

BRIEFING BOOK

Remote Options for Congressional Continuity Amid the COVID-19 Outbreak

MOCK REMOTE HEARING

April 16, 2020 | 12:00 ET | VIA ONLINE VIDEOCONFERENCE

With Input from:

**AEI | Brookings | Beeck Center for Social Impact + Innovation, Georgetown University | Bipartisan Policy Center |
Congressional Management Foundation | Demand Progress | The GovLab, New York University | Lincoln Network |
POPVOX**

with the participation of

Association of Former Members of Congress

briefing materials prepared by:

**Beth Simone Noveck, Professor, New York University and Director, The Governance Lab
Brian Baird, Continuity Program Lead, Democracy Fund Voice
Daniel Schuman, Policy Director, Demand Progress
Lorelei Kelly, Beeck Center for Social Impact + Innovation, Georgetown University
Marci Harris, CEO and Cofounder, POPVOX**

BRIEFING BOOK CONTENTS

1. [Mock Remote Hearing Agenda](#)
2. [Mock Remote Hearing Participants](#)
3. [Mock Remote Hearing Witnesses and Sample Questions](#)
 - a. [Panel #1: Remote technology use in military and corporate settings](#)
 - b. [Panel #2: Remote technology use amid the COVID-19 outbreak](#)
 - c. [Panel #3: Remote technology use in legislative branches](#)
4. [Background Materials and Issues Overview](#)
 - a. [The importance of Congressional continuity](#)
 - b. [How Congress has responded operationally to Covid-19](#)
 - c. [Constitutional and Legal Considerations](#)
 - d. [Technical Considerations](#)
 - e. Examples from Other Jurisdictions
 - i. [State and local](#)
 - ii. [International](#)
5. [Further Reading](#)

MOCK REMOTE HEARING AGENDA

12:00 PM ET: Welcome, tech check and introductions (Marci Harris)

12:10 PM ET: Mock hearing gaveled in (Brian Baird)

Panel 1: Remote technology use in military and corporate settings (20 minutes)

Retired General David Petraeus

Panel 2: Remote technology use amid the COVID-19 outbreak (20 minutes)

Rick Drum, Head of Federal Sales, Zoom

Doug Deitterick, Senior Technical Specialist supporting the Federal Government and Department of Defense, Microsoft

Panel 3: Remote technology use in legislative branches (25 minutes)

The Honorable Chi Onwurah, Member of Parliament, Newcastle, UK

Ms. María López Moreno de Cala, Director of the International Department of the Congreso de los Diputados, Spain

Beth Simone Noveck, Professor, New York University and Director, The Governance Lab

Daniel Schuman, Policy Director, Demand Progress

1:15 PM ET: “Hearing” concludes; floor opened for discussion
(participants invited to seek recognition by using the “Raise Hand” feature)
Current and former Members of Congress invited to comment
International observers invited to comment
Open discussion by other observers

1:50 PM ET: Instructions for submitting additional questions or comments about the exercise (Marci Harris)
Participants invited to complete survey

2:00 PM ET: Closing remarks
Representative from Former Members Association
Co-chair Bob Inglis
Chair Brian Baird

MOCK REMOTE HEARING PARTICIPANTS

FORMER MEMBERS PARTICIPATING AS COMMITTEE CHAIR AND VICE CHAIR



Chair:
FMC Brian Baird
D, WA

Brian Baird represented Washington's 3rd congressional district from 1999 to 2011. He is the former chairman of the Department of Psychology at Pacific Lutheran University in Tacoma, Washington, and a licensed clinical psychologist. After leaving the House of Representatives, he served as president of Antioch University's Seattle campus until 2015. He is currently leading an effort to bolster Congressional continuity at Democracy Fund.



Vice Chair:
FMC Bob Inglis
R, SC

Robert Durden Inglis Sr. was the U.S. Representative for South Carolina's 4th congressional district from 1993 to 1999 and again from 2005 to 2011. In 2012, Inglis launched the Energy and Enterprise Initiative, a nationwide public engagement campaign promoting conservative and free-enterprise solutions to energy and climate challenges. E&EI is based in George Mason University in Fairfax, Virginia, and works to build support for energy policies that are true to conservative principles of limited government, accountability, reasonable risk-avoidance, and free enterprise.

Participating former members of Congress:

FMC Jason Altmire

FMC Steve Bartlett

FMC Bob Bauman

FMC Mark Begich

FMC Mary Bono

FMC Bill Bradley

FMC Steve Buyer

FMC Bev Byron

FMC Bob McEwen

FMC Russ Carnahan

FMC Bob Carr

FMC Richard Chrysler

FMC Eva Clayton

FMC William Clinger

FMC Sam Coppersmith

FMC Mark Critz

FMC Dennis Eckart

FMC Donna Edwards

FMC Bill Enyart

FMC Elizabeth Esty

FMC Bob Ethridge

FMC Victor Fazio

FMC Sheila Frahm

FMC Martin Frost

FMC Jim Gerlach

FMC Bob Goodlatte

FMC Raymond Green

FMC Debbie Halvorson

FMC Colleen Hanabusa

FMC Melissa Hart

FMC Dennis Hertel

FMC Baron Hill

FMC Mary Jo Kilroy

FMC James Jones

FMC Jim Jones

FMC Mike Kopetski

FMC Ken Kramer

FMC John LaFalce

FMC Nick Lampson

FMC Marjorie Margolies

FMC Pat Meehan

FMC Edward Mezvinsky

FMC David Minge

FMC Toby Moffett

FMC Constance Morella

FMC Glenn Nye

FMC Michael Patrick

Forbes

FMC Erik Paulsen

FMC LF Payne

FMC Dennis Ross

FMC Bill Sarpalius

FMC Claudine Schneider

FMC Jim Slattery

FMC Peter Smith

FMC Lawrence Smith

FMC Cliff Stearns

FMC Richard Swett

FMC Robin Tallon

FMC John Tierney

FMC Todd Tihart

FMC Bob Walker

FMC Jerry Weller

FMC Timothy Wirth

WITNESSES and SAMPLE QUESTIONS

PANEL #1: Remote technology use in military and corporate settings



**General (Ret)
David Petraeus**

KKR and Chairman of
the KKR Global
Institute

General (Ret) David H. Petraeus is Chairman of the KKR Global Institute, which supports KKR's investment committees, portfolio companies, and investors with analysis of geopolitical and macro-economic trends. Prior to joining KKR, Gen. Petraeus served over 37 years in the U.S. military, culminating his career with six consecutive commands, five of which were in combat, including command of coalition forces during the surge in Iraq, command of U.S. Central Command, and command of coalition forces in Afghanistan. Following his service in the military, Gen. Petraeus also served as the Director of the CIA from 2011–2012.

Sample Questions for General Petraeus:

- How would you describe the efficacy of remote video or teleconference techniques for discussing complex issues?
- One of the concerns with allowing Congress to hold proceedings or vote remotely is that it would detract from members' ability to deliberate. Would you comment on the concern?
- Are there national security concerns that should be taken into account as Congress considers the question of whether to allow remote proceedings or votes?
- Could you explain any significant similarities or differences between how you have observed remote meetings in the military and corporate context?
- With the perspective of your intelligence work, would you have concerns with Congress conducting public proceedings or votes through videoconference or other digital means? (As opposed to private deliberations or interviews)

PANEL #2: Remote technology use amid the COVID-19 outbreak

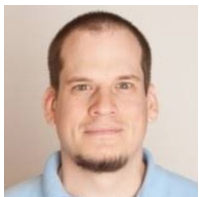


Rick Drum
Head of Federal
Sales, Zoom

A proven leader in the Cyber Security field with over 20+ years in Sales Leadership. Expertise in Security, Cloud, IP networking and Collaboration. Complete understanding of bringing new technologies to Federal customers that are authorized for usage. Established technology partnerships, alliances and agreements to facilitate cloud service adoption. Led the Fedramp initiative for Zoom Video Communications with a successful ATO with DHS sponsorship in April 2019.

Sample Questions for Rick Drum

- Can you please tell us more about jurisdictions in the US and around the world that are using Zoom for their deliberations?
- Can you talk about differences between the FedRamp version of Zoom and the commercial version?
- There are reports that Zoom's FedRamp broker is requiring Congressional offices to purchase ten licenses per office at \$300 per license to access the FedRamp version. That is a significant cost. Has Zoom considered making its FedRamp pricing more flexible to accommodate the limited budgets of Congressional offices and other federal users?
- With a dramatic increase in usage of Zoom, there have also been reports of security flaws and misrepresentations by the company. Can you please describe what Zoom is doing to respond to these reports and reestablish trust?
- How is Zoom dealing with the rise in government use of its platform? Is there a dedicated government team that accepts input and feature requests to refine the product for government needs?



Doug Deitterick
Sr. Tech Specialist
Microsoft

Doug has spent the last 12 years at Microsoft, most recently as a Senior Technical Specialist supporting the Federal Government and Department of Defense. His focus has been on the Microsoft Teams platform which delivers an all-in-one collaboration solution incorporating voice, video, and chat, which creates a productive and interactive work environment.

Sample Questions for Microsoft

- Can you please tell us more about jurisdictions in the US and around the world that are using Microsoft for their deliberations?
- Approximately how many offices (House and Senate) are using Teams?
- Can you please talk a bit about how Teams is responding to feedback from Congressional staffers about potential features they would find helpful?

PANEL #3



The Honorable Chi Onwurah

UK Member of
Parliament for
Newcastle Central

Chinyelu Onwurah is a British Labour Party politician who has served as the Member of Parliament for Newcastle upon Tyne Central since the 2010 general election. She was shadow minister for Industrial Strategy, Science and Innovation from October 2016 until 9 April 2020, then being appointed as shadow minister for Science, Research & Digital. She holds a degree in Electrical Engineering from Imperial College London. Prior to entering Parliament, Onwurah was Head of Telecoms Technology at Ofcom, with a focus on broadband provision.

Sample Questions for The Honorable Chi Onwurah

- We understand that Parliamentary committees already enable select committees to accept remote testimony and for members to vote remotely in committee. What is that experience like from the MP's perspective?
- Has this ability to attend and vote in committee proceedings remotely reduced the interaction among MPs or had any adverse impacts?
- Can you say a bit more about the effort by you and your colleagues to establish a remote option for parliamentary debate? And how that has been received by the leadership of the House of Commons?

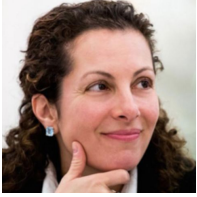


Maria López Moreno de Cala

Director of the
International
Department of the
Congreso de los
Diputados, Spain

Director López has served as Clerk of the Spanish Parliament since 2007 and currently leads the Department of International Relations for the Congress of Deputies. López teaches constitutional law at the Carlos III University of Madrid and international relations at the Villanueva University Study Center. She has published several studies on comparative constitutional law (US, France, UK, Germany and Italy) and on fundamental rights in the Spanish Constitution.

- Remote voting was developed many years ago but for exceptional circumstances. Now video-conferencing and electronic voting has been instituted, do you expect Spain's parliament to expand its use of technology to include remote convening like today's session?
- Will more technology be incorporated into committees, where most work happens?
- Has there been political agreement among the parties to expand the use of technology?



Beth Simone Noveck

Professor, New York University and Director, The Governance Lab

Beth Simone Noveck directs NYU's Governance Lab (GovLab) and its MacArthur Research Network on Opening Governance. She is a Professor in Technology, Culture, and Society at the Tandon School of Engineering and a Fellow at NYU's Institute for Public Knowledge. New Jersey governor Phil Murphy appointed her as the state's first Chief Innovation Officer in 2018. Previously, Beth served in the White House as the first United States Deputy Chief Technology Officer and director of the White House Open Government Initiative under President Obama. UK Prime Minister David Cameron appointed her senior advisor for Open Government.

Sample Questions for Beth Simone Noveck

- Although they both serve a legislative function, Congress is structured differently than the far more numerous parliamentary system. What are the top digital lessons we could adapt from these other democratic countries during the Coronavirus pandemic?
- Ten years ago, you were one of the first individuals to help set up innovative digital infrastructure in the Executive Branch. Now that Congress is urgently addressing its digital capacity, what are the most important considerations that we must make sure to consider while we're piloting ideas and methods? What do you wish you'd known then that you know now?
- The lion's share of attention in digital democracy conversations goes to voting, yet Congress' oversight duties include information sharing, deliberation and debate, all vital to making tradeoffs and informed decisions. What technology platform--public or private--have you seen that best fulfills these necessary content moderation duties?



Daniel Schuman

Policy Director, Demand Progress

Daniel Schuman is a lawyer, technologist, author, and government transparency advocate. He co-founded the website EveryCRSReport, which publishes all reports authored by the Congressional Research Service and publishes the weekly newsletter, "First Branch Forecast". He previously worked at the Sunlight Foundation, Citizens for Responsibility and Ethics in Washington, and Demand Progress and was a fellow with CodeX: the Stanford Center for Legal Informatics.

Sample Questions for Daniel Schuman

- You've been a strong advocate for congressional modernization, and have put forward many creative ideas to make Congress a more effective institution. What are the top two technological advances you would prioritize given today's urgent need for digital capacity? What are the two top policy changes that should be made to push forward technology modernization?
- What is the main argument for voting remotely? The main argument against? Can you offer a satisfactory alternative? If yes, please explain it.
- Have you thought about continuity of congressional committees if we find ourselves in an extended period of social distancing because of the Coronavirus pandemic? If so, could you share your thoughts?

BACKGROUND MATERIALS

The Importance of Maintaining Continuity of Government

The current Covid-19 pandemic has claimed tens of thousands of lives in the United States and hundreds of thousands worldwide. It has devastated the global economy and revealed vulnerabilities in many aspects of life that were formerly taken for granted.

One of the most challenging of those vulnerabilities is the inability of representative bodies of government to convene at the very time there is urgent work to be done. The Congress of the United States of America is no exception.

As this document is written, neither branch of Congress is able to safely meet in person to perform their responsibilities under the Constitution and several members of both the House and Senate have been infected by the virus. The same is true in many other democracies around the world. What is more, as bad as the current crisis is, a future disease outbreak, or intentional attacks with nuclear or biochemical weapons, could be far more destructive. And yet, as this virus has shown, we are woefully unprepared to deal with that reality.

The Continuity of Government Commission: In 2002, responding to the events of Sept 11, 2001, a nonpartisan blue ribbon commission was established to study if and how the three branches of the U.S. government were prepared for devastating attacks or natural events that kill or incapacitate large numbers of Congress, the Administration and the Supreme Court. Sponsored by the American Enterprise Institute and the Brookings Institution, the commission also explored continuity of Congress as an operational challenge in a hypothetical crisis situation when members could not convene together in Washington, DC.

The first Commission report [Preserving Our Institutions](#) focused on how Congress could work in a protracted emergency following large losses or incapacitation of many members of Congress. The commission noted that in such events the constitutional requirement for direct elections to fill vacancies in the House could lead to numerous and extended vacancies in the House, with a real possibility of numbers falling below the Constitutionally required quorum. This has profound

implications for the constitutional role and procedures of the legislative branch and significantly impacts presidential succession as well.

Recognizing those risks, the Commission made a recommendation for a constitutional amendment that would give Congress the power to enact measures providing for the temporary replacement of dead or incapacitated members until special elections could be safely held. The Commission report suggested that the amendment be “of a general nature that allows Congress to address the details through implementing legislation.” The topic of the report received a hearing, and an alternative amendment was defeated in a vote on the House floor, but no progress was made toward amending the Constitution as recommended by the Commission findings.

The House did, in the name of addressing the vulnerability, make changes to House rules, including a provision to dramatically and, many have argued, unconstitutionally lower the definition of a quorum to just a relative handful of members. Indeed, under current house rules a very small number of survivors who respond to an extended quorum call could be deemed to be the full number of the House. Half that small number would then be considered a quorum which could mean that half of that half could then pass legislation or elect a new Speaker. That speaker, elected by that small number, could then become the President of the United States under the Presidential Succession Act. It has been argued that this “remedy” is highly questionable constitutionally and violates the intent of the framers’ original quorum requirement. It has also been suggested that many sitting members of Congress are likely not fully aware they voted for this provision when they voted for the House rules package.

In addition to the Rules change, action was also taken to require all states to be able to hold accelerated special elections to fill vacant House seats. In practice, however, only a handful of special elections conducted in the interim have actually met that standard. It is also worth noting in the context of the current pandemic that special elections themselves, as we have seen in several states, may be difficult or unsafe to conduct. Apart from those measures, for the most part members of Congress have not been inclined to pursue the topic further and the vulnerabilities remain to this day.

Continuity issues are not limited to the Congress. In addition to focusing on Continuity of Congress, a second report of the Continuity of Government Commission, published in 2009,

addressed The [Continuity of The Presidency](#). The Constitution authorizes Congress to provide for succession beyond the vice president. The current law governing succession, the 1947 Presidential Succession Act, describes the list of successors to the President, beginning with the Vice President, followed by the Speaker of the House, then the President pro tempore of the Senate (by recent tradition this is the most senior member of the Senate). They, in turn, are followed by the president's Cabinet members in the order in which their departments were created historically. Importantly, cabinet members would only fill the vacancy in an "acting" capacity and could be replaced in that position by an individual ranking higher in the line of succession.

After careful review of the history of succession and the 1947 act, the central finding of the Commission report was "... the current system would be inadequate in the face of a catastrophic attack that would kill or incapacitate multiple individuals in the line of succession." As with the continuity of Congress, little if any substantive action has been taken in Congress to address or resolve the shortcomings of our current presidential succession laws and procedures.

Much the same is true when it comes to continuity of the federal judiciary, particularly the Supreme Court. The third report of the Continuity of Government Commission, "[The Continuity of the Supreme Court](#)" observed "In several ways, the Court is a particularly vulnerable institution." In spite of that vulnerability, "There is no "line of succession" for the Court." Therefore, it is "important to think about steps to ensure continuity of the top tier of the judiciary were an attack to occur".

Thus, the troubling and dangerous reality today is that the United States of America is left in the precarious position of having either deeply flawed, constitutionally dubious or no mechanisms for dealing with significant loss or incapacity in any single branch of the federal government or all three collectively.

There is now both a renewed urgency to address these issues and the availability of technologies to facilitate real and viable solutions. There are also,, as discussed later in this brief, examples of how this can and is being done within other democracies around the world and within state and local governments in our own borders. What is more, within Congress, committees are actively exploring ways to convene in the current crisis. The Select Committee on the Modernization of Congress--created in 2019--has not yet addressed continuity directly but

has achieved a great deal that complements Continuity of Congress. Utilizing hearings and working groups, the Select Committee studied how to best build modern capacity in Congress, issued rolling recommendations and then included many technology upgrades in H. Res 756, which passed with overwhelming support on March 10.

These nascent steps provide excellent building blocks for remote options during the COVID19 pandemic or other future crises. That, however, does not in itself resolve the numerous and dangerous gaps in continuity of the three branches.

How Congress has responded operationally to Covid-19

Timeline

Feb 27, 2020: Office of the Attending Physician encouraged Congressional offices to update their continuity of operations (COOP) plans

March 3, 2020: House passed [\\$8.3 billion COVID-19 supplementary appropriations](#)

We have “[no plans](#) in place that would allow the House to legislate remotely if members fall ill with COVID-19 and social distancing measures are put in place... and we are hopeful, of course, that everybody here at the Capitol remains coronavirus-free” – House Majority Leader Hoyer [D, MD]

“[Minority Leader] McCarthy [R, CA] [told](#) reporters that Congress will not need to shut down because of coronavirus fears and that the Capitol will remain open to the public”

March 5, 2020: Senate passed passed [\\$8.3 billion COVID-19 supplementary appropriations](#)

March 6, 2020: Hand sanitizer placed around the Capitol complex; House Information Resources hold office hours in Longworth cafeteria to help staff set up remote access from official laptops; Senate Rules advised offices to establish contingency plans

March 9, 2020: CPAC attendee who tested positive had contact with “several” members of Congress

Several members self-quarantine (Sen. Cruz [R, TX], Reps. Collins [R, GA], Gosar [R, AZ] and Gaetz [R, FL])

Rep. Brownley [D, CA] announces closure of her office

March 11, 2020: First Congressional staffer tested positive (Sen. Cantwell's [D, WA] office)

March 11, 2020: Office of Attending Physician Dear Colleague [recommends](#) staff wipe down computers and door handles, advises members to avoid “shaking hands, giving/receiving hugs, taking selfies, etc”; US Capitol Police begin using plastic bags for screening instead of reusable bowls

March 12, 2020: Public and staff-led tours suspended

“[A] growing number of lawmakers have [instructed](#) their staff to work from home”

March 13, 2020: Sens. Portman [R, OH] and Durbin [D, IL] introduce S. Res 548, A resolution amending the Standing Rules of the Senate to enable the participation of absent Senators during a national crisis”

March 14, 2020: House met in person to pass Families First Coronavirus Response Act

March 15, 2020: Second Capitol Hill staffer tests positive for coronavirus

March 16, 2020: Senate met in person to pass Families First Coronavirus Response Act

March 19, 2020: Reps. McAdams [D, UT] and Diaz-Balart [R, FL] test positive

March 20, 2020: 67 Members of the House sent [letter](#) to Rules Chairman McGovern [D, MA] calling for remote voting

March 22, 2020: Sen. Paul [R, KY] [tests positive](#) after being present in Senate chamber, at Senate lunch, and Senate gym; prompting Sens. Lee [R, UT] and Romney [R, UT] to self-quarantine

March 23, 2020: House Rules Committee Majority releases staff [report](#) on remote voting calling it “unrealistic” and “untested constitutionally.”

March 24, 2020: Civil Society [report](#) responds to the House Rules Committee Majority staff report, identifying major gaps in the report, including that “the Report did not evaluate the question of remote voting by teleconference” and did not address committee operations.

March 25, 2020: Senate met in person to pass the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); five senators were in quarantine

March 27, 2020: House met in person to pass the CARES Act; Rep. Massie [R, KY] [demanded](#) recorded vote; House members rushed back to Washington to assemble a quorum

CARES Act [included \\$93.1 million](#) for legislative branch emergency operations and safety

March 31, 2020: Rep. Velazquez [D, NY] tests positive after being at the CARES Act vote

April 2, 2020: Speaker Pelosi announced the creation of a “House Select Committee on the Coronavirus Crisis,” but a vote (which has not happened) is [required](#) for the establishment of a select committee

April 2, 2020: New Democrat Coalition send [letter](#) to Speaker Pelosi calling for virtual legislative meetings and hearings

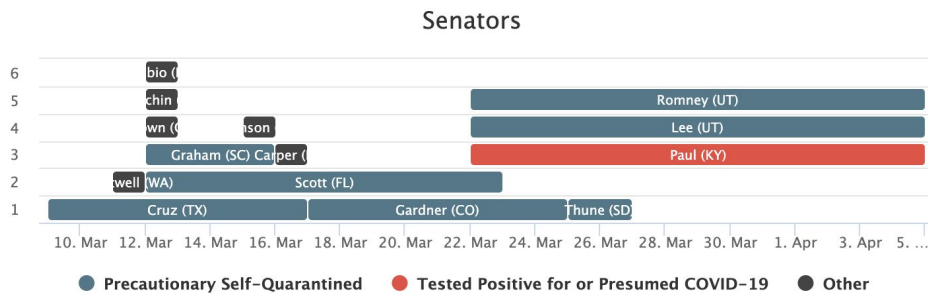
April 6, 2020: Speaker Pelosi announced a new requirement that bill introduction, addition of sponsors, and extension of remarks be submitted digitally via email system established by the Clerk until April 19, 2020 (and may be extended).

April 7, 2020: Problem Solvers Caucus send [letter](#) to Speaker Pelosi calling for remote processes that would ensure a “return to regular order through debate and voting on legislation”

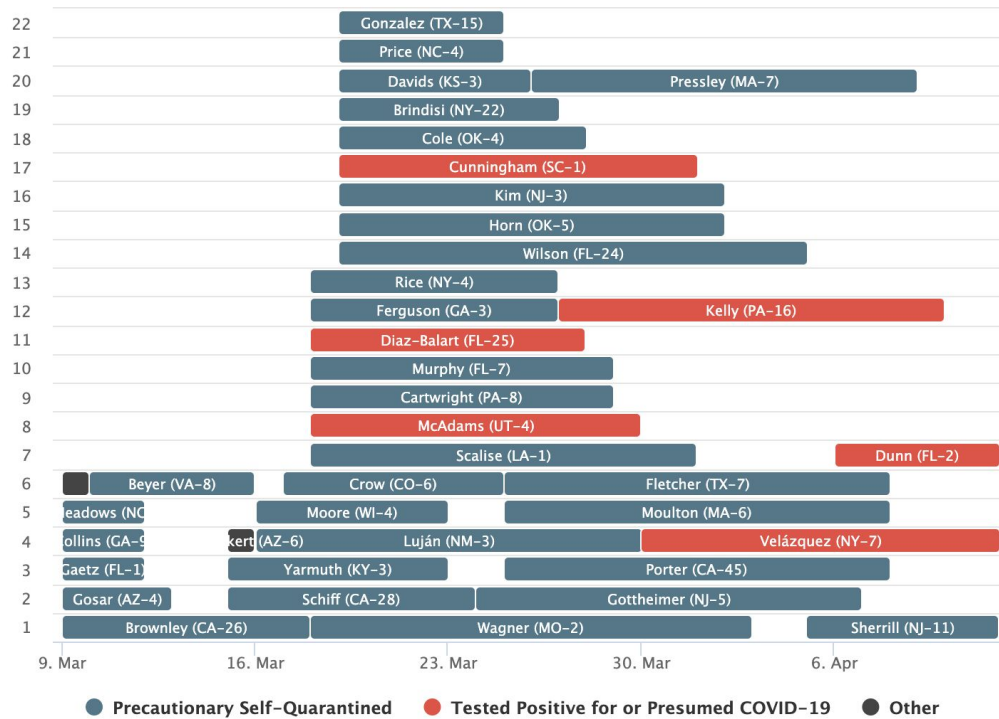
April 9, 2020: House Chief Administrative Officer releases [guidance](#) on collaboration technology

April 11, 2020: In all, [53 representatives and senators](#) are or have self-quarantined or took other action, or no action, after coming in contact with someone with COVID-19 or testing positive for COVID-19 themselves. Source: GovTrack.us “[COVID-19 in Congress](#)”.

April 14, 2020: Majority Leader Hoyer and Majority Leader McConnell announce that House and Senate will move date to reconvene from April 20 to May 5



Representatives



Legislative Continuity

COVID response legislation

Congress continued its work with “business as usual” up until the “COVID-II” vote on the Families First Coronavirus Response Act on March 14 (House vote) and March 16 (Senate vote), after which, members left DC.

Leadership in both chambers negotiated the third COVID package (CARES Act) with the White House. There was no committee deliberation. The CARES Act passed 96-0 in the Senate, with four Republican senators in quarantine and unable to travel. The House initially intended to pass the CARES Act by unanimous consent, but Rep. Massie [R, KY] made it known that he would force a vote on the bill by noting the absence of a quorum. Massie’s objection prompted members to scramble back to Washington, just as airlines were beginning to cancel flights and stay-at-home orders were beginning to be put in place around the country. In an extraordinary vote on March 27, House members attempted to physically distance while assembling for a quorum by spreading themselves out within the House chamber and gallery. The CARES Act passed by

unanimous consent but the quorum call demonstrated the difficulty of holding similar votes during the coronavirus outbreak. Members later submitted “personal explanations” for the record explaining how they would have voted, including several who would have voted “nay”.¹

The House and Senate are both scheduled to reconvene no earlier than May 4, having postponed the previous date of April 20.

Filing legislation and statements remotely

House: On April 6, 2020, Speaker Pelosi [informed](#) House Colleagues of a new, temporary policy for the remote introduction of bills, addition of sponsors, and submission of extension of remarks. Under normal circumstances, these processes require a physically printed document, wet signature by the members, and for the document to be placed physically in the “hopper” on the House Floor. The Speaker directed the Clerk to establish a verified email system for receiving these documents during pro forma sessions (fifteen minutes before a sessions gavels in and up to fifteen minutes after a pro forma session concludes) through April 19, 2020, with the House scheduled to reconvene April 20, 2020 (now May 4), though the process may be renewed.

Senate: The Senate does not currently have a process for remote filings.

Committee Proceedings

Since adjournment following the March 14th and 16th votes, the formal work of committees in both the House and Senate has come to a standstill. Though technically in Easter/Passover recess, the post-recess schedule is nearly empty, with committees unsure about their technical or legal ability to hold hearings or markups if members cannot convene physically. A few committees have begun to experiment with “paper hearings,” allowing submission of statements, questions, and responses digitally (via pdf) over the course of several days. The Senate Rules Committee recently clarified that paper hearings may not be considered official hearings, though committees have wide latitude to interpret their own rules. However, committees that have

¹ [Nays](#): Reps. Amash [I, MN], Biggs [R, AZ], Buck [R, CO], Hice [R, GA], Lamborn [R, CO], [Ocasio-Cortez](#) [D, NY], Yoho [R, FL]

undertaken these proceedings have secured agreement from the chair and ranking member to enter the transcript from the paper hearing into the record.

Senate: [Senate Rule XXVI](#) describes a hearing as a public event that occurs at a specific time, date, and location with at least one Senator present to accept testimony from a witness.

“Paper Hearings” in the Senate

Senate Armed Services

On [March 25](#), the Senate Armed Services Committee became the first to [announce](#) a “paper hearing” with the secretary and chief of staff of the Army to allow it to move forward on the must-pass defense authorization bill (NDAA). As announced, the committee posted the opening statements of the chair and ranking member online, but one week later, when questions and answers were due to be published, the committee [postponed](#) the paper hearing, citing the “additional burden on the Department of Defense at this critical time.”

Senate Commerce

The committee held a [paper hearing](#) on “Big Data and the Coronavirus,” which began with the online posting of statements from the chair and ranking member on April 9, 2020. Subsequently, the committee posted witness testimony. Committee members were given a day to submit questions, which were posted online, and witnesses have 96 hours to reply in writing to the questions. All of the material will be compiled into a transcript that both the chair and ranking member have agreed to enter into the committee record.

Senate Environment and Public Works

On March 25, the Senate Environment and Public Works opened an [information-gathering process](#), accepting written testimony and questions for the record through April 15, 2020, with answers to QFRs accepted through April 29, 2020.

House: [House Rule XI](#) requires each meeting of a committee or subcommittee to be open to the public, except when the majority of Members elect to move to a closed executive session, and imposes in-person quorum requirements.

Information-gathering by committees in the House

Natural Resources Committee

Even before the COVID-19 outbreak, the House Natural Resources Committee was experimenting with a new way to receive input from individuals, organizations, and lawmakers on pending legislation. The process included: (1) [statement of principles](#) allowing lawmakers, organizations, and individuals to weigh in on the statement; (2) [draft](#) bill allowing [collaborative drafting](#) with the public; (3) bill introduction. The committee will introduce the input received in each of these stages into the record at markup.

Constitutional and legal considerations for remote proceedings

Most legal scholars who have looked at the question of the Constitutionality of remote voting have found no Constitutional limitations, pointing to each House's inherent power under Article I, Clause 5 of the Constitution to "determine the Rules of its Proceeding." Most of the publicly-released analyses have been cursory, with the exception of two:

- Deborah Pearlstein, Cardozo law professor and former clerk to Justice John Paul Stevens, who [argued](#) "there is nothing in the text of Article I setting forth the rules for how Congress does its business that precludes remote voting, and plenty in the text that suggests the House (and Senate) have vast discretion to design their own rules of procedure."
- Mike Stern, former Senior Counsel to the U.S. House of Representatives, who [argued](#) that remote deliberation (and voting) is permissible, that there is no requirement that members of Congress even be in the same room or building, but that the constitutionality of remote deliberations is bolstered so long as Members of Congress are physically located within Washington, D.C., which is the seat of government. This opinion arises from the concern of whether a virtual convening constitutes the assembly of a house when the chamber has not come together in any particular place. He did not analyze what happens if the committee chair is physically located in Washington, D.C. and other members are elsewhere.

A proper Constitutional analysis is beyond the scope of this briefing paper, but the primary question is whether remote voting can be used to establish a quorum under Article 1, Section 5, Clause 2 of the Constitution. Specifically: “and a Majority of each [House] shall constitute a Quorum to do Business.” The same clause empowers each House to determine its own rules of proceedings, and how each House has determined a quorum has changed significantly over the last two centuries. (Nowadays, most votes happen without either House determining whether there is a quorum, and many times it is obvious to all that [a quorum is not present](#).) In addition, the methods for determining a quorum have changed significantly over the centuries, including the addition of the use of electronic methods in the last half-century.

Were the House or Senate to engage in remote deliberations, two legal issues arise. First, would a court grant standing on the basis of a lack of quorum? And second, would a plaintiff be able to succeed on the merits? Assuming that standing would be granted, Constitutional requirements for determining a quorum have always been very flexible, and as a prudential matter it seems unlikely the courts would intervene during a pandemic. The one U.S. Supreme Court case on this question, *U.S. v. Ballinn* (1892), which concerned a major change to how the House of Representatives determined quorum, held: “The Constitution has prescribed no method of making this determination [of the presence of a majority], and it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact.”

Where matters become more difficult concerns the rules of the House and of the Senate. In many instances, their rules either require the physical presence of members or physical actions, like standing up to be acknowledged. The House Rules Committee Democrats attempted to catalog the relevant provisions in the House, but there are many. There are obvious work-arounds for some requirements, as demonstrated by the recent change in procedure to allow Members in the House to introduce legislation electronically. But for other requirements, the rules will need to be suspended or amended.

Members of Congress and civil society have suggested a new rule that deems members to be present so long as they are virtually present. It could only be activated in an emergency, would be invoked by the leader of each chamber, would require confirmation by the chamber, and would last for a short time (such as thirty-days) before needing to be invoked again. Virtual

presence would, in essence, be the ability of a member to be seen and heard and to interact normally in the course of deliberations. This would be accomplished by teleconference. In addition, all proceedings would be broadcast live, to address public and press access requirements, which would have the additional virtue of ensuring that it is indeed that member casting their vote and allowing any roll call votes to be tallied by the Clerk and verified by everyone.

In addition, as there are likely matters that may be difficult to anticipate in a chamber rule, particular matters of a technical nature, the Committee on House Administration and Senate Rules Committee would be empowered to promulgate guidance on the adaptation of technology to support deliberations.

Technical considerations for remote proceedings

When it comes to remote proceedings, the major concerns are: (1) security, (2) verification, (3) stability, and (4) ease-of-use.

Security

When people talk about security, they often conflate two similar issues. First, can someone hack into the proceedings and watch what's happening? And second, can someone use the teleconferencing platform to steal information off your computer?

The first concern, of someone watching the proceedings, is not a significant concern as public proceedings are meant to be watched. There are real issues for proceedings meant to be held *in camera*, and there are work-arounds to address this. (In essence, it would require the use of the government's teleconferencing tools with members inside a secure facility.) This is an edge case — the vast majority of proceedings are public.

The second concern, about using a teleconferencing platform to steal information off your device, is more complicated. The simplest solution is to give Members a separate device, such as an iPhone, that is preconfigured with the teleconferencing platform and contains no other

information on it. That way, even if it's broken into, there's nothing to steal. The phones should be swapped out on a regular basis, just [like the President's phone should be](#), and should be configured by House or Senate security staff.

Verification

How do you know the person that is voting is actually the Member of Congress? The same way you know in committee or on the floor: you can see and hear them, and they can see and hear you. Because the votes are public, it's easy to determine whether a member is voting consistent with their prior positions, and you can easily verify with the member (or their staff) that their vote is what they intended. The public nature of the proceedings makes verification straightforward.

Stability

What happens if your teleconference connection conks out during a key vote? Or the power goes out? This comes down to planning. Making sure that Members have a back-up available that they can switch to — whether it's another device or a number they can call — can go a long way to helping to reduce unwelcome surprises. In addition, providing a battery backup can make sure devices don't die during long committee meetings.

In the real world, members of Congress routinely miss votes and meetings. This likely will be true for virtual meetings as well. The same rules should apply to both, but with more leniency for technological issues.

One unwelcome feature of multi-person conference calls is audio feedback and too many people talking at once. The former can be addressed by providing headphones with microphones to everyone; and the latter by the teleconference software.

Ease of use

Some Members of Congress are very comfortable with technology, and others are not. Providing training and dry-runs for any remote proceedings is a best practice to make sure that proceedings go smoothly and members are able to freely participate.

EXAMPLES FROM OTHER JURISDICTIONS

U.S. states and localities

New Jersey: With confirmed coronavirus cases on the rise, the New Jersey General Assembly made the unprecedented leap to protect its 80 members by holding its first-ever electronic voting session on March 25. Legislators passed 5 Covid19 relevant bills in short order.

Utah: April 13, the Utah State Legislature decided to convene its first ever virtual special session to address the COVID19 pandemic. Using a new authority (2018) to call a convening in emergencies, the 74 legislators will stay on task, passing budget changes and policies, but doing it from their home districts

Vermont: A group of 16 Vermont Senators — just enough for a quorum — [returned](#) to the Statehouse on April 8th to unanimously approve a virtual voting measure.

California: Before leaving the Capitol the week California's coronavirus shutdown began in March, the state Senate [passed a rule](#) allowing senators to meet and vote remotely, such as by phone or videoconference, during a state of emergency. The state's other chamber--the Assembly--did not pass a similar measure.

Pennsylvania: In late March, the Pennsylvania legislature passed COVID19 relief measures unanimously in the Republican-controlled House and Senate. The majority of lawmakers cast votes and deliberated on bills remotely to avoid overcrowding the state Capitol in Harrisburg. At least 114 lawmakers — 66 Democrats, and 48 Republicans — applied to vote remotely in the Pennsylvania House, according to caucus' spokespeople for both parties. Ten members of the Senate — including leaders of the Republican and Democratic caucuses and a handful of Republican senators — attended the session in

Harrisburg, while the remainder cast votes and debated legislation remotely. ([Penna Capital Star](#))

In Farmington, New Mexico, the City Council placed a short notice in the local paper inviting the public to upcoming meetings, to take place on Zoom or with a phone connection. A number and website were provided for citizens to receive access. ([NM Press Assn](#))

In Wichita, Kansas, the City Council has created a hybrid model for citizen participation in council meetings, using a combination of email, phone and Youtube chat. ([Wichita gov](#))

International

Brazil: Brazil passed a resolution that enables the Parliament to work remotely during a public health emergency using video conferencing and virtual management tools. The system allows MPs to register to a session and shows all phases of the legislative process, including the bill under discussion, amendments, the results of each voting round, speeches and committee agendas. The first remote plenary session took place on March 20 and was livecast to the public through the Parliament's media and digital platforms

The resolution also specifies that face to face deliberations must be resumed as soon as sessions can be organized that are compatible with the recommendations of the Ministry of Health. ([IPU](#)) More, the [Brazilian Federal Senate](#) has offered technology transfer to other parliaments.

It has developed operating technology in audio, video and team management, integrated with two solutions provided by private companies.

United Kingdom: The UK's Parliamentary Digital Service (PDS) has moved with great speed and skill to meet the requirements of members in maintaining parliament's vital debate, scrutiny and legislative role. The UK Parliament plenary is expected to return

from Easter recess on 21 April. In a new practice, House of Commons Select Committees have been allowed over the break to hold evidence hearings and meetings remotely by video conferencing upon the approval of the Speaker when requested by the Chair. A number of ongoing Committee inquiries have sought evidence on the UK Government's COVID-19 response. Some House of Lords members are also working remotely. A bespoke version of Zoom (video conferencing software) has been provided to all members of the House of Commons to facilitate parliamentary business and other meetings on return from recess April 21. Skype for Business has been rolled out to all parliamentary devices pending fast tracking of trials with Microsoft Teams for wider use by staff in both Houses after recess. Skype for Business and Microsoft Teams are hosted and supported by Parliamentary infrastructure and have been tested against all relevant security and other protocols. ([IPU](#)) The week of April 20th, members will be asked to approve a hybrid plan for the time being. There will be some members in the chamber, and there will be some members who will be contributing digitally. ([Guardian](#)) Meanwhile British crown dependent [Isle of Man's parliament has gone online](#).

Spain: The Cortes (Parliament) of Spain held its plenary during the last week of March. Video-conferencing and remote voting was put in place for deputies who could not attend. Remote voting is restricted and was already regulated for circumstances such as pregnancy, maternity or paternity leave or serious illness. Since the imposition of the restrictive measures, two plenary sittings took place and the committee on health also met. Parliamentary technical and political management bodies work remotely (videoconferencing, telematic voting, etc.) as much as possible. Lessons learned from this experience will be used to improve the capacity of the Congress of Deputies to act in the current and future similar situations. ([IPU](#))

Kenya: The Kenyan Parliament is enforcing social-distancing measures throughout its workflow, with designated desks and spacing requirements for members to convene in person, but at a safe distance. Members are encouraged to use the digital infrastructure in place, plus tablets and websites, to access documents. With exceptions for the leadership, members may wait in line outside the chamber to gain access according to safety measures. Similar restrictions have been placed on committee meetings. Sanitizer and hygiene measures are omnipresent. ([Parliament of Kenya](#))

France: France' legislature has adopted an “urgent-only “ business model for the upcoming weeks. The French Senate is holding reduced plenary sittings – only one plenary sitting a week, limited to 10 questions for the government. They are attended only by the authors of questions and presidents of political groups. Three committees hold meetings remotely for hearings with ministers and to exchange views. There is no legal framework for the holding of remote meetings. No special measures have been adopted on holding video-conference committee meetings as there is no voting. The software used for remote meetings is Tixeo. The National Assembly of France has reduced the number of its meetings and is holding them remotely. Committee meetings are limited to hearings and debates on issues within their remit regarding the coronavirus crisis. The decision to proceed in this manner was taken by the Conference of Presidents composed of the President and Vice-Presidents of the National Assembly, the presidents of the political groups, committee presidents, and the minister in charge of relations with Parliament. Apart from three urgent bills on the COVID-19 pandemic, committees have not been holding meetings on legislative texts. Remote meetings (audio and video-conferencing) are regulated legally and, while remote voting is not legally authorized, committees can carry out debates and hearings. ([IPU](#))

European Union: In late March, the European Parliament put in place Aset of measures to facilitate the remote participation of MEPs in committees, enabling them to view and listen to proceedings, ask for the floor and speak in meetings. Legislative activities have been scoped down during the pandemic. Measures are pending to create multi-lingual capacity. ([EuroParl](#)) Vote by email for plenary sessions has been put in place until July 31. The ballots are sent out, returned, counted and then recorded in the official minutes. Security concerns have been raised, with suggestions of parallel process i.e. mail in ballots simultaneously as a backup. ([Techcrunch](#))

FURTHER READING & RESOURCES

[Capitol Hill offices instructed to update pandemic plans, Office of the Attending Physician sets record straight on coronavirus](#), *Roll Call* (February 27, 2020)

Law Library of Congress [report](#) on “Continuity of Legislative Activities during Emergency Situations” (March 2020)

[Congressional leaders talk contingency plans for coronavirus on Capitol Hill](#), *Roll Call* (March 4, 2020)

[Capitol Hill Stays Open as Lawmakers Fret About Working in ‘Petri Dish’](#), *Wall Street Journal* (March 4, 2020)

[U.S. Congress approves, sends to Trump \\$8.3 billion to fight coronavirus](#), *Reuters* (March 4, 2020)

[Anxiety in an aging Congress as coronavirus marches across U.S.](#), *NBC News* (March 8, 2020)

[Sen. Ted Cruz, Rep. Paul Gosar Self-Quarantine After Coronavirus Exposure At CPAC](#), *NPR* (March 8, 2020)

[How Congress is prepping in case of a coronavirus outbreak on Capitol Hill](#), *CNN* (March 9, 2020)

[CPAC attendee with coronavirus had contact with ‘several’ members of Congress: physician](#), *FOX News* (March 9, 2020)

[As Lawmakers Report Exposure, Congress Grapples With Virus Response](#), *New York Times* (March 9, 2020)

[Coronavirus moves closer to Capitol Hill’s doorstep](#), *Politico* (March 9, 2020)

[Pelosi stands firm amid calls to close Capitol](#), *The Hill* (March 10, 2020)

[Why Is Congress Conducting Business as Usual in the Face of Coronavirus?](#), *Lawfare* (March 10, 2020)

[Capitol comes under microscope even with new coronavirus guidelines](#), *Roll Call* (March 11, 2020)

[Congressional staffer tests positive for coronavirus](#), *CNN* (March 11, 2020)

[Elbow bumps, Spock salutes: How Congress is dealing with coronavirus](#), *The Hill* (March 11, 2020)

Civil Society & experts [letter](#) to Congress re: continuity in response to COVID-19

[Big rules changes required, and quick, for Capitol Hill to respond to coronavirus](#), *The Fulcrum* (March 11, 2020)

[Congress Desperately Needs a Contingency Plan](#), *The Atlantic* (March 13, 2020)

[Coronavirus takes toll on Capitol Hill](#), *The Hill* (March 14, 2020)

[Second Capitol Hill staffer tests positive for coronavirus](#), *The Hill* (March 15, 2020)

[Why Congress isn't working remotely due to COVID-19](#), *TechCrunch* (March 18, 2020)

[How Could Congress Function if Not Everyone Can Show Up?](#) *Bipartisan Policy Center* (March 19, 2020)

[Congress infected with COVID-19 while trying to counter outbreak](#), *Salt Lake Tribune* (March 19, 2020)

[First coronavirus diagnosis among member of Congress sends lawmakers into quarantine](#), *CBS News* (March 19, 2020)

[Congress in a Time of Crisis: Remote Voting](#), *Bipartisan Policy Center* (March 20, 2020)

[Coronavirus anxiety spreads across Capitol Hill](#), *The Hill* (March 20, 2020)

[Here are all the members of Congress who have tested positive, been diagnosed, or self-quarantined because of coronavirus](#), *Business Insider* (March 21, 2020)

[Push for remote voting grows as lawmakers fear coronavirus poised to spread](#), *Politico* (March 23, 2020)

[House Democrats plead with key committee chairman to allow remote voting amid coronavirus pandemic](#), *The Hill* (March 23, 2020)

[Key House chairman cautions against remote voting, suggests other options amid coronavirus outbreak](#), *The Hill* (March 23, 2020)

[MOCK Remote Hearing and Markup Tests Viability of a Virtual Congress](#) *G21C* (March 25, 2020)

[GOP lawmaker plans to try to force recorded vote on \\$2 trillion coronavirus bill](#), *NBC News* (March 26, 2020)

[Lawmakers highlight flights back to DC for huge coronavirus vote](#), *The Hill* (March 26, 2020)

[Explainer: Proxy Voting in Congress](#), *Bipartisan Policy Center* (March 26, 2020)

[Both parties pile on Massie after effort to force recorded vote flops](#), *Politico* (March 27, 2020)

['Disgraceful.' 'Irresponsible.' Colleagues slam Rep. Massie for forcing lawmakers back for stimulus vote](#), *USA TODAY* (March 27, 2020)

[Virtual Congressional Hearings: Could They Work? Six Recommendations](#), *Bipartisan Policy Center* (March 27, 2020)

[NY Rep. Velazquez diagnosed with 'presumed' case of COVID-19: She stood next to Pelosi just days ago](#), *KCBD* (March 30, 2020)

[Poll: 80% of Americans support Members of Congress being able to vote "remotely" during the coronavirus pandemic](#) (March 30, 2020)

[Dear Colleague to All Members Announcing House Select Committee on the Coronavirus Crisis](#), *Speaker.gov* (April 2, 2020)

[Pelosi wants coronavirus select committee but that requires a vote](#), *Roll Call* (April 2, 2020)

[In Congress, Doctors Are Pressing for a More Aggressive Coronavirus Response](#), *New York Times* (April 4, 2020)

[How governments around the World are passing Laws Amid the Coronavirus crisis](#), *TheHill* (April 5, 2020)

[Pandemic 'accelerating' House modernization as lawmakers push for remote votes, hearings](#), *Federal News Network* (April 6, 2020)

[Dear Colleague to All Members on Electronic Submission of Floor Documents](#), *Speaker.gov* (April 6, 2020)

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[Three Cheers for Paper Hearings](#), *Lawfare* (April 8, 2020)

[‘Paper hearings’ replace committee staple in the Senate](#), *Roll Call* (April 8, 2020)

[Despite coronavirus, Nancy Pelosi says remote voting in Congress is a long way off](#), *San Francisco Chronicle* (April 9, 2020)

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[Sidelined by Coronavirus, Congressional Leaders Face Pressure to Vote Remotely](#), *New York Times* (April 14, 2020)

[Constitutional Considerations of Remote Voting In Congress](#), Congressional Research Service (April 14, 2020)

[Remote voting, hearing changes for House may come too late for pandemic use](#), *Roll Call*, (April 15, 2020)

[Trump threatens to adjourn both chambers of Congress](#), *The Hill* (April 15, 2020)

[Trump threatens to force Congress to adjourn to allow recess appointments](#), *Axios* (April 15, 2020)

[As pandemic lingers, U.S. House looking 'very closely' at remote voting](#), *Reuters* (April 15, 2020)

[“I do worry about the optics’: Congress struggles to get off the sidelines”](#) *Politico* (April 17, 2020)

Materials submitted by Microsoft

IT/End User Adoption & Best Practices:

- [Microsoft Teams for US Government Adoption Guide](#)
- [Support for remote government workers using Microsoft Teams](#)
- [Microsoft Teams Live Events Best Practices and Tips and Tricks](#) Webinar
- Blog: [5 Steps to have a successful live event for your government organization](#)
- Blog: [Top 10 FAQs on Leveraging Teams for Government](#)
- [Microsoft 365 Government](#)

Security:

- [Our commitment to privacy and security in Microsoft teams](#)
- [Privacy and security in Microsoft Teams – for IT professionals](#)
- [GCC compliance value](#)

Customer examples:

- [American Red Cross](#) video
 - Watch how the American Red Cross utilizes Microsoft Teams to connect with remote workers
- [US Air Force](#) blog
- [Remote Work Trend: Meetings](#)
 - 2.7 Billion meeting minutes in one day on Microsoft Teams, a 200% increase from 900 million meeting minutes on March 16
 - Using video to connect with colleagues
- [Nothing can stop a team Blog](#)
 - See how customers are using Teams to work remotely during COVID-19
- [Power of Teams](#) video
- [City of Atlanta](#) WSJ article
 - “In a first, Atlanta’s City Council this week will move from on-site meetings to virtual meetings that citizens can join by calling in. The council will use a “virtual platform” for voting on legislation and reviewing documents.”
- Additional non-US examples:
 - [Japan Civil Court Proceedings using Microsoft Teams](#)
 - [Belgian Federal Police](#)

House Guidance on Videoconference Technology

Meeting Collaboration & Event Conferencing



1. *I want to host a private meeting where all the attendees can be trusted to control their own microphone/video.*

- **Microsoft Teams** (Preferred): offers audio/video conferencing for up to 250 participants and is currently available at no additional cost.
- **Cisco WebEx Meetings**:* offers audio/video conferencing for up to 1,000 meeting participants.
- **Zoom Meetings**** offers audio/video conferencing for up to 1,000 meeting participants.

1a. *I need to invite guests from outside the House or who don't have this product.*

- All three products have free mobile device and desktop computers apps, as well as, browser only apps.
- All three products provide dial-in teleconference numbers to join the meeting by phone. Only **Microsoft Teams and Zoom Meetings** provide a "lobby" to screen guests before letting them in the meeting.

1b. *I need to tightly control who can listen in on this meeting.*

- All three products can limit meetings to just people with House accounts.
- **WebEx and Zoom** Can require additional passwords to enter a meeting.
- **Microsoft Teams and Zoom Meetings** provide a "lobby" to screen guests before letting them in the meeting.

2. *I want to host a public or private meeting where I can control who can speak or present.*

- **Cisco WebEx Events** (Preferred):* enables users to broadcast video/audio and share content for up to 3,000 meeting participants. The host has total control of who can speak or share content and when.
- **Zoom Webinars**** enables users to broadcast video/audio and share content for up to 10,000 meeting participants. The host has total control of who can speak or share content and when.

Note: Inclusion of outside guests or controlling access to the meeting is same as above.

3. *I want to host a public event to mostly communicate information one-way with limited interaction from the public (e.g. townhall).*

- **Microsoft Teams Live Events** (Preferred): enables users to broadcast video/audio and share content for up to 10,000 attendees for events like townhalls. Attendees can ask questions via text chat. Live Events is currently available at no additional cost.
- **Cisco WebEx Events**:* enables users to broadcast video/audio and share content for up to 3,000 attendees for events like townhalls. Attendees can ask questions via text chat or voice/video (not recommended).
- **Zoom Webinars**** enables users to broadcast video/audio and share content for up to 10,000 attendees for events like townhalls. Attendees can ask questions via text chat or voice/video (not recommended).

* CAO is currently exploring an enterprise license for WebEx and Zoom, until then, the products will need to be paid for out of personal office or committee funds.

** Due to reported privacy issues and security vulnerabilities with Zoom's commercial product, the CAO is reevaluating use of the FedRAMP version of Zoom.

INPUT FROM MOCK REMOTE HEARING PARTICIPANTS

What, if anything, was “lost” from the virtual experience that is present for in-person proceedings?

- *often times the sound was lost and a few times the screen was connecting*
- *Informal interactions. Also, harder for chair to enforce discipline and speaking order*
- *The interaction of going to an from the Floor...I used to tell folks I got more calls returned, messages responded to, business done going to and from Roll Calls than in the rest of the day. So much work is done in and around the hearings itself in the back rooms, in the Cloakrooms off the Floor etc it would be hard to imagine getting as much done.*
- *Also, not to be outdone, is the tremendous importance of the interpersonal relationship...seeing, hearing, understanding nuances of thoughts etc that you can only get one on one...shaking a colleague's hand, looking them in the eye when some agreement is reached is so very much part of the process...or at least has been.*
- *Not a lot was lost for me. I believe that many of the "hallway" conversations that are important can still happen using technology as things evolve. House and Senate rules can determine when remote technology can be used. After 9/11 some balked about us going to Blackberrys instead of pagers..... Then some balked when we went to smart phones, then iPhones. I believe this remotely technology is a very critical pathway forward.*
- *screen froze up a couple of times and dialogue was lost a couple of times*
- *to see everyone in the "virtual" room; to feel free to ask question without interrupting others*
- *the off-line banter that develops relationships including bipartisan trust*
- *Being able to exchange views with fellow fo*
- *rmer members on the panel*
- *Virtual by its very nature is more impersonal. Legislating is as much about taking the measure of someone as it is just seeing and hearing someone.*
- *In person you get to watch body language and I would like to be able to see the other people on the zoom call*
- *It is hard to read body language of other members which can be an important clue to what their real reaction is to positions and proposals - and there isn't as much opportunity to do sidebars with other members - but overall quite good.*

- *Never enough time for all thoughts to be expressed, but even in-person events come to an end.*
- *Only the interpersonal relations that a committee member has with his or her peers.*
- *sharing of ideas with people next to you or what you say to each other during breaks*
- *Witness testimony is more abstract as there is almost no interaction among the panelists.*
- *Also, there was no real interaction among the members like we would have in an in person hearing. Members work to tease out answers more cooperatively in the normal setting. I would conclude that a controversial topic would be difficult to effectively address online.*
- *Nothing*

What, if anything, was beneficial with the virtual experience?

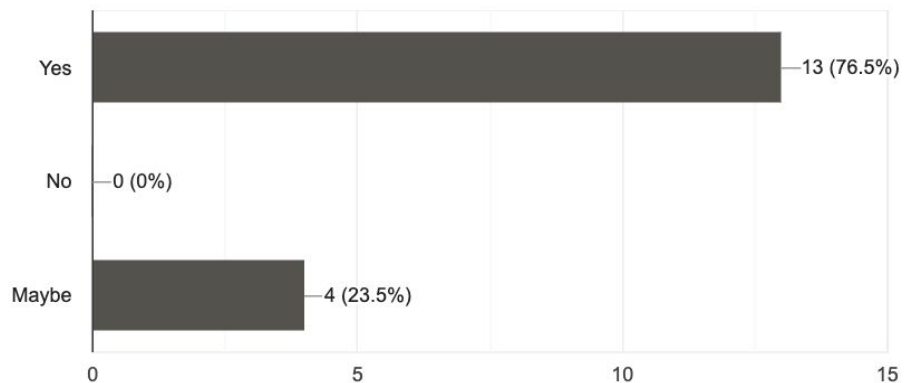
- *Much easier to pass virtual notes to friends, colleagues*
- *Expeditious consideration of important and time sensitive matters and reducing the risks associated with gatherings...altho the reservations articulated by Vic were very relevant.*
- *In a weird way, people seemed more "real". That is a very good thing for today's politicians. There is a need to understand when more access is needed for the public, and when it needs to be secure. Both are possible.*
- *Hearing from international parliamentarians*
- *concentrated listening--and emphasis on potential results*
- *being able to get comfortable with the technology*
- *that the procedure is a viable one for use when ca committee is unable to meet together*
- *It proved the value of using virtual technology for some legislative functions. I can see it being valuable for doing legislative hearings as opposed to committee markups.*
- *You must stay on task.*
- *I think the ability to get people to participate who would otherwise would not be able to be present is a HUGE plus.*
- *Quick check for how different individuals/collectively can begin to participate effectively. I was*

impressed with your leadership & how well the group was able to do!

- *Members were more attentive and "captive" than a live Hill hearing. Chairman can control time better it seems.*
- *getting work done during times when you cannot make it to DC like now. The work MUST continue and it isnt right now*
- *Fewer members asked questions than at a normal hearing. Perhaps that is because we are FMCs, and not due to the technology.*
- *The chairman did an excellent job of keeping on time, and focused.*

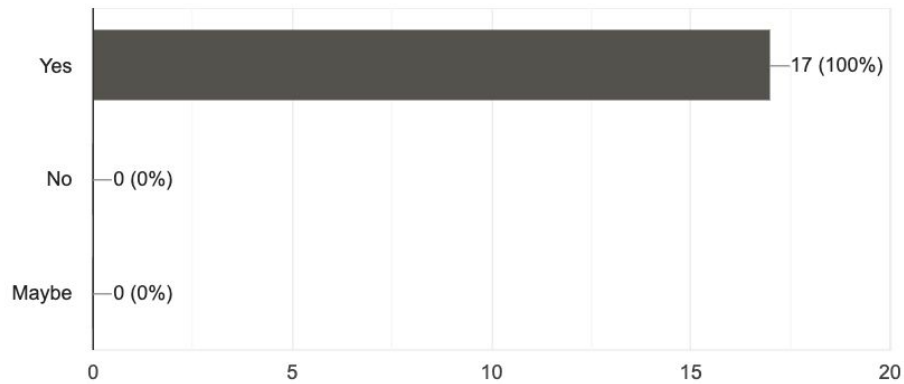
Based on this experience, do you think that Congressional committees should (temporarily) conduct remote hearings online if members cannot convene physically during the COVID-19 outbreak?

17 responses



Did you find this exercise useful or interesting?

17 responses



What advice would you offer for current members who might be considering remote proceedings?

- *experiment with it.*
- *I think the only way to make this work is initiating it incrementally across the various functions of the Congress.*
- *Maybe starting with Leaders briefings, or the Caucus meetings, or then just informational hearings or briefings but not actual markups. As generational changes takes over The House people more familiar with how tech works will become a larger component of the body.*
- *Give it a try!*
- *Be prepared to be frustrated. Zoom is very user friendly. I haven't used Microsoft Teams so I don't know about it. Keep an eye on your background so it's not distracting or embarrassing.*
- *It is inevitable--so prepare.*
- *Work out all of the mechanics first such as technical aspects, deliver briefing material well in advance of any such virtual meeting and agree on clear rules of procedure.*
- *Do it*
- *Use the technology for information gathering, but not for decision making.*
- *Check it out it is better than conference calls.*

- *Do a quick training session ahead so you feel comfortable with the technology. And remember that imperfect as this alternative might be, Congress not meeting at all means the Article I branch is not doing its constitutional duty.*

- *Do all you can to assure your colleagues have an opportunity for experiencing the process. "Mock" may be beneficial if possible. Congress must be seen as engaged and informed and yes, effective!*

- *This is not about technology (which is proven and secure) but about behavior. All Members should become familiar with Zoom or Team and utilize these tools to do Congressional work during this period of pandemic.*

- *Looks like it is possible to take the time to learn how to use this important technology to do the work of the people and still be safe. This is a valuable tool - do not be afraid of it. However, it is important to take the time to learn. Do not just jump into it and expect it to work for you.*

- *make sure members who wish to grandstand politically on an issue in the hearing will be shut off. If the online hearings go on for hours as some of our live ones did, the members will lose interest on video.*

- *Just DO IT ! - Once again, not as a substitute for in person exchanges, , but in exigent circumstances such as this- in order to advance critical decision making, remote proceedings are terrific.*

-