

**Testimony of Lorelei Kelly
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Before the House Appropriations Committee
Subcommittee on the Legislative Branch
for Fiscal Year 2021**

Chairman Ryan, Ranking Member Herrera Beutler, and Members of the Subcommittee, thank you for the opportunity to submit testimony. My name is Lorelei Kelly and I work on congressional modernization at the Beeck Center for Social Impact + Innovation at Georgetown University.¹ Our mission is to find and scale methods for positive social change. To that end, I'm excited to share information about how the Select Committee on the Modernization of Congress is creating opportunities for civic innovation and building resilience in American democracy. For the record, these remarks represent my viewpoint and not those of my employer.

This hearing has auspicious timing. We recently convened our first workshop on modernizing Congress at Georgetown. The spots for the class filled up in 48 hours.

The Select Committee is vital for many reasons. Not only is it tremendously productive, with near monthly hearings, two rounds of recommendations and the introduction of a bill. It is also a model of collegiality and informed deliberation thanks to its 50-50 Democratic and Republican membership and its leadership, Chair Derek Kilmer (WA) and Vice Chair Tom Graves (GA).

Importantly also, the Committee symbolizes what I like to think of as an Article One renaissance, a pivotal moment in democracy where our nation discovers and improves on the methods we use to govern ourselves. To be sure, building a more resilient system will require that we explore new ways for Congress to be informed, responsive and effective in service to the American people.

I have been working on congressional capacity for 20 years, ten here on the Hill and ten as an academic. I have never before seen such focus, momentum and concern for this institution as I do today. Not only are we hearing a great deal about Article One and the importance of Congress in the news, but here on campus in formal proceedings as well. Rules Committee Chairman James McGovern (MA) and Ranking Member Tom Cole (OK) convened a hearing just yesterday on reasserting Congress' constitutional authority. Similarly, last January the Modernization Committee dedicated an entire hearing to strengthening Article One.²

Behind the scenes, the gears are sparking: Members are innovating methods for including more constituent voice in the deliberative process. Piloting these shared methods is a crucial way to build a modern resilient democracy. These member-initiated connections not only yield a richer knowledge base for policy, they also reinvest trust and legitimacy in Congress itself.

¹ Please see the report [Modernizing Congress. Bringing Democracy into the 21st Century](#) produced by the Beeck Center for Social Impact + Innovation at Georgetown University, 2019.

² The full hearing was entitled [Article One: Restoring Capacity and Equipping Congress to Better Serve the American People.](#) January 2020.

Indeed, civics is making a comeback, from public library maker spaces to Broadway. Who has not yet listened to the soundtrack of Hamilton the Musical? But here's the thing:

Americans have spent over 640 million dollars on Hamilton the Musical (\$644,483,772 gross since 2015).³ That's:

- **\$30 million more than this year's Members Representational Allowance**
- **It is nearly five times the amount we spend on the operations of House committees**
- **It is 2 and ½ times more than we spend on the critical systems maintenance employees in this chamber**

It would appear that Americans love to sing the praises of democracy. Now those of us working to update Congress must explain to this vast civic audience why some of that love should be directed here to their most democratic institution. This is especially true as Congress takes intentional and critical steps forward, The Modernization Committee is the prime example.

I'd like to say thanks again to this subcommittee and for the incremental funding increases you have secured for the legislative branch. Working on the backend of a system is often invisible and goes unrecognized. But it is vital. Just ask any of the technologists who have been responsible for the digital infrastructure that has given us a more open & improved Congress. Despite being understaffed, they have overperformed. For example:

- All current US Code is now written in an interactive markup language. This means that Congress is now machine readable. Internally, digital capacity has improved the workflow efficiency of the lawmaking process.
- An unprecedented trove of data about American democracy is now available to the public.
- We have more Information repositories. I'd especially note the committee repository at Docs.house.gov.
- Current law in the form of US code is online and the statute compilations used by drafters in the Senate and the House Legislative counsel are online.
- Data is available in bulk.
- House and Senate data is consolidated at Congress.gov, plus committee and floor video at live.house.gov.

To be sure, for a paper based system that still needs to be signed by chamber officers and then the president, this progress is remarkable. Congress has good staff and they produce good things, but they are at capacity.

The committees of Congress need more innovation as well, not only in their workflow but also in production. This means creating hearing transcripts or committee documents. It also means producing outcomes from committee meetings faster. Finally, we need to ask about automated voting. Can it be implemented? The bottom line is that House officers can't do it

³ [BroadwayWorld](#) data

unless they have the financial support and the bodies. To keep up this momentum, the systems offices will need more full time employees.

The Legislative Branch contains the recorded memory of our democracy. Yet when it comes to modern necessities like technology and digital capacity, most of the attention has gone to the Executive Branch. For example, in 2019 the Foundations for Evidence Based Policymaking Act became Public Law 115–435. Also known as the Open Data Act, it created requirements for the agencies to up their game on data, tech and citizen engagement. To be resilient, Congress must be on par with the rest of our federal government. We must have a commensurate level of resources dedicated to the legislative branch. A resilient democratic system has no single point of failure. To be competitive, Congress will require sustained investment.

I’m excited to let you know that innovation in constituent engagement is yielding promising results. Faculty at public universities in California, Ohio, Texas and New Hampshire have been encouraged by the Modernization Committee. The Committee set in motion a Congressional Reform Task Force report from the American Political Science Association. It explains the need for these democratic experiments.⁴

“Upgrading congressional tools and technologies can support core legislative, oversight and constituent engagement functions of Congress by broadening its access to stakeholders and constituents, improving its use of data, and enabling more effective engagement with experts inside and outside of Congress [...] Technology can bring new voices into committee deliberations- on online platforms to facilitate the involvement of stakeholders, individuals, and experts outside of DC. New technologies, such as video conferencing platforms, can be used to facilitate productive collaboration between members and their DC offices during district work periods. And, during longer periods in session, members can use innovative new tools to connect with their constituents.”

I recommend that this committee make available innovation funds to member offices to support research-backed digital engagement according to guidelines from the Modernization Committee and according to regulations promulgated by the House Ethics Committee and the Committee on House Administration.

Faculty and social mission organizations are currently piloting representative and authenticated methods for constituents to connect to their elected leaders. Here are four:

- **New Hampshire Listens** at the Carsey School of Public Policy at the University of New Hampshire piloted a SIDE hearing process. This stands for Stakeholders, Individuals, Data and Evidence. In this setting, the Member of Congress curates a public convening based on a specific topic and allows for those who live in a community to submit testimony for the official record.
- **The Institute for Democratic Engagement and Accountability at the Ohio State University has initiated Connecting to Congress**, a menu of online engagement options. Together with others they have piloted meaningful deliberations that start with a representative sample of constituents. Different “off the shelf” tech for different

⁴ See APSA’s [Congressional Reform Task Force Report](#) October, 2019. Also see p. 34-35.

formats, they offer Deliberative Online Town Halls and Deliberative Citizen to Citizen fora.

- **The Laboratory for Technology, Communication and Democracy (TeCD-Lab)** at the University of California, Riverside is currently developing a new, open-source online town hall app that combines a user interface with the power of artificial intelligence to enable and routinize direct, constructive engagement between elected officials and their constituents. The TeCD-Lab's goal is to solve the problem of communication at the scale of modern democracy by developing technology that can give individuals a direct voice in policy making and elected officials insights into the considered opinions of their constituents.
- **The Natural Resources Committee** just recently rolled out an Environmental Justice bill created through an online collaborative editing process.⁵ It was mostly written by pollution impacted communities across the USA and congressional staff facilitated and structured the input.

These methods intend to lower costs and improve communication. They help lawmakers find the signal in the noise. And they offer an alternative to the often inaccurate and weaponized information environment so prevalent on ad-monetized social media platforms. To be sure, Congress is not powerless and should not be subject to the whims and offerings of the commercial tech industry. This institution can create its own authentication methods as well as a trustworthy and secure communications system for the entire First Branch.

Indeed, we know that Congress is not geographically contained on Capitol Hill. This institution exists in 900 district offices in every corner of our nation. Nearly half the staff of the House are outside of DC, serving the public good. This brings me to my final point, which is the need to view both Congress' civic information and its technical architecture as critical infrastructure that deserves special protection. The ability to receive and convey secure information is a constitutional imperative for Members of Congress and should be viewed with a national security lens.

The Corona Virus is an ominous example of why we must act urgently on this matter. Let us gather the best minds in the field and create a custom made, secure communications system for this institution.⁶ The Executive Branch agencies have an emergency system, it's called FirstNet. Where is the FirstNet for Congress? What will we do if movement is prohibited at a time when members are dispersed across the USA? **Congress should prioritize and secure its remote capacity and technology, leveraging its existing district office structure, to prepare for such an event.** Indeed, we cannot call ourselves a resilient democracy until Members --indeed the entire First Branch--can carry out their duties from afar.

In conclusion, what I have offered here in my testimony are basic and fundamental upgrades to benefit this institution and the American people. These suggestions are not extraordinary. Indeed, they would be expected of any modern public-facing organization. And it's not just theoretical. We're already building the groundwork for more trust and legitimacy in Congress and a stronger Article One. Thanks to you and your colleagues, Congress is making important strides forward into the 21st century. But we still have work to do to make sure we

⁵ Coverage of the [Natural Resources Committee](#) event can be found [here](#). The tech platform they used is a social-mission civic startup called [Popvox](#).

⁶ Please see this Kelly/Harris memo about Continuity of Government at [Legbrach.org](#)

take advantage of this renaissance moment. I look forward to following up and assisting you with any further information.