electronic alternative to the Hopper.

Clerk Staff Processing and Committee Referral

- The Bill Clerks collect documents from the Hopper—and in the case of the eHopper, print the submissions—and begin processing the materials.
- Using the Legislative Information Management System (LIMS), the Bill Clerks complete an electronic record about the bill, including assigning the bill number, entering sponsor and cosponsor information, and later, the Committee referral information (described below).

² <https://uscode.house.gov/codification/legislation>.

³ Clause 7 of Rule XII requires that each bill or joint resolution introduced in the House be accompanied by a Constitutional Authority Statement citing the power(s) granted to Congress in the Constitution to enact the proposed law.

- During processing, the Clerk's Office provides a copy of the legislation to the Office of the Parliamentarian. With assistance from the Parliamentarian, the Speaker refers the legislation to the Committee(s) of jurisdiction, according to House Rules and precedent.
- After completion of the Committee referral process, the Bill Clerks enter this information into the LIMS record.
- If the bill was drafted by HOLC (or a committee office using XMetaL), the file is retrieved from HOLC (or Committee) and transferred to the LIMS system. If the bill was drafted by a Member's office, the Bill Clerks will contact the Member's office to try to obtain an electronic copy.

Government Publishing Office Processing

Next, the Bill Clerks send both the paper and electronic copies of the legislation and corresponding sections of the *Congressional Record* to the Government Publishing Office (GPO) for proofreading and publishing. (GPO couriers retrieve paper manuscripts.) If there are discrepancies between the paper and electronic copies, the Bill Clerks work with Members (and GPO) to resolve inconsistencies. If there are no issues between the paper and electronic copies, GPO prints copies of the bill for publishing online and printing (paper).

Following printing by GPO, paper copies are delivered to the House, including the Committee of referral.

The bill and related metadata are published on govinfo and exchanged with the Library of Congress (LOC) for processing on Congress.gov.

Library of Congress Processing

- LOC receives bill metadata (e.g., bill number, sponsor, Committee referral, actions) from the House.
- LOC receives the *Congressional Record* in electronic formats from GPO to post on Congress.gov. Congressional Research Service (CRS) and GPO staff incorporate *Congressional Record* references into bill metadata.
- LOC uses GPO's govinfo.gov public API to retrieve the bill text in XML, HTML, and PDF formats along with bill metadata in XML format and posts bill texts on Congress.gov. CRS staff write bill summaries.
- Members and staff use the Congress.gov Email Alerts and Updates service to be notified about new legislation (including bill numbers and Committee referrals), congressional activity, Member statements, and Committee meetings.⁴

⁴ <https://www.congress.gov/get-alerts>.

The CHAIRMAN. Thank you, Mr. McCumber.

And our final witness is Hugh Halpern.

Mr. Halpern has served as the Director of the Government Publishing Office since 2019. Prior to GPO, he held several leadership positions on Capitol Hill, including as director of floor operations for Speaker Ryan and staff director of the House Committee on Rules. He served in numerous other roles during his 30-year career in the House, including general counsel to the House Committee on Financial Services, the parliamentarian to the first Select Committee on Homeland Security. Mr. Halpern earned both his bachelor of arts and master of arts from American University. He earned his law degree from George Mason University.

And, Mr. Halpern, you are now recognized for 5 minutes.

STATEMENT OF HUGH HALPERN

Mr. HALPERN. Thank you very much.

Chair Kilmer, Vice Chair Timmons, other members of the select committee, I am excited to appear before the select committee today along with my colleagues from the other support offices. While I am appearing today in my capacity as the Director of the Government Publishing Office, I also bring to the table the more than 30 years of experience as a House committee and leadership staff person.

At GPO, I head an agency of more than 1,500 craftspeople and professionals, and that agency is responsible for the processing, publishing, and printing of an average of nearly 300 measures each week that Congress is in session. My experience in both environments gives me insights into where there may be some pinch points in the process and some potential areas for change.

Before I talk about GPO's process, it is important to highlight some of the structural issues faced by Members, staff, and those of us supporting the legislative process. Put simply, when our predecessors created our system of laws and, more importantly, how we update them, they made some really bad decisions.

Those systems don't scale well, and particularly when they are coupled with modern technology, things like expressing changes in terms of instructions to an unseen clerk, using page and line numbers as the means of navigating legislative documents, and requiring authors to match typographic conventions to convey meaning. The complexity of these conventions creates even more complexity as we establish modern systems to draft legislation and make it available.

With that as background, I am going to briefly summarize GPO's system for processing legislative measures.

The process is still largely paper based and driven by the requirement that our final product match the paper manuscript, the official document of record. Bills are handled by GPO's Bill End unit in the proof room, and it is made up of experienced proofreaders and typesetters who are familiar with the particular issues that can arise with legislative text.

If there is an electronic file, GPO's Bill End unit proofreads the output to ensure that it matches the manuscript introduced via the hopper or the eHopper.

If not, we scan and OCR that document, and our markup session will manually add typesetting codes to the paper manuscript to be input electronically later in the process.

GPO's Text Edit section then updates the electronic file, making any changes or corrections spotted by the proofreaders or inputting the instructions from the markup team. And then proofreading double checks to make sure that all changes were executed properly.

When this process is complete, the electronic files and accompanying metadata are posted online while GPO's plant produces paper copies. This process generally works on a first-in, first-out basis, and we aim to have a new measure online and in print within a week of receipt, although this can vary depending on volume.

Before closing, I want to briefly discuss two ideas to address Member concerns about bill processing. To be clear, I am not endorsing either of these concepts but simply flagging possible risks should Congress decide to pursue either or both of these options.

Some have suggested that Members be given the option to waive the proofreading process for measures drafted by legislative counsel. While this would definitely speed up the process, it would also essentially end the primacy of the introduced paper manuscript and instruct GPO to rely on the House's prepared XML file. Measures would be processed electronically, posted online, and printed, but without any of the usual quality assurance checks.

While this is an easy change for GPO to execute, inevitably there will be some errors that would otherwise be caught during GPO's proofing process. It could also result in Members introducing measures just to correct errors or demanding expensive reprints.

We are also involved in ongoing discussions regarding the development of Word templates that could be used by staff for simple drafting tasks and could be ingested into GPO's typesetting system through a web interface. While we are currently testing a similar model for committee reports and hearings, legislative measures are significantly more complex, and we are at least several years away from an option that is production ready and easy to use.

Thank you again for the opportunity to testify, and I stand ready to answer any questions you may have.

[The statement of Mr. Halpern follows:]



THE HONORABLE HUGH NATHANIAL HALPERN
Director
United States Government Publishing Office

**Testimony of Government Publishing Office
Director Hugh Nathaniel Halpern before the Select
Committee on the Modernization of Congress Hearing
entitled "Modernizing the Legislative Process"**

**April 28, 2022
10:00 A.M.**

U.S. GOVERNMENT PUBLISHING OFFICE

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Chair Kilmer, Vice Chair Timmons, and Members of the Select Committee, I am pleased to appear today to testify about the ways the House and its support agencies can improve the experience of Members and staff when they embark on the legislative process.

While I am appearing today in my capacity as the Director of the Government Publishing Office where I represent a team of more than 1,500 craftspeople and professionals who support Congress through the publication of Congress' work in both digital and print formats, I also bring to the table more than 30 years of experience as a House committee and leadership staff person. During my time in the House, I served half-a-dozen different committees, including spending more than a decade as the staff director of the Committee on Rules and my last few years as Speaker Ryan's Director of Floor Operations.

Introduction

Most of my roles while I was in the House included responsibility for the management of committee work product, including bills introduced by Members of the committee and the preparation of committee reports. While I worked in the House, I was literally responsible for executing the introduction of thousands of measures. At GPO, I head an agency that is responsible for processing, publishing, and printing an average of nearly 300 measures each week that Congress is in session. My experience in both environments gives me insights into where there may be "pinch points" in the process and some potential areas for change.

When I was a young committee staffer in the 1990s, the environment was different. For instance, it was common practice for staff of both parties to work with attorneys in the Office of Legislative Counsel by meeting together to discuss policy proposals and work on the legislative language, even when there wasn't complete agreement on the policy. For instance, the long-retired counsel I worked with when I was at the Energy and Commerce Committee would meet with both majority and minority staff and wasn't shy about telling any of us when he thought our ideas needed some work. Because drafting was more of a collaborative process, I learned many of my drafting skills as I reviewed draft legislation. Those skills served me well as I progressed in my career.

If someone found an error in a draft, there were usually only two options to get a correction: (1) request that Legislative Counsel make changes and produce a new draft, or (2) make conspicuous handwritten changes to the manuscript with understanding that those changes would be executed by GPO during their processing of the measure. Even as technology changed, those continue to be the primary methods that can be used by Members and staff today.



A Brief Historical Note and the Impact on Current Operations

More than 200 years ago, when the Nation was very young, we made some bad decisions as we set up the method for drafting our national system of laws. The single biggest problem is that it doesn't scale very well, particularly when confronted by the imperatives of modern technology.

As the Federal government grew and we started to develop what is now the U.S. Code (along with the Internal Revenue Code and other bodies of U.S. law) early lawmakers made the decision that amendments to existing law are to be expressed in terms of directions to an unseen clerk. That includes things like page and line number directions and specific typographic instructions describing how certain elements should look. Additionally, as drafting styles evolved, there was a requirement to maintain older formats alongside newer conventions as certain kinds of legislation never transitioned to the newer style. A good example of this is the typographic differences between appropriations measures, drafted in a style based on the "traditional" drafting style, and most authorizing legislation, which is drafted in "OLC" style, a more modern set of typographic conventions. Amendments to the U.S. Code are another distinct set of typographic conventions.

These requirements mean that our systems are built around these drafting conventions. As those systems themselves evolve, we develop something of a feedback loop — complexity begets more complexity.

It is also critical to note that the House and Senate rely on paper manuscripts as the documents of record. Something has to be the authentic original and the House and Senate still rely on the manuscript to serve that purpose. This system is very good at ensuring that published documents match the official actions of the House and Senate. When there's a breakdown in process and someone relies on an electronic file, that's when errors occur.

This is opaque for the Members and is difficult for us to execute unless everyone is well-versed in the mechanics of the process. In my experience, fewer Members and staff are taking the time to learn the process and understand how the system works. That ultimately leads to the frustration that all of us have experienced.

I understand that the Members are frustrated by what seems like slow processing of introduced measures. They don't understand why measures cannot appear online the next day. As the House's Members background has changed to Members with either no legislative experience or State legislative experience, they have difficulty understanding the delays. Members and staff also want greater control over their own documents and bristle when they can't make changes on their own.

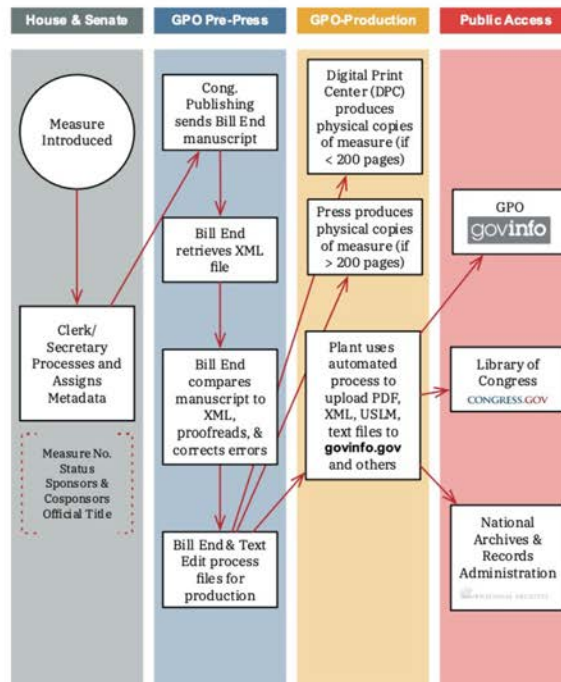
My goal today, with my colleagues representing the other relevant House support offices, is to explain how the system works, touch on some of the impediments to wide-scale change, and highlight some avenues to explore for some modest improvements.



How GPO Processes Bills Today

While this has been touched on by my colleagues, it is important to have some context. You have already heard from the offices of the Legislative Counsel and the Clerk about their roles in the legislative process. At the beginning of the process, GPO takes over after the Clerk staff have finished their work on an introduced measure. A basic diagram of GPO's process is shown as figure 1.

Figure 1. GPO's Procedures for Processing Introduced Measures



The process is still largely paper-based and is driven by the absolute requirement from our customers – the Clerk and the Secretary – that our product matches the paper manuscript introduced in either the House or the Senate, as that manuscript is the official document of record. Bills are handled by GPO's "Bill End" unit in the Proof Room. They are experienced and trained proof readers and keyboard operators who are familiar with the particular issues that can arise with legislative text.



If there is an electronic file available (i.e., an XML file drafted by Legislative Counsel), GPO's Bill End unit proofreads the output of the electronic file to ensure it matches the manuscript introduced via the Hopper or the eHopper. If there is not an electronic file available (for instance if the manuscript is in Word or there is no electronic copy) we scan and OCR the document and our "Markup" section will manually add typesetting codes to the paper manuscript to be input later in the process.

Our proofreaders in the Bill End unit will also flag items for style, consistency, etc. If there is an issue beyond the normal spelling, style, or punctuation issues, they will generate a "query" back to the Clerk or the Secretary asking for clarification.

GPO's "Text Edit" section then makes any changes/corrections or inputs the instructions from the Markup team. Proofreading then checks to make sure that all changes were executed properly.

When this process is completed, an automated process prepares the files and sends them along with the accompanying metadata to **govinfo**, [Congress.gov](https://www.congress.gov), and the National Archives. At the same time, GPO's Plant operations unit prints the paper copies of the measure. If the measure is less than 200 pages, it is printed by the Digital Print Center on equipment similar to larger office printers. If the page length is greater than 200 pages, the measure is printed on GPO's digital inkjet presses and sent to the Bindery to be bound.

This process works on a "first-in/first-out" basis and we aim to have a new measure available online and in print within a week of receipt, though this can vary depending on the volume of work in the Proof Room. The House and Senate also can designate certain measures for priority treatment by placing them on the "Hot List." Work on those measures is generally completed overnight.

The Pandemic Highlighted Weaknesses in the System

Given the way the system operates, the volume of measures received directly affects the Agency's productivity. We have seen a historic increase in the number of bills in each Congress and, while each bill has trended shorter over the years, we have seen a historic trend of increasing page counts overall. See figures 2 through 4 on page 5 for trends.

GPO's productivity in processing bills depends on how many pages each Bill End proofreader can complete during a given shift. Given the increase in the number of pages to be proofed, GPO's ability pre-pandemic to maintain the average 1-week turnaround time points to the increased productivity of its proofreaders.



Figure 2. Total Measures Processed by GPO. 117th Congress estimated based on current trends as of April 21, 2022. Source: govinfo.gov.

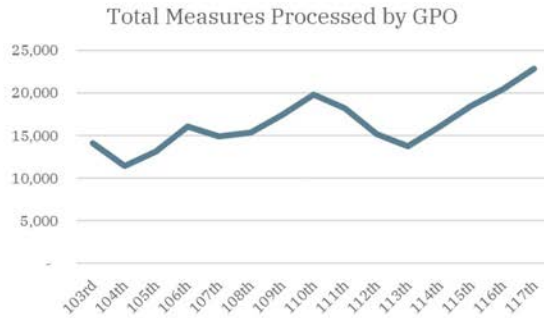


Figure 3. Average Length of Measures in Pages. Source: govinfo.gov.

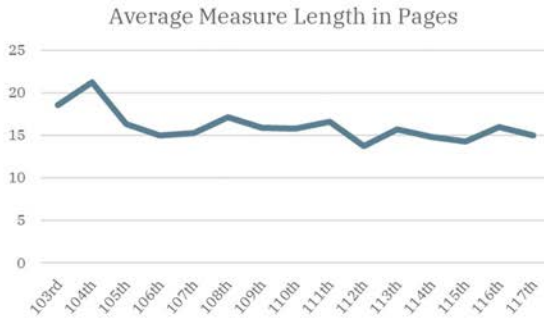


Figure 4. Total Measure Pages Processed by GPO. 117th Congress figures estimated based on current trends as of April 21, 2022. Source: govinfo.gov.

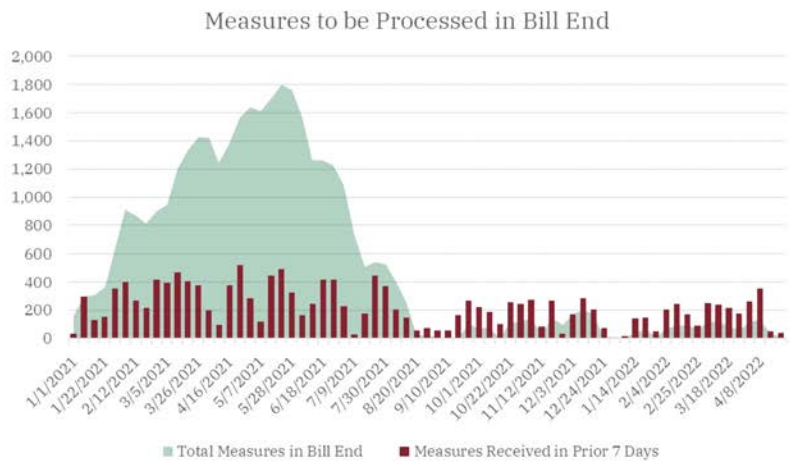




The pandemic required the Agency to take severe steps to protect its personnel and its resiliency in the face of potential infections. GPO responded to the conditions of the pandemic by instituting “team” staffing throughout its operations. Under this arrangement, only one-half of each shift would report to work during a given week. This would allow for social distancing and the ability to bring in the other half of the team in the event of an infection that required the team that was working to be isolated.

While this procedure allowed GPO to provide for the continuity of its operations in support of Congress, it also resulted in a significant decrease in productivity and a major backlog in the processing of measures in the Bill End. As figure 5 shows, the backlog reached its height in May of 2021 with nearly 1,800 measures waiting to be proofed in the Bill End. When the Proof Room returned to full staffing in mid-May 2021, they were able to eliminate the backlog by September while continuing to process record numbers of introduced measures. Since the beginning of 2022, there has been an average of only 75 measures awaiting processing in the Bill End at the end of each week.

Figure 5. Measures Waiting to be Processed in GPO’s Bill End. Source: GPO.



Additionally, during the same time period, GPO’s proofreaders were discovering that some offices were using commercially available PDF editing software to make changes to the PDF used to introduce the bill, while the XML file used to generate the PDF and used by GPO to generate press-ready copy remained unchanged. Since GPO’s service level agreement with the House and Senate is to maintain the fidelity of the introduced manuscript, GPO’s proof readers were forced to essentially read each introduced measure character-by-character rather than the more basic proofing that was the regular practice. While GPO’s proof readers were only finding differences in about one percent of the manuscripts, it was enough that it required detailed reading of each introduced measure. While the use of this technique was based on a misunderstanding on the part of the introducing Member’s office that GPO printed from the PDF, it required significantly more time to proof and further exacerbated the backlog.



Members and staff were rightly concerned about this backlog, as were all of us involved in supporting these functions. While GPO was able to meet the immediate needs of the House and Senate through management of the Hot List, individual Members introducing measures had to wait a month or longer for the official version of the measure to be posted on **govinfo** or **Congress.gov**. While Members had alternatives, such as posting the draft version of a measure on the Member or committee's website, it was not easily searchable or discoverable through the regular methods. Now that the Proof Room is fully staffed and GPO's turnaround time is back to normal, there is less urgency to find alternatives to GPO's regular process, though we continue to get questions about the process and the length of time required to process introduced measures.

Future Options for Processing Legislative Measures

In the wake of this backlog, GPO has discussed with our oversight committees, individual Members, and other stakeholders, various options to reduce the time that measures spend in the Proof Room in an effort to speed up availability of legislative text through the usual online channels. While we present the following two ideas as options, it is important to note that GPO is not endorsing these approaches at this time. While each may speed up the process to some extent, they also have potential risks. Ultimately, GPO will meet the level of service that its customers demand, making clear any tradeoffs involved.

Providing the Option to Skip the Proof-Reading Step

Given that the proofreading process is largely manual, some have suggested that Members be given the option to waive the proofreading process for measures drafted by Legislative Counsel. This would essentially end the primacy of the introduced paper manuscript and instruct GPO to rely on the House's prepared XML file. That means that, for that subset of introduced measures, GPO would not catch any handwritten changes on the introduced manuscript nor would it do the usual proofing for grammar, spelling, style, and other similar issues. The measure would be processed electronically, posted on **govinfo** and **Congress.gov**, and sent to the Plant for physical printing without any of the usual quality assurance checks. While GPO usually only has queries with the House or Senate on 10 to 20 measures at any given time, providing this option would likely result in errors that would otherwise be caught during GPO's proofing process. It could also result in Members introducing measures just to correct errors or demanding expensive reprints when they discover errors after the measures are processed.

Enabling Members to Produce Legislative Drafts on their Own

As described previously, Members have long sought the ability to draft or modify legislation on their own without the use of Legislative Counsel as an intermediary. The argument is that there is a large subset of introduced measures that are relatively simple and don't require the expertise of Legislative Counsel's attorneys.

Giving offices full access to the same editor and drafting tools used by Legislative Counsel is cost-prohibitive and would require extensive training on the part of users. Even experienced committee counsel have difficulty using XMetal with the House customizations.



We are involved in ongoing discussions with the House Office of Legislative Counsel and the Clerk's office regarding the development of relatively easy-to-use Word templates that could be used by staff for simple drafting tasks and could be ingested into GPO's typesetting system through a web interface. As part of GPO's development of XPub, its next generation composition system, GPO has been testing Word templates for committee reports and hearings with some success. However, the structure of legislative documents is significantly more complicated than committee reports and hearings. If the measure contained amendatory language, it would be difficult to create a general-purpose Word template that could account for all the possible variations of amendatory drafting styles. We are continuing to pursue this as an option, but it is at least several years away before we would have something that could be put into production.

It is also important to note that if a Member drafts a measure using Word or another piece of software today, GPO will still process it, but we will likely just scan and OCR the manuscript, manually insert the typesetting codes, and manually review the resulting document for accuracy. This process will take longer than it would if we were working with electronic files from the House.

Lastly, based on my experience as a staff person, I want to urge caution about taking Legislative Counsel out of the equation. It is difficult to replace their knowledge and expertise and even I, an experienced drafter, learn something from each of my discussions with the attorneys of Legislative Counsel that I didn't know previously. Taking them out of the process will inevitably lead to lower quality legislative measures.

Conclusion

Ultimately, the House will have to decide on the tradeoffs between the current systems for processing introduced measures which deliver high quality and the alternatives which may speed up processing but will ultimately result in lower quality legislative measures. The availability of resources for Legislative Counsel, the Clerk, and GPO will all be factors in that decision. Regardless of which way the House decides to go, GPO is ready to be an active partner to meet our customers' requirements.

Thank you again for the opportunity to testify. I stand ready to answer any questions you may have.



Hugh Nathaniel Halpern, *GPO Director*

Hugh Nathaniel Halpern is the U.S. Government Publishing Office (GPO) Director, the agency's chief executive officer. The agency is responsible for publishing and printing information for the three branches of the Federal Government. Halpern is the 28th person to lead GPO since the agency opened its doors for business on March 4, 1861, the same day Abraham Lincoln was inaugurated as the 16th President of the United States. President Donald Trump nominated Halpern to be GPO Director on October 17, 2019, and the U.S. Senate confirmed him on December 4, 2019.

Biography

Prior to coming to GPO, Halpern held a succession of leadership positions during his 30 years on Capitol Hill. He served as the Director of Floor Operations for the Speaker of the U.S. House of Representatives. In that role, Halpern was the highest-ranking floor staffer in the House and served as Speaker Paul Ryan's Chief Advisor on all procedural matters. He managed the daily floor operations of the House, served as the liaison to all leadership offices, and oversaw legislative interactions between The White House, House and Senate. In 2018, he received the John W. McCormack Award of Excellence, the highest award given to a staff member in the House. The award recognizes a lifetime of bipartisan service to the House.

In addition to his position in the Speaker's Office, Halpern has more than a decade of experience serving on the senior leadership staff. He has a proven track record of successfully leading teams to achieve results.

During his career, he served half a dozen different committees in both policy development and procedural roles. During his 11 years on the House Committee on Rules, Halpern served as Staff Director leading the management and terms of debate on the House floor. In 2001, he was named General Counsel by Chairman Mike Oxley for the newly established House Committee on Financial Services. During his tenure, the committee provided legislation addressing terrorist financing and money laundering, improving investor confidence in the wake of the Enron and WorldCom scandals and granting consumers important new tools to fight identity theft. During the 1990s, Halpern served on the House Committee on Energy and Commerce, where he handled a variety of legislative issues, including automobile safety, insurance, FTC consumer protection and tobacco regulation. Halpern began his career in Congress as an intern for Rep. E.G. "Bud" Shuster in 1987.

Halpern served a number of temporary positions during his time on Capitol Hill. He was the Parliamentarian to the First Select Committee on Homeland Security, which created the Department of Homeland Security, General Counsel to the Select Committee to investigate the voting irregularities of August 2, 2007, and Assistant Parliamentarian to the 2008, 2012, and 2016 Republican National Conventions.

A native of Hollidaysburg, PA, Halpern received bachelor's and master's degrees in Political Science from American University in 1991 and 1992, respectively. He also received a law degree from George Mason University in 1997. Halpern has been included in Roll Call's list of 50 most powerful Congressional staffers 14 times and featured in a National Journal profile as one of "The New Power Players" on Capitol Hill.



The CHAIRMAN. Thank you, Mr. Halpern.

I now recognize myself and Vice Chair Timmons to begin a period of extended questioning of the witnesses. Any member who wishes to speak should just signal their request to either me or to Vice Chair Timmons.

So, you know, I have got a hundred questions I want to ask, but let me just start. Mr. Wofsy, in your written testimony, you pointed out some of your response to the Leg Branch Appropriations Subcommittee in terms of kind of, what do you need, right? And I think you hit on a few things—some additional funding to bring on more people and to be able to retain people; the use of the Staff Academy both for the folks who work under you but also for Member offices to be trained on how better to engage with Leg Counsel; and then technology.

I am just curious how one—have those needs largely been met, or are they in the process of being met? Are there other things that our committee should think about recommending that would support the work you are doing in light of the overwhelming increase in demand that your office is facing?

And then the other question, just relatedly—and there has been some discussion of this already—you know, one potential solution to reduce the strain on your workload would be just to expand who has access to legislative drafting tools. Curious if you—you know, who has—if you have thoughts on who has access and what your thoughts are about expanding that access? If Mr. Wofsy and perhaps Mr. McCumber may want to weigh in on that, too, but—

Mr. WOFSY. Certainly. Let me address the first set of questions that you asked—

The CHAIRMAN. Yeah.

Mr. WOFSY [continuing]. Which I think I can tell you that there are things that have already been implemented, and there are things that we are going to continue to implement. For example, last—we have six new attorneys who are going to be joining our team this year, two of whom have already started. Four are going to be coming in the fall.

We anticipate and we aim to do the same thing for this coming year with recruiting season, and we also anticipate hiring additional paralegals. I had mentioned that we use our paralegal team to help us out with simple things and to help us with a lot of kind of document generation things. They are excellent, and they are very, very helpful.

We are also—I will tell you that we are very grateful for the Speaker's most recent pay order, and we are grateful to you and the select committee because, you know, I work with—as it turns out, I work with the select committee. My drafting area includes the things that you work on. And I remember, from the beginning, one of the things that you were very, very strong on was increasing staff pay, or at least allowing for the possibility of staff pay, especially senior staff, to be compensated more.

That has already made a tremendous difference in our retention efforts. It is very, very helpful. And it—what we want is to see this keep going so that staff pay will continue to rise and that we will continue to retain our highly trained staff. The magical phrase of

the high three has been batted around in our office quite a bit over the past year. That has been a terrific help.

We are also, as I mentioned, trying out different arrangements where we can retain people by offering them the opportunity to engage in extensive telework. And we have people, in fact, who are working from very remote locations now, partly as a result of the pandemic but also partly as the result of family opportunities. We have one of our senior attorney's spouses has taken a temporary position very far away, and he is still able to work with us remotely and to keep doing that. That is something we can tell our people that we can do for them.

So many of these things are already underway. What we need is, first of all, the continued funding to make it possible, and that—to my knowledge, the Appropriations Committee has been extremely helpful with that. They have been able to give us what we need. And then some of the other things that we are talking about today would also be a big help, and we can talk perhaps—I can get into greater detail if you would like about the education efforts that you had alluded to, as a way of basically reducing the pain ultimately.

It expands our capacity when people come to us with a lot of the questions answered because we don't have to start off from square one. If people know how to use our office and the best practices for use in our office, they can come to us better prepared. So we look at this as a help us help you—

The CHAIRMAN. Yeah.

Mr. WOFSEY [continuing]. Sort of effort.

The CHAIRMAN. Do you need anything else in that regard? If you were on this committee and making recommendations in this space, do you feel like the Staff Academy has got it handled, or are there other things we ought to be looking at?

Mr. WOFSEY. I think the Staff Academy is a good start. I mean, I think that what—to the extent that you can—that there are specific things you can do to promote it and to encourage Members to have their staffs attend the Staff Academy sessions, and also to go to our internal website. That is another terrific source of information.

I mean, when people go onto our website, they can see right up front a sort of, before you contact us or before you begin, to list out some of these questions and some of the basic background information. We give people on our website basically a guide, a brief guide to the legislative process, where we talk about, for example, the Parliamentarians, Congressional Research Service. We give them links to these offices.

We even have a basic guide to legislative drafting, which gives a very brief but still useful introduction to, what is the difference between a bill and a resolution, a bill that amends existing law versus a bill that is freestanding and just sits on its own? In other words, a lot of this material is out there now, and what we would like to see is staff take advantage of it.

The most recent webinar that we had for what is called the Leg Counsel 201 class, which is the advanced class, I believe there were 80 people who signed up, of whom 50 actually attended. And I am—that is not bad—

The CHAIRMAN. Yeah.

Mr. WOFSEY [continuing]. You know, because, as we know, who knows how your day is going to go on the Hill. You may think, "Oh, I am going to go to my webinar," and then, the next thing you know, you get a call, and "I guess I am not going to go to that webinar."

The CHAIRMAN. Right.

Mr. WOFSEY. So I think 50 out of 80 is actually not a bad percentage, but we need to see more of that happening. To the extent that you can recommend to Members and the staff to do simple things, like look through our website, look at the Congressional Staff Academy—I mean, here is something else that is very, very simple that is sort of—it has driven me a little crazy, to be honest, in the past that when staff leave a Member's office and they don't tell their successors about the drafting that we have already been working on, and then the request comes in anew, sometimes maybe a year or so later, and we have to search through our—my aging memory cells to see if, "Gosh, this sounds familiar, where did—haven't I seen this before," and we have to start the process all over again.

I mean, a simple recommendation to Member staff that, when somebody leaves, that to make it a policy to notify the leg director or the chief of staff about what they are working on with our office so that people will know how to pick it up and move forward.

Small things, but to encourage the Members to take advantage of what is out there.

The CHAIRMAN. Do you want to take a swing at the pitch about access to legislative drafting tools?

Mr. WOFSEY. Sure. It is a question really of what the House wants from a legislative document because the Member—if you can introduce a bill that says anything or does anything, the question is, will it work? Will it be technically sufficient? And legislative drafting is a craft, and we believe that the House is best served when people who are experienced in that craft are the ones who ultimately prepare the legislation.

It isn't just a matter of the training that we receive, which is rigorous. When we have new people come in, they go through an extremely rigorous apprenticeship-type program where they learn all—the whole panoply of rules and procedures and techniques and how to ask all of these questions and how to work with our clients to make sure that we are giving them what they really want, what they really want, not necessarily what they write down on the page but what they are really trying to accomplish.

I will also mention, as I did in my testimony, that we are covered by the attorney-client privilege so that, when people work with us, we are going to keep their work product confidential. I can't even mention the fact that somebody has contacted me, even if there is no bill draft provided, I cannot share the fact that somebody has reached out to me with anybody else.

When other people do legislative drafting, they are not bound by those same confidences so that, if somebody else is going to produce a document, there is no way to guarantee that somebody is going to look at that document and maybe make mischief with it.

The other—I guess the other thing, because we can talk a long time about all of this stuff, that somebody—one of my colleagues

drew my attention to a Harvard Law Review article. This was about 10 years ago. Somebody was talking about how many lawyers work for the government, which—what a fascinating—how would you like to spend your career coming up with—that that was your research, that was your thesis? That is great. How many lawyers work for the Federal Government?

And they came down roughly saying that, in the executive branch, there are maybe more than 20,000 lawyers. In the entire legislative branch, there are 500. So, if legislation gets enacted that is unclear, that is incoherent, that has technical issues, that leaves blanks, that can be subject to varying interpretations, if it gets enacted and if Members think that they are going to be able to direct how those blanks get filled in, how the law gets implemented—if the Members think that they are going to have a role in that process, they are wrong. The ship has sailed already.

And who is going to make that decision? Well, that army of 20,000 lawyers in the executive branch or perhaps in the State and local governments and private businesses, depending of course on who the subject of the legislation is. We think that the House is best served by taking advantage of professional legislative drafting services. You never know when something is going to move through the process.

Myself and all my colleagues have had examples of things that we just kind of tossed off and said, “Oh, sure, why not, let’s try this,” and the next thing you know, oh, my gosh—not that there is a signing ceremony necessarily but that there is—this thing is now enacted into law, and we are going to have to deal with it.

The CHAIRMAN. So I—the last thing you said—and apologies to my colleagues because I want to make sure that they get a chance to throw in some questions here, but, I mean, just to press you on that a little bit, you know, there is, I think, a substantial amount of legislation that gets introduced where the person introducing it hopes that it will become a law. I think we are all pretty conscious of the fact there is also a fair amount of legislation where the person is trying to make a statement, not make a law, right?

And, yes, I—and I know that might have—

Mr. WOF SY. I am shocked. I am shocked. I am shocked.

The CHAIRMAN. Politics in the Capitol.

Mr. WOF SY. Shocked.

The CHAIRMAN. Good God.

So I guess the question is, might it make sense, given the overwhelming workload that you are facing, to at least broaden access for those things that are, you know, going nowhere?

Mr. WOF SY. Well, possibly.

The CHAIRMAN. I mean, it could save you guys some work, right?

Mr. WOF SY. Maybe yes, or maybe no.

The CHAIRMAN. Okay.

Mr. WOF SY. Because what happens—what would happen—I can certainly envision that, if this were to happen, at a certain point, people are going to look at the bills that said people just wanted to just introduce them for the heck of it, and someone is going to say, “No, I want to take this seriously.”

The CHAIRMAN. Uh-huh.

Mr. WOFSEY. I—there could—again, you never know. The chair of a committee or a subcommittee may look at this, or perhaps is himself or herself the one who is introducing this and said, “Let’s have a hearing on this,” and then, when that happens, we are going to get the call to say, “Okay, we know this doesn’t really work.”

The CHAIRMAN. Yeah. Now what?

Mr. WOFSEY. “Can you clean it up for us?”

The CHAIRMAN. Right.

Mr. WOFSEY. And it could be somebody other than the person who introduced it, and, in effect, that could make our workload even worse because we are going to start getting last-minute things to redo things that we never saw in the first place, and we are starting with a total zero null set of information about, what was the purpose of this? What is it trying to do? Who is responsible for this? And we are back to square one at a time when we are already doing our things.

And the other thing is that I think we would quickly see the distinction among the Members of this is a good bill, and this is a bad bill. I mean, I am not saying good or bad or good or evil or something like that, but Members are going to quickly know, and they are going to become even more insistent that they are going to want our imprimatur, and they will come to us at the last minute and say, “You know something? Wait a second. We are doing this, but now I am realizing that there is a problem.”

And meanwhile, where were you 2 weeks ago—

The CHAIRMAN. Right.

Mr. WOFSEY [continuing]. When we might have had a chance to work through the issues?

So I am nervous about that there could be a boomerang effect on our office, that it may—

The CHAIRMAN. Maybe Mr. Halpern wants to weigh in here, too. Then I will defer to my colleagues here.

Mr. HALPERN. Well, two points. One goes to an earlier point that I made, that the existing suite of drafting tools for the House are extremely complex. And, when I managed groups of attorneys or nonattorneys at several committees, they didn’t want to use these tools because they were incredibly hard to learn. And that is largely driven because they have to account for all of the different drafting styles.

Putting that aside, when I worked for the gentleman who is up on that wall and ran the floor for him, the one thing that I learned very quickly is ideas that start life as sort of a throwaway, Members suddenly become very, very attached to the words that are used to execute those ideas.

So, at some point, the Speaker would often come to me and say, “Member X is bugging me about their bill to do X, Y, or Z.”

And I would look at it, and I am like, this? Really?

And that is to say that the expertise that Noah and his colleagues bring to this is critically important to maintaining the standard and the preciseness that has characterized House drafting for my House career.

There is actually a good example of this. So the rule—I think it may have gone away this Congress, but the rule that drove the comparative print project.

The CHAIRMAN. Yeah.

Mr. HALPERN. So that was adopted very much ad hoc in the House Republican Conference where we were considering the rules package for that Congress. And, frankly, at some point, we realized we couldn't articulate reasons why we shouldn't do this any longer, and so we just said we are going to do it. And I had to come to my colleagues in the Clerk's Office and go, "We have got a year to figure out how we are going to do this."

But, if you look at the text of that rule, it is written differently than virtually every other rule literally in the book, and that was because that came from Mr. Posey.

The CHAIRMAN. Uh-huh.

Mr. HALPERN. And Mr. Posey decided that is how he really wanted that constructed.

And the several times we actually went back to him to say, "Hey, can we just update this to conform it to the style and the structure of all of the other Rules of the House," he was not enthusiastic about revisiting that.

So that is just something to keep in mind—

The CHAIRMAN. Okay.

Mr. HALPERN [continuing]. That the distinction that we may draw at the outset doesn't always hold when things start moving.

The CHAIRMAN. Gotcha. Vice Chair Timmons.

Mr. TIMMONS. Thank you, Mr. Chairman.

In the last 10 years, you have gone from 32,000 drafts to 48,000 drafts, almost a 50-percent increase in a decade. And you have added nine attorneys, less than 20 percent.

Do you need more attorneys?

Mr. WOFSY. Yes. Yes, we do. And we are starting to ramp up our hiring. There are several issues, of course, involved. First of all, we have lost some fairly senior attorneys over the past few years, just because of the natural—the lifecycle of an attorney, I suppose, is that, at a certain point, you are ready to go and do something else or simply retire.

We had a colleague who had been in the office for 50 years who retired last year. And we have people who have similar links. So some of this is a matter of filling vacancies that were both expected but also unexpected.

And the other thing also to keep in mind is that we want to expand as quickly as we can without overburdening our existing attorneys because the way that our office operates is that the training we provide—as I mentioned before, it is like an apprenticeship program. A new attorney is subject to review and oversight by two senior attorneys who control all the workflow, provide rigorous redlining and advice, and basically spend the better part of a year training somebody on how to do our job.

That, of course, takes time away from the senior attorneys who are doing the training. So we have—we feel that we have a good balance.

Now, if we are shooting to add six people, let's say, every year, with doing that, we will be able to keep our senior—enough of our senior attorneys available to do their jobs and still provide the training and, at the same time, have more attorneys gaining more expertise, and we can start filling them in on the drafting teams

that we use for the various areas of law that people specialize in, and they can start developing the specialization.

Bottom line: Yes, we need more attorneys. We need more paralegals, too. I mentioned that they provide a terrific role, and they are fantastic, and they can help us a lot to sort of expand our capacity to be able to serve the Members.

But, yes, that was a longwinded answer to a very short answer, which is yes.

Mr. TIMMONS. After people work on the Hill for 2, 3, 4, 5, 10 years, generally speaking, they can go downtown for a 50-percent increase, minimum, sometimes 200-percent increase. Are you losing attorneys to—does K Street want your team, or is it not really a translatable skill set?

Mr. WOFSEY. Wow, I never thought of that before. What am I doing here? No.

It is—you know, that is a really good question. I mean, I think that it is an—would be an unusual career path to do the K Street thing. I think that this—because we are nonpartisan—I mean, I am just kind of going—I am making this up off the top of my head here, but I think, because we are nonpartisan, we don't have the same relationship with Members—

Mr. TIMMONS. Okay.

Mr. WOFSEY [continuing]. And leadership and all that, that I think K Street values more than the ability to draft legislation. But there are certainly people who have gone off to work for—to work for law firms to do—

Mr. TIMMONS. Sure.

Mr. WOFSEY [continuing]. Certain types of work.

I think that, when people leave the office, it is almost—it tends to be more for reasons of that they just don't—that they just—after a year or two, they realize they just don't enjoy the work. Maybe they want to be more involved in policymaking themselves because they have their own policy goals. And, as I say, we don't provide the policy. We provide the expression of other people's policy. So sometimes people leave for that type of reason.

I don't—I don't see an exodus to K Street so much as our problem. Having said that, it is a lot easier to say that now that we have the—we have got the most recent pay order, and with the hope—

Mr. TIMMONS. That was my next question.

Mr. WOFSEY. Yeah.

Mr. TIMMONS. What percentage of your staff are maxed out?

Mr. WOFSEY. Oh, gosh. I would have to get back to you on that, but—

Mr. TIMMONS. Yeah.

Mr. WOFSEY [continuing]. Let's just say quite a few. I mean, there were—and, God, I was one of them for many years. I—there are at least—I should probably get back to you on that.

Mr. TIMMONS. Okay.

Mr. WOFSEY. I don't want to give—but it was a considerable amount.

Mr. TIMMONS. But a substantial number of your attorneys are maxed out?

Mr. WOF SY. Yes. They were. Now they are not in the sense that the cap on the pay order was raised to such a level that we now have breathing room—

Mr. TIMMONS. Okay.

Mr. WOF SY [continuing]. Underneath to kind of give people—continue to give people raises as they stick around, so they get—our raises or seniority based.

Mr. TIMMONS. You mentioned teleworking. What percentage of your team teleworks?

Mr. WOF SY. 100 percent at one point or another. I mean, we—I don't think that there is an attorney who does not telework at least 1 or 2 days a week.

Our telework has been—I mean, it has been—I think it has been—I mean, we are going to pat ourselves on the back. I think it has been astonishing how we have been able to use that and that we were—we were very well placed to do so when the pandemic hit because we had been doing it since—well, it started—Hugh probably can remember—since the anthrax attacks after 9/11 that we—that the House realized that we need to be able to have people work remotely.

And so, since then, at one level or another, we have done it. And it is a terrific help. It is a great retention tool.

Mr. TIMMONS. There are different types of teleworking. One teleworking is being within a couple miles of the Capitol. The other one is being in a completely different area code where the cost of living is a quarter of what it is here. So how many of your team telework from afar?

Mr. WOF SY. I would say three or four, or four or five at this point.

Mr. TIMMONS. Is that something that you would—I mean, you know, 150-, \$200,000 is fairly good pay here in D.C., but it is an enormous amount of money in South Carolina. So, I mean, do you have people—are you encouraging people that are kind of questioning their career path to consider moving further away where they have a better quality of life for less money?

Mr. WOF SY. That is a great question. And that is actually something that we are starting to discuss among ourselves in the office because we have to—as with everything, we have to strike a balance. I mean, you know, I am an old school person, or I am just an old person period, and I see the value of people being together in the same place at the same time, and I know that there is a—obvious—

Mr. TIMMONS. Zoom doesn't count?

Mr. WOF SY. Not quite. I mean, you know, each of us have had our experiences with it, right. But I understand that there is a generational thing and that there are advantages, of course, to having people work remotely. If we did that, though, we would need to answer some very tough questions, that should people who, because of their location, will very rarely, if ever, be able to respond to some demand, which may come from a Member or committee, to show up in person, should they be compensated at a different level?

In other words, should people who are staying here who are going to be more accessible in cases of emergency, should they be

paid the same as somebody who will never be able to come here? These are just the types of issues that we would have to work through, and we are starting to talk about it, but—

Mr. TIMMONS. One last question for the Clerk's Office. And this is for another Member that is not here. I am not as passionate about it as he is.

The Electronic Voting System, security is obviously incredibly important. My understanding is it has got—it is its own system, right? It is not connected to anything whatsoever?

Mr. MCCUMBER. That is right, yes.

Mr. TIMMONS. Multiple fail-safes?

Mr. MCCUMBER. That is right.

Mr. TIMMONS. The question that was posed was, how could a Member's office, particularly a legislative director, maybe his chief of staff, be able to see whether and how that Member voted in a case of whether they got to the floor in time or not, or whether they are possibly talking outside and just about to miss a vote?

Obviously, you can call the floor, and that is kind of cumbersome. We would not want to impact the security. I can imagine there is a way to determine whether and how someone voted should the House—should leadership want that to occur.

Is that something that you all have investigated? Do you have a—if this is something that the Speaker says that we want to do, it is done? Can you just talk about that?

Mr. MCCUMBER. We scoped it out at a very high level when this conversation came up earlier this year, and it is very secure. There is a way to do it. A program could be written to use—

Mr. TIMMONS. To look at the wall and see what—

Mr. MCCUMBER. Right out—

Mr. TIMMONS. Yeah.

Mr. MCCUMBER. Right. Right out of the EVS system itself. But, you know, a program would have to be created. And I think they said, I mean, 9 months to a year to be able to get something in place.

Mr. TIMMONS. And, obviously, you wouldn't want people to know how everybody voted? I mean, there are arguments on all sides, but you don't want to have—that would create problems, but just if a Member's office could tell if that Member voted or maybe even how that Member voted, I could see a value there.

Mr. MCCUMBER. That could—

Mr. TIMMONS. It is doable?

Mr. MCCUMBER. That could potentially be one of the ideas in this Member portal with the new LIMS modernization that we are doing where the administrative rights could be granted to that Member's office to access that information.

Mr. TIMMONS. Okay.

Mr. MCCUMBER. It is certainly possible.

Mr. TIMMONS. Thank you.

I yield back. Sorry.

The CHAIRMAN. Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Chair.

And thanks to each of you. I am grateful for what you and your offices do and wish more of our colleagues, frankly, could understand, myself amongst them, so I want to say thank you.

I have always been taught to investigate best practices and implement them into the organizations to which I have been party. My question to each of you is, do you investigate those as they relate to best practices in legislative bodies throughout the country but also around the world? And, if not, is there an opportunity to create a mechanism by which we can identify those and perhaps implement ideas that have been attested in other legislative bodies?

Maybe start with you, Mr. Wofsy.

Mr. WOFSY. Sure. Our office does participate, on a formal and informal basis, with international organizations that bring together legislative drafters and people who do similar work all over the world. There is a particular group of the former commonwealth nations that has—from U.K.—who we are in constant touch with. We have had people actually spend time with us from South Korea, from the U.K. and like spent time with us, watched how we do our things. We have had—our attorneys have helped in the past with the emerging democracies to provide assistance. And some of our retired attorneys have done that.

The pandemic has interfered with some of that, as you may imagine. Pre-pandemic, there was an annual conference of international legislative drafters that would be held typically here in D.C., and people would come from all over the world. We would put on—we would present papers and research findings and talk about best practices, about how we do things in our system of government, how they do things in their system of government, the roles of—for example, the equivalence of the Congressional Research Service in other countries.

The pandemic has interfered with that. One of my colleagues is sort of our point person for these international organizations, and he is saying that there may be an attempt to have the conference start this fall. And typically we would have it here in D.C., and we would have several events, receptions, and get to know those people.

So the answer is yes, absolutely. We are in touch with international organizations and other people who do similar work, and we want to learn from them, and they want to learn from us.

Mr. PHILLIPS. Wonderful. And, in your specific line of work, are there any States or countries that are particularly impressive relative to their efficiency in systems technologies?

Mr. WOFSY. I am not sure—

Mr. PHILLIPS. If you aren't—

Mr. WOFSY. I can speak to the technologies. We were very impressed with the Australians, who seem to have a very—it was more about how their offices were organized in terms of how they tackled various subject matter areas, how they would respond to requests. Obviously parliamentary systems are different because it is the government—

Mr. PHILLIPS. Of course.

Mr. WOFSY [continuing]. That runs everything. So this—there is the division between the branches, which, of course, drives a lot of what we do, is different. But we thought—but we were very impressed with them, and they were—I will also just say the Australians, they are fabulously entertaining people—

Mr. PHILLIPS. And there is that.

Mr. WOFSY [continuing]. In their ways. So that was one example of the ways.

Mr. PHILLIPS. Thank you.

Mr. McCumber.

Mr. MCCUMBER. So my predecessor was pretty involved in the Inter-Parliamentary Union, and I know that they got together often for an exchange of ideas, especially during the pandemic, best practices for what works for us, what works for them, how did we do this, how did we do that?

I am not as familiar yet. Those haven't been an opportunity yet that have come up for me yet, but it is something that, you know—and similar, we are bound a lot by what the House—the rules and the traditions and the precedents, but where there are opportunities to improve in efficiencies, in the way we do things, we certainly take advantage of them.

Mr. PHILLIPS. Okay. Thank you.

Mr. Halpern.

Mr. HALPERN. Thank you. GPO is about a billion-dollar government enterprise, operates very much as a business, and throughout all of our lines of business, we are constantly checking for what are the best practices around how we do things? But I think, to be more responsive to your question, I would actually like to go back to something I did when I worked for the House.

So, probably about 10, 15 years ago now, I and some of my colleagues did the staff del to visit the European Union Parliament but, more importantly, the U.K. Parliament. And, as part of the discussion, we were talking with their clerks, who serve as the counterparts both of the folks in the House Clerk's Office but also our Parliamentarians.

And, through that discussion—it was literally cocktail discussion. I pointed out that their documents looked a whole heck of a lot more modern than ours do despite the fact their parliament is roughly a thousand years older than ours.

Mr. PHILLIPS. Uh-huh.

Mr. HALPERN. And the deputy clerk I was talking to, she was like, "Oh, yeah, like, 10 years prior, we just thought everything looked too Victorian, so we just changed it," and they printed on regular size paper, and they used color, and they used modern typefaces.

So I came back kind of invigorated after that trip and met with the staff of what I affectionately refer to now as the old GPO. And, when I suggested, "Hey, let's just start with printing hearings on letter size paper, let's just start there," and you would have thought I had asked everybody for their first-born child.

Mr. PHILLIPS. Whoa.

Mr. HALPERN. I left that meeting very frustrated.

Fast forward, 12, 13 years, and they are, like, "Congratulations, you are in charge now."

The good news is we are at a bit of an inflection point with a lot of different things where we can consider some of those best practices. So one of the reasons that our documents look the way they do—and the Committee Report today is in basically the exact same format it was when GPO opened its doors in March of 1861.

Mr. PHILLIPS. Uh-huh.

Mr. HALPERN. It is to preserve on the economy of doing large off-set printing. So that gets very expensive, so you want to compress your pages, have small type sizes to reduce your cost per sheet.

Well, we have got a couple of things that are coming together. One is, in terms of actual printing technology, GPO has brought online seven digital inkjet printers, which are no longer dependent on the very expensive, very time-consuming pre-press process.

Mr. PHILLIPS. Sure.

Mr. HALPERN. Second, GPO is in the process of updating its composition engine, and the software that both offices use today and GPO is about 40 years old, and it is way past end of life. The new system is modern, works on modern standards, and is far, far more flexible.

Mr. PHILLIPS. Good.

Mr. HALPERN. So you take that new software stack, you take new output technologies, and you combine that with, frankly, the work that this select committee is doing, which is demonstrating a willingness to take a look at those practices we have had in place for hundreds of years and say, "Hey, maybe we can do something differently?"

Combine all of those things together, and I think we are at a good point where we could say—either the House, or the House and the Senate say, what do our documents look like? What is the design language we want to use? And how can we do this to make the information contained in those documents—because that is the key thing you are trying to transmit—how do we make that information more accessible?

This committee took advantage of XPub, our new composition engine, for their final report last year. We hope we will be able to engage with you again this year on that. And we look forward to working with the Committee on House Administration—frankly, anybody else who wants to come to us—to talk about how we can design a Committee Report for the next century.

Mr. PHILLIPS. Wonderful. And if I could just ask one more.

So we are very much focused on inspiring collaboration and more cooperation, and one of the items we have considered is allowing for two lead sponsors on legislation, as long as they come from each side of the aisle. I would love your thoughts, each of you, on that subject, and whether or not there are some impediments that we should be aware of if we were to recommend that?

Mr. WOFSY. I can—well, from our perspective, we are happy to work with anybody who wants to work with us. And when I mentioned—the issue is going to confidentiality, but if two people are working together—

Mr. PHILLIPS. Okay.

Mr. WOFSY [continuing]. Then that is—there is no problem with confidentiality. So—

Mr. PHILLIPS. As long as they consent.

Mr. WOFSY. Yeah. As long as there is consent, we are perfectly fine with that. Other than that, I think—I think, for us, it would be a very simple thing to do. I suspect in a way we are doing it—I mean, we are doing it already to some level. I actually am asked

sometimes to draft bills that are going to be—that I am working with both sides of the aisle together on it, so—

Mr. PHILLIPS. Okay. Good.

Mr. WOFSEY [continuing]. That does happen.

Mr. PHILLIPS. Good.

Mr. MCCUMBER. If the House rules change and allow it, certainly something that we can—that is possible in our programming, yes.

Mr. PHILLIPS. Okay.

Mr. HALPERN. So let me put on my old floor hat for a second. And, you know, as my colleagues said, absolutely. From a GPO perspective, it really doesn't matter a whole lot from us.

Mr. PHILLIPS. Sure.

Mr. HALPERN. But when—speaking as somebody who worked on the floor for half of his career, the thing to be aware of is that raises your level of difficulty, even just a little bit, for some things. I always look at it from the perspective of what if it is the middle of the night and we have got to get something done really, really quickly? How do we effectuate that?

Sometimes waking that Member up at 1 or 2 o'clock in the morning who sponsored that bill to say, "Hey, the Rules Committee is meeting, and we are moving forward with this, that, or the other thing, we need to confirm with you if it is okay if we do this," that is hard.

When you might have to do that with two Members, that just exponentially raised that bar. Now, that said, that doesn't mean you—that is not necessarily a complete argument against the idea. It is just—

Mr. PHILLIPS. Awareness.

Mr. HALPERN [continuing]. Going into the process eyes wide open and understanding the floor professionals recognize the—that it is Members who own these things. Members own the amendments. Members own the bills. And we need to check with them and do those checks. So the more of those you add, the harder that sometimes becomes.

Mr. PHILLIPS. But, based on your wonderful experience, do you think that might be an incentive for a little bit more cooperation in the institution?

Mr. HALPERN. One can always hope.

Mr. PHILLIPS. Yeah. We get a lot of that. Okay. Thank you very much.

The CHAIRMAN. We have got a couple of members who are joining us online, but they are both in markups, so the timing of the questioning is—we may get back to them.

Let me ask a couple other questions. You know, we have heard from some committee staffs that have described some challenges with keeping track of legislation that has been referred to their committee. Again, I think because it is an email system, not a paper-based system, some committees have paid for the development of their own systems, but nothing is provided Housewide.

Perhaps, Mr. McCumber, you can speak to the process as it exists now, and if you have got thoughts on potential solutions there?

Mr. MCCUMBER. Sure. So currently committees receive paper copies of the bills referred to them by GPO. Committees, there are options available to committees to be notified when a bill has been

referred to them. Congress.gov offers alerts that staff can sign up for, and it sends an email when bills have been referred to them. They can also review the Congressional Record every day, where the bill introductions and referrals are located.

But there is opportunity that we are evaluating within our LIMS modernization efforts to improve those communications and data transmissions to the committee. So our new LIMS modernization effort is going to be built in a way where we can more quickly update technology, add additional applications to it, and really help modernize some of the ways of the past, especially when it comes to this committee.

The CHAIRMAN. Can I click on congress.gov and look at a committee and see what bills are sitting in there? Is that accessible on congress.gov now?

Mr. MCCUMBER. Yes.

The CHAIRMAN. It is? Okay.

Mr. MCCUMBER. Uh-huh.

The CHAIRMAN. The other thing I wanted to ask about was about congress.gov, the—you know, just the—getting information up on, you know, bill text and amendments and that type of thing. There is a sense that there is some delay in that. I think we have all, at one point or another, looked up a bill where it says, you know, text isn't available yet.

Can you just help us understand if there are things that our committee could propose that might smooth out that process or address any of those delays?

Mr. HALPERN. So I will take that one. And maybe it is helpful to understand what our existing service level goals are and where we really ran into some problems.

The CHAIRMAN. Sure.

Mr. HALPERN. So, as I mentioned in my testimony, we—our goal is to turn around a legislative measure that we get within a week. There are what we call the hot lists both the House and the Senate provide, and they are usually driven by floor action, and they are saying these are the things we need overnight. So they get prioritized, and everything else is sort of first in, first out.

During the pandemic, we were forced to have the number of people we had operating in the proof room to work through bills. Keep in mind the—bills are not the only thing the proof room does. We produce both the Federal Register and the Congressional Record, which is like producing The Washington Post and The New York Times every single day. And they are amazing folks, and they are able to pull rabbits out of the hat all the time.

But we had two sort of—we had a couple of issues in intention. One was, first, making sure we were able to distance people enough in that room so that nobody was going to get infected. But the second was to preserve capacity so that, if we did have an infection, we could recover. So we had only half of our staff operating at any one time.

At its peak, we had almost 1,800 bills sitting in the bill section to be proofread and composed and put online and printed. Shortly—that was in May of 2021. Shortly thereafter, we were able to bring our staff back, and we were able to clear that backlog in about 3 to 4 months.

And, now, the volume varies week to week depending on the Congress—what is in session, and how much business and those kind of things, but most weeks, there is only—there are fewer than a hundred bills left in the bill end at the end of each week.

Obviously, as I mentioned in my testimony, if you eliminate that proofreading step, then it is just a capacity issue for us. So what happens is, if we are pulling a file that is provided to us by the Clerk, that they are getting from Leg Counsel, if we no longer take that step of comparing it against the paper copy and we just—we take that XML file as gospel, then it is really just a question of our printing and production capacity. The electrons move pretty quickly.

Any bill that is less than 200 pages, we print on basically large office copiers. That is the fastest way for us to do that. If it is more than 200 pages, because of the binding limitations, that has to go to our full-blown digital presses and the bindery.

But, if you eliminate that proofreading step, that is going to speed that up to some extent. But, as I mentioned in my testimony, you are going to increase your error rate. We catch lots of things every time we look at a bill. You know, as good as Noah and his colleagues are, they make mistakes, and part of our value add is we catch those stylistic or numbering mistakes or things like that, but things are very easy to catch.

The CHAIRMAN. So let me just ask pointedly, do you need anything from us? I am not asking the question to bang on you. I am asking because, if there are things that can help smooth the process or reduce delays, we would love to recommend it to support the work you do.

Mr. HALPERN. I appreciate that. Because we, to some extent, self-fund, we have been able to sort of be on that leading edge of technology.

The CHAIRMAN. Good.

Mr. HALPERN. The couple of things that are challenges for GPO is my workforce is older than the average Federal employee. Half of my agency will be eligible to retire in the next 5 years. So finding that next generation of folks to do the work is critical for us and really one of our chief things.

But, as we sort of proceed through this, we have a good dialogue with both our authorizing committee and the appropriators to make sure that we have got resources.

Ultimately Congress is our customer, and you all just need to tell us what you want, and we will figure out how to deliver it.

The CHAIRMAN. So one lesson from this hearing, if you are an attorney or working in printing and watching on C-SPAN 8 right now, come work for Congress.

Mr. HALPERN. If you are a journey person book binder, call us.

The CHAIRMAN. Yeah, there we go.

Mr. HALPERN. We literally need dozens of them, so yes.

The CHAIRMAN. Mr. Cleaver.

Mr. CLEAVER. Thank you, Mr. Chairman.

The first question: Do you believe that we are the three most significant Members of Congress since you have been here 33 years—the three of us?

Mr. HALPERN. You certainly rank up there.

Mr. CLEAVER. Yeah, thank you.

I am in Congress in no small part because I was in a TV debate. My opponent—at one point, we were told to ask each other questions, and I asked her how a bill became a law. And she couldn't do it on television.

But what I still think we need to do, even if we know that, a part of the orientation of new Members, at least when I was coming in 18 years ago, we had no contact with the infrastructure of our legislative body. I mean, zero.

Has there ever been workshops with or a dialogue with incoming Members so they would understand the system? And, if not, is there a reason not? And, if you think there would be value in it, I am certainly interested in that.

Mr. WOFSY. I can tell you that, at least for this new—for the 117th Congress, the Legislative Counsel, my boss and I, were invited to give a presentation at the New Member Orientation, which is run by the Committee on House Administration. So we were able to at least introduce the Members to the idea that there is an Office of the Legislative Counsel and that we are the bill drafting and the legislative drafting advice experts of the House.

At that time, there is only a limit that we can do in terms of just giving a presentation, mostly just making sure that they knew we existed and that they should feel free to contact us, call us, let us know if there was anything that—if they had any questions about how we do things.

One other thing that I will mention—I don't know if this is exactly on point—is that some of the leadership, sometimes, on one side of the aisle or the other, at the beginning of a Congress, will hold an open dialogue meeting for new staff and Member offices to come and meet Legislative Counsel. And I have presented at those things before, where—this is not for the Members, but it is for the staff, again, even before they have started their jobs, to let them know who we are and give them just a basic introduction that, you know, we are here, we are here to help, and that we are available to them.

I think that there are certainly more things that could be done to kind of provide this kind of information early on. House Administration, when it puts together its New Member Orientation, I think that they would—I never presume to speak for anybody, let alone House Administration or in some ways my bosses, but I think that they would be very interested and eager to kind of talk about how we could expand those opportunities.

Mr. CLEAVER. Anybody else?

Mr. HALPERN. Do you—

Mr. MCCUMBER. I would just add that the Clerk's Office, during orientation, meets with the new Members on the floor, gives an overview of the Electronic Voting System, reviews some of the positions on the rostrum, and then, most recently, through the Congressional Staff Academy, I believe the last two Congresses, we have put on a course together in conjunction—in coordination with the Parliamentarian's Office for committee clerks for what they need or what we need from them and how we can assist them to do their jobs better.

And then, just this year, we launched a clerk course through the Congressional Staff Academy where participation has been through the roof, actually, where it is a 90-minute session on everything the Clerk's Office does, what we can offer you, and really establishes those relationships. And we get great feedback from those for how we can improve along those lines.

Mr. HALPERN. Well, I was actually on the panel that immediately followed Noah and Wade at New Member Orientation, but I was there in my former staffer hat. Not a lot of folks know what GPO does, and we would love folks to come visit so we can show you what we do.

We are actually the only large-scale manufacturer here in the District, and we realize we are a little bit off the beaten path being behind Union Station, but we would love the opportunity to tell folks how we fit into the system. And, if folks want to come visit, we are more than happy to host.

Mr. CLEAVER. All right. Thank you very much.

Obviously, there is some contact with incoming Members and their staffs. But those can be enhanced. I mean, all right. Thank you.

The CHAIRMAN. Vice Chair Timmons.

Mr. TIMMONS. Thank you, Mr. Chairman.

I want to follow up on electronic voting. So when did we start using this in the current system?

Mr. MCCUMBER. 1973.

Mr. TIMMONS. Has it been changed at all since then?

Mr. MCCUMBER. So updates, the display boards that you see were installed in 2000—updated in 2010. The summary displays on—

Mr. TIMMONS. What did it look like before?

Mr. MCCUMBER. It was like—plexiglass isn't—I don't believe it was plexiglass, but, like, sliding—

Mr. HALPERN. It was a laminate in front of fluorescent bulbs.

Mr. MCCUMBER. And so, when there was a membership change and they had to redo the alphabet, they would be up there moving everybody down or up to accommodate it, but now it is all the digital display.

Mr. TIMMONS. Okay. I mean, it would not be challenging, if there was the will, to create an app and use the app instead of this, and probably even be more secure. Yeah, face ID on your cell phone. I mean, I am sure that there is a lot of traditional people here, but it is 2022. So, I mean, talk about how challenging that would be, assuming there is the will?

Mr. MCCUMBER. I can't really speak to the technology aspects of it, but, certainly, if that is what the Congress would direct us to do, that is certainly something that we could do.

The CHAIRMAN. Can I pull that thread real quick?

I mean, so we just had a hearing on continuity of Congress, right.

Mr. MCCUMBER. Uh-huh.

The CHAIRMAN. In a world in which the House was inaccessible, do we have a backup plan?

Mr. MCCUMBER. Yes.

The CHAIRMAN. What is it?

Mr. MCCUMBER. There are several mobile EVS systems that are available and kept updated.

The CHAIRMAN. Okay. I'm sorry. Go ahead.

Mr. TIMMONS. My understanding is that Natural Resources is the only committee that uses electronic voting.

Mr. MCCUMBER. It is my understanding, yes, sir.

Mr. TIMMONS. How challenging would it be for other committees to adopt electronic voting?

Mr. HALPERN. I can actually take some of that question, because I was here when that decision got made. So I believe the chair at the time was Rob Bishop from Utah, and I think there are commercial systems out there that they can—that could easily be implemented. At the time, both us in the Speaker's Office and the Clerk's Office were sort of unwilling to take responsibility for that particular system.

I think the one key thing to keep in mind—and I—again, I have done a lot of things over my career. So, if you remember the voting mishap that occurred in 2007, one of my jobs was I wrote the report that sort of detailed what happened there.

Well, one of the key things to keep in mind is the EVS is not connected to the internet, and that is one of the key security features that it has.

That is not to say that, you know, the really smart people in the Clerk's Office and in the outside world couldn't figure out a secure way to connect it to a broader network. But when you bring down the walls, when that system is no longer as isolated as it is, that security is going to go down. Not to say that you couldn't figure out other measures to build up walls again, but one of the key defenses wouldn't be there.

Mr. TIMMONS. So I think about time a lot, because we have limited time, and we are rarely here. When we are here, we are overwhelmed. But, you know, when we have a bunch of amendments in committee, and we are voting in committee for hours—I mean, it can be hours. That is just really inefficient, and it takes, I think, 2 or 3 minutes to call the whole roll and vote by voice. And I just feel like—save a lot of time.

Mr. HALPERN. I don't disagree. And so there are lots of countervailing issues here. One is sort of the collegiality requirement, making sure that the folks are in the room. And I realize, with the pandemic, the House adopted proxy voting, so that is sort of its own question.

Mr. TIMMONS. And, technically, you are only making sure my card is in the room.

Mr. HALPERN. I am sorry?

Mr. TIMMONS. You are technically only making sure my card is in the room. I don't do that, but it has been done before.

Mr. HALPERN. Good floor staff will make—do their best to try and make sure that the card is with the right person.

Mr. TIMMONS. Sure.

Mr. HALPERN. But—so you have got to make sure that it is you who is casting that vote. You know, the Constitution doesn't invest that power in your legislative director or your chief of staff or anybody else. It is in you.

I think there is probably some room for some innovation within committees to speed up that process. I have ran a large number of committees. Financial Services had a huge number of members, and—it was my boss at the time—I guess it was the early 2000s—Mike Oxley, who went to Denny Hastert to ask for the ability to roll votes in committee because, prior to that, you didn't even have that ability.

So I totally get it. I think there are probably some opportunities for innovation there. The one thing that I would argue for, as somebody who believes that data is important, is whatever systems that committees adopt, they should be using the same data standards that the Clerk and GPO and Leg Counsel use so that, as the Modernization Committee suggested, we can build that database of committee votes and have that information be interoperable and utilize that data in the future.

Mr. TIMMONS. Last question in regards to time. We made a recommendation last Congress that we should travel less and work more. People have proposed the 2 weeks on, 2 weeks off calendar. Would that create any challenges for you all to continue performing at the level that you are currently performing at?

Mr. WOFSY. It is hard to say. I think that there was—there is a sort of assumption that, when the Members are away, when they are back in the District or wherever, that the staff have a lot—that things slow down and that the workload kind of decreases. What I have—it is very—this is one of those things in which it is so dependent upon the particular Member office. It is so dependent upon the particular areas of law that the Member is concerned with, because there are many staff who say, “Okay, the Members are gone, now we can actually get our work done.” In other words: Now I don't have the Member, you know, coming up to me with brilliant new comments and brilliant new ideas to distract me from the work that I am doing to try to get this bill drafted with Legislative Counsel. So there are oftentimes when the Members are gone that some of us are even busier.

So it is very hard to make a generalization about that, other than our concern is that, if that process will help us help you—in other words, if they are taking advantage of the time to research things and to answer the questions and to engage in the iterative process, then whatever helps that is fine with us.

Mr. MCCUMBER. Yeah, there would be no concerns on our end. No.

Mr. HALPERN. Likewise, if congressional work drops off, we have other work for our folks to be doing, so—

Mr. TIMMONS. Thank you, Mr. Chairman.

The CHAIRMAN. Go ahead.

Mr. CLEAVER. For the first time since I have been here, the MRA was increased very recently, I think to the delight of at least the members of this select committee. I am wondering if we would be in a better position of coming to you for help in legislation if Members had what the Senators have, which is a general counsel. Almost every one of them—maybe all of them—I have never met one who didn't have—they have counsel on their staffs who then interacts with you.

I know you probably don't want to get into responses to suggest that you are supporting an increase in MRA, but I am. So if you can answer the question based on you trying to talk me out of it.

Mr. HALPERN. Do you want to take that?

Mr. WOFSEY. Okay. Great. So our—the thing that I was—that I would say would be that anything that encourages good people to stick around and to continue to gain an even greater depth of knowledge of the legislative process and of particular areas of law that they want to focus on, that helps us because, when I started, it was not unusual for the staff of Member offices to stick around for 5, 10, 15 years, and even more so with committee staffs.

I think—let's—I want to bring the committees into the discussion because committees are supposed to be the experts on particular subject matter areas of law. And, when I first started, the people who worked on the committees were—on either side of the aisle, were people who had been around forever. And I learned as much from them as they learned from me.

And anything that will get good people to want to make, if not a whole career, at least want to devote themselves to a greater in-depth knowledge of the legislative process and of how an idea becomes law, anything that does that from our perspective is terrifically helpful for our office, and I will just make the statement: it is good for Congress.

When I mentioned earlier about the 20,000 lawyers in the executive branch and 500 in the entire legislative branch, it strengthens Congress as an institution to carry out its Article I duties if the people who work for Congress know what they are doing.

Mr. CLEAVER. Thank you.

Mr. HALPERN. So, again, putting on my former House staffer hat, I would totally associate myself with everything that Noah said.

When I was coming up in the late 1980s, early 1990s, the way that you learned around here was really by doing, and I have learned because my portfolio of issues happened to coincide with the head of the Office of Legislative Counsel at the time, and that is how I learned to draft. That is how I learned to navigate through a legislative document.

I don't know that there are necessarily the same kinds of opportunities, so having—just having the ability to hire somebody with a law degree doesn't necessarily guarantee you that same outcome. It is having somebody who is smart and has a good background, but also has the opportunities to learn with Noah and his colleagues, with Kevin and his colleagues, and our other folks in the Parliamentarian's Office who are also very, very key to all of this.

I think having folks who are willing to do the work and actually learn the intricacies of this very, very complex system are really key to delivering for the Members that we all work for.

Mr. CLEAVER. I have done the commencement at two law schools, so I know law, and I think it would be difficult for anybody to come, whether it is a staffer or Members, who is not going to learn on the job. I don't think that is possible up here—haven't been here for a while. And so I do think that—I mean, you can get one of the best lawyers coming out of college, and they are going to come up here lost because it is going to take time.

But I do think, you know, that it may reduce your workload, but it also gives a higher level of confidence in the Member that, you know, when I want something done, I have got somebody who can do it, and then work with the institutional staff. You know, I just—I think it would work much smoother.

And I thank you for all three of you agreeing with me.

The CHAIRMAN. All right. I want to thank our witnesses for their testimony today. And, importantly, going off script for a bit, I just want to thank the people who work with you and for you. This place functions because of them, so thank you for that.

Mr. Halpern, I also want to thank you for working with our committee on our report from the 116th Congress, and we look forward to working with you on this Congress. You and your team brought some terrific innovation to that report, and I think we are better off for it.

Mr. Wofsy, I hope that this hearing didn't convince you to rethink your career choice, so thank you for being here.

I also want to thank our—the members of our committee for their participation, including those who were able to join online.

I want to thank our staff once again for pulling together a terrific hearing with some terrific experts. So thank you to our team.

And, to the stenographer, I am sorry that we talked so fast.

So, without objection, all members will have 5 legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. I ask for witnesses to respond as promptly as you are able.

Without objection, all members will have 5 legislative days to submit extraneous materials to the chair for inclusion in the record.

And, with that, this hearing is adjourned. Thanks, everybody.

[Whereupon, at 11:38 a.m., the committee was adjourned.]