Testimony Concerning the Establishment of a Senate Modernization Task Force, Subcommittee, or Caucus by Lorelei Kelly, Faculty of the McCourt School of Public Policy at Georgetown University for the Senate Appropriations Subcommittee on the Legislative Branch for FY 2024

Dear Chairman Reed , Ranking Member Fischer and Members of the Senate Legislative Branch Appropriations Subcommittee

Thank you for the opportunity to submit public witness testimony to the Legislative Branch Appropriations Subcommittee. I accepted your invitation so that I could formally request that this committee include report language that addresses Senate innovation and modernization. Specifically, that the Senate creates either a task force, a subcommittee within the Senate Rules Committee, or a caucus to begin an institutional conversation about Senate modernization and capitalizes on existing innovation efforts.

My name is Lorelei Kelly, and I am on the faculty of the McCourt School of Public Policy at Georgetown University, where I lead GeoDES, Georgetown Democracy, Education + Service. For the past six years, the focus of my work has been congressional modernization. In April, 2020 after the onset of emergency measures during the COVID-19 pandemic, I testified before the Senate Homeland Security and Government Affairs Committee Permanent Subcommittee on Investigations on Continuity of Senate Operations and Remote Voting in Times of Crisis[1]

As the Senate continues to develop new ways to adapt to a modern technology landscape, explores new tools, and also maintains its historical institutional integrity, it will be important to reflect on events that have occurred over recent decades. This nation has experienced sufficient calamity to merit a continuity agenda for Congress, the heartbeat of Article One in the US Constitution and the world's most consequential national legislature. Technology upgrades and contemporary data tools aside, the most important outcome of modernization will be a plan to safeguard the people and the physical places that make up this institution. A safeguarding strategy should be the premise of Senate modernization. The Senate should be a safe campus, where Senators and staff alike feel secure, where the press can go about their work, and where the public will feel protected while visiting their open, shared democratic spaces. Indeed, continuity is about physical protection, but also confidence in US democracy. The best guarantee of our future comes with a public that believes their voice in government will always exist through their elected leaders. The top priorities of a Senate task force, subcommittee or caucus are:

1. A continuity of Congress plan in case of crisis or emergency that prioritizes modern communications architecture as critical infrastructure

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[1] Govinfo.link and Committee print Continuity of Senate Operations and Remote Voting in Times of Crisis April 30, 2020

2. An institutionally designated space to examine, support and convene ongoing Senate innovation prototypes and modernization workflow tools
3. Exploring technology platforms that build on the Senate's comparative advantage as a chamber: Deliberation, six year timeline and state level jurisdiction.

An industry standard communications system with technology and data capacity is a typical modernization goal for governing institutions. During the pandemic, a secure communications system for voting and deliberation became the central conversation. How would the Senate carry out the nation's business during the COVID crisis and possible future emergencies? This last point was underscored by the violent attack on the Capitol in January 2021. The lesson from that day is clear. Senate information systems should be prioritized as critical infrastructure and are central to any continuity agenda.

During the pandemic, the challenge to keep Congress operational was not only technical, but very human. The shift to remote participation was an abrupt culture shock for a centuries old, in person, paper based workplace. As a deliberative body, the Senate is supposed to be where long debates over policy are held and that's difficult to do when it's virtual or when trying to use remote voting tools. Indeed, the quorum process itself presents a specific challenge. The Senate is a deeply collegial organization–one that relies on serendipity and collaboration to deliver policy outcomes. In person experiences, eye contact, a friendly wave in the cafeteria--these moments were lost during the pandemic. Now that we've mostly resumed normal practices it is important to remember that we have gone through a dramatic technology transition born of crisis before.

Indeed, September 11, 2001 spurred forward operational changes like constant mobile connectivity--that have now become workflow norms. The pandemic tragedy will also reveal silver linings as chamber modernization continues, combined with its ongoing effort. The question for any Senate task force, subcommittee or caucus is not how to dramatically alter the structure of the Senate. Rather, it should be asking how does this institution want to operate existing technology? Incremental steps can become significant tipping points. The Senate's development of the e-signature application Quill is a great example of Senate innovation initiatives to build customized tools.[2] What are the steps we can take to garner confidence and earn more wins? Helping visitors and Senate staff situate themselves in the labyrinthine halls of Hart, Russell and Dirksen with signs and wayfinding machines would be a good start.

While safeguarding the Senate should be the thruline of modernization, technology and data capacities that bolster the unique characteristics of the institution will provide promising directions forward. Namely, deliberation, six year terms and state-

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[2] Quill was initially developed by Senator Reid's office as Hancock, with the assistance of other offices, and then became an official CIO tool. Adoption of Quill in the House was facilitated by the TechCongress CDS Fellowship and later adopted by the House CAO for all members.

level jurisdiction. Senate rules and procedures encourage deliberation rather than speed. Senators represent entire states and individual senators have six years between elections. During this time of weaponized news and public polarization, the Senate is somewhat insulated from the constant tsunami of noise. Shielded from short term political pressure, this time frame incentivizes thoughtfulness, depth and systems thinking. Modernization will give the institution an opportunity to build on these practices. Existing state level public infrastructure can complement chamber progress.

Deliberation is the Senate's comparative advantage.

The Senate is built to provide due diligence in national policy making. Technology assisted hearings and public engagement could be the sorting and filtering mechanism required to succeed in today's overwhelming and often weaponized communications environment. The need for improved content moderation is a common challenge in all public communication. Technology designed to improve social cohesion is a nascent industry with a rigorous discussion across sectors that use digital platforms for broad, participatory discourse.[3] Building on the Senate's democratic role of advice and consent, technology platforms could facilitate a continual process of surfacing, shaping, structuring and sharing credible, authenticated information for lawmaking purposes.

During the pandemic, remote video conferencing and hybrid hearings were an emergency measure. [4] Now they should remain a modernization option to improve trust and legitimacy in this governing institution. A standing remote system has the potential to reinvest Americans' belief in Congress because it will change who gets to participate regularly in the workflow of the Senate. With remote technology, the range of potential witnesses expands nationwide. How often do small business owners get to testify? How frequently do shoestring non profit organizations connect in a meaningful way to the deliberative process? In person requirements create funding and time constraints that limit who gets called as a witness to a committee hearing on Capitol Hill. These boundaries make Congress seem insular, exclusionary and even uninterested in the feedback of regular people. Modernization can expand participation within the existing norms & updated rules of the Senate, collect demographic participation data and renew legitimacy in the process.

Six years facilitates a systems view.

The six year electoral timeframe for Senators benefits modernization, which tends to involve weedy workflow tasks and remain out of the headlines. For this reason, the task force, subcommittee or caucus can take on chamber challenges and explore gaps that could be ameliorated with digital tools in the following categories: Rules & Procedure, Collaborative Spaces, Shared Data Repositories, Budget & Appropriations, Workflow Technology for Constituent Services (like Quill) and Schedule are all good examples. Other opportunities include specific periodic processes. For example, could

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[3] See the inaugural conference agenda for [Designing Technology for Social Cohesion](#) February, 2023.

[4] See *A Successful Record of Remote and Hybrid Hearings* Senate Republican Policy Committee October, 2020.

the National Defense Authorization Act prototype paperless processes? Could workflow optimization technologies be tried during the appropriations process?

State level representation prompts shared goals.

Because Senators represent states, their duties are already incentivized by a broader, cross sectional approach, a governing method desperately needed in today's polarized population. This broad lens allows Senate offices a pathway to use technology that facilitates information sharing and collaboration. Urban/rural polarization is one example. Senators are able to consider divergent ideas across distinct and different populations in the USA and modernization technology should reflect and build on this capacity.

More than 40% of Senate staff live outside of DC. [5] These staff work in 900 plus state and district offices and represent the face of Congress across the USA. Any plans for modernization must include connectivity between the capital and state-level Senate offices and also between state and district offices across the nation. The Executive Branch has an emergency communications system called FirstNet. Article One insists that we ask, what is the FirstNet for Congress? How do we make sure offices can quickly help each other? How can we build a system that allows Senate staff to continually learn from each other? Congress maintains the mission critical data of democracy. Protecting and updating archived information for public use is a continuity concern. Accessible public information is also a preventive defense strategy to protect democracy from an emergent threat: generative Artificial Intelligence, synthetic media and machine learning tools that are trained on unfathomable amounts of data and used for commercial purposes and influence campaigns.

To be sure, the best way for the Congress to protect itself and the lawmaking process is by building a modern communications system and also making available public, auditable and credible information. Other First Branch properties, like Federal Depository Libraries (FDL) should also be included in modernization plans as should public universities. Could they be the geographically dispersed nodes of a secure communications system and/or convening locations for emergencies? Could the FDLs provide a Civic Archive? I.e. a data repository–available to the public and lawmakers–but maintained for constituent and local input as supplement to the Congressional Record? The Senate's state level jurisdiction facilitates the adjacent development of data and technology support systems that will strengthen and benefit the deliberative process of lawmaking. [6] It also holds the potential to rebuild trust and legitimacy in Congress as a whole.

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[5] Senate Staff Based in State Offices Vital Statistics on Congress Brookings Institution, 2022.

[6] See Shape, Structure Share: A roadmap to Digital Public Infrastructure in US Democracy and the Modernizing Congress portfolio. Beeck Center for Social Impact + Innovation at Georgetown University, 2022.

This century's premier challenge is to protect societies whose very identity requires free expression and self-determination. The US Senate is well positioned to engage this challenge and to be a leading contender in establishing the norms of shared governance in an increasingly digital age. Though this chamber is attached to convention and history, it has changed dramatically since its founding. These are important recollections today as we contemplate reforms.   Continuity of government and protection of Congress should be the pole star of Senate modernization. With safeguarding as the premise, the Senate also has the opportunity to become fit for purpose and a global leader in modern governance. The Senate prizes deliberation. Senators represent states, and each office has the rare luxury of six years to contemplate ideas between elections. These three characteristics provide a discerning lens for the work before this chamber. Like signposts on a pathway, they provide tried and true standards for adapting technology and data for this unique institution, and for forging ahead with a comprehensive modernization plan. I look forward to helping this committee and the Senate's future task force, subcommittee or caucus on modernization.