

Congress of the United States
Washington, DC 20515

April 7, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy:

During this grave health and economic crisis, it is essential that all Members of Congress have the ability to represent the will of our constituents, shape legislation impacting every American, and participate in the future direction of our country. Fundamental to fulfilling our Article One Constitutional responsibility is the capacity to adhere to regular order through debate and voting on legislation.

That is why, more than ever, the Problem Solvers Caucus believes it is essential to develop a process and options for Members of Congress to fully participate in the legislative process during emergency situations like this one. With our shared perspective, we urge the U.S. Congress to put parameters in place to allow us, as Representatives, to remain accountable to our constituents during this health and economic crisis. We must adopt protocols that ensure the record is clear and our functioning democracy is protected.

Unlike the flu pandemic of 1918, modern technology offers us a host of options to govern from afar, safely and securely, during these exigent circumstances. Governments around the world, including England and Japan, have deployed these options, and are voting from home.

Similarly, we believe Congress must be responsive to the changing operational requirements created by the pandemic crisis. We must adhere to the public health guidelines and adjust our governing model – for emergency situations -- to allow for social distancing and shelter-in-place orders. As many of our states remain in lock-down and face public health threats, we acknowledge the difficulty in achieving a physical quorum in our Chamber. Traditional travel to Washington, and Congressional committee and floor work could create unnecessary risks. Likewise, it would be imprudent to proceed in these times without the input of the larger body and the ability for us to represent the voices of our constituents. Simply, we believe that now is the time to plan and approve alternative ways for the U.S. House of Representative to function.

Below are a few suggestions for your consideration to achieve this outcome. As Members of the bipartisan Problem Solvers Caucus, we would be honored to assist you in developing immediate options, and, if helpful, to reach out to private sector leaders in technology and security, and to other governments, for their counsel. Aside from private party caucus meetings and national security-related conversations, most of what we do is transparent and public. For instance, C-SPAN airs our committee hearings, floor activity, and voting. We can also develop many

redundant systems to help prevent threats of external forces from undermining our activity, as we do in government every day.

1. **Voting:** As our votes are public, the method utilized to cast a vote need not be focused on secrecy. Rather, given the public nature of our votes, there are a variety of methods, varying in technological sophistication, that may be utilized.
 - A. *Telephone Voting:* During voting, Members could call the Clerk and log their votes by voice. Members may then receive an email confirmation to their Congressional email account documenting their vote, or the pending votes could be available on C-SPAN or on a website until the vote closes. In this scenario, votes would be held open for longer to accommodate the individual calls and vote verification. There are straightforward options for confirming a Member's identify for a vote:
 - The Clerk could dial out to Members' designated mobile numbers;
 - The Member could use his/her voting card number as identification;
 - Members could have secure lines installed in their homes to avoid the potential for interference.
 - B. *Video Conferencing:* During voting times, Members could participate via video conferencing to log their votes. Voting with video conferencing presents challenges for Members who do not have internet access at home, so audio participation should also be considered.
 - C. *Voting Machines in District Offices or Homes:* During voting times, Members could vote from their District Offices or homes using voting machines, like those on the floor. This plan would require substantial set up and planning, which would delay the utility of this potential solution during the COVID-19 crisis.

2. Floor Debate

- A. *Comments in Writing or via C-SPAN:* Members wishing to engage in debate could do so by submitting comments in writing for the record and/or submit a video to be displayed through C-SPAN.
- B. *Video Conferenced Debate:* We could utilize a video conferencing line to allow for remote floor debate from Member District Offices, on the House network, or directly from Member homes. We could also utilize nearby military bases, FBI offices, and U.S. Attorney offices for secure video.

3. Committee Debate and Mark-Ups

- A. *Committee Debate Could be Conducted Via Video Conferencing Technology.* The potential threat to a video conferencing system is a denial of service attack, though notably, public hearings are subject to disruption by in-person protestors. We could and should have redundant systems in place, to prepare for this threat.
 - *Witness participation:* Committees should prioritize oversight, legislative debate and fact-finding related to the crisis at-hand, and should refrain from unrelated matters unless absolutely necessary to the continuation of government operations.
- B. *Process:* As committee mark-ups are structured and timed, the Chair would be responsible for moderating the forum or could designate a clerk in the committee to handle the technical moderating capability while retaining the Chair's role.

- C. *Committee Voting (mark-ups)*: Mark-ups are an essential function of Congress that cannot be delayed during the ongoing crisis of a global pandemic. Similar to floor voting, Members could participate in mark-ups from their District Offices on the House network, by secure video, or by traditional telephone.

Thank you again for your swift attention to this immediate need. These suggestions are offered in good faith for your review and, of course, we are eager to consider any other thoughts and ideas on the matter. More than anything, we stand ready to assist.

Sincerely,



Josh Gottheimer
Co-Chair
Problem Solvers Caucus



Tom Reed
Co-Chair
Problem Solvers Caucus