

Bullet points

- **Significant progress has been made in the past year** —Biggest innovation? The House embracing innovation, balancing political and technical risk with needs and opportunities (not just a default to “no”). Let’s learn from this and keep it up.
- **Still room for improvement** —Don’t let the technical become the political; empower/encourage staffers to experiment and innovate; get away from the notion that innovation can’t happen until a Member asks for it (that is currently stifling a LOT of good ideas)
- **Modernization 2.0 must go beyond tech and process improvements for House operations** into leveraging public input, data, and evidence for **substantive policymaking and oversight** —to maintain pace with the executive branch and a rapidly changing economy and society.

Bio

- Marci Harris is a lawyer by training (JD, University of Memphis and LL.M from American University's Washington School of Law). She left Capitol Hill in 2010 to co-found [POPVOX](#), a company with a mission “to inform and empower people and make government work better for everyone.”
- The nonpartisan POPVOX.com platform allows individuals and organizations to post positions on pending bills. The nonprofit “LegiDash” suite of tools provides resources for Congressional staff.
- Marci was a contributor to the American Political Science Association’s Task Force on Congressional reform, a fellow at the Harvard Ash Center, New America, and is currently an affiliated scholar at the Policy Lab at UC Berkeley’s Center for Information Technology Research in the Interest of Society (CITRIS)

**Testimony of Marci Harris
CEO and Co-Founder, POPVOX**

Chair Kilmer, Vice Chair Timmons, Distinguished Members of the Committee,

I join my colleagues in welcoming the new Members of this committee and congratulating the returning members on the successes of last Congress and the substantial progress made in the midst of epic challenges.

Those of us who watch closely have seen significant progress and [innovation](#) from the House in the past year. I believe that the [most significant innovation](#) during the pandemic was not the adoption of any specific technology or process but rather the demonstration that the House *could* act quickly in the face of unprecedented challenges to keep the metaphorical lights on and the legislative process going.

In our 2019 recommendations, my colleagues on the APSA Congressional reform task force and I took note of what ASU Professor Gary Marchant has described as a “pacing problem”—“the growing gap between the pace of science and technology and the lagging responsiveness of legal and ethical oversight society relies on to govern emerging technologies.”¹ We explained Congress doesn’t just have one pacing problem, it has “three fundamental ‘pacing problems,’ that compromise [lawmakers’] ability to legislate, conduct oversight, and operate effectively:

- *The **external pacing problem** is Congress’s inability to understand and respond to technological evolution in society at large, resulting in policy and oversight that lags behind the pace of technical innovations.*
- *The **inter-branch pacing problem** captures the inability of Congress to keep pace with the executive branch as it employs technology for its own operations, making it hard for Congress to effectively exercise its oversight role and operate as a co-equal branch of government.*
- *The **internal pacing problem** refers to Congress’ near-complete incapacity to make effective use of technology for its internal operations and the day-to-day work of the institution.²*

¹ Marchant, Gary E., Allenby, Braden R., Herkert, Joseph R. (Eds.), [The Growing Gap Between Emerging Technologies and Legal-Ethical Oversight](#), *The Pacing Problem*, Springer Publishing (2011)

² Harris, Marci, Abernathy, Claire, Esterling, Kevin, [Congressional Modernization Jump-started by COVID-19](#), Brookings TechTank (June 18, 2020)

People who never worked on the Hill may not appreciate the hundreds if not thousands of hours that used to be spent by interns and junior staffers in the years before 2020 walking sheets of paper from office to office to gather physical signatures on co-sponsorship forms. Like so many processes in this body that have yet to be “modernized,” the burden of process inefficiencies were borne by junior staffers and interns, who had no way of suggesting or enacting changes.

And then, on Friday April 6, Speaker Pelosi announced that there would be a new digital system, and the Office of the Clerk had it running within 48 hours. The e-Hopper 1.0 is a modified email inbox and verification process. It is not a technical marvel but it is a significant improvement over what existed before and it kept the House functioning during the pandemic. I think it is safe to say that the eHopper is the first genuine “minimum viable product” ever released for Congressional use, and it was a success. The Office of the Clerk can now go back and implement a more comprehensive system that includes the lessons learned from the past few months of an imperfect-but-functional system.

One year ago, the thought of holding a remote hearing was so foreign for most Members and staffers that we hosted a [“mock remote hearing”](#) with former Members to show it was possible. Last week, Sen. Carper chaired a committee [from Amtrak](#), Rep. Austin Scott questioned a witness [while driving a car](#), and recently Rep. Billy Long participated in a markup [from a plane](#). I mention that not because I think it should be the norm but because it shows that Members —and this institution —are capable of trying new things and getting out of their comfort zones. That is valuable even if, in the case of remote participation, it simply confirms how valuable and important in-person interactions are for non-emergency situations.

Modernization 1.0 and the changes forced by the pandemic addressed the *internal* pacing problem of Congressional operations. The challenge ahead for this committee in “Modernization 2.0” will be to tackle the *inter-branch* pacing problem, bringing the legislative branch up to speed with the executive branch; and the *external* pacing problem, which requires resources and expertise sufficient to maintain pace with a rapidly changing society.

Several bipartisan laws in the past decade have mandated and funded data standardization and sharing, IT upgrades, and improvements to public-facing services by federal agencies. The Executive Branch is moving forward to implement the Foundations for Evidence-Based Policy Act to improve the ability of researchers, evaluators, and

statisticians to securely use the data that the government already collects to better inform their research—but Congress invests very little in its own ability to use data for policymaking or oversight. In the recent American Rescue Plan, Congress allocated significant funds for Executive Branch modernization—including \$1 billion for the Technology Modernization Fund, \$200 million for digital services in the Executive Branch and \$150 million for Federal Citizen Services Fund—but virtually nothing to augment its own capacities to oversee implementation of the \$2 trillion dollar bill.

As the national conversation turns to infrastructure, this committee has an opportunity to examine the still inadequate state of the governing infrastructure of the First Branch and to explore new ways of incorporating input from stakeholders, individuals, data, and evidence—what my APSA colleagues call the “SIDE” elements—into the lawmaking and oversight process. I look forward to collaborating with you and your staff on that important work in the years ahead.