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

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APRIL 28, 2022

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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.<sup>1</sup> 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.<sup>2</sup>

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.

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

<sup>2</sup> [https://history.house.gov/Exhibitions-and-Publications/Electronic-Technology/House-Technology/;](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.<sup>3</sup> 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 presentment 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.

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<sup>3</sup> <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.<sup>4</sup>

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

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<sup>4</sup> 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.<sup>5</sup> 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

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

is 22 decision points.<sup>6</sup> 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

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<sup>6</sup> <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.<sup>7</sup>

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

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<sup>7</sup> <https://cha.house.gov/modernization-reports>; <https://usgpo.github.io/innovation/reports>; [https://modernizecongress.house.gov/imo/media/doc/clerk\\_written\\_testimony.pdf](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 forward<sup>8</sup>.
- **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*

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<sup>8</sup> 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.

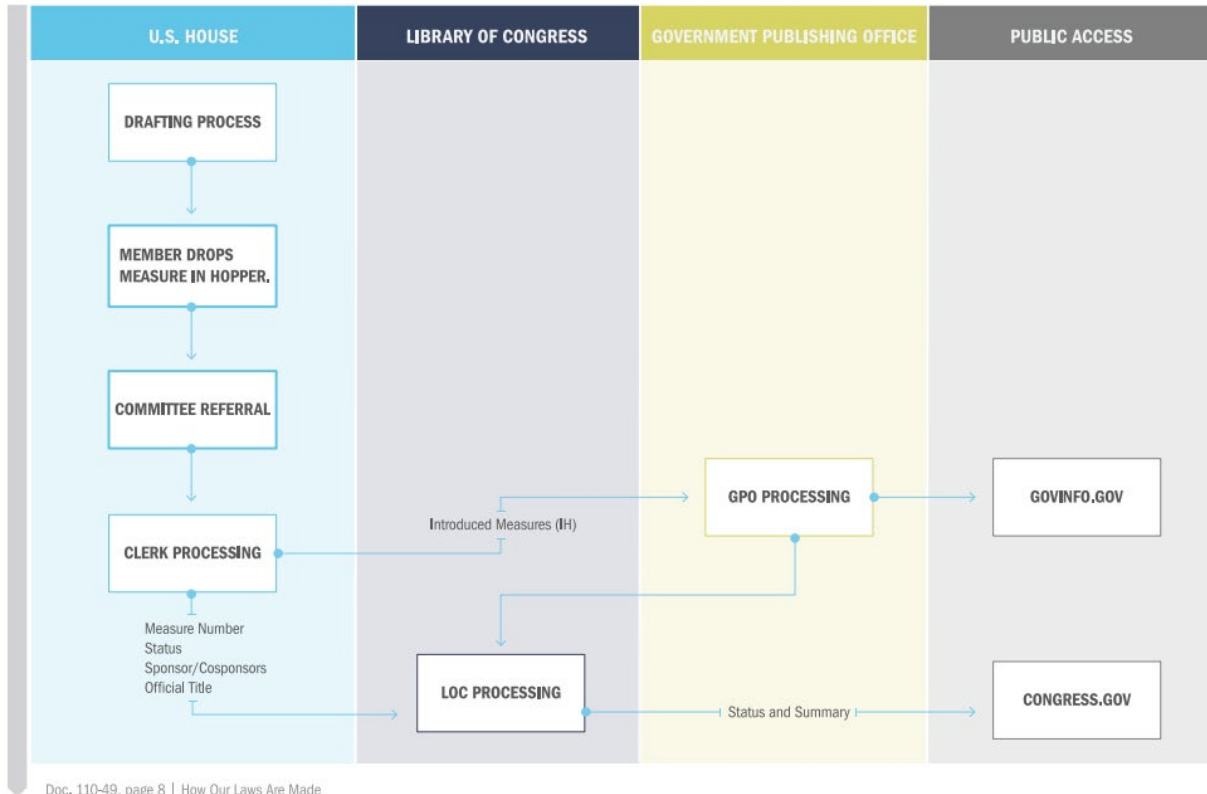
I look forward to our continued discussions with the Committee and am happy to take any questions.

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.<sup>1</sup> Below is a narrative excerpt describing the introduction and referral to Committee processes.

### LEGISLATIVE WORKFLOW | INTRODUCTION AND REFERRAL TO COMMITTEE



<sup>1</sup> <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.<sup>2</sup>
- 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.<sup>3</sup> 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).

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

<sup>3</sup> 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.<sup>4</sup>

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