Dear Chair Reed, Ranking Member Braun, and Members of the Committee:

Thank you for your continuing stewardship of Senate operations during these challenging times. This testimony encourages you to further improve access to bills and amendments considered on the Senate floor. Specifically, I urge you to bolster timely access within the Senate to the full text of legislation and amendments being considered on the floor and to improve the tools through which the text can be analyzed. Furthermore, I encourage the contemporaneous publication of bills and amendments considered on the Senate floor to the public. These recommendations implicate the operations of the Secretary of the Senate, the Government Publishing Office, and others.

In making these recommendations, I am aware of the geometrically increasing responsibilities placed on the support offices and agencies that manage the legislative workflow, notably the Secretary of the Senate, Senate Office of the Legislative Counsel, the Parliamentarian of the Senate, Government Publishing Office, and the House analogues. Efforts to improve the transparency of legislative activity should be coupled with improved workflow and efficiency that lessen the burdens placed on these offices. Accordingly, it is appropriate to consider the full processes by which legislative information is managed in the Senate and elsewhere.

The Congressional Record provides the most complete public source for information for bill text and amendments. However, it is published after the conclusion of legislative proceedings and thereby provides a retrospective look at what happened. In circumstances where bills or amendments were offered on the same day they were considered, there is no systematic concurrent public availability of the text with the deliberations.

The legislative information website Congress.gov provides a user-friendly resource for bill text for congressional staff and the public alike. For various reasons, at times it can take days or weeks for the text of legislation to be available on Congress.gov, and publication may occur after a measure has been considered by the Senate. The Government Publishing Office noted in recent testimony that, on average, it takes a week for introduced legislation to show up online, and at the height of the pandemic there was an 1,800 bill publication backlog that took several months to resolve.\(^1\) Furthermore, Congress.gov does not include the text of Senate floor amendments, but instead provides a hyperlink to the Congressional Record, which is not as user-friendly.

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The Senate maintains an internal website available only to individuals with a Senate IP address that provides significant contemporaneous information about pending bills and amendments.\(^2\) This internal system publishes only the first hundred or so pages of a measure and the text is internally published as image PDFs. These practices add a level of difficulty to reviewing the entire text of a measure and searching and analyzing its contents.

By comparison, the House of Representatives, which operates under significantly different rules, publishes the full text of legislation to be considered on the floor and all proposed amendments thereto on public websites prior to consideration.\(^3\) Generally speaking, the legislation is published both as a PDF and as an XML file, the latter of which contains important bill metadata. The House-run websites provide the best official resource for timely access to this information, although in time it becomes available in the *Congressional Record* and on Congress.gov. In addition, the House’s comparative print project uses this data to make it possible for some — and soon all — staff to see in real time how a proposed amendment would modify a bill and how a proposed bill would change the law. One limitation to the House’s approach is that most users start their search for legislative information at Congress.gov, which publishes only a subset of this information.

It would be superfluous to address in this testimony the strengths and limitations for internal stakeholders of the current Senate amendment tracking system. With respect to external stakeholders, the current system creates unequal access to information, whereby those with connections to Senate offices can at times gain access to information more readily than those who do not. While some information asymmetries are inevitable, privileged access to public business that currently is the subject of floor debate should be minimized to the extent practically possible.

Congressional offices, the public, and the press need greater assistance with tracking and accessing bills and amendments being debated on the Senate floor. In our modern era, this suggests contemporaneous online availability of the text of legislation and amendments and improved archival access. I encourage the Senate to consider a multi-pronged approach.

First, I suggest a review of the current mechanisms the Senate uses to publish legislative information internally, the fitness and adaptability of technologies used in the House, and an exploration of technologies and tools currently employed inside the

\(^2\) The website is the Amendment Tracking System, available at ats.senate.gov. According to the Congressional Research Service, “ATS is a web application that displays images of submitted and proposed amendments to legislation pending before the U.S. Senate. Amendments are available on ATS approximately 15 minutes after the Bill Clerk receives them.” See *Policy and Legislative Research for Congressional Staff: Finding Documents, Analysis, News, and Training* (2019), Congressional Research Service (R43434), https://www.everycrsreport.com/reports/R43434.html

\(^3\) The text of legislation scheduled to be considered on the House floor is published at https://docs.house.gov/floor/ and prior notice of legislation expected to be considered is published by the House Majority Leader. The text of amendments to legislation scheduled to be considered on the floor is published by the House Rules Committee at https://rules.house.gov/legislation.
Legislative branch (such as Congress.gov) as well as those in other legislatures (such as the UK Parliament).

Second, I suggest an examination of the extent to which the text of legislation and amendments printed in the Congressional Record also are contemporaneously published on Congress.gov, and an exploration of the various points in the legislative process where bill text and amendments exist in final form.

Third, I urge a review of the Senate legislative workflow to facilitate an improved understanding of whether greater efficiencies can be brought to bear on that process. In doing so, it would be productive to sound out a wide variety of perspectives from internal and external stakeholders. Establishing a working group to surface and evaluate these perspectives may yield outsized benefits to the Senate, just as the work of the Legislative Branch Bulk Data Task Force is an ongoing boon for the Legislative branch.

Taken together, this should result in a deeper, shared understanding of the current processes, ongoing efforts to address these issues, and the identification of potential improvements that are implementable in the short-term as well as possible enhancements to the system over the long-term. The perfect should not be the enemy of the good, and steady progress would be most welcome with respect to improving public availability of legislative information with an eye to its publication in interoperable, structured-data formats.\(^4\) We expect the Legislative Branch Bulk Data Task Force would be an invaluable sounding board concerning building a robust system that can endure and be extended over time.

I encourage you to consider inclusion of the following report language:

*Improving Accessibility of Senate Legislation:* The Secretary of the Senate will create a working group to investigate and provide a report within 180 days of enactment to the Appropriations Committee and the Senate Rules Committee, which shall be published online by the Secretary within two weeks of submission, concerning potential issues and possible approaches to develop and implement a timely, centralized, publicly-available repository for Senate bills and amendments set for consideration on the Senate floor. In doing so, consideration should be given to providing that bills, amendments, and other related documents are publicly available prior to or contemporaneously with their consideration by the Senate as well as publication of that information in a structured data format such as United States Legislative Markup (USLM).

The Senate Accessible Legislation Task Force should be led by the Secretary of the Senate and include the stakeholders she seems appropriate. In forming her recommendations, the Secretary should consult with relevant Senate leadership, committee, and member offices; relevant Senate support offices and agencies;

\(^4\) The United States Legislative Markup Schema already in use by the Congress would easily satisfy this request. See [https://github.com/usgpo/uslm](https://github.com/usgpo/uslm).
equivalent House leadership, committee, personal, and support offices; members of the Bulk Data Task Force; members of the Legislative Branch XML Working Group; the Government Publishing Office; the National Archives and Records Administration; public stakeholders, including publishers, users, and experts on legislative data as well as repositories of legislative information; select national legislatures from around the world; and others as appropriate. The Secretary should also examine the House document repository docs.house.gov, the House Rules committee website rules.house.gov, and third party free and paid services that publish information about Senate legislation.

The report should address the feasibility and costs of upgrading the current system used by the Senate, developing a new system inside the Senate or in collaboration with Legislative branch partners, using or extending the House’s system as is or with modifications, and doing so with the focus of ensuring that Senate bills and amendments are publicly accessible online for years to come. Furthermore, the Secretary should factor in the extensibility of such a system to incorporate technology similar in purpose to the House’s comparative print project as well as to potentially extend to hosting documents and media that relate to the various stages of deliberations, including in committees. The Secretary should also make recommendations concerning facilitating internal and external stakeholder engagement regarding the planning, implementation, and operation of this and successor systems, including drafting a continuing mission statement for the Senate Accessible Legislation Task Force after the delivery of the report. Finally, the Secretary should address how her recommendations improve the workflow and efficient management of legislative information.

Thank you for the opportunity to submit this testimony.