

**NOT FOR PUBLICATION UNTIL RELEASED BY THE  
COMMITTEE ON APPROPRIATIONS**

**Statement of E. Wade Ballou, Jr., Legislative Counsel  
Office of the Legislative Counsel  
U.S. House of Representatives**

**Statement of E. Wade Ballou, Jr., Legislative Counsel  
Office of the Legislative Counsel  
U.S. House of Representatives**

**Before the Subcommittee on Legislative Branch Appropriations**

Mr. Chairman, Ranking Member Espaillat, and Members of the Subcommittee, thank you for the opportunity to present the fiscal year 2025 appropriation request of \$15,300,000 for the Office of the Legislative Counsel (Office).

I am pleased and honored to appear before you today in my capacity as the Legislative Counsel of the House of Representatives. I thank you and your staff for your past support of the Office and I look forward to working closely with you in carrying out our mission of advising and assisting the House, and its committees and Members, in the achievement of clear, faithful, and coherent expressions of legislative policies.

**Office Budget Request**

For fiscal year 2025, I am requesting \$15,300,000 for the salaries and expenses of the Office. This reflects an increase of \$629,000, or 5.4 percent, over fiscal year 2024. Our personnel account (entitled “Draft”) comprises 93 percent of our total expenses.

This request continues the implementation of our Strategy for Increasing Capacity, which was submitted to the Committee on Appropriations on April 1, 2022. Our strategy is a multi-faceted approach to address the needs of the House for legislative drafting services. It has 3 primary components: people, educational opportunities for our clients, and technology.

**Meeting Legislative Service Needs**

The following table depicts the relative numbers of legislative drafting requests. These numbers are for the first session of each of the specified Congresses.

	<b>115<sup>th</sup> 1<sup>st</sup> Session</b>	<b>116<sup>th</sup> 1<sup>st</sup> Session</b>	<b>117<sup>th</sup> 1<sup>st</sup> Session</b>	<b>118<sup>th</sup> 1<sup>st</sup> Session</b>	<b>Percentage Increase: 115<sup>th</sup> 1<sup>st</sup> Session to 118<sup>th</sup> 1<sup>st</sup> Session</b>
Emails to HOLC Front Office	11,853	13,478	13,854	12,839	8%
HOLC Prepared Discrete Drafts	24,524	26,931	29,821	33,321	36%
Average Number of Member Requests	33	38	45	58	76%

One noticeable area of increased legislative work is with amendments. Using proposed floor amendments to appropriations measures that are posted on the Rules Committee website, there were 2,728 proposed amendments for the first session of the 118<sup>th</sup> Congress compared to 1,986 proposed amendments for the entire 115<sup>th</sup> Congress. The total number of amendments prepared by the Office during these times is 12,914 during the 1<sup>st</sup> Session of the 118<sup>th</sup> Congress compared to 9,283 during the 1<sup>st</sup> Session of the 115<sup>th</sup> Congress. This is a 39% increase. Each of these posted amendments requires participation of Members and their staff, our Office, the Rules Committee staff, the Congressional Budget Office, the Budget Committee, the Appropriations Committee, the Parliamentarians, and as appropriate other committees of jurisdiction. The legislative process as it currently exists is not able to sustain this level of effort and it is not able to handle continued growth at these rates. For example, the 2023 NDAA process (National Defense Authorization Act) saw the bill (comprised of 1,236 pages) favorably reported from the Armed Services Committee with a 58-1 vote followed by more than 1,600 amendments filed at the Rules Committee. Ultimately the House-passed version of the bill contained 1,740 pages, and the version voted on for final passage was comprised of 3,093 pages. The 2023 appropriations process similarly had many amendments filed at the Rules Committee.

The Office has increased its personnel to meet this demand, as the following table depicts:

<b>Staff</b>	<b>115<sup>th</sup> 1<sup>st</sup> Session</b>	<b>116<sup>th</sup> 1<sup>st</sup> Session</b>	<b>117<sup>th</sup> 1<sup>st</sup> Session</b>	<b>118<sup>th</sup> 1<sup>st</sup> Session</b>	<b>Percentage Change: 115<sup>th</sup> 1<sup>st</sup> Session to 118<sup>th</sup> 1<sup>st</sup> Session</b>
Attorneys	49	49	57	61	24%
Average Attorney Experience Years	16.4	14.4	11.8	12.7	-23%
Support Staff	20	25	23	21	5%
Average Support Staff Experience Years	14.9	13.48	15.5	17.4	17%

The staff percentages reflect a net gain of 12 attorneys and 1 support staff. Together, the two tables show that the increase in legal services is being provided by Office staff with fewer years of service, with our seasoned attorneys bearing much of the work. The table also shows that even though there has been a 24% increase in the number of attorneys, the corresponding years of drafting experience and institutional knowledge have decreased by almost the same percentage. Expressed another way, for the 1<sup>st</sup> Session of the 115<sup>th</sup> Congress, 19% of the attorneys had 30 or more years of service while 40% had less than 10 years of service. By comparison, for the 1<sup>st</sup> Session of the 118<sup>th</sup> Congress, 11% of the attorneys had 30 or more years of service while 51% had less than 10 years of service.

## People

The primary component of our Strategy is people. We strive to continue to attract and retain a qualified workforce.

**Pay and Benefits.**—Pay and benefits are the cornerstone for compensating and caring for our staff. The Speaker’s Pay Orders of the last two Congresses have been helpful to our retention efforts. The cost of living in the Washington, DC metro area, especially the cost of housing and childcare, continues to increase. These costs are a heavy burden and harm staff morale. It is important that staff pay continues to keep up with these costs and inflationary pressures.

**Recruiting, Training, and Retention.**—The Office continues to grow. During the 2023 recruiting season, we recruited nationwide and directly or indirectly contacted 68 law schools. We expect 6 new attorneys to begin in FY2024 and to recruit 6 new attorneys for FY2025. We filled our summer associate positions for 2024. However, we lost 4 attorneys during 2023, who collectively had 52 years of drafting experience.

Extensive training and mentoring are required to become a proficient legislative drafter. Our formal training is a rigorous 2-year apprenticeship designed for learning drafting fundamentals, legislative procedure, client management, and technology tools, all of which are required to serve our clients in the fast-paced legislative process of the House. Our more senior attorneys serve as the trainers, typically two trainers for each new attorney. Our training method is necessarily time and resource intensive. Training that is rushed or inadequate risks producing undertrained and overwhelmed attorneys, which leads to poor client service, departures from the Office, and reduced return on the time invested in recruiting, on-boarding, and training. Recognizing this training limitation, we continue to assess our training program for ways of improving it.

We are presently recruiting for a new position of Principal Recruitment and Retention Specialist. We anticipate that this position will provide valuable assistance to our recruiting and retention efforts.

## Education

The second component of our Strategy focuses on education. Clients who are knowledgeable about the drafting process and our role are better able to provide the information we need to express their policies clearly, faithfully, and coherently. We educate in the law and legislative procedure as part of our drafting services. To reach the House legislative community, the Office has increased its offerings through the Congressional Staff Academy (CSA), including the very popular Leg Counsel 201 interactive in-person course (where over 400 House staffers have completed the course during this Congress), and the CAO Coach Program. In addition, the Office collaborates with the American Law Division of the Congressional Research Service to offer the well-received joint program entitled Tips for Translating Policy Ideas into Effective Legislation. In addition and upon request, staff in our Office present to Member offices and various staff groups. We have a special focus on Member relations through a team led by our Deputy Legislative Counsel and continue to look for opportunities to connect with Members and staff. However, the time investment in our educational efforts is limited by our need to perform our main function, drafting. It is therefore important that the House continue to improve its retention of

knowledgeable staff. We are open to other ideas to meet with House staff to share questions, goals, ideas for improvement, and concerns.

We also want to expand educational opportunities for our own staff. We encourage them to take advantage of offerings through the CSA and the Library of Congress. These initiatives include improving our partnerships with other congressional service offices, such as the Congressional Budget Office and the American Law Division of the Congressional Research Service. Additionally, the Office would like to establish a reimbursement program for our staff to take courses to deepen their expertise in the subject matter areas in which they work to better equip them to meet client needs more effectively.

## **Technology**

**Generally.**—The third component of our Strategy is technology. The major non-personnel expenditures of our Office are associated with acquiring, maintaining, and enhancing Office technology (hardware and software) to support our mission. As much as possible, we seek to work in collaboration with the Office of the Clerk, the Office of the Chief Administrative Officer of the House, and the Government Publishing Office to plan, test, and place into service tools that improve our processes and allow the wider House community to better interact with us and legislative text. HIR hosts our servers.

**Drafting Tool (XMetal).**—Our drafting tools (XMetal and the XML data format) are provided by the Clerk of the House, and the schema/data format is managed by the Legislative Branch XML Working group. We regularly participate in the Congressional Data Task Force meetings. During March of 2024, pursuant to House recommendations to improve the legislative process, we modified the written products produced by our Office. Each PDF we produce now incorporates an auto-generated Word version of the PDF. In addition, the PDF itself is now secured against text editing. We hope that these modest modifications help reduce the backlog in producing public prints of bills and enable a more efficient process for Members working with their proposals. The present configuration of XMetal, in service for 20 years, is at the end of its useful life. We are hoping the collaboration study described below guides the selection of the next tool.

**Document Management (iManage).**—Our document management system (iManage) is 20 years old. Although the server component of this system is current, the user interface continues to use a component that is no longer supported. We are updating this component and will go live with it as soon as we can. We then expect to examine other capabilities of the iManage system for possible improvements and efficiencies in workflow management and reporting.

**Comparative Print Suite.**—The Office continues to partner with the Clerk of the House to maintain and update the Comparative Print Suite released House-wide in October of 2022. Future development to this system will include a tool for creation and maintenance of the Statute Compilations.

**Statute Compilations.**—A key component of the Comparative Print Suite, and a product in its own right, is the Statute Compilations. The Statute Compilations are created and maintained by the Office. A Statute Compilation is a public law that—

- 1) either does not appear in the U.S. Code or has been classified to a title of the U.S. Code that has not been enacted into positive law, and

2) incorporates the amendments made to the underlying statute since it was originally enacted. There are 2,452 Statute Compilations posted at GPO as of March 26, 2024. This database is also used within the Office for drafting and preparing the comparative prints (known as Ramseyers) required by clause 3(e) of House Rule XIII. Our Ramseyer team creates and maintains the Statute Compilations and creates the required Ramseyers for bills ordered reported from committee, including for the Committee on Appropriations.

**Artificial Intelligence.**—The Office is participating with others in the House and across the Legislative Branch to better understand artificial intelligence (AI) and its potential uses, benefits, and risks in the legislative environment. In addition, the Office participates in discussions internationally with Parliaments and legislative drafters as we seek to learn from others.

### **Collaboration**

In response to a request by the Committee on Appropriations, our Office, together with the Clerk of the House, submitted a report on collaborative legislative drafting on October 19, 2022. We requested funding from the House Modernization Initiative Account in March of 2023 to conduct a collaboration study to help us better plan for the adoption of tools and approaches for improving legislative drafting and the collaborative work required. This funding was approved in February 2024. Our next steps include advertising for and awarding a contract for this study, and we support the Clerk’s office request for FY 2025 funding to continue the work implementing the expected recommendations of the study. As we undertake this work, we must ensure that the developed capability must do the following:

- 1) Complement the existing workflow and responsibilities of the Office, the Clerk, and GPO.
- 2) Preserve document integrity so that the only changes made to a document are those authorized by the Member or committee on whose behalf the document is prepared.
- 3) Maintain the quality of the legislative language submitted to the Hopper and at other points in the legislative process.
- 4) Ensure that the document reflects a clear, faithful, and coherent expression of the intended policy.

### **Conclusion**

Thank you for the support this Subcommittee has given our Office. With it we have provided efficient and expert drafting assistance to the Members and committees of the House. With continued funding, we look forward to continuing to meet the increasing legislative drafting needs of the House.

I, and all of our staff, are extremely proud of our work to consistently meet the legislative needs of the House, particularly during the exceptional circumstances of recent years.

This completes my testimony. I am happy to answer any questions that any Member of the Subcommittee may have.

E. Wade Ballou, Jr.  
Legislative Counsel