

**Statement of
the Hon. David Dreier
before the Committee on House Administration
Wednesday, May 1, 2002**

Thank you, Mr. Chairman, for inviting me to testify on the legislation introduced by our colleague, Jim Langevin, calling for a study of the feasibility of implementing a secure computer system for remote voting and communication for the Congress.

Since 1996, the Rules Committee has been studying the impact of technology on the legislative process, and we have worked closely with you and your committee to bring about a number of change in the rules of the House to facilitate the use of technology without undermining the deliberative nature of the institution.* The Rules Committee has actually had several hearings and meetings over the past six years which examined the feasibility of remote voting in varying circumstances and, I must admit, the discussions were not favorable.

The events of September 11 and the following anthrax scare made it clear that we as a country are no longer beyond the reach of those who mean us harm, and forced upon us the recognition that fears heretofore unknown must now be acknowledged. Agencies from the federal government down to the local level are now faced with developing contingency plans on matters ranging from airline security to postal service operations.

Congressman Langevin's legislation, H.R. 3481, proposes to deal with one of the most critical contingency plans we might face – the continuity of Congress in case of a crippling attack on its facilities or the nation's transportation network.

Various futurists and even some of our tech savvy colleagues have long supported the idea of a "virtual Congress" where Members could attend committee hearings, even vote, without being physically present in Washington, D.C. In the recent past, we have closed the door on even limited trials of such applications, such as requests to allow for remote committee attendance during family illness or emergency for the simple reason that this would invariably lead to pressures to widen the circumstances under which such requests are accepted.

Following 9/11 and the shutdown of congressional office buildings during the anthrax contamination, the clamoring for the adoption of virtual Congress technologies has been heard more regularly, and given more credence than ever before.

H.R. 3481, for example, seeks to address these concerns by calling for a study into the possibility of "*implementing a secure computer system for remote voting and communication for the Congress and establishing a system to ensure business continuity for congressional operations.*" A **study**, limited and tailored to very narrow circumstances, and left at that, is probably worthwhile. However, the study proposed by H.R. 3481 is not limited, and we must be extremely wary of considering any recommendations that arise from a study due to the increasing pressures it will bring, both internally and externally, to apply them to regular House activities.

Congress is an inherently *human* institution. As such, the study of any disaster-related contingency

planning must go beyond the purely technical and include an institutional and constitutional framework as its basis. Therefore, I would recommend having the Library of Congress do the study instead of the National Institute of Standards and Technology.

Over the recent past, Congress has been unrivaled as an institution in applying technology to provide the public with access to Members and real-time legislative information such as committee hearings, floor activities, and roll call votes. At the same time, however, we have been purposefully hesitant to apply new technologies to the primary legislative and deliberative responsibilities of the institution for fear of undermining or even destroying the key component upon which Congress is based and functions – the personal, face-to-face interactions between and among its Members as they seek to deliberate, debate and reach consensus on any number of issues.

No technology, no matter the clarity of the speakerphone or the resolution of the video display, can provide for the essential *human* atmosphere required to develop the interpersonal, collegial relationships that are at the heart of the institution.

As Claremont McKenna College professor Joseph Bessette noted in *The Mild Voice of Reason*, the “deliberative process involves three essential elements: information, argument, and persuasion.” Thanks to the vision and commitment of this committee, we have successfully, and aptly, applied technology to enhance the sharing of information for both internal and external purposes. Technology has even been used at the basic level as a tool for argument and persuasion. However, no technology exists that can fully reproduce the engagement and emotion that occurs during the face-to-face, in-person bargaining, and the sharing of ideas and passions.

Failure to take this into consideration when looking to apply various technologies to the operation of Congress as a deliberative body can have a serious, even fatal, impact on its ability to function as conceived by our Founding Fathers. Put simply, the increasing substitute of an electronic environment for that of the Congress as we have long known it would inevitably lead, step by step, to the questioning of the very relevance of the institution.

The fact that technology *can* be used for various applications certainly does not mean that it *should*. That corporate boards may permit meetings or voting via video conference or that college students may take classes over the Internet does not mean that these same technologies can be successfully adopted for use by Congress. The structure of Congress varies widely from the more interpersonal military or corporate world where action below is taken based on orders from on high and where technology is easily applied as an effective method of communication, information sharing, and command and control.

Considering the desirability or feasibility of remote voting, communications and other technologies in any but the most extreme, narrowly-defined, instances would lead to increased pressure to establish and then build such a system. Even the physical destruction of the Capitol, as horrible as that would be, would not be a justification for remote voting because, absent the simultaneous disruption of the nation’s transportation system, the Members who make up the Congress could still meet in one location.

Congress has refrained from applying various technologies to its inherently deliberative functions

not for reasons of technophobia or nostalgia, but in consideration and acknowledgment of the human foundation of the institution. We must be extremely cautious and wary of taking any steps that may open the door to forces that, no matter their intentions, lead to a path that runs counter to the carefully conceived plans and purposes of our Founding Fathers when they designed Congress.

* Attach chapter from Thurber's book.