

Testimony of Taylor J. Swift
Policy Advisor, Demand Progress
Before the House Select Committee on the Modernization of Congress,
On Continuity of Congress
March 25, 2021

Chair Kilmer, Vice Chair Timmons, and Members of the Committee, thank you for the opportunity to testify. My name is Taylor J. Swift and I am a policy advisor at Demand Progress where I focus on strengthening Congress alongside Daniel Schuman and Amelia Strauss. My testimony focuses on the continuity of Congress.

Congress must be able to function no matter what happens. It cannot cede its authority to the Executive branch, it cannot indefinitely delay its obligations, and it must not inadvertently encourage malefactors to disrupt its proceedings. To meet these unshirkable obligations, Congress must put procedures into place that guarantee its continuity in spite of an happenstance, chaos, or constitutional crisis. Power must remain in the hands of representatives from all 435 districts and in the collective hands of the parties into which they are organized.

When COVID-19 emerged as a serious threat to the functioning of Congress, the House needed to adapt. It implemented proxy voting, making trade-offs to allow it to operate at a lower level of activity. Fewer members than usual were required in Washington, D.C. to conduct business.

And yet, on Thursday, March 4th, the House of Representatives cancelled its legislative business because of external factors.¹ Even with proxy voting, congressional operations remain contingent upon circumstances in Washington, D.C.

We implore you to consider how to guarantee that Congress can stay open no matter what. And, as you consider the matter, we respectfully mention that Congress is more than representatives and senators. It is your staff, support office staff, and all those employed by the agencies, from the Architect of the Capitol to the Capitol Police to the Government Accountability Office. It also includes contractors, journalists, and those with business before the government.

What does continuity of Congress mean?²

With respect to floor proceedings, continuity of Congress cannot mean proxy voting. It must mean fully remote deliberations. By that, we suggest that, in emergencies, members must be able to engage in debate, offer motions, and vote from wherever they are. They must be able to exercise all their powers. Proxy voting was a stopgap solution in 2020. It requires in-person

¹ See "House Cancels Thursday Session After Police Warn of Possible Attack on Congress" Mark Katkov, March 3, 2021. <https://www.npr.org/2021/03/03/973310942/capitol-police-warns-of-another-possible-right-wing-attack-on-congress>

² See "Continuity of Congress," <https://www.continuityofcongress.org/>

presence for some members, which creates a serious vulnerability. Proxy voting also places those who are not physically present at a procedural disadvantage. It is not a solution when physical presence is not possible.

In addition, remote deliberations must be available for committee proceedings, including proceedings held in closed session or engaging with classified matters.

We expect that remote operation of personal offices has become more familiar. Surely the use of teleconferencing software, cloud services, and the like have proven to be useful.³ Some aspects of Congress work better now that offices have access to these new tools.⁴ The Legislative branch should always be “telework ready,” with its equipment in regular use, resources and services available in the cloud, and the techniques for remote work a part of the daily routine.

We expect few members would wish to give up electronic submission of bills, co-sponsorships, and lawmakers’ statements when the pandemic ends. Those processes, originally put together quickly, need investment so they can be maintained and expanded.

The irreducible minimum for the House to operate during an emergency is its ability to change its rules to adapt to the circumstances. This necessitates remote deliberations. The Committee on House Administration determined that remote voting can be done in a secure fashion.⁵ The main point of contention is the prudence of doing so and under what circumstances.

We suggest that a remote voting system be built, deployed, and regularly tested *so the option is available* in extenuating circumstances. House rules and procedures must be modernized to define when these circumstances are officially acknowledged and terminated, and by whom.

There can be no lapses in the continuity of our democracy. Congress must be able to function no matter the circumstances. We respectfully urge you to explore how modern technology should be infused into Legislative branch processes to improve the functioning of the House and to secure the continuation of our republic.

³ See “Statement Before the House Appropriations Subcommittee on the Legislative Branch: Health and Wellness of Employees and State of Damage and Preservation as a Result of the January 6th Insurrection”, pg. 3, Catherine Szpindor, February 24, 2021

<https://docs.house.gov/meetings/AP/AP24/20210224/111233/HHRG-117-AP24-Wstate-SzpindorC-20210224.pdf#page=3> During a House Appropriations Subcommittee on the Legislative Branch hearing last month, Chief Administrative Officer Catherine Szpindor testified that the House-wide transfer to Microsoft Office 365 in 2019 was critical for a smooth transition to teleworking in 2020. She emphasized that “House information technology has supported nearly 21 million chat messages, 425,000 virtual meetings, and averaged 6,000 remote workers on any given day.” over the past six months.

⁴ One salutary benefit is the incorporation of district offices into work flows. Lawmakers also have found new ways to interact with constituents and reclaim work time by reducing travel. Telework could alleviate office space constraints on Capitol Hill. Remote internships may open opportunities for more diverse candidates to get Congressional experience. And committees can now hear from witnesses across the country and around the world by videoconference.

⁵ See “Staff Report on Feasibility of Remote Voting in the United States House of Representatives - Pursuant to House Resolution 965 § 5” Committee on House Administration, 116th Congress, Second Session, November 10, 2020 [https://cha.house.gov/sites/democrats.cha.house.gov/files/2020_Feasibility%20of%20Remote%20Voting%20in%20the%20US_v4%20\(1\).pdf](https://cha.house.gov/sites/democrats.cha.house.gov/files/2020_Feasibility%20of%20Remote%20Voting%20in%20the%20US_v4%20(1).pdf)