

MEMBER DAY HEARING ON PROXY VOTING AND  
REMOTE COMMITTEE PROCEEDINGS AS ESTAB-  
LISHED BY H. RES. 965 OF THE 116TH CON-  
GRESS

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HEARING  
BEFORE THE  
COMMITTEE ON RULES  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTEENTH CONGRESS  
SECOND SESSION

THURSDAY, MARCH 17, 2022



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116TH CONGRESS [ORIGINAL JURISDICTION  
HEARING]**

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**THURSDAY, MARCH 17, 2022**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RULES,  
*Washington, DC.*

The committee met, pursuant to call, at 9:01 a.m., in Room H-313, The Capitol, Hon. James P. McGovern [chairman of the committee] presiding.

Present: Representatives McGovern, Perlmutter, Raskin, Scanlon, Morelle, DeSaulnier, Ross, Neguse, Cole, Burgess, Reschenthaler, and Fischbach.

The CHAIRMAN. The Rules Committee will come to order.

Happy St. Patrick's Day everybody.

March 2020 was a month unlike any in our history. In just a few days, the COVID-19 pandemic crystallized in our national consciousness and brought the world to a wrenching halt. Within a matter of weeks, hospitals were overwhelmed and thousands had died. Millions more were laid off as markets crashed and global supply chains were upended.

Life changed overnight. America was in crisis, and Congress took action. Starting with an emergency supplemental appropriations bill in March of 2020, the House and Senate then worked together to quickly pass the Families First Coronavirus Response Act, the Coronavirus Aid, Relief, and Economic Security Act, and the Paycheck Protection Program and Health Care Enhancement Act; vital bills that helped to keep millions of Americans safe and healthy and brought families, small businesses, and communities back from the brink of economic collapse.

Yet despite the safety measures we put into place, Congress itself was not exempt from the virus. By the end of March of 2020, over 50 Members of Congress had been diagnosed with COVID, jeopardizing our ability to pass important legislation during a national emergency, not to mention putting into danger every single person those Members came into contact with on their way to and from Washington from every corner of the country.

Not wanting to turn every session of Congress into a super-spreader event, I am proud that the Rules Committee got to work, consulting with experts, constitutional scholars, and our colleagues on both sides of the aisle, to develop a system for proxy voting and

remote committee proceedings that allowed us to continue conducting the people's business during an unprecedented time.

We weren't alone. Around the world in Canada, Mexico, Spain, Japan, and dozens of other countries, parliaments adopted various forms of remote voting and hearings to keep their respective governments functioning. I am especially proud that the House did it in a way that it ensured the integrity of the institution and protected the health and safety of thousands of workers who make this place function every day; from the cafeteria workers and congressional staff, to the custodians and the Capitol Police.

Just over a century ago, the 1918 influenza pandemic brought Congress to a standstill. Sickness sidelined so many Members of Congress that the House lacked a quorum and was literally unable to vote, proceeding only through unanimous consent agreements. Contrast that with our response today, and the numbers speak for themselves.

Proxy voting has enabled Members to safely vote on over 600 recorded votes since the start of the covered period. In fact, 76 percent of the House, Democrats and Republicans, has voted by proxy at least once during the covered period. And I am told that House committees have held over 900 virtual hearings or markups, enabling them to continue their work.

We passed lifesaving COVID rescue bills, including the historic American Rescue Plan, while ensuring the continuity of government during an unprecedented time, advancing appropriations bills, the National Defense Authorization Act, conducting oversight on the Executive Branch, and much more. And I believe that a century from now, historians will look back at the work we did to keep this place running, and they will say that, during a once-in-a-lifetime global crisis, we got the job done.

And let me just say for the record that I have not voted by proxy because I have been lucky. I haven't had COVID. I haven't had to care for a child with COVID. I haven't even had to quarantine for weeks at a time like so many others. As a person who wrote this rule, I followed it to the letter. But at the end of the day, I am proud that this option is available for both Democrats and Republicans, and I am proud of the fact that even most Republicans have voted by proxy.

Some people have used it because they had to take care of children who had COVID. Some people have used it to protect vulnerable family members. This rule, I believe, has saved lives.

That is why I look forward to today's conversation. For example, we have a member on this committee who currently has COVID and will only be able to participate because of the rule we passed. I think there is value to that.

We have been able to hear from witnesses from around the world in our committees, broadening our perspective and improving our work here. I think there is value to that too.

America has changed, and Congress met the moment. We didn't get everything perfect. There were certainly things I wish we would have done differently in this role. But now, as this pandemic enters a new phase, I believe that it is important for us to discuss how proxy voting and remote committee proceedings have worked over the past 22 months, how they helped Congress safely operate

through the public health emergency, and whether what we have learned can instruct the work of this institution moving forward.

You know, I have always said that Congress works best when we get to know each other in person, face-to-face. I felt strongly about that when the pandemic started, and I still feel strongly about that. I also feel strongly that the system of proxy voting that we instituted is something that we should all be proud of and something that we can learn from. And that is what this hearing is about.

So I hope we have a productive and positive conversation. It is hard to do in this place—everything is political—but I do hope that is the way the hearing proceeds.

And, with that, I am happy to turn to our distinguished ranking member, Mr. Cole, for any opening comments he may have.

Mr. COLE. Well, thank you very much, Mr. Chairman.

Before I begin, I want to join you and wish everybody a Happy St. Patrick's Day. And I have to say, just looking around across the room, I have never seen such a stunning display of green ties.

The CHAIRMAN. And if anybody wants coffee, it is Irish coffee. We could begin the morning.

Mr. COLE. Well, in that case, I am throwing this out; I will join you. But thank you very much.

And we are here today to hold a Member Day hearing on proxy voting and remote committee procedures.

In May of 2020, in response to the COVID-19 pandemic, the House took unprecedented action and created a system of proxy voting on the floor and a system for remote committee procedures. At the time, I noted that this was the most consequential change to the rules since the establishment of the modern committee system in the Legislative Reorganization Act of 1946.

I believe our experience over the last 2 years has borne that out. This action was indeed consequential. Unfortunately, in my view, the results have not been as positive as all of us I think would have wanted.

Sadly, as I feared, the introduction of proxy voting on the floor and remote committee procedures have changed the nature of the institution and not for the better. Although some temporary form of procedural change in response to the pandemic was likely necessary, particularly for Members who physically could not get to Washington, D.C., in the early days, I believe that both the proxy voting and remote committee procedures have long since outlived their usefulness. Continuing these in their present form will undoubtedly lead to significant long-term damage to the culture of this body and to our ability to continue functioning as a Congress.

We must never forget that the word "Congress" literally means, quote, "a physical meeting between delegates," unquote. Over the past 2 years, we have rarely met this definition. Instead, 2 years on, Members often use proxy voting and remote committee procedures to avoid traveling to Washington and, consequently, never spend time in the same room as their colleagues. I just note that, magically, proxy voting doubles on Fridays. I am sure that that is something we ought to consider. Not every weekend is Super Bowl weekend, and probably a few of those proxies that are much more for scheduling convenience.

Mr. PERLMUTTER. Why were you looking at me?

Mr. COLE. I actually—just because of that attractive green tie. It is eye-catching. I certainly would never accuse my friend of anything untoward.

But, 2 years on, again, as I said, Members often use proxy voting and remote committee procedures to avoid traveling to Washington and, consequently, never spend time in the same room.

The failure to congregate in person has had serious consequences for the culture of this institution. Over the past 2 years, I personally have observed the decline in civility. I think this can be directly linked to the inability of Members to get to know one another face-to-face, which is in turn a direct consequence of these emergency remote procedures.

The author Margaret Wheatley once noted that, quote, “You can’t hate someone whose story you know.” In failing to routinely come together in person, we are losing our ability to learn each other’s stories. That has helped contribute to rising animosity on both sides of the aisle. Relationships, both between Members and with staff, are important. And it is important to have all Members physically present in Washington to ensure that these relationships are both created and maintained.

In addition, continuing to utilize proxy voting and remote committee procedures has negative consequences for legislating. When Members are not present in Washington, that lessens the ability of the institution to achieve consensus. Without the ability to discuss matters in person, face-to-face, Members aren’t able to fully consider legislation and propose an alternative, often leading to a top-down, take-it-or-leave-it approach. It is hardly the way to ensure that all Members’ voices are heard or to ensure a productive legislative process that leads to consensus.

The use of proxy voting has also resulted in the failure to maintain a productive and efficient legislative process on the floor. With proxy voting, individual votes are sometimes held open for long periods of time, frequently extending up to 45 minutes or longer. With such a long vote time, the majority has limited votes to no more than a handful each day. This is meant that we instead are avoiding votes altogether, which is especially apparent on legislation with a huge number of amendments.

Rather than doing individual votes on each amendment, the majority is instead liberally embracing large en bloc amendment packages, which makes it very difficult for individual Members to know what they are voting on and, likewise, makes it more difficult for an amendment to be adopted. This contributes to the same take-it-or-leave-it legislative approach and contributes to a waiting of voting procedures in such a way that frequently benefits the majority at the expense of the minority.

I would also note that while technology has created the ability for committees to hold remote hearings, such technology is not fool-proof. We have seen a myriad of problems emerge from these technologies over the past 2 years, ranging from Members unable to enter virtual hearing rooms due to technical glitches and low bandwidth preventing Members from speaking or appearing on camera. None of these problems exist with in-person committee hearings.

Mr. Chairman, I grant that it may have made sense to experiment with some alternative procedures at the beginning of the pandemic but, today, we are moving steadily toward a broad reopening of society. The CDC is no longer recommending broad mask mandates and, indeed, the House eliminated its own mask mandate 2 weeks ago. Vaccines and boosters are widely available to anyone who wants them, testing is widespread and reliable, and the Nation as a whole is ready to get back to work and, quite frankly, back to normal. This should include the House of Representatives.

It is now time for Members to return to Washington to conduct the business of the Nation. We can do this safely in person, and we should do so at our earliest opportunity. Indeed, there is no reason for us not to.

Before I conclude, I want to welcome all the Members of the House who will be appearing before us today. Member Day hearings are an important tradition in the House. And I commend you, Mr. Chairman, for doing that today.

Member Day traditions are—excuse me, gives us all a chance to hear perspectives from Members who do not sit on a particular committee, and it allows us to hear and incorporate new ideas. I have often found these hearings to be invaluable. And I am delighted to be hearing from my friends and colleagues today, particularly on a topic that is so important to the future of the House as an institution.

With that, Mr. Chairman, I welcome our witnesses to today's hearing, and I yield back.

The CHAIRMAN. Thank you very much. I appreciate it.

I just want to point out for the record that we are here in person. And the only way that Mr. Neguse, who unfortunately has COVID, will be able to participate with us later today is because we do have the ability to do remote hearings. And I think that is important. That is important for his constituents. But we want everybody to be able to participate.

In any event—and we are going to do these in panels of six, if that is okay with my friends here, because there are a lot of people who want to testify today. So Representatives Davis, Franklin, Rutherford, Escobar, Smith, and Sanchez.

So why don't we go in that order. Mr. Davis.

**STATEMENT OF THE HON. RODNEY DAVIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. RODNEY DAVIS of Illinois. Thank you, Chairman McGovern, Ranking Member Cole. Thanks for hosting the hearing on this important topic or, should I say, here we are again.

Two years ago, I sat here when we first discussed this issue, and I said then that there is not one Member serving today, nor will be there a Member elected in the future, that today's discussion does not affect. And it is as true today as it was then, that Members might vote by proxy or participate in the duties of our elected office by video link from vacation homes, in fishing boats, and occasionally in the wee hours of the morning, maybe from the comfort of their own bed.

These are fundamental changes to the fabric of our institution, which has operated in person since before the American Revolu-

tion, following a tradition that began with the Battle of Runnymede in 1215. To paraphrase from the English philosopher and writer G.K. Chesterton, sometimes processes exist for a reason. And it makes sense to uncover that rationale before tearing them down.

And for Congress, meeting in person is vital for us to be able to accomplish the people's work. This is one reason why, from the very beginning, many of our colleagues and I have been cautious, if not outright opposed, to these departures from important and valuable tradition. How dare we be the Members that decide not to show up at the Capitol for the American people. Generations before us, through a Civil War, two world wars, horrific terrorist attacks, pandemics and more, cut no corners in service to the American people. And yet over the last 2 years, the Speaker and the outgoing majority have quite literally allowed Representatives to phone it in.

And, now, we are here today to discuss how proxy voting or remote proceedings should be continued in perpetuity, not as an answer to a national emergency, but as a convenience. Where is our sense of duty and sacrifice?

Now as I sit here again, my worst fears about the effects of proxy voting and remote proceedings have been proven true. We have 22 months of proof that proxy voting and remote committee hearings do not serve the American people well.

And, Mr. Chairman, your own party is experiencing the impact. I would like share an excerpt from an analysis from Punchbowl News in advance of the Democratic Member retreat last week, for which I ask unanimous consent to enter into the record.

The CHAIRMAN. Without objection.

[The information follows:]

Mr. RODNEY DAVIS of Illinois. Punchbowl said: The multiyear COVID-19 pandemic only exacerbated the physical and personal distance between lawmakers. Proxy voting, remote party meetings, and virtual hearings mean House Democrats have spent far less time in the same room with each other for the last 2 years than they normally would. A lot of Democrats, especially newer Members, don't even know each other that well. And across the entire Caucus, there is a clear lack of trust, Progressives versus Moderates, younger versus older, leaders versus rank and file. These are just some of the fault lines inside the party. Legislative political priorities and prerogatives do not line up, end quote.

Mr. Chairman, you personally predicted that this would be the case. In a Dear e-Colleague from May 13 of 2020, you wrote, quote, "In normal times, we work best when we work together, face-to-face, and side by side; however, this is an extraordinary time and we must adapt," end quote.

Majority Leader Hoyer had similar sentiment stating on May 20 of 2020, quote, "Let me be clear at the outset that there is no substitute for the personal interaction of members in a committee room or on the House floor. But when that is not possible because it poses a mortal danger to the health of Members, staff, press, and the public, we must provide for alternative ways to do the people's business," end quote.

And, in fact, in the same e-Dear Colleague I mentioned, Chairman McGovern made clear in his question and answer section the

following: Will remote voting by proxy be a permanent change to the House rules? Would we continue to use it post-pandemic?

And the chairman's response, and I quote, "No. We would temporarily implement remote voting by proxy through a special order resolution that would allow the Speaker to put the process in place for 45 days during a public health emergency due to a novel coronavirus." Two years later, proxy voting remote committee hearings remain in effect.

Mr. Chairman, even if such extraordinary measures were required at the beginning of the pandemic when none of us knew how to live with COVID, the pandemic is fading and is no longer a sufficient rationale to prolong this deviation from standard practice.

It has become clear that the chairman's words were, at best, overly optimistic, and at worst, willfully short-sided. If we were to rely on the promises and assurances given by this majority, then proxy voting and remote proceedings would have ended long ago. Yet, in typical fashion, the majority continues to cater to the loudest voices in their caucus, those who have become comfortable with the conveniences of the current system. And to be frank, it is clear that this has nothing more to do with the outgoing majority's weak margins in the House than anyone's health or safety.

So President Biden declared earlier this month in his State of the Union Address that thanks to the progress we have made this year, COVID-19 need no longer control our lives. I say it is time that COVID-19 stops controlling Congress as well.

The state of Congress is not better today than it was 2 years ago. That is undeniable. Governing is built on trust and relationships. Proxy voting and remote proceedings haven't only broken down the communication between Democrats and Republicans, they have done so within the parties, within State delegations, and within committees as well.

The halls of the House office buildings used to be corridors of open doors, fostering the exchange of ideas and common ground. Today, the doors are shut, the halls are empty, and the public is locked outside.

We are no longer in extraordinary times. We have learned to live with COVID, and threats to the continuity of Congress have subsided. It is time to show up and get to work for the American people, period. If that is not the direction this majority adopts, it can only be assumed that permanent proxy voting and remote committee hearings were the plan from the beginning. If that is the case, I hope you at least will pay the American people the courtesy of telling them the truth, because I assure you, Republicans are here to work.

Mr. Chairman, it is time to get back on the job in person. And I yield back.

[The statement of Mr. Rodney Davis of Illinois follows:]

The CHAIRMAN. Thank you.

Representative Franklin.

**STATEMENT OF THE HON. C. SCOTT FRANKLIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Mr. FRANKLIN. Good morning, Chair McGovern and Ranking Member Cole. Thank you for allowing me to address the Rules Committee on this important topic.

I would like to express my disappointment at the outset that we would even consider making proxy voting permanent. The proxy vote was only instituted in response to the global pandemic, but that pandemic is now shifting to an endemic. The House is moving back to normal operations, thankfully, so the requirement to vote in person must be reinstated.

I am a freshman who has never voted by proxy. And, frankly, I took a lot of flack for missing votes last year when I flew home to Florida to make an official event appearance with my Governor at his request. Other than those missed votes, I have been present for every other vote. Missing votes will always happen, it always has. Allowing Members to skip voting in person, a critical part of our duties, is wrong.

Many of my colleagues have abused the proxy vote. We all know it. We do. Some Members have missed 31 days of floor votes, the equivalent of seven full weeks of voting.

The American people sent us to Congress to debate legislation, advocate for our constituents, and be present to vote on their behalf.

In the 117th Congress, the House has been in session for 124 days. That means some Members have been absent for a full quarter of the days that we voted. I don't know a single job in America, outside of government perhaps, where you can skip work 25 percent of the time and still be allowed to have a job and remain employed.

While much of America shifted to telework during the pandemic, many of my colleagues have chosen to hand over their proxy vote to another Member for a variety of non-COVID reasons. Colleagues who vote by proxy sign a legal affidavit stating that they are physically unable to attend proceedings in the House Chamber due to the ongoing public health emergency. I am not a lawyer, but it is worth noting that an affidavit is, quote, a written statement confirmed by oath or affirmation for use as evidence in court.

I've seen colleagues attend virtual hearings in their cars while in route to events in their districts, stand outside the Capitol holding press conferences while others voted their proxy inside the building, or even post on social media about their exotic vacations taken during vote days. But they submitted affidavits swearing they were physically unable to attend proceedings in the House Chamber due to the ongoing public health emergency. And we wonder why the American public has such a low opinion of Congress.

The truth is many of my colleagues on both sides of the aisle, and it is truly both, like the convenience of proxy voting, but that is not a good enough reason to shirk our duty to the American people. It is disgraceful and it needs to stop.

The success of this institution relies on personal relationships and our ability to make the case for priorities that our constituents need. We need to build coalitions to get our bills across the finish



line. We cannot advocate, build coalitions, or effectively serve the American public over Zoom or voting by proxy.

As you debate this important issue, I would ask you drill down to the heart of the matter and ask yourselves this question: Would permanent proxy voting make us a better functioning institution and would it make it—or would it better serve the American public? Based on the abuses I have witnessed, I am certain that answer is no, and I think you know that answer too.

I thank you, Mr. Chairman, and I yield back.

[The statement of Mr. Franklin follows:]

The CHAIRMAN. Thank you.

Mr. Rutherford.

**STATEMENT OF THE HON. JOHN H. RUTHERFORD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Mr. RUTHERFORD. Thank you, Mr. Chairman, and Ranking Member, and committee members.

First, let me say that I have never proxy voted. I also refuse to participate and assist other Members who wanted to proxy vote. And that is because I believe it is a fundamental role of every Member of Congress to be here in D.C., to be present, to cast a vote, and to do their committee business. That is what taxpayers pay us to do.

Unfortunately, proxy voting started out as a solution to pandemic challenges, as the chairman eloquently said earlier, but it has now devolved into a method of convenience for some Members to avoid their responsibilities.

In our changing world, it is easy for folks to—and it is understandable that they would compare proxy voting to working from home, but they are not the same. You see, here is the thing about proxy voting that many folks don't understand: Members don't need to be physically present at their computer to cast a vote, and so they simply have another Member submit a vote on their behalf. It is not the same as working from home.

When a proxy vote is placed, as we have mentioned earlier, a Member of Congress must submit a signed document that explains the absences due to the ongoing public health emergency. Now, this made much more sense when COVID-19—at the beginning of the COVID-19 pandemic, back before we had vaccines and therapeutics.

There is no excuse anymore, Mr. Chairman. It is being used for convenience, not fear of illness. You don't have to use hypotheticals to see how this situation is ripe for abuse.

Instead of being present for a vote, my colleagues have gone to political fundraisers, campaign events, space shuttle launches, and many, many other nonwork-related get-togethers. In another instance, one person even called in to a committee hearing from his boat. In fact, there are a few Members who have only been up to D.C. a handful of times since the proxy voting began. That is unconscionable.

Mr. PERLMUTTER. Say that again. What did you say?

Mr. RUTHERFORD. They have only been to Washington, D.C., a handful of times since proxy voting began. In fact, I know one whose been here, I think, one time. And the only reason he came

then was because you couldn't proxy vote for the Speaker. So it is obviously being greatly abused.

It is no longer about the pandemic, and this committee must end this practice. We cannot create a scenario where the main function of a Representative which is voting on legislation can be done while a Representative votes physically and virtually absent.

In the most recent Gallup Poll, 75 percent of Americans said they did not approve of the way Congress is handling its job; 75 percent. It seems that the perception is that nothing gets done around here, and proxy voting sure isn't helping to change that perception.

Finally, proxy voting creates hour-long voting cycles, where the people who actually come to work are the ones who are punished because it is our time that is being wasted on the floor because Members don't want to show up for work. Those who proxy vote and those who help them are doing a disservice to those here in D.C. trying to get things done.

The bottom line is, Mr. Chairman, the pandemic is over, so we need to return—everyone is to return to D.C. and reconvene again in person. It is what our constituents expect. And I am asking the committee to finally put an end to this wasteful proxy policy. Thank you.

[The statement of Mr. Rutherford follows:]

The CHAIRMAN. Thank you.

So I am not skipping over you, Mr. Smith. I am just going in order.

Ms. Escobar.

**STATEMENT OF THE HON. VERONICA ESCOBAR, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Ms. ESCOBAR. Thank you so much, Mr. Chairman. It is good to be back in the coziness of the Rules Committee. And I want to apologize to the members behind me for giving them my back.

This is a great conversation, and I think it is really important that we all listen respectfully to one another to really truly try to come up with a productive and good path forward.

I had the incredible privilege of serving as the El Paso County judge for many years. And in Texas, the county judge is effectively the head of county government. And when I came in, we had no continuity of operations plan. And that was one of the first things that I knew I had to do because, if we had a flood, or if we had some kind of storm, or if we could not get into the building, we had to have a plan. And as I began engaging with other organizations about their approach, it really became very clear to me that every major organization needs to have a continuity of operations plan.

And Congress did not have one when the pandemic hit, and I am proud that we came up with a plan. Could it be more efficient? I think we could be more efficient. Should we have boundless proxy or remote voting or virtual meetings? I don't think we should.

I think there—and I don't think it needs to be an either/or proposition at all. I think—and, Mr. Cole, I agree with you, I think the human contact and interaction is so important when we are talking about policy, when we are trying to come together, when we are trying to find ways to solve some of our great challenges.

And, yes, it is true, Congress is so divided. You know, I—personally, I blame extreme gerrymandering for that, where, you know, folks are able to pick their own districts and we are getting further and further and further apart. That is something I hope we do solve at some point, because we have got to do a better job of working together. And we have got to come together to do that.

But I think that we are in a moment where—and it is not just Congress, but I think all of America should learn from the past 2 years. And every organization should learn from the past 2 years. And that means looking at what works and what didn't work. That means looking at best practices, and it means looking at where we might have failed. So that when the next pandemic hits or when the next emergency hits, we are ready, we are prepared, and we are approaching all of this thoughtfully.

But when it comes to bringing Congress into the 21st century, as I mentioned, does not have to be an either/or proposition. And I—you know, I—what I would like every member on this committee to think about is every time you have had to make a decision between being with your loved one for the birth of a child or a grandchild, or attending your child's graduation—I remember when my son graduated from college. I remember praying when I texted him and asked him when is your graduation, I really, really hope that that is an in-district workweek so that I don't have to make that decision. Thankfully, that momentous occasion landed during an in-district workweek, and I was able to change my schedule around and I could attend my son's college graduation.

How many of us have had to make the decision between showing up for work sick or missing votes? Again, it doesn't have to be either/or. I think we can be not just grownups about this and trust one another, but I think we can approach this in a practical way.

So if we have—if we create rules around this prospect, let's say every Member gets 20 proxy day votes, and so that every Member gets a certain number of days where they can proxy vote. If they want to spend those 20 days attending, you know, in-district events or attending—you know, saving it for sick days or saving it for special occasions that they know are coming up that year, that should be the Member's prerogative. We should treat Members like adults.

And outside of a COVID pandemic, outside of an emergency where we need this continuity of operations plan, then we should allow Congress to operate in the same way that most other organizations operate. And that way we preserve the integrity of the institution, we maintain the advantageous nature of being in close proximity with one another that helps us chart out a path for a policy and for relationships, but we also allow Members the ability to be there for a birth, to be there for a funeral, to be there for an important event in their lives, or to stay home when they are sick, and to not have to make the decision between casting a vote on behalf of their constituents and these important life events or in-district events.

So my hope is, is that we can be reasonable, and that we can look at Congress in a way that where we acknowledge the fact that we are all human, the fact that we all want to do the right thing by our constituents. I hope this conversation does not devolve into pettiness or finger-pointing. That doesn't serve anybody well.

And, again, as my Republican colleagues have noted, on both sides of the aisle, we have seen abuses, but we have also seen people recognize the challenge that we faced for 2 years as we tried to keep one another safe and ourselves safe and our families safe.

So, with that, Mr. Chairman, Ranking Member, members of the Rules Committee, thank you for this really important conversation. Thank you for the opportunity that you have given me to share my own views. I yield back.

[The statement of Ms. Escobar follows:]

The CHAIRMAN. Thank you very much.

Mr. Smith.

**STATEMENT OF THE HON. JASON SMITH, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF MISSOURI**

Mr. SMITH of Missouri. Thank you, Chairman McGovern, Ranking Member Cole, and members of the committee. It is always a great opportunity to participate in a hearing in the Rules Committee.

The American people have a lot of reasons to be upset with the direction of our country. Inflation just hit nearly a, well, 40-year high last week at 7.9 percent. We have the highest gas prices in 13 years. And we have seen more than 2 million illegals cross the southern border in the last year.

These are the kind of national problems the American people want Congress to solve. They elected us to do a job, to have robust debate, and to make tough choices to take real action in Congress. But at the very least, they expect us to show up to work.

And yet for going on almost 2 years now, the idea of proxy voting has made a mockery of the legislative process. Under the proxy voting rules that still remain in place in this House, a Member of Congress could vote to authorize military action. They could spend trillions of dollars or to fundamentally rewrite our Nation's laws. All of their—all while sitting on their couch at home, on a cruise ship, or on a boat, or even a fundraiser that just a phone call—with just using a phone call to a fellow colleague. Think about that. This has all happened in the last 2 years in this body.

When it comes to committee work, we marked up two reconciliation packages in the House Budget Committee. This Congress, with a combined price tag of over \$7 trillion, \$7 trillion, that is with a T. One of these bills, the so-called Build Back Better Act, is the most expensive piece of legislation in the history of the United States. Guess how many times we met in person in the House Budget Committee. Zero, to spend over \$7 trillion; the most in the history of this Nation.

The American people have had their lives turned upside down for the last 2 years. In some cases, their lives have been destroyed, completely and entirely. The very least Congress can do is we can show up for work.

Like many a bad policies in history, proxy voting starting out as a limited measure. Back in May of 2020, it was authorized for 45 days. Seventy House Members proxy voted then. Fast forward to now, and more than 300 Members have submitted letters to the Clerk delegating their votes to other Members.

Speaker Pelosi has extended proxy voting, not once, not twice, but more than 10 consecutive times. In fact, over 17,000 votes, over 17,000 votes, almost 10 percent of all votes cast in the House last year was by proxy.

A single Representative can cast the vote of 10 absentee Members. Theoretically, that means it would take no more than 20 Members of Congress to conduct business on behalf of the entire House of Representatives, on behalf of the Nation. This isn't just a wrong way to govern, it is completely backwards.

It runs counter to the design of democracy. Our Framers settled this question over 200 years ago, back during the Articles of Confederation and the Constitutional Convention. They rejected proposals to permit proxy voting.

Congress is meant to convey in person. For over 230 years, we have operated with in-person quorum calls and voting during pandemics and world wars. In 1814, when the British set fire to this building, Congress convened in a hotel until the Capitol was rebuilt the next year. During the Civil War, troops were trained on Capitol Grounds, and they were even quartered in the House and Senate Chambers for a brief time. Despite all that, Congress, guess what? They still convened in person. In 1918, during the Spanish Flu, considered one of the deadliest pandemics in world history, Congress still voted in person.

The job is not meant to be easy. We all knew that when we signed up to represent all of our constituents. Nor should we make it easy by phoning it in. We are each responsible for representing hundreds of thousands of hardworking good Americans that should be able to depend on us to show up for work, just as so many of them have done, especially during this time of crisis.

With that, I am thrilled to take any questions.

[The statement of Mr. Smith of Missouri follows:]

The CHAIRMAN. Well, thank you. And just as a personal favor, we want to have a productive conversation here. Some of us take offense when you refer to people as illegals. I would hope that we can stay away from that kind of rhetoric so we could actually have a conversation about the topic here. But I find that, quite frankly, to be offensive.

Ms. Sanchez.

**STATEMENT OF THE HON. LINDA T. SANCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Ms. SANCHEZ. Thank you, Mr. Chairman. I would agree with that comment.

I want to thank you and Ranking Member Cole for the opportunity to testify about proxy voting and how we can adapt the rules of the House of Representatives to the realities that face working parents and, in particular, working moms.

It is ironic that one of the biggest leaps forward that this institution has taken to being more family-friendly was actually caused by a global pandemic. When I gave birth to my son in 2009, I was only the eighth Member of the U.S.—Member in U.S. history to give birth while serving in office. Nearly 13 years later, I am still one of only 11 Members of the House who have given birth while in office.

In an institution that has always been dominated by men, there are all kinds of issues that disproportionately impact our small club of moms in Congress. And we have to face many of those rules that were created back when only men, quite frankly, served in this institution.

Some are easily solvable. Like, hey, installing a women's bathroom near the House floor, which we didn't even have until 2011. That was 13 years after I was first elected.

But there is one obstacle to raising children as a Member of Congress that has never been easy to solve, and that is the schedule. We all understand the obligation to serve the constituents of our district, which means day or night, rain or shine, and we show up to do the people's business. But too often that obligation means we as parents have to choose between taking care of our children when they are sick or hurt or making sure that our constituents' voices are heard.

I want to put a little context into some of the challenges that working moms in Congress face. I come from the State of California. I represent a district there. Washington, D.C., is approximately 3,000 miles away from my home. All of my family lives in California. When I chose to give birth, I chose to do it in Washington, D.C., knowing that I would need to go back to work pretty quickly after the birth of my son. I had intended to take 4 weeks of maternity leave to heal from the cesarean section that I had to undergo in order to give birth to him. I had to actually get up out of bed 2 weeks after my cesarean section to come and vote in the House of Representatives on an important vote.

I wonder how many of you, after a major surgery in which you have stitches and are told by your doctor that bedrest for 2 to 3 weeks is recommended, would drag yourself out of bed to come to work and cast an important vote. But I did it. And I understood the sacrifice, and I am proud that I showed up for work to do that. But that does not mean that we cannot build in flexibility for those types of situations.

I will never forget when we were facing a government shutdown, and my son was a toddler asleep in his bed at night, we got called in to vote at 11:30 p.m. at night on a Saturday. What person here knows the specific challenge of having to find childcare for your child when all of your family is 3,000 miles away, and you are here by yourself, and you have to go in to vote? It is a question of either waking up your son and taking him to the floor with you, which I have had to do, or knocking on a neighbor's door and begging them to stay in your home with your son asleep until you can return from votes. Those are the realities that moms in Congress face.

We shouldn't have to make that difficult choice to choose between our families and our obligations to our constituents. I have been here in Congress when I have gotten a call that my son was injured at school, and I had to take him to the emergency room. And I had to miss votes. And then you get criticized for not doing your job or being there when you are supposed to be there.

It is a special kind of situation that women encounter. Some men as well. I don't mean to, you know, to overgeneralize. But more

particularly, the burden falls on women who are still the primary caregivers for young children.

When you are forced to choose between your family and your responsibility to vote, it makes you feel like you are letting one or the other side down. And that is a hard thing to live with. But if proxy voting had existed back then, I wouldn't have had to make those choices.

Congress wasn't built for working mothers, and it really shows. And for those who are arguing the historical rules and our Founding Fathers and the rules they made, remember that when those rules were created, women were not at the table helping craft those rules. Women were not even allowed to vote. In fact, in those times, women were actually property.

Make no mistake, with healthcare and the salary that I earn, I am more fortunate than many working moms. But if we want the United States Congress to look like the people that we serve, we have to be more flexible for parents. Preserving the option to proxy vote will help us do so. And I agree with Veronica, that with proper safeguards, we can reduce the abuses.

I can honestly say I have never proxy voted from a boat. I have never proxy voted from my couch. I come into work, and I do my work as best as I can, but there are emergencies that come up in which proxy voting makes life just a little bit easier for me.

I want to thank the chairman for this opportunity to give a perspective that is not often heard here in the hallowed halls of Congress, and I yield back.

[The statement of Ms. Sanchez follows:]

The CHAIRMAN. Thank you very much.

Let me thank all of you for your testimony. Just a couple of things. I just want to cover them for the record. It was mentioned—the 1918 epidemic was mentioned. Let me, again, remind my colleagues that the House back then was unable to function without unanimous consent agreements, because many Members couldn't attend in person because of the pandemic. They even needed unanimous consent to pass an urgently needed bill to get doctors to rural areas after days and days of negotiating.

So let's be honest, does anyone here think we could get a UC for something like that today? I mean, we can't even get a UC to fix a typo in a bill. So, let's be realistic about what the reality is in this Congress.

Proxy voting and remote committee procedures have allowed us to continue our work as normal, unlike in 1918. So I don't look at 1918 as, oh, boy, that is our model. If you think it is our model, then I would again urge you to go back and read your history.

Secondly, the notion that people are not working if they are not in this building. Maybe you know people in your conference who that was the case for. But, I don't know anybody—most of the people I know who have been operating remotely during the pandemic were working pretty hard. I mean, we did remote hearings. Sometimes they went really long.

I wasn't sitting on my couch watching TV; we were engaged in trying to move legislation forward. And we have this thing called technology, which enables us to do things a little bit differently than they did back in the 1800s or 1918. We have electronic voting,

by the way, which many people opposed when it came into being because they thought it was somehow unconstitutional or violated the old traditions. I think most of us are grateful that we could vote electronically because, otherwise, votes would take days to cast here in the House.

The other thing is that for those Members who have utilized proxy voting in a way that we all think they shouldn't have, we know about those cases because the news media reported them. And those individual Members have to explain themselves to their constituents.

As I said at the beginning, I think this saved a lot of lives here. I really do.

I know Mr. Davis, you had COVID, but you had it during one of the breaks. Maybe you think if you had it when we were in session, that your constituents should be disenfranchised and not have a voice. As much as I disagree with you on most things, I still think that you should have the right, especially during this pandemic, to be able to represent your constituents.

Mr. Davis, Mr. Smith, Mr. Rutherford, you all feel very strongly about this, as evidenced by your opening statements, but just out of curiosity, why did you remove yourselves from the proxy voting lawsuit?

Mr. SMITH of Missouri. I did not. I mean——

The CHAIRMAN. Yeah. You did. I mean, we told you—your names were——

Mr. SMITH of Missouri. Someone else. I didn't sign anything.

Mr. RUTHERFORD. Nor did I.

Mr. SMITH of Missouri. And I have never proxy voted.

The CHAIRMAN. Yeah. And that is fine. I haven't either. And I am lucky, right? But going to what Ms. Escobar and Ms. Sanchez talked about, life is complicated, right? I mean—and I guess the purpose of this is that—hopefully, we are moving beyond the pandemic. We all hope and pray that that is the case. But this is a time to say, okay, some of the things that we put into place, what makes sense and what doesn't? And could things be changed? Should we keep some of this stuff?

I mean, I have heard from many people, Democrats and Republicans, who say they like the idea of being able to have remote or hybrid committee hearings because somebody could testify who lives in California and not have to fly all the way here to be there in person. Or you can talk to somebody in Ukraine. Or you can talk to somebody halfway around the world someplace else. They see value in that. I do too. Personally, I think there is something to be said for that.

And then when it comes to proxy voting—by the way, the reason why we did it the way we did—you know, you have you sit at your computer—is we wanted to be as transparent as possible. You have to file a letter with the Clerk. Your name has to be announced on the floor, so everybody knows that you are voting by proxy, how you voted. Let me just repeat it again. When your vote is counted. You know, computers can be hacked. And we thought a low-tech approach, quite frankly, would be the best way and the most secure way to be able to do it. And so that is the whole reason behind all of that.



If there is a natural disaster in your district and you can't make it here, should you not have the ability to vote? If your child has COVID; if you give birth; if you have a major surgery; if there is a death in the family. I—you know, those are the things that I think are worth talking about.

And, again, we are in 2022. This is not 1918. And technology is advanced. Other parliaments around the world are embracing technology more than we are. And the question is, is there any room for that kind of discussion? And if we continue any part of this—I am not saying that we will—but if we do, what do we keep, and what do we not, and how do we make it better?

And, Ms. Escobar, I am told you have to leave. So does anyone have any objection if Ms. Escobar leaves?

You can leave. You are free. All right. But thank you very much for your testimony. I appreciate it.

Ms. ESCOBAR. Thank you for the opportunity.

The CHAIRMAN. I just think this deserves a more serious conversation than just the usual political, you know, everything is perfect or everything is bad. I mean, this requires a lot more thought than that.

And, again, the idea that this is the cause of the polarization in Congress, give me a break, all right? I have thoughts on why Congress is so polarized, and a lot of it has to do with the aftermath of January 6th, among other things, but we won't go there.

But to say that this is why things are the way they are. We spend an inordinate amount of time here together, you know, even during the pandemic. So I don't think that that is the reason.

But, anyway, I yield to Mr. Cole.

Mr. COLE. Well, first, if I may, Mr. Chairman, I think Mr. Franklin probably needs to leave as well. So we would ask unanimous consent that he be allowed to leave.

The CHAIRMAN. You are free. You are liberated.

Mr. COLE. Thank you very much.

The CHAIRMAN. And Ms. Sanchez has to leave too.

Yeah. If I can say one thing, I just want to clarify for the record here. The Supreme Court petition from September 2021 clearly says the only remaining parties were Minority Leader McCarthy and Representative Roy on the suit. So I don't know. I am just saying, you got cut.

So, anyway, I yield to the gentleman.

Mr. COLE. Thank you very much, Mr. Chairman.

Before I begin, I would ask unanimous consent to insert for the record the statement of Republican Leader McCarthy.

The CHAIRMAN. Without objection.

[The information follows:]

Mr. COLE. Thank you very much, Mr. Chairman.

Leader McCarthy was unable to be with us in person today, but I hope—I took the time to actually read—

Mr. PERLMUTTER. He could be here remotely.

Mr. COLE. I think that would probably contradict his position. But, you know, again, he's got things to do. It is not unusual for us to submit statements for the record. I think my friend has have done that for his colleagues on many occasions.

The CHAIRMAN. We happily accept it.

Mr. COLE. Thank you very much.

And I hope you have a chance to read it. It is actually—I read it this morning. It is actually quite good.

And like you, Mr. Chairman, Leader McCarthy has never proxied, and that he feels very strongly about that and what this does long-term to the institution. That is why we are having the discussion today.

Let me begin, Mr. Davis, with you, because I consider you, actually, one of the great institutionalists of the House. You worked as a staff member for a lot of years. I think 17 years, if I recall right, before you became a Member of Congress. So you know the institution very well. You have looked at it from a variety of perspectives.

And we have had a number of colleagues make the point that, you know, the private sector has adapted to the pandemic through expansive work from home, leading to, you know, good results for them. In your view, how is Congress different? And what would you say to those who say Congress should adapt to 21st century, you know, set of conditions or rules and maintain—as opposed to maintaining the procedures that have existed before, you know, modern technology?

Mr. RODNEY DAVIS of Illinois. Look, there is modern technology. And we have adapted, which is why we are having this discussion. But in the end, I think our jobs are much different than many in the private sector. Our job depends upon interaction. Our job depends upon being able to work together.

And I can't tell you, countless times, I have had conversations with my colleagues over my—over my tenure in Congress, on the floor, an idea that I say take to your leadership, and I will take it to my leadership. And you know what? And sometimes those ideas become law. But it takes being able to be on the floor and be together. That, to me, is what the American people want us to do.

We have been required to come vote in person until this proxy voting was allowed, and it was—even, Mr. Chairman, you must have changed your mind considerably over what you stated when these proxy rules were put in place, that they would only be temporary; that you agreed that we didn't need to make this something that was permanent. If that changes, that is okay, but I have not changed my opinion on this. And I think it has torn the fabric of this institution by tearing us away from being able to be with each other.

Let alone, it has turned votes into days. At some point, we have got to get back to the 15 minutes, 5 minutes, maybe even—you know, I know it is probably folklore, but we used to actually have 2-minute votes around this institution that cannot happen under this proxy system.

But if you look at many jobs in the private sector, Mr. Cole, have been able to take advantage of technology. But a vast overwhelming amount of jobs in this country are requiring people to get back into the office. And let's not forget those individuals who kept coming to work every day during this pandemic. And we should learn from—we should learn from them being able to operate in a normal economy, in a normal—in a normal situation.

I mean, we saw grocery store workers on the job every day. Now, was there a higher prevalence of grocery store workers passing away from coronavirus infections? No. We can work together. We can be around each other. We can make this place work again. We can harass each other like Ed and I do on a regular basis. But we can't do it when Ed is proxy voting because I won't.

The CHAIRMAN. He hasn't been on our remote hearings. Ed Perlmutter gets harassed all the time, so it's okay.

Mr. COLE. He may well be the most harassed Member of Congress, but he has earned that right, and he gives as good as he gets, Mr. Chairman.

Let me ask you to elaborate on something. So you mentioned this in passing, but, you know, and I will just add this as an observation myself. It is really unique even on our own staffs, you know, what works face to face and what doesn't. I have found my case workers are able to do a pretty good job remotely. Obviously, my field representatives not so much.

And so I do—I take my friend's point that, you know, it might be different for different occupations, even for different positions within the same occupation. But I think we are different. And I do think, you know, for the institution to work well—and, again, I am not saying this to be critical of anything that was done during the pandemic. We are not under the same conditions that we were 2 years ago, so I would hope we don't maintain the same regimen that we did 2 years ago. And we have learned some things in that 2 years as well.

And I want to commend the chairman for having this discussion. I think it is a good discussion.

But back to my friend, Mr. Davis, again, you have got vast experience in this institution. Talk to us a little bit about the importance of face-to-face interaction for Members of Congress. It might be a lot different for somebody else in a different profession, but, again, you have seen this animal from about every direction. Why is that, in your view, important for us to maintain and get back to as much as we can?

Mr. DAVIS. Well, as I mentioned earlier, I have countless examples of me working in a bipartisan way with my colleagues who I have gotten to know because we have been able to interact with each other personally, and we have turned ideas into law that benefit all of our constituents. But that wouldn't have happened if I didn't have the chance to actually socialize, get to know them in an in-person setting.

And when you look at—you look at where the institution is, I think—I agree with probably everybody in this room. This place has never been more polarized in my career. It is as high in political temperature as I have ever seen it. And I think the only way that we can bring that temperature back down again and begin to see us all work together is to focus on getting together in person, focus on that face-to-face, focus on in-person committee hearings.

I used to work in the district office. When my former boss would come home, he was in the district doing district work, meetings, one-on-ones, you know, open office hours. We have seen this majority hijack the days that should and could be used for district work

period with remote hearings because it is convenient rather than doing those hearings in person.

And those hearing rooms in person are a great way—and as you know, it is a great way—look around this room. You guys spend a lot of time together in Rules, but you get to know each other. And you get to discuss, debate, and disagree, and then you go have a beer together, then you go crack a joke together because you realize it is more about personal relationships. That is what is not happening with remote proceedings. That is not what is happening with proxy voting. We are getting away from what our forefathers envisioned.

And I know there are plenty of times that many Members of Congress throughout history had to make the tough decision to miss some votes. I had to do it to go back for my wife to get a colonoscopy checkup. It was during approps season. My percentage of voting went down substantially. But you know what? If I am criticized for that, I am very happy to remind whoever is criticizing me of the reason I missed those votes. That should not be an excuse to give people an excuse not to come to work.

Mr. COLE. Well, I couldn't agree more. I have to tell you, though, as much wonderful time as we have spent together up here and as good friends as we are, it is still nine to four pretty much every vote, so—and I say that to make the point, each committee is really different.

And I just want to add this before I get to my last question to my friend: I want to single out a committee chairman that I think has done this extraordinarily well and that is Chairwoman DeLauro of the Approps Committee. You know, we certainly had remote hearings and whatever, but every markup we did was in person.

We would go to the Ways and Means meeting. We would socially distance. We would put on our masks. We got all 12 bills done by July of last year, by the end of the August break. And I actually give the House a lot of credit here. We were ready to move on a lot of them. We moved nine of them across the floor. I see my good friend, the majority leader back there, who got that done.

And the reason why we had a good outcome, I think, last week where we came together and in a bipartisan way passed an omnibus bill is a lot the relationships and the manner in which Chairwoman DeLauro operated throughout the pandemic. She adjusted to the reality. She played by the rules, but we certainly didn't go any lengthy period of time. I don't think we ever marked—matter of fact, I know we never marked up a bill and weren't in person. And that makes a huge difference in terms of the amendment process and everything else.

So, again, I think there are a lot of lessons to be learned there, and she did it the right way. And I think that made it possible for a lot of Republicans who had not supported any of those bills last year, but once the bargaining was done and, hey, this is my concern, here or whatever, and we had a lot of Members, you know, on both sides come together for both of those bills because of the manner in which they had been crafted.

And I know she would get us back—I don't presume to speak for her, but everything she did would suggest to me that she—you

know, she likes the traditional give and take in committee hearings. She conducts it very fairly and very openly. We don't win a lot of votes because we are not the majority, but we have our opportunities. And, again, it just builds a lot of good relationships and helped us a lot last week when I think we really needed to come together and get something done for the country.

Let me just ask you this last question, Mr. Davis, you have mentioned that 22 months, in your view, has provided a lot of proof that proxy voting and remote proceedings do not serve the American people well. Can you expand a little bit on that point, the differences that you have seen, and maybe why we should certainly reconsider the current regime for sure? We may have some differences on whether this is ever appropriate or not. I tend to fall down in the more traditional category there.

But I think give and take, it is hard to see, even if we had to do this why we would continue to do this, because I think, on balance, you made the point, this is not good for the institution; it doesn't get us where we need to be. So, if you are looking at the whole 22 months in totality, how would you describe what happened and where we should go based on our experience in that time?

Mr. DAVIS. Well, remember, this proxy voting was implemented by the majority as a temporary emergency measure. We are not in an emergency anymore. It should only have been temporary. But this is—these are some of the concerns that I brought up to this committee when Majority Leader Hoyer and I testified in front of the Rules Committee in the Ways and Means room 2 years ago, and it is exactly what I was afraid of then.

It has led to the hyperpolarization. I am glad Chairperson DeLauro is doing in-person markups because, in three of my committees, that is not the case. We did multiple highway reauthorization markups via video. And they were nothing—all of the markups I have had in the committees that I serve on in this Congress have been partisan. And I agree with you, Ranking Member Cole, that a lot of it has to do with the lack of being able to have bipartisan interaction in that committee room. That is where I have developed some of my best bipartisan friendships.

So those are just—those are the end result of this so-called temporary measure that we are debating to make somewhat permanent now. But you don't have to go too far. All you have to do is look at some of the remote hearings that have been in place. We lose our ability to exercise our oversight responsibility with executive branch officials and private sector officials.

When they are sitting on the other side of a computer, they—we don't know who's standing behind them, telling them what to respond to our questions. The ability for us to do our job has been impacted by technology and not necessarily positively all the time.

But there is also a distinct difference because—one other thing to answer your question though. At GovTrack, they recognize that this Congress is on pace to actually be one of the least productive Congresses. But if you look at how many remote hearings we had, I mean, that has taken our productivity away back home, and I think those are concrete examples, sir.

But there is a distinct difference between the proxy voting process and the remote technology being utilized. I hope the majority and the minority take that into consideration. Proxy voting has been a disaster that has torn this institution apart, and I will continue to believe that because I have witnessed it, and we have all witnessed it. Now, we can put our heads in the ground. We can act like the Broncos are going to win the AFC West because they got Russell Wilson.

Mr. PERLMUTTER. We are. You guys don't have a chance.

Mr. DAVIS. Not going to happen. Not going to happen. And I will—go Raiders. Broncos suck. I yield back.

Mr. COLE. Let me—before we go on, if I may, Mr. Chairman, I actually want to refer to an individual case just to make this point. When we were holding a markup for the Interior Appropriations bill, I offered an amendment to provide additional funding for something called the McGirt case in Oklahoma. You know more about it than most Members of Congress because you have had to listen to me. But it is a Supreme Court ruling that basically, you know, reestablished reservation status in vast parts of the State in terms of criminal jurisprudence. And it put a lot of burdens on Tribes that had to then stand up police forces and judicial systems that had not had to do that as robustly.

So I offered the amendment, explained the problem. The majority didn't know a lot about it. There is no reason why they should. It is peculiar to my State. And they had not allowed for it in the bill. They had allowed in the—earlier in the justice bill for additional Federal resources that the Biden administration had requested with my support, but nobody had really thought about the Tribes.

So I offered the amendment. I knew that it would—and, you know, it was going to fail and on a party line vote. So I withdrew the amendment so that the committee would have more time. Then I got up, walked over to my good friend, the chairwoman of Interior, Ms. Pingree from Maine, explained: Okay, here is the issue. Here is the problem we are running into.

And she goes: Tom, we can't fix this right now, right here, but I want to learn more about this. I want to talk to you about this. I want to negotiate, see what we can do to help.

mean, just exactly what you would want any chairman to do in a situation like that.

It took a while, but lo and behold, we passed the omnibus bill. There was \$60-odd million to help these Tribes that were impacted deal with this problem. But if that had been a remote hearing, I couldn't have gotten up, walked over to my friend, explained off the record or, you know, out of the context of the hearing, here is the deal. You know, we have worked together on a lot of things. She is a terrific appropriator and very sympathetic on tribal issues, very knowledgeable about them because there is certainly Tribes in Maine.

But the point is, you know, the more of that kind of action we have, the more a lot of problems can be taken care of. And it certainly made it much easier for me to vote for that bill when it happened and much easier for us to address the problem.

And I don't think anybody deliberately, you know, wants to get away from that, but I think it is something we ought to think a

lot about just as an institution as to how we work, because the reality is a lot of problems around here get solved that way. They get solved not even in a hearing but in—because we are all together in the hearing, you can get up, walk over, here is the deal, here is why I am offering this, last thing I want to do is put you in an embarrassing spot. I am going to withdraw the amendment because I don't want to get you down as a "no" right now until you know more about it. If you are still "no," that is fair enough. But, you know, again, we lose that kind of thing.

So, again—and I want to commend you, Mr. Chairman, for having, again, this hearing so we can have this kind of discussion about where we want to go and how we want to operate in the future, and so thank you very much.

Mr. DAVIS. Mr. Cole.

Mr. COLE. Yes, sir. I would yield to my friend.

Mr. DAVIS. One last thing I hope the committee considers: If and I think when the majority changes, I mean, many of these discussions—many of these policies may change in the rules package. So consider this now, we are talking about a matter of months that you want to—that you may want to try to implement technology and processes that could be changed by new leadership in this Congress. So I want to make sure that the committee considers that as you are moving forward.

Mr. COLE. Thank you. And, again, Chairman, thank you very much. And I yield back.

The CHAIRMAN. Yeah, thank you. And let me, again, remind people why we are doing this hearing. We don't have a bill to do anything right now. We thought this would be an appropriate time to hear what people thought about what has been in place. Some want to keep things as they are; some want to get rid of everything. You heard Ms. Escobar come up with a kind of a creative way to approach this. Others have different opinions.

So this notion that somehow, here we are, continuing this forever, I think we are trying to get information from people about what worked and what didn't work.

I would just say, I really have to take issue with the fact that somehow this is the least productive Congress. I mean, a historic infrastructure package that many of you guys voted against but are taking credit for in your districts. The American rescue package, incredible legislation to combat the COVID pandemic. I could go on and on and on. You may not like all the things that we produce, but to somehow say that this has been the least productive Congress I think just defies reality.

Mr. Perlmutter.

Mr. PERLMUTTER. Thanks, Mr. Chair. And I will save many of my comments for the next panel, but just to you three, and, Mr. Smith, you have been up here a lot. In fact, you were up here several times on Build Back Better. So we actually had in-person hearings where you testified, and I can remember them distinctly because you have a very distinct way of making a presentation.

Mr. SMITH. I appreciate that.

Mr. PERLMUTTER. So—but, I guess, I couldn't be farther away from all of your testimonies, because—and I would say to my friend, Mr. Davis, and we actually had this debate 2 years ago

when we talked about this. And I am much more Libertarian than anybody, Democrats or Republicans, because I think we ought to just do everything by remote—I mean, not do it but offer that without any kind of, well, you have got to come in here with your doctor's excuse. Because I don't want Mr. Morelle saying: Well, you don't have cancer, you have got—only have a bad cold, you should have been here.

And I don't want Mr. Cole deciding: Well, you know what, it is not a wedding, but it is a bat mitzvah.

You know, is that really what we should be doing? And I don't think we need to police each other.

And this is where I disagree with you, Mr. Rutherford, and I appreciate your testimony, but it is the 820,000 people that I represent that are the ones that are going to make a determination as to whether or not I have done right by them, not you, not Mr. McGovern, not Mr. Morelle.

And I appreciate Mr. Cole's comments about, you know, this place works better when you are here. And I—look, I agree with that, all right. I think this place serves somebody with a bubbly personality like mine, okay. But, on the other hand, you know, if my dad has passed away and I have got to be at home as part of the funeral, which I did and I missed a defense authorization and a whole bunch of votes on that, I don't want to disfranchise all the people that I represent. And I could have been able to at least participate in that and not miss those particular votes.

So, you know, I personally think that this thing has worked out well. One of my best friends now is—and he will probably deny it—is William Timmons. And the reason he became—we became close is we were on a Zoom where you are facing everybody actually, as opposed to the way—and you and I are supposed to be in another hearing right now as to how we set up the committee rooms instead of, you know, either looking at the back of somebody's head or in opposition, which leads to conflict. It doesn't lead to collaboration. This one is a little more, we are closer, we can see each other's face, but in most committees, you can't. And we had some down time, we started talking. I brought up something, he responded. Everybody kicked in. And all of a sudden, we had a conversation on Zoom like we rarely have in a committee room, and he became, you know, one of my best buddies here.

So I—you know, this—it is what you take advantage of, how do you use the technology, and we have the technology. We can't—we have got to be in this century. We can't just deny where we have come. Ms. Sanchez' testimony is about as compelling as anything I have ever heard. It really does—you know, a young family has—you have got to give them a break so that they can represent the people that sent them here.

So I will yield back. I was curious, Mr. Davis, who wrote that Punchbowl News thing that you read? Did you?

MR. DAVIS. It must have been one of their crack reporters, Ed. You will have to ask them.

MR. PERLMUTTER. Okay. No, I mean, this place, you have got to—you know, you said, and I think you almost proved the opposite of the case, you say, on the one hand, let's really speed up votes on the floor so we can get out of here and not waste people's time, but



at the same time you said let's all be together because then we really, you know, get along and we come up with new ideas.

Mr. DAVIS. But you are not together when you have a cumulate of proxy votes because every proxy, everyone who is catching that proxy vote is not there.

Mr. PERLMUTTER. But I hear you on that. But, on the other hand, what I am saying is, if we are—before or after, if we are here and we take time, let's say we make everything 15-minute votes whether we have proxy voting or not, you think that is going to make the place better because now you and I can visit a little more? Maybe it will. I mean, that is your testimony.

Mr. DAVIS. Well, there have been plenty of times that I probably think we have had better conversations walking back from votes in the hallway—

Mr. PERLMUTTER. True, or playing catch.

Mr. DAVIS [continuing]. So—or playing catch. But those are the things that—the institution has not been positively impacted by proxy voting.

Mr. COLE. Would the gentleman yield—

Mr. PERLMUTTER. Certainly.

Mr. COLE [continuing]. Just for a quick question, a quick point to my friend? And this isn't meant in any sense other than just an observation. I will tell you, one of the things that has bothered me the most about what we have done is the extensive use of en bloc bills, and the reason why is simply we are all confronted with these deals whether it is maybe one you agree with in 10 votes. And you put them in these things, and we know—we all know who the Republican ones are, the Democrat ones, the bipartisan ones. And so a lot of amendments that might otherwise have passed or gotten serious consideration just simply don't. That is nobody's fault. I am not being critical of anybody. But that is something I would like to see us get away from and back to the 2-minute vote, because it is an individual vote. Then I can vote for something that one of my friends offers on the other side without voting for the nine things I disagree with when I really want that. And it does push us into partisan thing. Now, again, I don't blame that on anybody, but that to me is something I would really like us to get rid of and go back.

Mr. PERLMUTTER. Reclaiming my time.

Mr. COLE. I yield back.

Mr. PERLMUTTER. I agree with you. I agree with you 100 percent. I am just trying to say, if what we are looking for is that we all be together all the time on the floor because then we will come up with better ideas and more collaboration, okay, you know. But then, on the other hand, you say, well, let's speed it up and get out of here. I mean, let's—you have got to—you can't have it both ways. So—

Mr. DAVIS. My initial comments, I didn't mean to say that just spending time on the floor is only the opportunity. It is also that interaction that you can have throughout your day.

Mr. PERLMUTTER. And, look, I agree with you. And if this were a perfect world, yes, but people get sick, people have things that go on in their lives.

And, Mr. Rutherford, you are absolutely right when you said, you know, some folks have violated the affidavit that they signed, and

you are right. Now, me, I am going to say, you don't need to sign an affidavit. You can come or go, vote remotely, vote not, and the people will decide whether you ought to be returned or not, you know, as opposed to you trying to be the doctor: Your excuse is not—Perlmutter, your excuse is not good enough to have voted proxy.

And with that, I will yield back.

The CHAIRMAN. Thank you. And I too—I thought Representative Sanchez' testimony was very, very powerful, and it forces us to actually think about this place from a different perspective.

Dr. Burgess.

Dr. BURGESS. Yes, Mr. Chairman. Being respectful to the majority leader's time, do we need to let him give his testimony or should we continue? I mean—

Mr. RUTHERFORD. I need to go.

The CHAIRMAN. Oh, Mr. Rutherford needs to leave.

Dr. BURGESS. Okay. Well, then part of what I have to say reflects on your testimony.

So, Rodney, I do—Chairman Davis, Ranking Member Davis, I do have to correct one of the things that you alluded to. I have never had a beer with Chairman McGovern nor do I ever intend to, but—because I—

Mr. COLE. That, my friend, it is worth the experience. I have.

Dr. BURGESS. It is because I don't drink beer. I mean, it is really as simple as that.

You are right on your observations having to remain home while your wife was having a procedure done. One of the problems that has been encountered with the length of time that we have been in this proxy voting situation is that we have got a five vote difference between Republicans and Democrats.

There are times when I would have missed a vote in the past and been able to justify it to constituents back home. But I also come under some pressure from the whip to not be unrecorded on a vote because it is going to be very narrow. Now, it is all very difficult when the majority always comes to the floor with 223 votes so you—there is no drama. There is no guessing about what is going to happen. But if there were to be one or two votes that peeled off or went differently than would be predicted, suddenly things become a contest again, and the unilateral disarmament that was required of our side really was untenable with the fact that this has gone on so long and doesn't really seem to be any prospect of ending.

So I just want to make that statement in defense of people who felt it necessary to be at home for a very important and good reason and at the same time didn't want to disadvantage their conference by not being there to have their vote recorded.

And, Mr. Rutherford, and I think Mr. Franklin also brought it up, you are right. The disrespect of the amount of time, the disrespect to Members because of the amount of time that is required to be on the floor for a vote, I long for the day we can get back to 2-minute votes. I wish we could get Doug Collins back in the chair because, man, those 2-minute votes they were 2-minute votes. And, if you blinked, you might miss one.

But that is—it just allows so much more input from us rank-and-file members, particularly on things like appropriations, NDAA, some of these—transportation bills, some of these big things we consider to have our amendments considered individually and not in an en bloc and then defeated en bloc, and it is like you never existed. But it is also—I mean, it is an imposition for us to have to sit on the floor for every vote being a 15-minute vote. And you can never curtail that because of the length of time it takes to proxy vote. So I hope we are on the precipice of being done with this. I do think it is time. Mr. Davis, to your observation that the polarization, yeah, it is a problem. It is not new. It has been there for a while.

Columnist George Will back in the Clinton administration, I remember, said the country is evenly divided, but it is not sharply divided. Well, guess what, we have been sharply divided. And that is why Congress is sharply divided because we represent the people that send us here. Our division is a reflection of the status of the country, and what we can do to perhaps try to improve that is certainly something we should spend our time doing.

I am grateful we are having this. I think a Members Day is extremely important. We don't do that nearly enough in any of our committees, and having this in person to be able to see each other eye to eye, I think, is important.

Mr. Smith, it is my first term on the Budget Committee. Yesterday was the first time I have sat at the dais in the Budget Committee for an in-person hearing and discovered that you have the longest dais in any of the committee rooms that I have ever been in. You can barely see the people at the other end. They are in another ZIP Code.

But it is important, and it is important that we—you are right. We spent so much money on those reconciliation bills, and the markups were perfunctory. We really couldn't add or delete items. We were just—it was really just almost a pro forma type session, and that is not the way it should be. The least productive Congress, I would agree with you. Most expensive Congress, without question.

Thank you, Mr. Chairman. I will yield back.

The CHAIRMAN. Well, thank you. And I—just for the record, I want to remind my friend that we are doing this hearing in person because I miss being with you so much, so I—

Dr. BURGESS. And I understand why, and I respect that.

The CHAIRMAN. But also I should say that, during the height of the pandemic, this room was always available—

Dr. BURGESS. Yes, it was.

The CHAIRMAN [continuing]. For the minority to meet and so we tried to make every accommodation possible. But—

Dr. BURGESS. I appreciate that you did.

The CHAIRMAN. And we all have to deal with the inconvenience of long votes. You know, maybe what might help is if we could curtail the number of procedural votes, that might also—because that is an inconvenience, not just to members but to staff as well.

But, in any event, Mr. Morelle.

Mr. MORELLE. Ms. Scanlon is here.

The CHAIRMAN. Oh, I am sorry. Ms. Scanlon.

Ms. SCANLON. Thank you, Chairman McGovern. I appreciate it.

You know, proxy voting and remote hearings, I believe, have been an invaluable resource the past 2 years. I fought to make this rules change at the outset of the pandemic because I wanted to protect my family, my community, and to protect the continuity of government for this body. And I believe those measures have been successful and should be continued in some form. During this time, the House has been able to function smoothly and efficiently, allowing us to quickly respond to the COVID pandemic and economic recession.

You know, I have not used the proxy voting allowance, although I fought hard for it to be included. But I am not with you this morning because I had an inconclusive test yesterday, and I didn't think I should be there in that cozy Rules room until I got a negative test, which thankfully I have, but I didn't think I should be infecting other Members of Congress when there was an option that allowed me not to.

So these tools have allowed floor action to continue unabated when Members can't congregate. They have allowed Members who contracted COVID to participate in floor proceedings and hearings, and they have greatly improved the quality and diversity of witnesses for committee hearings. While the rules change were put into place to respond to specific circumstances, they have also shown that Congress can greatly benefit from moving into the 21st century along with our business, education, research, and other communities.

Yesterday was a great example of that. We were able to have Ukrainian President Volodymyr Zelenskyy address Congress from an active war zone halfway across the world. In our hunger roundtables here in Rules and in hearings in my other committees, we have been able to have witnesses testify from all over the United States, bringing their invaluable, unique experiences to the legislative process.

And we were—it is incredibly valuable to hear those people. And I believe we have also saved tax dollars by saving the expense of bringing folks to Washington or forcing them to bear that expense, which has prevented many witnesses from being able to testify before us in the past.

Proxy voting, on the other hand, is a low-tech solution to our pandemic problems which has proved useful well beyond its original purpose. It has allowed the House to function through the worst of the pandemic when the Nation was experiencing thousands of new cases a day. And even today, as we see Members having to deal with positive tests, it allows us to continue to function. It has kept us safe, it has kept our families and loved ones safe, and Congress has been able to work through the pandemic without interruptions.

These two things, proxy voting and remote hearings, have also allowed Members to do their jobs while attending to the emergencies and necessities of everyday life. We have had Members use these tools to undergo cancer treatment and maternity leave, to handle personal and family emergencies, and to actively respond to disasters and other emergencies in their districts.

Moving forward, I believe we should keep proxy voting and remote hearings, but I do agree we should make some changes to promote transparency and accountability. I am glad the committee is having this hearing today so we can look at what some of those changes should be, but we need to acknowledge that we need to maintain these rules for some time until we truly get past the pandemic because the pandemic is not through with us yet.

And, while we have made so much progress in beating back COVID, cases obviously persist. We know a new variant is spreading and will soon likely be in the U.S. as well. So I am looking forward to hearing everyone's perspective on this and having a serious discussion about these rules.

So, with that, I would yield back.

The CHAIRMAN. Thank you. Mr. Rescenthaler.

Mr. RESCENTHALER. Thanks, Mr. Chairman, and thanks for having this hearing on this topic.

And there has been some charges about en bloc—I just want to start by saying, there has been some charges about en bloc amendments and certain people, yeah, in certain caucuses making procedural votes. But I would say that to disfavor a certain caucus, for example, or certain personalities deprives everybody the tools necessary to use, especially when there are some Members that have been just unilaterally taken off committees. They have absolutely no other recourse other than to make procedural votes. But I want to explore that topic with Chairman Biggs and Mr. Roy on the next panel.

But with that—you might be one of those Members that people don't like, Mr. Roy. I am just—I am kidding, but I like you. I mean that. You know that.

Mr. Davis, would you like to talk about the en bloc amendments and the procedural implications?

Mr. DAVIS. I don't know why you don't like Mr. Roy. I do, so—

The CHAIRMAN. Could the gentleman yield just for one second? Mr. Smith has to leave. Are you okay? We are okay? Yeah. Any objection?

Mr. PERLMUTTER. I want you to stay. I object. He has to stay.

Mr. RESCENTHALER. I had questions for both of them. It is okay.

The CHAIRMAN. You can require them to stay if you want.

Mr. RESCENTHALER. No. If you guys have to go, go ahead.

The CHAIRMAN. All right.

Mr. PERLMUTTER. I withdraw my objection.

Mr. RESCENTHALER. Jason has to stay, but Rutherford has to go.

Mr. DAVIS. So the en bloc issue, the vote time issue, you know, it is a problem. And I think it goes beyond the discussion we are having today, Mr. Rescenthaler. I think this is a majority process to keep a very small majority they have of voting for the bills that should be more bipartisan.

I mean, I know Dr. Burgess talked about how, you know, there have been times Members of both parties had to make the decision to proxy. They are getting a lot of pressure from our whip team or their leadership or what have you. Let me just say, can you imagine what a discussion on an infrastructure package or a Build Back Better might have been if the majority was even closer? Maybe the

bills would have been more bipartisan. Maybe we would have gotten back to what vote margins that I used to see when I got here when this place was somewhat less polarized.

The length of time with voting, I do believe en blocs are put in place because of the long vote times that are required because of proxy voting right now. I think that is a cause and an effect, and I am glad you, Ranking Member Cole, brought that up.

And we do have a lot of Members of Congress that have been sworn in over the last two Congresses that don't know what it was like to have 2-minute votes. They don't know what it is like to have this campus open and have meetings being brought to you in the Rayburn room. And it is going to be a shock when that happens unless we can gradually get them back to that by getting rid of proxy voting, by making sure that we don't rely upon remote technology.

And I appreciate the comments Ms. Scanlon had, but there is absolutely no comparison of what President Zelenskyy had to do from a war zone to us having a hearing in the United States Congress. We can use technology to our advantage, but we can't continue to allow technology to take advantage of us.

And, Mr. Chair, if it helps, I will sit by you every 15-minute vote if it gets us back to quicker votes.

The CHAIRMAN. It won't help.

Mr. RESCENTHALER. Ranking Member Davis, the juxtaposition of people remototing into these hearings when you had President Zelenskyy remote in from a war zone is an amazing juxtaposition. It is also an amazing juxtaposition that the Ukrainians are literally being bombed right now, and they are still meeting in person. There is no proxy voting in Ukraine, so it is clearly astonishing.

There is some talk—I have heard some testimony about folks that have proxy voted somehow forfeiting the right to object to proxy voting. And I have proxy voted, but I am against proxy voting. But I think the argument needs to be made, and maybe you can explore this, that we may disagree with this rule, but we are not going to play by rules that have been changed to favor the majority. And I would be willing to bet that if we got—that if we didn't proxy vote, even though we disagree with that, you would artificially inflate the majority's vote count. Would you like to talk about that?

Mr. DAVIS. Yeah, we are not in the majority. We don't set the rules. Being a Raider fan, we have seen how rules have impacted games at very inappropriate times in the playoffs, numerous examples of that. Then the rules change. We are no different than the NFL when it comes to, once the rules are set, you have to operate within that system.

And that is exactly why I don't begrudge our Members who are adamantly opposed to proxy and for utilizing a process that is now in place. But that doesn't mean that it justifies keeping it. It doesn't mean that it has helped the institution.

And I go back to my original comments that I said 2 years ago, that this is a process that was about more control. And we think back, we used to have proxy voting only in committees, and there are some Members who served back then, some in Democratic leadership. And when the Republicans took over in 1995, we got rid of

that process. It was because it was—it became a power grab and a source of power for the committee chairs.

You always knew you had enough votes to get what you want passed, and it hurt the institution. We got rid of it because it was bad. And I believe the proxy voting process on the floor has similar negative consequences for the long-term viability and the ability for us to govern in a bipartisan way.

Mr. RESCHENTHALER. Ranking Member Davis, to that point, you made some comments about you worried about future Members and how this is going to affect future Members. Could you elaborate on that?

Mr. DAVIS. Yeah, we had a disastrous orientation during COVID. I mean, it couldn't be the same as what an orientation normally was, and we have got to do better. We have seen that we have got—I mean, we had some fresh—too many freshmen get caught up by not understanding processes like the STOCK Act. Obviously, that means the majority and I, on House Administration, we need to do a better job of orientation.

But there is no better orientation than actually the floor processes here in the House for a new Member of Congress to understand. But the processes that have been in place for these new Members have been, you know, supposedly temporary, but they have been much different than what we all experienced when we got here.

And I am afraid when we have got not just one freshmen class, the most recent one, but even the class before had—they at least had a year. But as we go into this new remap class, which are traditionally larger, we are going to have to retrain when it comes to floor procedures some of the existing colleagues that we have because they haven't been used to it.

And, really, a lot of time that we have spent on the floor during this pandemic has been Members not wanting to talk to other Members because they have been afraid of getting COVID. So the sooner we get out of these temporary measures like proxy voting, the sooner you have Members of Congress who might have been more fearful of the virus than others that may feel comfortable enough to actually build that relationship.

Mr. RESCHENTHALER. Yeah. You have been talking a lot about Congress as the whole, but obviously you are the ranking member on House Admin. Could you testify as to how this has impacted House Admin. the committee itself?

Mr. DAVIS. Well, I enjoyed Mr. Cole's comments on the Approps Committee being very bipartisan. I used to see that on House Administration. That has not been the case over the last two Congresses. It has been unfortunate. It has been much more partisan. And, frankly, I believe the pandemic itself plus the overuse of remote processes and proxy voting has really hurt my ability and Chairperson Lofgren's ability to work and interact together to make the House operate. I mean, there are things that so shouldn't be partisan that we deal with on a regular basis.

And, frankly, at the beginning of last Congress, it started out much more bipartisan, but as the pandemic wore on and our disagreements in response and some of the legislative activity that we disagreed on, I think the partisanship was exacerbated by the re-

mote processes and especially by the proxy voting, if I could not go talk to somebody in person during votes who might not be here.

Mr. RESCHENTHALER. Thanks, Ranking Member Davis. I appreciate it. I yield back.

The CHAIRMAN. Yeah. And I just want to say for the record, at least I hope I didn't—I wasn't critical of Republicans who voted by proxy in my opening statement. Although, I have to say that I do have a tough time getting my head around the fact that many who have voted by proxy signed on to a lawsuit saying this was unconstitutional. And so I get it that the rules of the game are the rules of the game, but if you think something is unconstitutional, how do you go ahead and then utilize it? But, anyway, I will grapple with that.

Mr. MORELLE. Okay. You are going to defer, and you will be the first person we go to for questions in the next panel.

Mrs. Fischbach.

Mrs. FISCHBACH. Thank you, Mr. Chair.

And, you know, I guess Mr. Reschenthaler started to touch a little bit on the freshmen, and since I am the only freshman—and it looks like even on our panel, there is only a couple of freshmen who are going to testify.

And, you know, Mr. McGovern, I think you touched on it when you said you met the moment. In your opening, you used that phrase in your opening statement. And I think—but I think that moment is in the past now, and I think we need to move forward.

This body functioned for over 200 years without proxy voting, and I think we should go back to those traditions of having people come here, do what they need to do. You know, it has been obviously much more challenging for the freshman class to create those relationships, make those relationships. And, sad as it may be, the Rules Committee is probably the closest relationships I have had because we have been here in person and—no, and that was a joke, so I am just—

The CHAIRMAN. Yeah, we are a family, the Addams family.

Mrs. FISCHBACH. The Addams family, there you go. I love it. But it really,—you know, because we have probably met more in person or at least, you know, than any of my other committees, you know, I look—I sit on the Ag Committee and the Judiciary Committee. Judiciary Committee met a little more. But my relationship with people is that little box and getting—you know, and they get their 5 minutes, and that is about all I get to hear from them. And there isn't—you know, in many cases, Mr. Perlmutter, you mentioned there is, you know, discussion over Zoom, but not during the committee hearing. You know, it is a little more formal. It is a little more controlled.

And so it is unfortunate, because my experience in the Minnesota legislature, I understand how important those relationships are. I understand that there is a lot that happens in the hallway just passing people by saying: Hey, you know, I have got a great bill. You should look into it and have your staff look into it.

And we are missing that.

And I really feel like it is so frustrating for the freshmen in many ways because they don't have that; they are not able to do that. And they will be at a huge disadvantage, and I think even



into the future, I think this institution will suffer from the lack of relationships with that freshman class.

And, you know, obviously, when we talk about, oh, you know, we have to miss votes, you have to miss votes, this is a full-time—it is a full-time job, and we are here. And there are obviously very valid reasons why you have to miss votes, whether it be giving birth, whether it be, you know, caring for a sick child or going to see your parents, your, you know, elderly parents, whatever the case is.

But I think Mr. Perlmutter touched on it, it is the voters that get to decide, and for over 200 years, the voters got to decide if a vote—if a reason to miss a vote was a valid reason. And I think—and I can't remember which of the testifiers mentioned she had had a child while she was in. I think the voters probably said, that is a pretty valid reason for missing a vote because they sent her back.

So—and that is the way the institution was set up. And you do have to make those hard decisions when you have a family. I served in the Minnesota Senate when my kids were little, and you know what, I made some of those hard decisions. I missed votes. But I had to make those because of the profession that I had chosen, that I had been elected to the senate.

And so I think that we need to put more trust in our voters to help us make those decisions, and we need to get back to the way this institution is supposed to be. It is supposed to be based on relationships. It is supposed to be based on those discussions we have, you know, with people across the aisle.

And I, as a freshman, it saddens me that we have missed that, that we have missed that. Yes, it was a disastrous orientation because we—I mean, we couldn't even talk to the other freshmen. We had to sit, you know, further apart. We had, you know, masks on. And let me tell you, I introduced myself to the same people like eight times because they had on masks, and they all had the same hairdo. So it was just—it is very difficult, very difficult.

And so I am—and maybe—Mr. Reschenthaler mentioned a few little things about the freshman class. But, Mr. Davis, maybe—you know, you became kind of the, I don't know, the den father to the freshman class because you were the only—

Mr. PERLMUTTER. No wonder there is such a problem.

Mrs. FISCHBACH. Okay. It says something. See, this is why we can't have proxy voting because if he becomes the guy in charge of the freshman class, it is—but maybe you can—and I know that I am not the only freshman who has some of those frustrations, and so maybe you can talk a little bit more about the effects on this institution that it is going to have in the future and some of those difficulties that the freshmen have experienced, if there is more that you want to add to what you mentioned to Mr. Reschenthaler.

Mr. DAVIS. I will be very quick because I know we have some others waiting. You know, I mentioned I think the process itself has led to more partisanship. I agree it has led to more en bloc votes. It has led to less relationship building. But, really, I think it goes down to the individuals not being able to serve their constituents as well when the normal processes return because it is going to be such a surprise. It is one of the things I tried to reit-

erate during orientation, but there are so many things coming at the freshmen at the time. And we are learning from that too as we move into planning for the next freshman class.

But, in the end, I think your class above all, in my time in Congress and my time as a staff member, has sacrificed the most at being able to build those bipartisan relationships that transcend politics, transcend even, in my case the freshman classes, some who ran for President. You know, we are still friends. And those relationships were developed by having a drink after the day was over, that if we tried to do that at the Hyatt during COVID, the mask vigilantes would come flying around and say: Oh, you can't be here. You can't do this.

That is where your class suffered the most, and I do believe that we, as House Administration, should develop some type of ongoing process, education about what the processes will look like when we return to normal so that it isn't such a surprise to you and your fellow classmates, both Republicans and Democrats because, again, that was in person.

I was there in person every day for those orientation meetings and orientation events, and I feel a connection to your class even though you are a little more difficult to train than others. I don't know what type of breeder, you know—

Mrs. FISCHBACH. Oh, Mr. Reschenthaler just told me you are his official mentor. Okay, now I know.

Mr. DAVIS. That is his problem too, Ed.

Mrs. FISCHBACH. Okay.

Mr. DAVIS. Thank you.

Mrs. FISCHBACH. But, you know, just—and appreciate the—a few laughs, but it really is, I think, a serious issue, and I do think that it is going to have long-term effects just given the issues that the freshmen had in developing those relationships.

And, before I finish up, I did want to—I forget—I want to ask unanimous consent to enter the testimony, a letter from Mr. Thompson of Pennsylvania.

The CHAIRMAN. Without objection.

[The information follows:]

Mrs. FISCHBACH. Thank you very much. And, with that, I yield back.

The CHAIRMAN. Okay. Thank you.

I want to thank you for your testimony. Thank you for being the last remaining person standing on this panel. I just want to just say before you leave, we talk about this as either/or. It either has to be this or that. I mean, there are nuances here that are worth discussing.

And, again, going back to what Representative Sanchez said in her testimony, I mean, Congress has changed. In a lot of ways, including more women getting elected to Congress, and there are some realities that I think we need to be a little bit more considerate of.

And I don't think constituents should be disfranchised because there is a natural disaster in your district or because somebody is ill. I think most of you do too, because people continue to vote by proxy on the Republican side as well. So there is some utility here. The question is, as we move forward, what do we keep and what

don't we keep or do we keep nothing or do we keep at all. I mean, that is what we are trying to figure out here. And so I appreciate very much your testimony, and you are free to go.

Oh, Mr. Neguse is with us here. Do you have questions of Mr. Davis or can we go to the next panel?

Mr. NEGUSE. Yeah, just a quick question of Mr. Davis to underscore the point that you had made, Mr. Chairman. Obviously, as you all know, I am not there in-person. I am participating remotely because I tested positive for COVID earlier this week.

And, to get to the question, I missed the top of the hearing, but, for Mr. Davis, is it your contention that there should be no exceptions, that we should just eliminate proxy voting in its entirety?

Mr. DAVIS. Yes.

Mr. NEGUSE. Okay. And so, I guess, I would query to you, and I suppose you have given this some thought, but, you know, this week there are 10 Members of Congress who have tested positive for COVID, who, like me, are unable to participate, but nonetheless are able to participate via remote voting or proxy voting, if you will.

And I guess, what would you suggest to the 7 million people whom we collectively represent who would be deprived of the ability to, you know, opine on various different pieces of legislation that we are considering on the floor essentially because their representative happened to be diagnosed with this illness?

Mr. DAVIS. Well, as I stated in my testimony, I would provide 200 years of precedent before this pandemic began and before this majority decided to implement proxy voting for the first time ever in American history. So we have got 200 years of evidence. I mean, there are hard decisions that have to be made, but we also have to look at COVID as a risk-management issue now.

You have the Queen of England, who 95, I believe, was—came down and tested positive with COVID, asymptomatic, as I see—and I hope you are too, Mr. Neguse. But there comes a time where the Queen of England was able to still conduct business while being infected. We have got to get to a point where we look at this virus and learn how to deal with it as a risk-management issue because it is never going to be a zero-tolerance issue. And proxy voting was established when there was a zero-tolerance mentality in dealing with COVID.

And we have learned so much more. And what we have learned about proxy voting, Mr. Neguse, is that it has destroyed the fabric of the institution. It stopped a lot of bipartisan activity. It stopped a lot of interaction that I think is crucial and what our forefathers envisioned when they created the House of Representatives. So that is—

Mr. NEGUSE. Well, look, I respect your opinion, obviously and enjoy working with you, Mr. Davis. I think the notion that it has destroyed the institution is a bit much. You know, certainly a lot of bipartisan agreement is still happening in a variety of the committees of jurisdiction and bipartisan agreements that we have been able to push through the floor.

You know, obviously, I understand that you would like to see this practice eliminated, that others would like to see the practice reformed. I think I land in the latter category. But fundamentally,

I don't—I think that that is a bridge too far to suggest that it somehow has sort of destroyed the entire institution.

I also would say, I don't disagree with you regarding the risk tolerance question, but I think that is a different line of inquiry. From my perspective, simply because the precedent suggests that we haven't had remote voting or proxy voting in the past, that is not a reason alone to not have proxy voting today. And I, for one, would be devastated to deprive, you know, the minority of my star performance during the Rules Committee proceeding earlier this week simply because I was diagnosed with COVID.

So I appreciate the opportunity to participate. I will yield back to the chairman.

Mr. DAVIS. Got to be a Broncos fan.

The CHAIRMAN. Yeah. I think we are all set. Thank you very much.

Let me just say, just because we have been doing something for 200 years doesn't mean we should continue the same old, same old. The bottom line is, if that were our rationale, some of the people who are serving in this Congress wouldn't be here.

So, in any event, I now want to call the next panel: Majority Leader Hoyer, Representative Castor, Representative Gallagher, Representative Roy, Representative Rose, Representative Biggs, Representative Takano, and Representative Bost.

Mr. Hoyer is not here, so we will begin with Representative Castor.

**STATEMENT OF THE HON. KATHY CASTOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Ms. CASTOR of Florida. Well, good morning, members. Chairman McGovern, and Ranking Member Cole, and committee members, thank you very much for the opportunity to testify today. I want to—

The CHAIRMAN. Order.

Ms. CASTOR of Florida. It is wonderful to return to the Rules Committee. Thank you so much for the opportunity.

I wanted to simply highlight some of the benefits that we have learned from holding remote hearings. We were forced to go to many of virtual and hybrid hearings out of necessity due to this global pandemic. But as we come out of the pandemic and move to the next phase, there is a lot that we have learned that we can now incorporate into the operations of the House of Representatives. And I want to highlight three benefits in particular.

One, remote hearings gave us the ability to hear from a wider variety of Americans and witnesses during our committee meetings, and to hear from people who are underrepresented, who have never had the opportunity or cannot afford to travel to Washington, D.C., to provide testimony in front of a congressional committee.

Two, because we were able to have remote and virtual and hybrid hearings, we reduced the carbon footprint across the Congress, across the country. That is a tremendous benefit.

And, three, it provided significant cost savings and energy savings to the Congress, and to the nonprofit organizations, and the wide variety of Americans who want to have the ability to have input on—in the legislative process.

So, first, the benefit of greater opportunities of a wider variety of Americans and a larger number of unrepresented groups to participate. Just think about the hearings that you have had in your committees where there were witnesses from farther flung states, there were witnesses from rural areas that typically would not have the ability to travel here; farmers, Tribal nations had the ability—greater ability to access the legislative process.

Each of the 14 hearings that the Select Committee on the Climate Crisis held during the 117th Congress has included at least one remote witness. And this really added to the weight and depth, breadth of the testimony, everything we learned on both sides of the aisle to move forward. And I know you experienced that in your committees, especially the underrepresented groups, environmental justice communities, frontline communities, all—everyone who is underrepresented had a greater voice in the democratic process.

Two, carbon pollution reduction. Remote witnesses also allowed us to reduce the carbon footprint because they didn't have to travel to Washington, D.C. And I just want to get these stats quickly into the record.

As an example, three out of four witnesses for the Select Committee's remote hearing on July 15, 2021, would have needed to fly into the D.C. area to testify in the hearing in person. The three resided in Montgomery, Alabama; Los Angeles, California; and Flagstaff, Arizona. And based on the data that the committee gathered, these three round-trip, nonstop flights would have equated to a total of 1,894 kilograms of carbon dioxide. This is the equivalent to the emissions of 230,390 smartphones, fully charged, over 2,000 pounds of coal burned, or 213 gallons of gasoline consumed. And those—this reflects just one hearing. Multiply that across all of the Committee's hearings, and all of the Congress, what a tremendous benefit in savings.

Third, remote hearings allowed us and the witnesses, this broad cross-section of Americans, to reduce their travel costs and to reduce their energy costs, not just avoiding carbon pollution, but it saves people money. And isn't that critical at a time that we are dealing with coming out of this global pandemic, dealing with the global challenges of supply and demand, the higher cost that Putin's war of aggression now is exacerbating?

We know that we can reduce demand for energy by allowing witnesses to Zoom in or Webex into our committee hearings. Again, a lot of expertise all across America.

So, in closing, remote and hybrid hearings have really helped reduce the economic time and geographic barriers for witnesses. We have benefited from it. We have a wider cross-section of experts and everyday Americans that we have been able to hear from.

And, committee members, America is the leader in technology and innovation. Times have changed. Things have modernized, and that Congress shouldn't be left out. The American people shouldn't be left out. We can all benefit from it.

Thank you very much. And I yield back my time.

[The statement of Ms. Castor of Florida follows:]

The CHAIRMAN. Thank you very much.

I want to call our majority leader, distinguished Majority Leader Steny Hoyer, to testify. Welcome.

**STATEMENT OF THE HON. STENY H. HOYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND**

Mr. HOYER. Thank you very much, Mr. Chairman.

Oh, am I on? Can you hear me?

As I listened to the previous panel, I thought to myself that—you will probably all remember, Ben Franklin turning to James Madison and arguing about whether we ought to zoom or not. The world has changed. Technology is extraordinary. And every business in America, every enterprise in America is utilizing technology to its benefit. I think that is what this is really about.

But I do want to say at the outset—I am sorry that the ranking member of the House Administration has left—this is one of the more productive Congresses in which I have served, and this is my 20th Congress. And I am going to make a better case for that at some point in time. But this representation that somehow proxy voting has made this a less productive Congress, I think, is demonstrably untrue. And I will make that case, but not today. I know all of you are happy about that.

A lot of talk about proxy voting. This House of Representatives is a relatively, perhaps, very unique body, because we have 435 people who come from every place in America: high risk, low risk, and every risk in between. And we gather together in a relatively small room for 435 people. So it was uniquely a place where transmission could be very much magnified.

Doctor, I am not a medical doctor, but I think that is self-explanatory. And so in answer to an extraordinarily once-a-century pandemic, we responded. And we responded in trying to make sure that we could keep Members, staff, press, visitors as safe as possible. We don't know what safe as possible is, but we made that effort. I think it was the right thing to do. The courts indicated we had the authority to do that, which did not surprise me, and we proceeded.

And now the issue is, as we hopefully are passing through this pandemic, what do we do? During the COVID-19 pandemic, Mr. Chairman and members, much like the other legislatures around the world and like business across America, took steps to adapt our working to the challenge of social distancing, which we were advised to do. We took unprecedented measures to ensure that Members and committees could continue to do our jobs and serve the American people uninterrupted.

I made the observation on the floor that my people voted for me; none of them, not a single one of them cared where I expressed their opinion, if it was going to be affected. They didn't care whether I voted from a machine on my side of the aisle, a machine on another side of the aisle, or from wherever. That was not in their minds. It was that I was available to express their opinion on a particular issue, which we have allowed Members to do, notwithstanding their risk aversion or the realities of our health environment.

H. Res. 965, the 116th Congress, adopted measures like virtual committee hearings and meetings, as well as proxy voting and longer voting times on the floor. I think reasonable steps to take, from a health perspective. Those were big changes, which were accompanied by smaller changes, such as the Clerk's Office creating

an eHopper. I haven't heard anything about that, where you can file a bill and you didn't have to go. By the way, probably a few of you know, and particularly Mrs. Fischbach. I didn't know what a hopper was, and I was president in the Maryland Senate for 12 years.

A hopper is piece of furniture, and it has various levels, and you see it in the old Senate Chamber, but I thought a hopper was just a box. Why does somebody have to personally hand that—they can do it now electronically.

The electronic filing of bills, the statements for the record, and the Chief Administrative Officer implementing the Quill system for electronically collecting Members' signatures, so you don't have to go from each office to office to get the actual signature.

As a result of these adaptations, the House and its committees were able to meet safely and produce major legislation that helped Americans meet the challenge of the pandemic and address critical national needs over the past 2 years. And I would say as an aside to my friends, the polarization has nothing to do with proxy voting. Nothing. Unfortunately, this is the most polarized Congress in which I have served.

I came here in 1981. And I tell people I served on the Appropriations Committee. There were 13 of us on the Labor Health Committee. Eight Democrats, we were in charge, five Republicans. And what I tell people is you could put us together, throw us up in the air, and come down in random chairs and do a markup, and you would have been hard-pressed in 1983 to say which was the Democrat and which was the Republican on the Labor Health Committee. Sil Conte from Massachusetts was the ranking member of that committee.

Other acts we have taken include the enactment of the Families First Act and CARES Act, the American Rescue Plan, a central legislation to fund the government, prevent default of our obligations.

I suggest to you that this comment about proxy voting only presumes the outcome would be different if, in fact, we precluded somebody from voting if they were sick if, per chance, they were absent. As was the case we just saw in our sister body, the United States Senate, when our former colleague, Ben Ray Luján, had a stroke, and he couldn't come. Yes, the outcome would have been different, because it would have been then 50–49 on the other side. Should that be the case? Should those people in New Mexico not have been represented because he was fully cognizant, mentally able? He was not physically able for a period of time to come. Should we have said to them, Coloradans (sic), by act of happenstance, you will not be represented. I think not.

We also, as the chairman pointed out, we passed the infrastructure bill, an extraordinary bill that I, frankly, think, with all due respect to my friend—and Tom Cole, I don't know off the top of my head, Tom, how you voted, but we only got 13 Republicans, 19 in the Senate. The percentage is radically different. Why? Because your leadership said don't vote for it. And then when voted for it, we talked about partisan. The 13 that did vote for it got criticized, and some even suggested removing them from their committees because they differed.

During the time of these changes were put in place, the House passed—I won't mention the bills, but I will go into that at some point in time—as infection, hospitalization, and fatality rates have dropped, and as vaccination rates have risen, we have adapted by ending the practice of voting by group and reducing voting times on the floor. So we are moving towards what I think we all want, a shorter period of time.

Now, let me just say as an aside that the defense bill had over 200 amendments on it. It is not unusual to have en bloc voting. We have always had en bloc voting, since I got here. Now, you do the math. Five minutes at 209 amendments. That is over a thousand minutes. A lot of time. As a practical matter, a body of 435 tries to accelerate. Doesn't do it perfectly. And as Mr. Cole pointed out, sometimes there is a bloc and you are not looking forward to them. And you get put in a position of—and doing them all. Seriatim would be better, but it also would be very, very timely.

Other measures such as the greater adoption of remote working tools ought to remain in place, in my opinion, Mr. Chairman, because we have seen how they help make the House more accountable, transparent, and efficient.

While nothing can truly replace in-person work—and I want to emphasize that—the Speaker, myself, at the time we adopted the proxy voting, and Mr. McCarthy, all indicated in-person is better. I agree with that premise for the reasons Mr. Cole pointed out and also Mr. Perlmutter, I think, mentioned it. But given the technology that we have available to us in this extraordinary age in which we live, we can accommodate not being in person, even though that is the preferable, and we ought to promote that happening, including as the appropriation does and as you have done, Mr. Chairman, meetings in person.

Virtual committee hearings have made it possible, however, to hear from a more diverse group of witnesses and experts, including those with disabilities, who find it difficult to travel to Washington in person. As a sponsor of the Americans with Disabilities Act, that is called a reasonable accommodation. As well as those who can't make it here because of work obligations or because they cannot afford to travel. Which means you can get experts from Europe, from Asia, from Australia, from other places to testify.

Tools like the eHop and Quill, which I mentioned earlier, certainly ought to continue in use, Mr. Chairman, in my opinion. They are just a use of technology to do what we otherwise had to do by walking from office to office. They have been proven valuable to Members and staff.

With regard to proxy voting, I see a number of cases in which it may be appropriate to continue having it as an option—not as a preference, not as a practice, but as an option, such as when Members may be ill, have to care for a sick loved one, or welcome a new child.

There may also be future cases with national emergencies. We talked about Ukraine. I don't know that they don't vote by proxy, maybe you do, or by electronic device. But if your parliament is being bombed, it is probably a good thing to do, if you want to create a consensus, not to make sure that people have to go to some



place that is being bombed and make them very vulnerable to being killed by a criminal thug called Putin.

So I hope the committee will explore how proxy voting, now shown to be effective and constitutional, can be incorporated into the House's work so that no districts' constituents are left out of the full representation they deserve.

I would reiterate, no constituent of mine in 41 years has ever asked me, where did you vote from? Did you vote from this machine, that machine, the other machine? Now, you will say, well, you are all in the same room. They don't care. What they care is Steny Hoyer stands up and expresses their views. That is what democracy is about. It is not about a place where you vote. It is about voting. It is about expressing their opinion, about representation.

We ought to be prepared for any eventuality, such as if a new variant or virus has emerged that is deadlier than for which we do not now have a cure. The business of the House must be able to continue uninterrupted. Technology allows that to happen in ways that our Founders had no concept of.

I want to thank this committee. I want to thank its chairman. I want to thank its ranking member, who I think is one of our best members and who works very hard at collegiality. And I don't have any doubt, Tom, you walked over there and talked to Ms. Pingree and said, look—but, very frankly, we can do that on the phone. We can do it as Mr. Perlmutter said. I find Zoom an extraordinary technology that is not in-person but is like in-person, because you can interrupt, you can see the smile, you can see the frown, you can see the physical gestures.

And I want to thank this committee, again, and the chairman and all the members, for the work that you do. We have contended with this pandemic and had to adapt the workings of this institution to meet its challenge. We have done that. There has been no interruption. And as I say, at a later date, I will make the case that this is one of the most productive, not—to say it is unproductive is to ignore what we have done for the American people.

In particular I want to thank Chairman McGovern for his leadership, as well as Staff Director Don Sisson, with whom I have had the pleasure to work. It has been an honor working closely with you in this effort, and I hope we can continue to find ways to ensure that the people's House, the people's House represents the people, whatever the circumstances may be, and that their voice can be heard. And it has been heard on every vote.

Whether Republicans voted proxy, yes, they may not have been there, but the voice of the people they represented was heard. When somebody said, by proxy, I vote aye or nay, the voices of that district were heard. How much better that is than, by happenstance, the people of New Mexico's voice not being heard on an important issue because their Member had a stroke. Not disabled, his mental acuity never lost. That was good for our democracy, it was good for our country, and it was good for the Senate and the House.

Thank you very much, Mr. Chairman.

[The statement of Mr. Hoyer follows:]

THE CHAIRMAN. Thank you very much. And I know that you need to meet with the Taoiseach.

MR. HOYER. I do.

The CHAIRMAN. And I hope that we—

Mr. HOYER. I understood that the Taoiseach had been positive.

The CHAIRMAN. Oh, so we won't be meeting with the Taoiseach then.

Mr. HOYER. No, but our President may be here.

Mr. COLE. I know the gentleman has to leave, but I just wanted to make one—

Mr. HOYER. And I thank you for giving me the opportunity to leave because I know that is not your practice.

Mr. COLE. Absolutely. Of course. I just know it was an omission that you didn't mention Kelly Dixon with Don Sisson at the same time.

Mr. HOYER. Well, I love Kelly. I don't know whether that embarrassed her—

Mr. COLE. She is watching on her television in a room.

Mr. HOYER [continuing]. Or gets her in trouble, but as a—

Mr. PERLMUTTER. She is Zooming in.

Mr. COLE. Yeah. I just wanted to give you the opportunity to go on record.

Mr. HOYER. I am so thankful you gave me that because, let me tell you, Kelly and I, when we—when she was working, she was—Kelly, did that really mess it up that I said I loved you? I am sorry if that was, you know, damning you with faint play.

But in any event, thank you Tom for giving me—Mr. Cole for giving me that opportunity.

This committee—and I will tell you, I am so glad you brought it up, because we get pretty contentious on the floor, but there was never a time when I could not—when Kelly was on the floor and helping to manage the floor when I couldn't go over to Kelly and talk to her and say, hey, this is the deal. And, of course, Mr. Cole and I are good friends, and so we have had that opportunity to do that as well.

The partisanship that we confront and the polarization is a far bigger issue than whether we vote by proxy or vote in person. This polarization is hurting our country. This polarization where we are not thinking about the substance but the politics is hurting America. And the fact at a time of war, we are war. We are not physically on the field with the Ukrainians, but we ought to do everything we possibly can to make sure that they can meet this enemy and defeat this enemy. And we need to be united in that effort. And we ought to all remind ourselves that we are Americans. We may be Democrats, we may be Republicans, we may be something else, but we are Americans. And Zelenskyy was right; we are the leaders. We are the leaders of the free world. And if we sound by our division an uncertain trumpet, the world will be a lesser place.

Thank you very much.

The CHAIRMAN. Thank you very much.

Mr. Gallagher.

#### **STATEMENT OF THE HON. MIKE GALLAGHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. GALLAGHER. I would like to make a slightly different argument than some of my colleagues. I don't think this is primarily about spending time together, I don't think it is about partisanship.

I don't think it is about technology, as the majority leader argued. I think it is just about the truth. Because when you proxy vote—I have never proxied—buy my understanding is you have to sign a piece of paper that says, I am unable to physically attend proceedings in the House Chamber due to the ongoing public health emergency, i.e., coronavirus. That is what you are signing your name too, right? There is no dispute about that. It is clear in the language.

So we know, notwithstanding Mr. Neguse, who I think is the exception that proves the rule today, the over, overwhelming majority of Members proxy voting are lying when they sign this piece of paper. We have all heard the anecdotes of people going to fundraisers—Democrats and Republicans, by the way. I am not saying only the other side has abused this. Let me prove this to you mathematically why this is a massive lie.

The average number of proxy votes on a normal day in Congress, a full day like today, is about 68, if you crunch the numbers. Magically, on fly-in and fly-out days, those numbers skyrocket to around a hundred. So what happened? Are people getting COVID on Mondays, Tuesdays, or Thursday, Fridays, but not Wednesdays? No. They are abusing proxy voting so they can have a longer weekend, right? Because it is an inconvenience to come to D.C., and in the process, signing their name to a lie on this piece of paper.

Now, if you want to make a different argument, right—I actually think Mr. Perlmutter has made a high-integrity argument. He openly says he wants a more libertarian system where everyone can proxy vote. I disagree, but that is an entirely different thing. Then you need to advance a proposal whereby people can sign their name saying, I need to proxy vote because of X, Y, Z, not because of COVID. Because it is not about COVID.

Indeed, we just had at least four Members of Congress on this panel admit, against interest, that it is not about COVID; it is about birthdays, graduation parties, it is about the birth of children, it is about climate change, it is about strokes. That is a different thing. So I actually concede the point to the chairman that—I am not suggesting proxy voting is causing this unprecedented polarization, if that is even true that we are unprecedented in our polarization. I think it is exacerbating a lack of trust in the institution because so many Members are lying.

I mean, put differently, right, how—one argument was made that we are disenfranchising voters if their Members can't proxy. Are you not disenfranchising voters if you are lying to them? Or someone made an appeal to the integrity of the institution, and if you proxy vote, that we are going to be able to have more options and will retain the integrity of the institution in the modern age. How can you maintain the integrity of the institution if you are institutionalizing lies? It makes no sense.

So I am happy to have the different argument about proxy voting for other reasons. I will still oppose it. And if you put forward that proposal, I suspect you would lose that vote. But there is no question it is obvious and inarguable, to the point of being self-evident now, that people are abusing proxy voting. And every single day we are countenancing scores of lies by our colleagues. If nothing else, we have to change what is on this piece of paper and stop lying.

And, with that, I yield.  
 [The statement of Mr. Gallagher follows:]  
 The CHAIRMAN. Thank you.  
 Mr. Roy.

**STATEMENT OF THE HON. CHIP ROY, A REPRESENTATIVE IN  
 CONGRESS FROM THE STATE OF TEXAS**

Mr. ROY. Thank you, Mr. Chairman.

And let me associate myself with the remarks of Mr. Gallagher wholeheartedly as one of the most frustrating things about this entire experience is watching my colleagues blatantly lie when signing a piece of paper. And we all know it is true. We all know it. And we see it every day, but we just kind of countenance it and say, oh, go, yeah, go to a fundraiser. Good for you. Or one story was voting from a—somebody was out on an interview in a car in the parking lot while there is somebody proxy voting for him in here. And, again, both sides of the aisle. Let me make it perfectly clear, both sides of the aisle.

You know, look, we are talking about a number of things. And my name was invoked earlier. I will only respond to it briefly about the institution being broken. And the majority leader has referenced this; otherwise, I wouldn't go down this road too much because this is about proxy. But the institution is broken. And a lot is made of so-called procedural votes and that it is somehow delaying the institution or causing harm. I mean, well, keep in mind that there are limited tools that you have when you are in the minority, but in particular when you are not a chairman, when you are particularly not on the Rules Committee, or particularly you are not on—you are not the majority leader, right? So there are limited rules you have.

And so, last week, for example, when I am sitting with my staff watching a vote being called for a voice vote for basically \$16 billion worth of continuing resolution that I didn't bless, and which most people knew in my party and, generally speaking, it is not like I am shy about it, that that is not something I would agree to by voice vote. Yeah, I was frustrated that our rights weren't protected and that we didn't have a roll call vote on that. So what did I do? I did force two more procedural votes. Why? Because that is about all I got in my arsenal.

I went down and talked to Keith on the floor. Said, Keith, you know, I am sorry, I was trying to get to Philadelphia. I ended up withdrawing the last one out of some sort of deference. But we have limited tools in our arsenal to say, protect our rights, Representative. We are talking about the institution. We are talking about disenfranchising our voters.

What is the ultimate disenfranchisement of voters? The lack of any power of any one Member of Congress, because it has all been handed over to a handful, a handful of people in the majority and minority and the leadership offices, and/or in the Rules Committee, to make decisions about what we vote on.

We get a 2,700-page bill at 2 o'clock in the morning and to vote on the rule the next morning? 2,700 pages with 5,000 earmarks and \$10 billion. \$100 billion of increased spending. Massive complex pieces of language and 2,700 bills my staff is pouring over in

the middle of the night, just trying to figure out what we are even looking at, right? That is no way to do business. So if we are going to talk about the institution being broken, let's start there.

You know, I heard—the majority leader said, we are at war. Now, he kind of tweaked that a little bit after he said we are at war, about standing with the people in Ukraine and so forth. We haven't declared war. That is a constitutional requirement. We have not declared war.

One of the best conversations I have had in this building was a building downstairs, two floors down, 2 years ago, with three Democrats, three Republicans, and—well, I might as well say Justin, because I was going to say an Independent, because he was the only Independent—talking about the authorizations of the use of military force. Twenty years in to authorization of the use of military force. And that conversation, over a beer, in person, resulted in a joint op-ed among the seven of us, raising questions about 20-year authorizations of the use of military force.

But I think that is a really important thing we just saw here talking about this body. We are at war. That is a very big statement. That is a debatable statement, one we ought to be debating.

We talk about, you know, being productive, and there is some debate about the productivity. I would argue productivity for leadership in the Rules Committee—and I do want to appreciate the chairman having this ability for us to come speak. It is important, and I genuinely thank you for it. But productivity by whom? Productivity by a handful is not the people's House. And here we sit, and we talk about, you know, whether this proxy policy is further breaking the institution.

I heard the word extremely polarized. Well, I mean, when the Secretary of Treasury and the Vice President duel, maybe we will be as polarized as sometimes in our past. Yes, we are polarized. We have had a lot of differences over in our history.

But in this point here with Mr. Gallagher at the fraudulent certification, I do agree that that is disenfranchising and that it is causing distrust in the institution. But, you know, one of the best things that I have been able to do in here is work with my friend Dean Phillips on the PPP Flexibility Act. Again, backbencher, Freedom Caucus Conservative, Dean Phillips, we are able to get something done on a bipartisan basis in the middle of COVID. But we did that because we are able to get to know each other and sit down and have that beer and sit down and know each other.

We break down the human interactions when we blow up the whole point of us coming together as Congress. As somebody talked about earlier, the definition of Congress is us coming together and representing the people.

The Constitution. And sorry, I have had to look at notes because we have been here for so long. But the fact is we all take an oath to defend the Constitution of the United States. We do. And I believe that we all, therefore, have an obligation to carefully examine the merits of the constitutional question raised by proxy voting. It is a legitimate, constitutional question. We haven't had any long significant hearings on it. I am sure my friend from Maryland would love to have in-depth conversations about this. I suspect we

disagree on this point. But at least we ought to have that in-depth debate about the core constitutional question.

And maybe the Speech and Debate Clause protects what I believe is unconstitutional proxy voting. Obviously, the Supreme Court denied cert, deferring to essentially us, right? To kind of—they punt, essentially. So here we are, and there is a question. I think we have an obligation to defend the Constitution.

It is my perspective that it is, in fact, unconstitutional for us to engage in proxy voting. I think that the Constitution is pretty clear on it. I think if you read the text of the Constitution, words like “meeting,” “assemble,” “attendance,” “present,” “absent,” “recess,” “sitting,” “seat,” it clearly requires a Member of Congress to be actually present in the House or the Senate Chamber.

I understand technology has changed. Well, then let’s amend the Constitution. Let’s have a debate about it. But I believe the Constitution clearly believed that we should be—or articulated we should be present.

Quorum requirements. The same thing. The majority of each shall constitute a quorum, and blah, blah, blah, may be authorized to compel the attendance of absent Members.

If you go look at the text and the history and understanding of what a quorum is, presence matters. The yeas and nays requirement. Right? When you get down to the desire of one-fifth of those present be entered in the journal, it was contemplating presence. And I understand there could be some debates about what presence means and whether you can establish presence in a different form. I don’t believe that is what we agreed to in the Constitution when we were establishing these things.

Nondelegation principle. We the People, right? We are formed on “We the People.” All the legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and the House of Representatives.

I understand we can set our rules. I understand that we can come up with ways to represent We the People differently. But the contemplation is that we are not delegating our vote to another Member.

When we talk about remote voting, we can have that debate, but this changes the entire point. We have last-minute changes on the floor. And we have got these rules in place that says, well, your staffer has to tell you the specific vote on that vote. I don’t know how it works because I have never proxy voted. But I know there is some rules in place to try to protect, but you are changing the nature of the institution when you hand your voting card off to somebody else. And that is, effectively, what we are doing.

I could go a little bit more into that. And I will only address the question on the constitutional issues raised about certain Members being pulled off of the litigation. And people have talked about that. And so, ultimately, it was the minority leader and myself on the litigation in the end, after having more Members on it at the beginning. And in part, that was just to clarify and simplify who was on the case. And we all know the facts, we have seen the stuff, that there were some Members that had been on the original litigation that ultimately proxy voted.

Now, I would say, well, why is that? I wouldn't have, with all due respect to my Republican colleagues who are on the litigation and pulled off. I think that was wrong.

But the flip side is, is the pressure. Okay. What is done when we change the institution? Let me give you an example of a vote.

I was sitting in Fredericksburg, Virginia, waiting while we were going through all of the transportation votes last fall, and we were debating. Remember, every Friday, we would have these ridiculous sit-and-wait sessions, wondering when the heck we were going to vote? And it was Friday afternoon. I had committed months prior to speaking at the University of Virginia, my alma mater, and I was supposed to be there. And they had put out all the advertising, and there is a big thing, and I had committed to do it.

So I am sitting in Fredericksburg, Virginia, at a Starbucks, because I was just having to figure out, am I going to Charlottesville or am I going back to D.C., waiting for the powers that be to tell me when we were going to vote on a bill I knew I would vote no on, but the vote might be close. But I am not going to hand over my vote to someone else, and Keith knew this on the floor. And I said, Keith, well, can you let me know as soon as possible. Leadership team knew it, and they were trying to—hey, well, we might need you here for the vote.

And my point is just, I had a whole lot of proxy voting Members who didn't give a crap about where they were that day because they would hand off their vote to someone else. There was immense pressure on a lot of Members to say, well, you know, we are doing this tug of war about how we are going to run the place. And it makes it a lot easier to force votes Friday night at whatever, without having any advanced notice, if half the damn body is voting by proxy.

So I am sitting at a Starbucks and, finally, Keith gave me the green light, we are voting on some random bill that wasn't the actual transportation bill. And I was like, fine, I will skip it. My constituents will forgive me for knowing that I would have voted no on whatever that ridiculous vote was that we voted on that night. So that is the question.

And I would just say—I know I want to move on to other colleagues, but I just want to offer one more thought here is that what we do here is important. But I think sometimes we have a heightened sense of our own importance. There is 435 of us. There is 535, if we count the Senate. At the end of the day, this country is going to plod along, and we are all going to come and go, and we are all going to be pushing up daisies soon enough. We are just Members of Congress. And there is 330 million Americans. And we act like, oh, my gosh, this is the most important thing, and we got to be here all day long.

Put your vote in the record how you would have voted. And if it was that important of a vote, then give up whatever that thing is, sacrifice for the good of the country, and get your butt to Washington and vote. I mean, Ron Wright traveled across the country in the last weeks of his life, ravages of cancer, because he knew he couldn't get on the airplane, and it was brutal for him. But he got in a car and drove across the country. And I just think, when we think about what we are doing here—my son is back here and,

clearly, you know, for all of everything we are talking about. But my son is back here. Do you know how many things I miss? I miss them all the time. I mean, I heard the testimony earlier about giving birth and having family members—how many things have you sacrificed, right? But I do it for him. So when I miss the baseball game, when I miss school, when I miss the event, I am doing it for him, I am doing it for my daughter, I am doing it for my wife. When my wife is sitting at home dealing with the stuff she is dealing with. When the freezer is freezing, and the freeze comes in Texas, and the hot water heater is not working, and I am here. Right? Those things are all hard. But it is our job. It is our obligation. And if you can't do it, think about not running again. Think about resigning. Thinking about giving it to someone else.

There are 750,000 people in Texas 21. I ain't that important. I am just not. I mean, at the end of the day, our job is what is important. And I believe that the Constitution is strengthened, our Republic is stronger if we are here in person, and we are following the constitutional order. And if we want to change that, we should debate on an amendment, and we should vote on it.

And, with that, I will yield back.

[The statement of Mr. Roy follows:]

The CHAIRMAN. Thank you.

And I know Ms. Castor has to go. Let me just thank you for your testimony. And also, thank you for reminding us that—again, these are not either/or situations. Allowing for remote committee hearings doesn't mean every committee hearing has to be remote. You can meet like this but have somebody testify from across the world and be able to provide information. And I think most people have thought that—I have heard from Republicans and Democrats—have thought that was a useful thing. But thank you so much for your testimony.

I am now going to go to Representative Biggs.

**STATEMENT OF THE HON. ANDY BIGGS, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. BIGGS. Thank you, Chairman. Thanks for holding this hearing. I appreciate it. I think it is an important topic.

I noticed that the Ranking Member Cole mentioned more than once the culture of this body and the impact of proxy voting on the culture of this body. I agree with him. The culture has been impacted. And, you know, before I speak further, I just got to say this, I am reminded of Mo Udall, who was a longtime Congressman from the town I grew up in. And he used to say, Everything that needs to be said has been said, just not by everyone yet.

So I feel like I have got—I am going to be batting cleanup for when the bases have been cleared. So I am going to—I have got to make my—

Mr. PERLMUTTER. [Inaudible.]

Mr. BIGGS. Oh, Bost, didn't even see you there, pal.

Anyway, I just want to cover a number of these items quickly. They may be repetitive to you, but they are important to get out. I mean, I think what Mr. Roy just mentioned actually gets to a point I was going to make that there is a distinction, quite frankly, between the quorum and the proxy vote. And the deal is we have



decided we are going to count whoever proxies as part of our quorum. And the constitutional requirement seems to be very, very clear that physicality is necessary to constitute a quorum in order to conduct business.

And I am reminded of the very first—the very first Congress when it came together. They waited 30 days, 30 days before they could get an actual physical group of a majority into Congress to actually conduct business. And I was also reminded when the ranking—not the ranking, the majority leader was talking about he is kind of making a snarko about, you know, Zoom. You know, Franklin talking to Madison about Zooming in. That was kind of interesting, kind of funny. But the reality is it actually painted the picture exactly the opposite of the point he was trying to make, and that is this: If there was a time that proxy voting should have been authorized, it would have been when people literally had to travel for 2 and 3 weeks to get there and stay there and miss item after item of their home lives for months.

Why didn't they allow proxy voting then? Because it was so important to get together as a Congress, as someone defined Congress earlier today, where you actually meet, you actually have dialogue, you have conversation, you move together. I will give you an example. Just give you a couple of anecdotes here.

When I was first in, I won't get into the fact that the leadership took my bill away from me, it was my bill that passed. But what happened is, I negotiated it—I negotiated it with the Democrats. And so when that bill passed, it was—it was the substance of my bill, under somebody else's name, that I worked my tail off, and it was a bipartisan bill. That never would have happened if I couldn't have gone to talk to people. I talked to Mr. Perlmutter about that bill.

Mr. PERLMUTTER. I voted for your bill.

Mr. BIGGS. Yes, you did doggone it. And I appreciate it to this day, and so do Americans.

The point is we were able to get together and negotiate these things out, which is missing. I know contrary, you have created a warm relationship with Representative Timmons over Zoom. Imagine how warm it would be if you guys were sitting side by side and in person. I mean, that is a huge distinction. It deals with the culture of the body again.

And so—and then we move into this notion of the votes. I don't mind fifteen, five, two, two, two votes. Those are fantastic. We are still on the floor, we can still talk.

But you know what? I will give you an example of what happened just yesterday. I voted on the first bill, and I said, oh, I got this errand, I have to run off campus. I had time after I voted to go down, pick up my car, bring it up, park in front of this building, get out, go back up and have 10 more minutes to wait for the next bill. Then I voted, walked out to my car, drove across town, did my business, came back, had 15 minutes to wait. That is—I am not—Congress is not designed to be efficient, but that kind of takes it to the outer limits of inefficiency. And it also negates some of what we do in Congress.

And I have talked—I mean, everybody's talked about this. I will reiterate what Mr. Roy was talking about and what Mr. Gallagher

was talking about. This document that people have signed, even though I have never voted proxy, I never voted proxy, even though my name was omitted from the lawsuit, also over my objection. That happens from time to time. But the reality is, when I—when I read the rules again in preparation for this—and I think the chair was right. I think you guys did try to put some safeguards there. But this document is pretty clear. You are going to be talking about of—you are not there because of the COVID. And that hasn't happened. And I will give you an idea to understand it.

A study was done and released just a couple of weeks ago. You have individuals that have voted more than 400 times by proxy. More than 400 times. I will tell you, I was very surprised about this, because there is a friend of mine on the other side of the aisle and rarely here, rarely here. In fact, I think he has been here six times in his Congress, six times. And I thought, that person has voted by proxy more than anybody else. Had to. Three hundred times plus. Top five but not number one, because number one is over 400.

And I just—I am trying to understand how we sanction this. And I know that the chair is looking for ways, and he has mentioned Representative Escobar's—maybe you can find a medium—a middle ground. I don't know how you get to the middle ground because you have a quorum issue that I think we have violated the Constitution on. I think the Supreme Court punted on that, and they sent it back to us.

But I will just—I don't want to take too much more time, because I feel like I am saying so much, but I will just ask this last question. We are engaged in public service. Every one of us, every one of us gave up something to be here. We continue to give up something. And my question for you is, why are you trying to take the sacrifice out of public service? And this—and when the majority leader talks about it, his rationale was it is easier, technology is easier, and so we should implement it now. I would just suggest to you that does not, that does not, that is not the sound rationale necessary to eradicate 230 years of practice.

And so, with that, I will yield back.

[The statement of Mr. Biggs follows:]

The CHAIRMAN. Mr. Bost.

#### **STATEMENT OF THE HON. MIKE BOST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. BOST. Thank you, Mr. Chairman.

And I am—there are a few things that I may repeat, but I am going to go at a different angle because, you know, as the ranking member for the VA Committee, I am going to talk about some things that have happened in the VA Committee while doing this virtual thing.

And, you know, I am proud of being on the VA Committee. I am proud of the fact that I am an old jarhead marine, father and grandfather of a marine, and I take serious the work that we are doing. But we don't do our jobs well on the Veterans' Affairs Committee when we are doing it virtually. And let me give you an example of that.

You know, we have done our jobs but not well, in part, due to the limited virtual work. And let me tell you that the VA Committee has been stricter than many other committees. Where they went to a hybrid, we refused not to in our rules, by the majority. And we—it lasted for quite some time. And even at the point when we were voting on some very, very, very serious issues, vaccines were wide—were available, cases were down, but we still wouldn't return in the VA Committee. So, you know, that is the rules that each individual committee person or chairman can set.

But during one markup, we were spending tens of billions of additional taxpayer dollars, and some of our members, one, could not be heard, therefore, their vote didn't count or it interrupted the vote. Or some of them couldn't be seen on camera, but they could be heard, which interrupted the vote, by the rules. But yet we continued to—down this path for a very, very long time.

And I know that Chairman Takano had to leave. And these are all things he and I have discussed over and over and over again, and the complaints and concerns that we had.

Now, someone said in one of the additional talking points earlier of the carbon footprint that we are saving. Well, I don't know, have any of you noticed that a lot of the people are actually putting a pretty solid carbon footprint because they are doing it while driving around in their vehicles? Even so much so that, at one time, we had someone driving on a lake with their boat, to the point that the chairman—that that chairman at that time of the Transportation Committee actually said on record, Is he on a boat? Is he driving his boat? I don't think that actually helps the carbon footprint that much. I am sorry. I think that—you know, the concerns that I see there.

And let me also say this. It is really wild because there are three of us at this table that have never voted proxy, that until we were removed, stayed on the lawsuit. I have never voted proxy. I believe my constituents sent me here to vote for them, and I believe that. Now, you may disagree, but I believe that. I believe it is our job to be here.

I spent 20 years in the State legislature, 20 years. After I got here, I actually had a staffer from the State legislature that called me, and he goes, Hey, Mike, we were looking something over. Do you realize how many votes you missed in 20 years? Now, understand, I had children born, I had grandchildren born, I had—I said, no, how many? He said none. I said that is amazing, because I sure didn't know it.

But I have missed votes while I am here, since I have been here. Matter of fact, I had one opponent that actually brought up the fact that I had missed several votes, and I couldn't figure out why. The opponent felt pretty bad because I looked back, and it was actually the week that we buried my mother. So, you know, there are those times that you can't be here.

But I do agree with the fact that I don't think it is constitutional for us to cast these votes. We can have that debate, and we should have that debate, if we want to change it. But this being present—and then when we do the—when we did the vote first off to just be present, how is it that we can vote present by proxy? Isn't that kind of go wrong on the definition in the Webster Dictionary? I

think it kind of clashes. And there are some—there is some real problems with that.

And I know we have all talked about it here, and I don't want to belabor it, but it is time that we are to a point that we should go back to operating this House. I know there is new technology. That is fine. I have lived through the fact that, you know, when the State legislature—good heavens, I can remember we went supposedly paperless, and that is when we got laptops. And, of course, we still burn through just as much paper.

But there is a time that the Constitution and, truly, the history of this institution should be held up in the fact that this is what we have done. I know that it is a pandemic. I understand. And I know that technology wasn't around during the last pandemic, and they actually missed several months of not being able to get quorum. I understand that. But we do have a tradition of being here, even when our Capitol is under attack. It was done—when the Capitol was burning, they met down the street.

I think it is vitally important that we get back to really operating this House in a way that is traditional. And I believe that there has been a lot of problems that have been caused by doing this. And I appreciate the people who have had it. Remember, I was out 2 weeks ago, and I did what I could do, but I didn't vote.

Again, Chairman, I appreciate the opportunity to witness before you today, and I yield back.

[The statement of Mr. Bost follows:]

The CHAIRMAN. I appreciate you being here.

Let me again say for the record, I have never voted by proxy either. I wrote the rule—but I have been lucky, right? I didn't get COVID. If I had COVID, I would have voted by proxy because that is what it was there for. I think if one of my kids had COVID, I think that—and I don't know—and, again, I am going to the issue that Mr. Gallagher raised.

Look, I don't police every Member of Congress to find out are they really telling the truth or are they not? Those who have not been, we know about them, in large part because the press have recorded it. They have to deal with their constituents as to whether or not it was an appropriate use of that. But for me, I have followed the letter, every word of that. I have missed votes because I had to go to an event at the White House or I had to go to some other event, and I missed the vote because I thought that I had a special obligation—because this thing came out of this committee—to say that we are interpreting this the way it was intended.

So, the issue, obviously, is do we—for those who want to keep some form of it—do you find better ways of making sure that people cannot misuse it? Are there more checks and balances in place? Do you limit it to only certain things? I mean, that is a question that ought to be talked about.

In terms of the constitutionality, I am not a constitutional scholar, you are, so you can talk about that. But, a court case was filed, it went to the Supreme Court, and the Supreme Court did not come out on the side of those who said it was unconstitutional. But if you believe it is unconstitutional, if you believe it is unconstitutional—

Yeah.

Mr. ROY. They didn't grant cert.

The CHAIRMAN. Right, okay.

Mr. ROY. Different.

The CHAIRMAN. Well, I will let him—but if you believe it is unconstitutional, again, it is mind-boggling to me that you would utilize it. But in any event, that is obviously the case here.

And going back to what Ms. Castor talked about, about hybrid hearings or you being able to utilize technology in the hearing room, I think there is value to that. I know the majority leader mentioned President Zelenskyy, but you could have—I mean, you can conceivably have President Zelenskyy testify before the Foreign Affairs Committee or the Defense Committee from Ukraine remotely. I mean, that is a good thing—I think that is something we ought to think as something we want to preserve.

Obviously, as the public health emergency is moving in a direction that we all hope it continues to go in where we no longer have one, my hope is that more and more chairs will say we need—you got to meet in person. But I will say, I continue to believe that what we did at a very challenging time saved lives here, and it enabled us to operate and be able to move things that needed to be moved.

And as I said before, in 1918, they had to get everything done by unanimous consent. And let me say this, let me preface this by saying, I love everybody here, right? But getting unanimous consent is almost impossible. Getting unanimous consent to have a glass of water is almost impossible here. That is just the reality. I am not passing judgment, I am just saying it is the reality.

And so for us to be able to have responded to this pandemic the way we did, I think this was necessary. And so I continue to feel that this was the right thing to do. And I think the point of this hearing is to hear from people. And we have heard from everybody, from Mr. Perlmutter to those who want this totally done away with and everything in between. And what we need to do is figure out how do we proceed forward?

Yes, Mr. Roy.

Mr. ROY. Mr. Chairman, may I address the 1918 point real quick on—

The CHAIRMAN. Yeah.

Mr. ROY [continuing]. The unanimous consent? The other point to remember—and I feel the need to speak on behalf of my friend from Kentucky, Thomas Massie, who stood on the floor of the House, not pleased that we were going to proceed by using voice vote to move a \$2 trillion bill. And we can debate that. And understand the timing of it. But the Constitution requires one-fifth, right, in order to be able to have the numbers there to force the roll call vote.

So there is a mechanism by which the overwhelming majority can say, you know what, we will do this by voice. There is a mechanism to do that without consent. So you don't have to do it by consent. You can do it by voice. And you can say, look, unless you got a fifth of the body saying no, no, no, no, no, we dang well better be present; there is a mechanism for doing that. I just wanted to make sure the record reflected that.

Mr. PERLMUTTER. You had to be there, and everybody had to stand up at that point—

Mr. ROY. A fifth would have had to be present in order to do that.

Mr. PERLMUTTER. Right.

Mr. ROY. My point is just you can do that with a body. Otherwise, you can do it with voice if you don't have the fifth. I mean, you can do it by voice.

The CHAIRMAN. Yeah. I think it is not unreasonable, based on where we are and what we have seen, to believe that it would be very difficult for us to proceed without what we put in place. And I think that is just the reality. And I am glad we were able to proceed. I am glad we were able to get some stuff done.

But let me yield to my friend, Mr. Cole.

Mr. COLE. Thank you very much. I am going to have to leave. I am already late. But I want to make a few quick remarks.

The CHAIRMAN. You are not going to the St. Patrick's thing, are you?

Mr. COLE. No. I am going to one later tonight, though.

The CHAIRMAN. You can have my meal.

Mr. COLE. Anything in the middle of the—it would be a St. Patrick event in the evening. I promise you.

Mr. ROY. You can leave your proxy with me.

Mr. COLE. But, first, I want to begin, Mr. Chairman, by thanking you for the hearing. I think it is very important for the institution to have the hearing. I want to thank all our witnesses for I know you waited a long time in many cases to have an opportunity.

I want to congratulate my friend, Mr. Roy, on his son, because that is a pretty well-behaved young man to sit there that much time and listen to adults drone away. So good job, dad.

I do want to respond—I want to do this very respectfully to the majority leader. He did not have a chance to be here. So this is—you know, I don't usually like talking—or replying to somebody when they are not here, but there are a couple of things—several things he said that I wanted to just take, have a different perspective on, perhaps he doesn't, just make sure it gets in the record.

Mr. COLE. One, he talked about en blocs, and they are common around here, and they are. But pre-COVID, the way it was done was always by consent; in other words, we all agreed pretty much: We know these are going to pass so we are going to group them all together. And if the individual Member wanted to pull one out and have a vote on that, that Member could do that. That is not what we are doing now.

So the en bloc is not how it has been. We can debate the wisdom of it, but come on, we all know they are packed: This group is going to lose; this group is going to win. And if you like one in the group that is going to lose, you are not going to have a chance to maybe pull that across the line. So I think that is a big loss and something we ought to think about moving forward.

Second, he brought up, not particularly relevant to our deal, the infrastructure bill and made the point that all of us that voted against it did so because our party leaders voted—told us to. That is just not true. You know, number one, and this is really important for everybody in America to understand, that bill that the Sen-

ate wrote never came through committee over here. I mean, the own committee chairman of the Transportation and Infrastructure bill never had a chance to offer an amendment or shape the most important bill probably of his career. That was true for every single Member of the body, majority or minority had zero chance to impact that bill. So that is one reason to be against it.

And, number two, I will tell you, even in the Senate it did not go through the Public Works Committee, and so the people on that committee had nothing to do with it. It was all done by people honestly all of whom were not on the Public Works Committee.

So, you know, I seldom vote against bills because of what happens in the Senate. But, you know, process alone, I will tell you, the, quote/unquote, bipartisan infrastructure bill was the biggest surrender of institutional authority by this body that I have ever seen in 20 years. We just said: We don't have anything to do with it. We are taking whatever the Senate wants to do, won't go through our committee. Our Members, Democrat or Republican, majority or minority, they are not going to have anything to say about it. That is a pretty damn good reason to be against any bill no matter what.

Second, my friends chose the President of the United States to link it with Build Back Better. Nobody on my side was for Build Back Better, and when you put them together and said, "We are not moving this one until you move this one"—and with all due respect to my friends, a considerable number of your members were in that position too saying "I won't vote for this unless you vote for this even if you are against it"—that is what muddied the water and partisanized the bill even more.

And in terms of holding it up, let's be real, your Members held it up. We didn't hold it up. I mean, we don't have the ability to hold it up. Your Members squabbled for months on end over this process, and that is why we ended up without having what is normally a very bipartisan process. You know, normally infrastructure bills are bipartisan. But you guys made it partisan, and you got the kind of vote honestly that I think the bill deserved.

I mean, even some of your own Members—you know, you had to have the Republican votes to pass it because your own Members, there wasn't enough of your own Members, you wouldn't have been able to pass otherwise. And I have no quarrel with Members that voted for it, my side or your side. Zero quarrel. If that is what you thought you needed to do, fine by me, you got a vote.

And I would separate myself from anybody that called to remove any Member from a committee. That very many people did, quite frankly, and those Members, for the record, were all still on the same committees that they were on. So this mock outrage, my gosh, we are so afraid of what was going to happen to these 13 people, they are all there. Don't worry about it. And that was never going to happen on our side.

Finally, or two more quick points, I want to associate myself with something you said, Mr. Chairman. I agree with you, there is a big difference between witnesses testifying by Zoom and Members participating by Zoom, as my friend, Mr. Bost, and I have zero problem. I think that has opened up a new area for us, offers us the ability to bring people in to testify. I think that is something that

is really worth thinking about, and it probably has enriched the body, and that is one where, you know, maybe technology does make a good difference.

Last point I want to make is just about proxies. And I agree with you, I am not interested in policing other Members. I am really not. But I also agree with Mr. Gallagher. I mean, come on, when it is twice as likely on Monday and Friday as it is on the days in between, that tells you everything you need to know. No question this process has been abused in a bipartisan way. I don't single out either side for that.

And I think it hints at the challenges of maintaining it. None of us want to police our colleagues, you know. We don't like to do it. We don't like to sit in judgment and with good cause. But when you look at something and on the face of it, it is being abused every day by Members of both sides, it is just an easy habit to fall into.

So sometimes maybe we should just remove the temptation. I don't particularly like proxy voting. I am all for getting away with it. The Senate managed to function on its own without it. I think the majority leader made some good points about, you know, the challenges of somebody just not being there for a very good reason, like our friend Mr. Luján. That is worth considering. I don't agree with it. I think that just happens.

I am sort of where my colleagues that remain on the panel are. I just don't like the practice. I think it is bad, and I think it ultimately destroys—and you just deal with these problems when they occur. And Mr. Roy made a good point, you know, honestly, you know, none of us are usually that important. That is a pretty rare deal. And I noticed the Senate managed to get through it without ever proxy voting and managed to get through this whole process.

So, if we are one of the most productive Congresses in history, something I would probably not accept, but, you know, for the purpose here, they had to do their part too, because nothing happens around here without both bodies agreeing. And if they were that productive and they could do without proxies, then we should be productive and we should have been able to do it without proxies or certainly not going forward, certainly not in the current climate that we are in.

But last point, and I want to finish on a very positive note, again, we have this discussion today where we have got a robust exchange in where we have had views that are very different across the spectrum because you gave us the forum.

And my colleagues here, and I hate to say this as I am getting ready to walk out, thank you guys for being here all day. And those of you that are following us remotely, I appreciate that participation too, because, again, our members of our committee, Mr. Chairman, have continued to participate in a variety of ways, and they spend a lot of hours up here.

We have made you guys spend a lot of time here, and we apologize for that, but, you know, this is pretty routine in our committee. This is a very robust committee. It is a very well-run committee by the chairman, and I would like it if we are nine to four in the other direction. As a matter of fact, it is may too well run in that sense. There is never a defection on the other side, and there is never one on ours either.



But, again, thank you for hosting the debate, because we are going to be wrestling with these problems for a while. We have had very unusual circumstances that led us into this particular place that are worth talking about. They are worth thinking about. They are worth, you know, us wrestling with as a body as to what we should do going forward, because, again, I do see some limited cases where I would agree this technology can be useful.

I don't think I probably would ever come to the point that I think proxy voting is useful, but if those are the rules, I guarantee you I will play by the rules. And, if you make them the rules, I don't have any problem with somebody that says: Okay, I don't agree with the rules. There is a lot of things about campaign finance I don't agree with, but I play by the rules.

There is a lot of things, you know, procedurally in my committees I may or may not agree with, but if that is the procedure and these are the rules of the House, they have been voted by a majority of the House, I accept that, and I play by those rules. And then, if the majority changes, I hope the rules will change that reflect maybe something a little closer. But that is not abuse of the system, and I don't think that is doing anything wrong.

But, with that, again, thank you very much.

The CHAIRMAN. Thank you.

Mr. COLE. Thank you for allowing me to go on a little bit as a rant, particularly as I am getting up and leaving, which is not courteous, so I apologize to my colleagues on the panel. I particularly apologize to you, Mr. Chairman, and everybody else up here.

The CHAIRMAN. We appreciate it.

Mr. COLE. Thank you.

The CHAIRMAN. Thank you very much. Appreciate it. Thank you. Mr. Perlmutter.

Mr. PERLMUTTER. I am going to pass to Mr. Raskin because I have to go vote remotely in that room in Financial Services.

The CHAIRMAN. Mr. Raskin.

Mr. RASKIN. Mr. Chairman, thank you.

I wanted to first start by saying hello to Mr. Roy's son, who has demonstrated that the use of technology is perfectly consistent with the legislative process today, and we are delighted you are here.

I have got to agree with one point my friend, Mr. Roy, made, and then disagree with one point. The point I agree on is that the Supreme Court's denial of cert letting stand the lower court ruling, which is that this is a political question, doesn't decide it for us because all of us swear an oath to uphold and defend the Constitution against all enemies foreign and domestic and to interpret it the best we can.

So it is not just within the province of the judicial authority to interpret the meaning of the Constitution. I think all of us are called upon to do that, and that is why this is an important and fundamental conversation that we are having today.

However, I think that my friend from Texas kind of flippantly said, well, you know, if we didn't have telephones or computers when the Constitution was written then we update the Constitution to adjust to the technology. The Supreme Court, for one, has been very emphatic actually that the values and the principles of

the Constitution must be applied by us through the prism of new and existing technology.

And one Supreme Court decision that leaps to mind on that front is *Katz vs. United States* in 1967 on the interpretation of the Fourth Amendment. I see I got the attention of one of my former law students here, who is a distinguished staff member on the Republican side of the aisle.

But you will remember that *Katz vs. United States* was about whether the placement of telephone bugging devices by the government on a phone booth violated the Fourth Amendment reasonable—violated the Fourth Amendment. And the argument made by the government was, well, it couldn't violate the Fourth Amendment because telephones didn't exist when the Constitution was written and neither did telephone bugs, and therefore, how could it violate the Fourth Amendment.

And the Supreme Court said, it is the principle embodied in the Fourth Amendment that we must translate to the application of new technologies. And the principle there the court said in a 7-to-1 decision, I think it was Justice Stewart who wrote it, was that there is a reasonable expectation of privacy embodied in the Fourth Amendment, and we can determine what the reasonable expectation of privacy means in the context of the development of new technology.

So how does that apply to the question of legislative voting in Congress? Well, when the development of computerized voting took place in Congress, all kinds of cries were heard by people saying this violates the Constitution because it didn't exist when the first Congress met. James Madison used his voice. The ayes and the nays, it was said, requires a voice vote and not pushing a green button or a red button.

And one can see kind of the simplistic appeal of that argument. That is the way it was always done. But what really was the underlying constitutional value? It was the vindication of the voice of the Members representing the will of the people. And so even though it is true the first Congress didn't look up at the board to see green and red and even though it did alter the political dynamics, because in those days you had to hear, well, how does Mr. Roy vote or, before that, how does Mr. Biggs vote in alphabetical order.

But you know what, there is nothing in the Constitution compelling the use of alphabetical order, and the real issue was the vindication of the will of the people as transmitted through the effectuation of the vote of the Member. And so the computerized voting took place, and the proxy voting took place during COVID.

Now, I would argue that proxy voting actually effectuated the meaning of the Constitution all built into the first three words of the Constitution: We the people. Because the people's voice was enabled to be heard by virtue of the proxy voting that we developed.

Because, otherwise, we know that there would have been legitimately here—and I will get to the question of the illegitimate uses of it, which I think is the real question—but legitimately we would have lost hundreds or thousands of votes representing the will of the people. And so we actually vindicated the constitutional design and the will of the people by implementing proxy voting.

Now, so let me turn to that. And let me first say, I am pleased to hear a lot of consensus, I think, with the possible exception of Mr. Bost, that, on hearings, the use of Zoom technology and other such technologies was a very positive thing that we were able to actually incorporate the voices of a lot more Americans from all over the country, including the nonmainland, Hawaii and Alaska, and we were able to do that in a way that saved people money, that didn't require people to spend \$1,000 or \$2,000 to come to Washington. And it also had some positive environmental implications at least for, you know, those who believe that climate change is a problem.

All right. So, on the hearing side, I think that there is a very strong consensus that we have done the right thing, and this is something that we should enable in the future. So the real question comes down to proxy voting on the floor. Now, let me start with this, if anybody has got standing to complain about proxy voting, I think it is me, okay. I live closer to the Capitol than any other Member of Congress with the exception, I think, of the nonvoting Delegate from the District of Columbia, okay.

I have been the proxy voter, I have been the courier for hundreds and hundreds of proxies, and I will say this does qualitatively change the experience of the Member who has got to do it because it is like a second job. You are working all the time to make sure you are getting the proxy votes in, that you are scrupulously observing exactly what they have told you to do, and then you have to stand up, record all those votes, then you have got to go down and turn in the reds cards and the green cards and so on.

But you know what, I was proud to do it. I have been proud to do it, because those people would otherwise not have been able to vote. And their constituents, millions of constituents, would not have had their will embodied and representative in the votes that took place.

And you know what? I ended up using it just about 3 or 4 weeks ago because I came down with COVID. Now, I was in the shocking position suddenly of asking somebody else to carry a proxy for me. I think I missed only 2 days; maybe it was 3 days' worth of votes. I had a positive test. I didn't want to go in and infect anybody else, but I wanted my constituents to be heard, and I wanted to be heard on the things that were being done. So I think there the system worked.

I think that Mr. Gallagher has put his finger on the question we need to deal with, which is, have there been abuses of this system? And we are not an investigative committee. We don't need to go into all of this, but I think it is some people's sense that there has been some slipperiness at the beginning of the week, at the end of the week. Although I will say, 4 out of the 7 days of the week are the weekend or Mondays or Fridays, so you would expect that there would be more use of it during that majority of the week when, you know, more of the time would be lost.

But, setting that aside, let's say, I think we need to define very carefully what the principle is that we need to embody in our role. And, for me, and I appreciate the honest discussion about this, what I would say is that Members should be able to avail them-

selves of proxy voting if they have a compelling medical reason to do so or, I would say, a compelling family reason to do so.

And, on that point, I will just say, as you guys know, my family experienced a catastrophe with the loss of my son. And I would say, at the very least, for dealing with a death or very serious illness in the family, Members should be able to meet their constitutional duties of representing their constituents and also meet their family needs.

I think that that is a reasonable, legitimate, and compelling exercise of our power under Article I, section 5, to set the rules of our own proceedings. That is why the Supreme Court turned it over to us. That is why the courts stand back, because they say, under Article I, we have the power to define these rules.

So we are going through right now, this moment, precisely the exercise I think that the Constitution contemplates for us: Where do we draw these lines? And for me, I would want to say that people should have to attest that they are using the proxy procedure for a compelling personal, medical, or family reason.

And then, at that point, it is between that member and their constituents, and if they are lying about it, if they are out doing a fundraiser, if they are at a golf tournament or, you know, even if they are at a meeting at the White House, I am sorry, if you have to miss your legislative duties because of a meeting at the White House, you should be able to explain to your constituents why you were advancing the legislative agenda you were elected to come and serve, or you can explain it to the President, you have got to go vote. I think the President will understand.

So, to my mind, it is just a question, Mr. Chairman, of how do we develop a system that implements a principle which is that Members should be able to avail themselves of a proxy if they have a compelling medical reason or a compelling family reason. And I think that not only will all the Members of Congress understand that because of our common humanity and our common citizenship, but I think all of our constituents will be able to understand that, and let's develop a system that would make that work. And that is my basic sense of it.

Mr. Roy, I have invoked your name a couple times. I don't know if you have any response to my thoughts on it.

Mr. ROY. I have a couple of observations, and I appreciate you giving me the opportunity. Number one, with respect to the search-and-seizure comparison, I would argue that that is the point. I mean, we can disagree on what "presence" means, and we could have a long discussion about that, but search and seizure is search and seizure. I mean, the fact that—and I understand there was a debate there and there was, again, that opinion. But search—

Mr. RASKIN. They said it was physical. That is what was so interesting. They said it has got to be physical.

Mr. ROY. Fair, but at the end of the day, it is a question, but the principle was search and seizure. The principle was your ability to not have your conversations or your privacy invaded, et cetera. But, in this case, the principle is presence. And for me, if you go look—you know, the quorum, right, where they are saying attendance is compelled, right. Now, that is quorum. It is not specifically to the vote.

But the Constitution is littered with “presence,” with “seat,” with being here. And so we can debate whether it is a good thing or a bad thing. We debate the use of technology. We can debate whether we should be able to vote from Austin, Texas, and I go push a button there in a secure mechanism, whatever—let’s put aside the security question, which raises a whole other issue.

But let’s say you could do that by Zoom or otherwise, I think it would be a terrible idea. But I still think that violates presence, and that would be a debatable proposition, right. But I think when you make that kind of a change, that is a trajectory shift, in my opinion, when you are changing that in that kind of a direction.

The second thing I would point out, and I do want to—I want to say this very carefully and with extraordinary admiration, you were here last January, and I admired you immensely for it, even though there were heightened disagreements on the political realities of the impeachment debate, and we had numerous conversations about all of that. I admired you enormously for your fortitude of being present in this building in January of last year. And I think that was a testament to the strength of what this body is supposed to mean by our doing our jobs and being physically present, and I say that carefully and with enormous respect.

Mr. RASKIN. Sure, Mr. Biggs, did you want to add something?

And thank you, Mr. Roy, for that. I—well, it is a personal conversation. I am not—

Mr. ROY. I understand.

Mr. RASKIN. Yeah. I am not sure about the implications for that in all cases, but I appreciate your saying that.

Mr. ROY. Appreciate it.

The CHAIRMAN. Mr. Biggs.

Mr. BIGGS. Thank you, Mr. Raskin, for giving me just a moment. I think for me part of the problem is you focused on proxy voting. And I think where I am, and I think Mr. Roy probably is there too, that is very different than—you never get to the proxy voting question because you haven’t resolved the quorum question. And until you resolve the quorum question, I don’t think you can address the proxy voting question.

And I don’t think allowing people and just throwing it in a House resolution that, okay, we are going to deem you if you vote by proxy that you are physically present, I don’t think that gets to the question of the constitutionality of how we are now defining quorum. I think that is where the shift really is taking place in how you are defining quorum.

And once you have defined quorum and said, if were we to get there, and I think it is unconstitutional to say that a quorum consists of somebody who is not on site, not present, not meeting the myriad references to it or Article I, section 5, which says a minority of the body can send someone to compel you to attend—have I been off the whole time?

Mr. ROY. My staff said you weren’t on anyhow.

Mr. BIGGS. Okay. Let me start back over. I am just saying—

Mr. PERLMUTTER. That is why I came in here.

Mr. BIGGS. Thanks, Ed.

So you see what my point is you have moved into the secondary question before you have resolved the Article 1, section 5, presence

and quorum question. And I don't think that you can satisfy that by saying if you are not here and somebody else deems you to be here; I don't think that is constitutional.

And that is—I think that is a different question, but I think—I don't think you ever can get to the proxy voting question until you have resolved that question, and I don't think you can resolve that question in favor of a proxy presence for quorum.

Mr. RASKIN. Well, I think you are right. We have treated them as really the same question. You could bifurcate it and say—you could make the argument, perhaps you are making it, that, once you have established a physical quorum as traditionally understood, then you could have proxy voting at that point, or you could say you can't have proxy voting at that point.

But, you know, there is a history to this that predates COVID-19, which relates to, what if there's a violent attack on the Capitol? We have seen one as recently as perhaps right now, I don't know, or January 6, you know, last year. You know, are there alternative quorum rules, and there have been some that, you know, have been adopted, you know.

Yeah.

Mr. BIGGS. Yeah, thanks. I want to respond to that. A professor of law, David Forte, he has taken where you are going. I thought you might end up there. But his position would be you still have a major problem because of the parameters of the Constitution as it is set forth. If you want to change it, you would need to something akin to the 25th Amendment or something like that where you lay out a succession, emergency succession.

Mr. RASKIN. I gotcha. And, for me, it all comes back to Article I, section 5, that the Framers did endow Congress, each House of Congress itself with the power to write the rules unless it violates some extrinsic constitutional boundary. And that is like *Powell vs. McCormack* in 1969, where the Court said we are not going to admit a particular Member, and the Court said: Well, you can't do that because the constitutional qualifications are set forth specifically.

But I don't think we have got some kind of explicit constitutional boundary that, you know, that restrains us in that way. But I under—that is an honest disagreement.

Mr. BIGGS. Yeah, we can continue this debate. Thank you.

Mr. RASKIN. Yeah. And I yield back, Mr. Chairman.

The CHAIRMAN. Mr. Rescenthaler.

Mr. RESCENTHALER. Thank you, Mr. Chairman. And I was actually enjoying that debate. So I know we were talking about constitutional issues. I am going to talk about more practical implications.

But, before I do that, I want to, Mr. Chairman, ask for unanimous consent to enter in the record an article written by my good friend Matt Gaetz.

The CHAIRMAN. Without objection.

[The information follows:]

Mr. RESCENTHALER. Or unanimous consent to enter that in the record. Thanks. I appreciate it.

The CHAIRMAN. Yeah, whatever you want.

Mr. RESCENTHALER. And I will reference that.

Mr. ROY. Can I object to that? Because I think Matt disagrees with me on this point, but anyway, okay.

Mr. RESCENTHALER. Well, Mr. Roy, we are going to talk about this, so I will get to that.

But, before I do that, I would also, Mr. Chairman, ask unanimous consent to enter the testimony of my other good friend Mr. William Timmons. He wasn't able to be here, but interesting take on how in-person meeting could actually increase civility, so, without objection, I would like to enter that.

The CHAIRMAN. Without objection.

[The information follows:]

Mr. RESCENTHALER. Thanks.

So, getting back to the article by Mr. Gaetz, basically to over summarize this, to basically distill it down, he basically says it is not good for legislators to be here in Washington, D.C., lots of reason for that. The practical implications of proxy voting would lead to what Mr. Gaetz is advocating for, and that is for us never to come to Washington, D.C.

And I remember a few years ago, you know, I am a big fan, Ben Shapiro said: Why do we even send Representatives to D.C.? Why don't we just vote from the district? And there is an inclination by people to jump to that default position. There are serious implications to us not being here. And I tell my constituents all the time, I say: Look, if I am not in Washington, D.C., you are not represented in Washington, D.C., like your voice is not heard here.

And it is just more than voting, because it is the face-to-face interactions. It is the advocacy in committee, in our conferences, et cetera. We have got to be here to effectively push legislation. And if we are not here, I have a big fear that all the power that the rank and file has will just gravitate to the leadership because leadership is here.

Mr. Roy, do you have any thoughts on that practical implication?

Mr. ROY. Yeah, I do. And, in fact, Matt or Mr. Gaetz and I have, you know, debated this quite a bit on the House floor and just in general. And I appreciate where he is coming from, right. I mean, I am fairly well known as a limited government conservative. I would just as soon we meet, you know, once a year for like 2 days and, you know, pass a balanced budget and get out of town and stop messing up America, right. That is my general world view about these things. And I don't say it flippantly, but I mean it is my general philosophical persuasion on it.

But I also think—take very seriously the importance of our being here when we are conducting business. And we conduct more business than I would prefer we do, and we are engaged in a whole lot of things I wish we weren't, but we are. And I would think we need to be here and debate them, and I think we need to look at each other face to face. And I think that it is kind of flippant to say: Well, let's just stay back in our districts and vote.

And I think it would totally shift power even further to a very small handful.

I mean, again, since I think May of 2016—and I have said this on the floor; I think it is correct—we haven't been able to offer an amendment on the floor in open debate, and that is both leadership and control. And that is, I think, bad. I think that is bad for the

institution. I think this is breaking down the ability for 435 Representatives to come here and have engagement and debate.

And one last point on that, I would rather that we come in the beginning of a Congress and not leave for a while, much like a State legislative session, and sit here and do the core business of passing the budget and appropriations I prefer to a smaller amount and balanced amount, and then get—and then do whatever you are going to do and then space some time out. Go back home for a while. Then come back and do some oversight and offer some bills.

But I would rather just come here for 3 or 4 months and let's do our job. We come in Monday. We have a fly-in vote. We have a couple of random rule votes for a couple of days. I don't even know what they are going to be half the time. And then we fly out Thursday night, and then we rinse and repeat. That is not, in my opinion, a very effective way for us to conduct business. Again, that is a bipartisan critique.

The CHAIRMAN. Would the gentleman yield to me?

Mr. RESCHENTHALER. Absolutely, Mr. Chairman.

The CHAIRMAN. I think I speak for all of us on this side. None of us associate ourselves with Mr. Gaetz'—

Mr. RESCHENTHALER. I find that totally shocking, Mr. Chairman, but noted.

Mr. Biggs, you wanted to comment?

Mr. BIGGS. Yeah. Just, I will say that a lot of what you have heard from people who want to be here in person, it is lets—it allows us to cross the aisle and have bipartisan discussion. And that is true, but it also allows you to have intraparty discussions that are missing, quite frankly. And so, once we got back into person, you know, Judiciary Republicans, we can get together, same with OGR, whatever committee you are on you can get together, you could—and that makes just as much difference as me sitting 5 feet from you intraparty as anything.

So I just think that if we are going to just basically get to Matt's point of view, Gaetz' point of view—which by the way, I actually had a constituent tell me when I was first running, he said: I will vote for you if you ever get a chance to never go back to D.C. and just vote out here and never go back to D.C.

I said: Well, I will consider that.

But the reality is I think we need to be here because this is a collaborative process.

Mr. RESCHENTHALER. Right, I couldn't agree more. And that, frankly—and, again, I have a lot of respect for Mr. Gaetz. We are friends. But that is the problem with proxy voting is that it leads to the extreme argument that we should just stay home and vote via proxy. And, again, all the power would gravitate toward leadership into and to an even larger extent the unelected bureaucracy and in the executive branch, because we are not doing oversight at that point if we are not here. But I am belaboring point.

The other issue that it brings is that, within the conference, I know we were talking about bipartisanship, but within the Republican Conference and the Democratic Caucus, you would have a gravity shift to the larger delegations. What I mean by that: If you can't build relationships with people from various States, then what you would have is you would have all the leadership elections



determined by, in our case, it would be Texas or Florida, and/or Florida, and on the Democratic side, it would be basically California and New York, because you would just vote as a delegation.

So someone from a small—I am from the fifth largest State in population, but somebody from a small State would have zero shot of working his way—his or her way through leadership, and certainly they would not be well represented——

Mr. RASKIN. Like Steny Hoyer, for example.

Mr. RESCHENTHALER. What is that, Mr. Raskin?

Mr. RASKIN. Like Steny Hoyer, for example.

Mr. RESCHENTHALER. Yes, exactly. Exactly. Thanks, Mr. Raskin.

Do you have any thoughts on that and just the shift toward the larger States?

Mr. BIGGS. I think—oh, now I am on. I think you are exactly right. And I think it would—not only would you see the power go to those States, which are already there—I mean, we have got California in the top two spots anyway, but you would see it filter on down, I think.

I don't know how the Democrats choose their chairmen and chairwomen, but I think you would see it filter down. And I think that you are right on the first point you made in your first question is that it would also arrogate power to the center or the leadership, so that would be a concern.

Mr. ROY. Yeah, I agree. I don't have too much more to add. I mean, I don't think I have a whole lot of, you know, likelihood of moving up the leadership ranks regardless of whether it is through the Texas delegation channel or whether it is through the model you just described.

Mr. BIGGS. You never know.

Mr. ROY. But what I would say is, I do think it changes the power balance. Like, I mean, again, getting back to the core question here, physical presence matters. We all get that. I mean, I appreciate—and I haven't opined much on the hearings, but there is a distinction between Members being present for hearings and markups versus witnesses being able to avail themselves of technology. I think that is a distinction.

I think physical presence matters, not just because I see it through a constitutional lens, but because human interaction matters, being able to, you know—it is why texting is terrible. It is why social media is largely garbage. It is just that you break down that human interaction that I think is necessary for us to try to truly strengthen the Republic. And I think this is one of those consequences.

Mr. RESCHENTHALER. Thanks.

Mr. Ranking Member Bost, I have not ignored you. I have a whole line of questions for you, and I will be brief with it.

Mr. BOST. I am not offended.

Mr. RESCHENTHALER. Well, I am glad you are not offended.

Ranking Member Bost, would you like to talk about how remote proceedings have impacted your committee?

Mr. BOST. Yeah. And you know what? Some of the speakers that spoke about the importance of actually giving someone the opportunity to give witness, and to your example, the President of Ukraine, great.

But when we are going into a voting situation and technology is what it is, you have breakdown in the communication, you have a breakdown in the vote, you have rules that have been set forth but I have to, as my side of the aisle, remind them that the person is not present, there is not a good connection, trying—and then you are interrupting votes and you are doing all of this.

And, quite often, it is even worse than the proxy, in the fact that you don't have to sign a paper to say, "I am staying home and doing this because —." You are just doing it because. And that breaks down that ability.

And also—and we don't want to take away the power of the chair of each committee to make the decisions on their own, but there needs to be a standard set that decides when it is that we need to meet in person, when we need to have a hybrid, when we need—as things start to slide away from the initial reason why we did it, and that was this pandemic.

By moving in the way that we have, we have some committees that do this and some committees that do that, and it is the call of the chair. And because of that, Members become frustrated, on both sides of the aisle. And I just see a lot of problems and particularly with our committee with what we have tried to get back.

Mr. ROY. Can I just add one point to that?

Mr. RESCHENTHALER. Yes.

Mr. ROY. Which is, how many of us have had the situation where you have competing hearings, and, you know, especially in the height of all of this when it was happening? We are not forced to make the tough choices of deciding where I am physically going to be present.

And so then you have people that have—you have two iPads up, and you are listening to one and you are only kind of half-listening, so you can go over and get a vote in on the other, because now it is sort of assumed that you are present for the hearing—

Mr. BOST. Even though the rules say you can't do that.

Mr. ROY. Right. But that is what—but people would do that.

Mr. Bost. They would do that. I know.

Mr. Roy. And you would see—and then the expectation—it goes back to that example of me sitting in Fredericksburg, where I am trying to figure out what to do.

But yet there are Members that are going to vote; they are sitting at home doing whatever, or they are—and I don't mean to impugn any Members. But I am just saying—

Mr. BOST. Writing a book.

Mr. ROY [continuing]. It is a lot easier if you are just saying, "Okay, I am out, I am going to do my thing, but I will just chime in and vote," as opposed to, "I am going to physically be there and give up X in order to be there and vote."

And we are all here by choice, right? You guys didn't call me in as a witness. I am here because I think this is an important topic. And I have blown three meetings already. I have just blown through—and I am missing good brisket right now with the Texas lunch. But—anyway.

Mr. RESCHENTHALER. I hate to stand in the way between you and brisket, so, just briefly, I want to hit on en bloc, because Ranking Member Cole had mentioned it.

Ranking Member Bost, I saw that you lit up at that point. Would you like to talk about how it has affected bills coming out of your committee in particular?

Mr. BOST. Other than the fact that I would just agree with the previous speaker that en bloc—en bloc is something that we have done. It is done in other ways. But now, with this, it even confuses that more. You don't have, really, the chance to remove things from en bloc like we did whenever I first got here. We should have that.

And whoever is in the majority and they have the power, it is going to move. But at least have the ability to remove things that might be detrimental to those—no matter what side you are on.

Mr. RESCHENTHALER. Chairman Biggs.

Mr. Biggs. So I offer this solely because I am a contrarian in this sense. I don't think we should ever do an en bloc. I think we should have a recorded vote on every bill, every amendment. And the reason is because I think it is our responsibility to let the American people know what you are voting for and who is voting for it.

I mean, the first rule change that I got to vote on in our conference, before I had even been sworn in, was whether we were going to go to a recorded vote on everything, no suspensions, a recorded vote. And when they came up and said, how are you going to vote on that? I said, you mean we don't have a recorded vote on everything? I was stunned. And I remain stunned by that.

And, quite frankly, I think my constituency is—every time I mention that, they are baffled by it. And they want to know what we are doing, and they want to know what every bill is, and they want to see how I am voting on every bill. And I think that is really what this place is missing sorely, if you want to get trust back from the public.

Mr. RESCHENTHALER. Thanks.

And thank you for the generosity in time, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you.

Before I yield to Mr. Perlmutter, let me just say, I think we all agree that presence is important, whether in committee hearings or on the floor. The question is, are there exceptions? You know, are there cases that should be considered in a way that, you know, where somebody could vote remotely? And I think that is kind of what we are trying to figure out here.

But, no, I think in-person meetings and hearings and activity on the floor is very, very constructive and very, very productive and enables us to get things done. So I don't think that that is the question.

The only thing that has been bothering me, Mr. Roy, is something you said. You were in Fredericksburg at a Starbucks, not Dunkin' Donuts? Because Dunkin' Donuts is the coffee of Massachusetts.

And Mr. Reschenthaler, you know, only drinks Polar Seltzer, which is a Massachusetts product.

But, anyway, I always bristle when I hear that.

Anyway, Mr. Perlmutter.

Mr. PERLMUTTER. Thanks. Just a couple points.

First, I think we should—and we have started sort of distilling this thing. I think we can break this down. You know, what do we

do on the floor? Is proxy available? Could we actually do remote voting on the floor, or do you always have to be there? Okay. Second, what do we do in committee? Can you have remote voting? Do you have to be present? Can witnesses be remote? So, one, you have the floor; second, you have committee.

Then, I think Mr. Hoyer did a great job in his testimony talking about, sort of, the electronic upgrades of—do we have to actually hand—you know, even traditionally—and we have always done it—you put the thing in the hopper. Can't you do that electronically?

You know, in the courtroom, you always had to go deliver it by hand to the clerk of the court, but you don't have to do that anymore. But that was tradition. So do we allow technology to really take its place, or does that damage what we do here? And I don't think it does damage, but that is where this debate comes in.

And then lastly would be, kind of, the witnesses. What do we do with witnesses, primarily, obviously, in committee?

But I think we can kind of segment this. Me, I am going to be very laissez-faire about the whole thing, I mean, obviously. I don't think that Mr. McGovern needs to police me as to whether I should have stayed home or not and voted from my house or voted from wherever. You know, that is the people; they are the ones that police me. And I don't want to disenfranchise them.

So that is where I am coming from. And, you know, quite frankly—and I appreciate, sort of, the comments about sacrifice and all that jazz. You know, I was here a year ago November. I caught COVID over Thanksgiving you know, I was here. Got it on Veterans Day. Had to stay here by myself. I was told, "Get off the campus."

My stepson had caught it. They found it when he was going back to work in New York. My wife calls me and says, "You better go get checked." I said, "I am fine." "No, go get checked."

I get checked, you know, downstairs. They call a few hours later—I am in Longworth—and they say, "You have COVID." I said, "That is"—unrepeatable here. I said, "I don't have COVID." They said, "Get off the campus." They said, "Get off the campus now. You cannot remain here."

And I said, "Okay, I will go to my apartment. Can I go home?" "No. You will quarantine in your apartment here for 10 days," when I used proxy to be able to vote on a couple matters that we had come up before Thanksgiving.

So it was that—it wasn't that I hadn't sacrificed, Mr. Roy. I was here. But I couldn't be here. But the fact that we had a mechanism in place that took into consideration both proxy and technology, I could represent my people. They didn't lose their vote. They didn't lose their voice.

So I think this is—I guess I would—one thing you had suggested, Mr. Roy—and I appreciate this—is, you know—because we are trying in the Modernization Committee to figure out a better way to schedule things. You know, I have three committees going right now, you know.

And how do young families operate? It is not, you know, that we are masochists here. "Let's make it as hard for us as possible." That is silliness to me. You know, voting on every single amendment that may be agreed to, I think that is, you know—and I think

you overstated your case a little bit there. I mean, I could understand the rest, but that, sort of, I don't get.

But I remember one of the things that changed the dynamics in this place was back in 1994, not that I was here, but just reading the history. And, at that time, Representative Gingrich said about Democrats, "They have gone Washington. They are in Washington too much." And, you know, to the point that Mr. Gaetz is trying to make, nobody should go to Washington, because potentially you change.

And I think that that—because we are not here on weekends; we are not here to socialize—I think it did have an effect on how this place operates, just from my view of history.

So, as much as I might agree with you on "let's come in here and stay a block a time and just get stuff done," we are all going to be subject to this "going Washington." I would, in the campaign, say it about you; you would say it about me.

I do think it probably hurt the ability to collaborate, you know? Because where the friendships really develop are in passing, at dinner, you know, doing sports together, family outings together. Then you can't demonize the other person. And that is what you all are talking about, and I agree. The presence, it is harder to demonize somebody.

The last thing I want to say is, I have just started thinking about Paul Bunyan, okay, and the steam engine. You know, Paul and Babe, you know, they are out there, they are chopping everything down, they can do it, and then this steam engine comes along. "Well, I can beat that steam engine, and I will show you how strong and how tough I am" and all that stuff. Well, the steam engine seemed to work, and it beat poor Paul Bunyan. And for us to deny the technology—

Mrs. FISCHBACH. No, it didn't.

Mr. PERLMUTTER. Well, in the Disney movie it did, by a quarter of an inch, 240 feet.

Mrs. FISCHBACH. From my district, no.

Mr. PERLMUTTER. But I just want to say, we can't deny technology that—and it may be that we aren't able to conduct business the way—by using technology, we can't conduct business. But I don't think we should deny the technology just because it makes our lives a little bit easier, that working—you know, that mom. You know, Linda Sanchez's testimony was just, I think, spot-on, you know?

So, for me, I would open this up wide, and I wouldn't have any limitations. And the chairman and I have disagreed on this; Mr. Raskin and I; Mr. Reschenthaler and I. I am, like, just totally laissez-faire on this. Either we don't do any of it or we just open it up and let the people police whether I have been a good Representative or not, whether I have been their voice or not.

With that, I will yield back to the chair.

The CHAIRMAN. Mrs. Fischbach.

Mrs. FISCHBACH. Thank you, Mr. Chair.

And Disney might have had it wrong. I don't know, but—you know. There is a big statue in my district that says that—

Mr. PERLMUTTER. Of Paul Bunyan?

Mrs. FISCHBACH. Of Bunyan and Babe the Blue Ox.

Mr. PERLMUTTER. I guess I am sorry I brought him up.

Mrs. FISCHBACH. I am just teasing you. And, you know, I have seen the Disney movie too. So I didn't mean to digress on that.

But, Mr. Chair, before I start, I wanted to ask unanimous consent to enter into the record a letter from Rick Allen and an additional letter from Mr. McCaul.

The CHAIRMAN. Without objection.

[The information follows:]

Mrs. FISCHBACH. Thank you, Mr. Chair.

You know, I will have to say that I was very disappointed that Mr. Hoyer couldn't stay—he gave his testimony—and so we are unable to have to discussion and ask him questions. And, you know, we have had many, many of our witnesses today stay a very long time and answer a lot of questions, and so it is disappointing that Mr. Hoyer did not.

The CHAIRMAN. You could have objected.

Mrs. FISCHBACH. You know what? I should have, now that I think about it.

Mr. PERLMUTTER. In Mr. Hoyer's defense, he sat here for an hour before he was allowed to testify, so—

Mrs. FISCHBACH. And, Mr. Chair, I understand that, and many of our other witnesses did too, so—and I do appreciate all the effort.

But he did say a couple of things—Mr. Hoyer said a couple of things, and he had said that, you know, the proxy voting and some of the remote things had nothing to do with the partisanship. And you know what? Maybe, but it certainly didn't help. It does not help, when we don't have that person-to-person kind of interaction.

And, you know, we are talking about Zooms, we are talking about those—but you know what? You miss that “I can see your eyes,” you know, “I can see the look on your face.” There is a lot missing when you don't have that interaction.

And this is a collaborative business. This is something—you know, I think Mr. Cole told the story about how, you know, after he had withdrawn an amendment, he walked over and talked to another Member about it and explained it a little better. That kind of thing doesn't happen on Zoom.

And, you know, I have talked a little bit, earlier on, about being a freshman. And you know what? As a freshman, you really miss that, because you don't have those established relationships. I don't have everybody's cell phone. I don't have someone, you know, I can pick up the phone, even if you are on a Zoom, and call them about something.

And so I don't think it helps. I think—and I can't remember who—was it Mr. Perlmutter who said it is easier to demonize—or Mr. Raskin, I can't remember—it is easier to demonize them when you are not there. And I think that is very obvious. And I think that is much—that, I think, really, really adds to the partisanship. You are not there. You are not, you know, there with them, and so it is easier, much easier.

I do think that Mr. Perlmutter was absolutely right when he talked about being in segments. Are we going to be allowing it in committee? Are we going—you know, because proxy voting, I believe, is probably the most egregious. And then how are you going

to deal with, can you accept testimony? So I appreciate that you mentioned that.

You know, someone used the example of the Zelenskyy presentation Zoom meeting that we had the other day. And I think that really had nothing to do with—that is just one of the wonderful things about technology. Yes, we can accept his speech by technology. It doesn't have anything to do with proxy voting or how we run a committee. We were able to hear from him remotely, and I think that is just simply an advantage we had from technology.

But, you know, I have to just kind of reiterate the fact that, you know, the relationships that I have seen, you know, around the table—I believe it was Mr. Cole and Mr. Hoyer talked about what good friends they were—those were established because they were here, not because they saw each other on Zoom. They were established because they were able to meet with one another, talk to one another, shake hands in the morning, whatever the case may be. And I think that is what we are getting away from.

And, you know, technology is a wonderful excuse, but we need to be here. We need to be here to talk to one another, to collaborate, to do the best we can for our constituents and for the country.

And so I just have real strong concerns about moving to that direction. You know, as someone talks about just voting from our district—well, that is just—how do you offer an amendment if we are just voting—then we might as well just say everybody—you know, we will just put it all on the internet and everybody—and I know that there are some that might advocate for that, but just, you know, eliminate representation and just have everybody vote up or down on every bill. You know, the whole country, everybody gets a vote.

And, like I said, some will advocate for that, but I think it becomes more and more difficult to be more bipartisan, to get things done, when we are not here, we are not here casting our vote for the people that we represent.

And I would just like to ask either Mr. Biggs or Mr. Roy if they have anything they would like to add.

Mr. ROY. I will just add, number one, because I haven't stated affirmatively how much I appreciate the Republican leader leading litigation to make this point. I think it was important. It didn't come out the way I wanted it to, in terms of the Supreme Court granting cert, but it was important for the leader to lead that lawsuit, and I want to thank him for that.

And to the point just raised, I mean, at the end of the day, for me, this is—we have all said here, we agree, you know, human interaction matters, it is better, and so forth. I just think that, fundamentally, this breaks down the institution, if we go down this road. I have already established what I think in terms of the constitutional question. And we have talked ad nauseam about, I think, all of these points.

But we want to bring to summation: We are going to undermine the whole idea of a republican form of government and sending Representatives to represent people and engage in the kind of discourse, debate that we are supposed to do, in my opinion, if you start breaking that down.

I respect immensely, I think, the intellectual consistency of saying, well, kind of, either A or B and not trying to split the baby on this. But I think that there is a danger in opening that up wide, as the gentleman would do, in which, you know, kind of, let your constituents decide. Yeah, they will decide, but, in the process, you have empowered a handful to make decisions.

And I would actually disagree about getting things done. I think lots would get done. I just think it will get done a very few number—a very few, powerful group of people with very little engagement by the whole body. And that, I think, would be ultimately the worst outcome, if you go down that road.

Mr. BIGGS. I just want to just address what Mr. Perlmutter was talking about, segmentation.

I think we get back to the point that I am trying to make, maybe rather inarticulately, but that you have to deal with the quorum question as a constitutional question first. And then, once you have done that, then you can take it in segments if you will.

But I just don't see how you can get to proxy voting and have that count as being in absentia and also being present for a quorum. And that is what we are doing when we are conflating proxy voting with a quorum. And, thus, I think that that is why proxy voting—that is one reason that proxy voting just seems incongruous with the constitutional Republic that we are today.

Thank you. Thanks.

Mrs. FISCHBACH. Thank you, Mr. Chair, and I yield back.

The CHAIRMAN. Thank you.

And I want to ask unanimous consent to insert in the Record statements from Representatives Plaskett, Velazquez, Waters, Johnson, Grijalva, Porter, and Ross.

Without objection.

[The information follows:]

The CHAIRMAN. Before I see if anyone else has any questions here, I just want to make the point, we—first of all, let's not pretend that COVID never happened. I mean, what brought this about was COVID, this terrible pandemic where people died. We didn't know how to handle it at the beginning, and we reacted in a way basically to protect Members and staff and everybody who works up here, the Capitol Police.

And like a lot of things that were put into place in a whole variety of areas as a result of the pandemic, I think it is appropriate to kind of go back and say, okay, is any of this worth continuing? And if so, what? And if not, why not? I mean, that is what this discussion is about.

And I just have to say—and, again, present company excluded—and I could exclude myself, because I have never voted by proxy. But when people start talking about how this has been an egregious, you know, breach, I just want to state for the record that 60 percent of Republicans have voted by proxy, including members of this committee.

So this idea that somehow this is a terrible constitutional breach, that it is egregious, and then, you know, “but don't pay attention to what I have done.”

And I appreciate your consistency. I mean, I have missed votes—



Mr. BIGGS. Same here.

The CHAIRMAN [continuing]. As a result. I went to the White House when the President announced his relaunch of the Moonshot to combat cancer in this country, and I wanted to go. And people were saying, "Oh, you have to vote? You should vote by proxy." No, because it is not COVID-related. I mean, if I had COVID or if my kids had COVID or whatever, then there is a justification, in my view.

But every Member has to make their own decision, right? Every Member has to decide whether or not this is the appropriate thing to do. I know you haven't. I haven't.

But I just want to put this in context, because I don't want this to be viewed as the only people who utilized proxy voting were Democrats. That is just not the case.

Mr. BIGGS. Mr. Chairman.

Mr. ROY. Well, Mr. Chairman, may I just say one thing on that?

The CHAIRMAN. I will go to him and then to you.

Mr. ROY. And I know we want to wrap up, and I don't want to belabor it.

I appreciate your consistency on that, and I appreciate you having this hearing. And I would not defend any of my colleagues, either side of the aisle, who have questioned constitutionality or raised issues with this and then decided to go ahead and do it, particularly for reasons that are not COVID-related or might be for, I think, some dubious reasons, both sides of the aisle.

The CHAIRMAN. No, I—

The CHAIRMAN. Yeah, I—

Mr. ROY. The only point I want to reiterate is the point—the example I made with my Fredericksburg example going to UVA, but that is true for everybody. Once you go down—this is important for this discussion. Once you go down the road, then it becomes easier to play games with the legislative schedule. It becomes easier to, say, force a late night vote, that if everyone who is voting by proxy, they are not worried about it because they are hanging out at home or they are wherever they are. And then there are people going, well, I am hosed. And then they have to decide, well, what am I going to do?

And so some kind of flipped their position because this is now the rules of the game. Once you have changed the rules of the game—now, I would argue it is unconstitutional, so I am not going to change the rules. But there is some that were just like, well, God, I am beaten down, I am going to miss this vote, so I am going to go ahead vote that way. I just think there is—

The CHAIRMAN. Yeah. And I guess the other point—and I will yield to Mr. Reschenthaler—is we are also—the vast majority of people are back. I have spent more time in this committee in the last couple of weeks with this wonderful family than I did with my own family. And when I go to the floor to vote, there is a ton of people, Democrats and Republicans, voting. Yeah, there are some people voting by proxy. But this notion that somehow we are not back, we are not coming back, and we now—I have seen the latest reports about how the whole complex is going to be more opened up.

But it is not like there is nobody here. The overwhelming majority of people are back and are voting, are debating on the floor. And I can't speak for other committees. I can only speak for this committee, you know, but we are meeting in person. And I am grateful for that most of the time.

But, anyway, Mr. Rescenthaler.

Mr. RESCENTHALER. Thanks, Mr. Chairman. Just briefly, to preserve the record and also for intellectual honesty, look, again, I am one of the people that voted proxy—

The CHAIRMAN. Oh, did you?

Mr. RESCENTHALER [continuing]. Which goes against it. Yes, I did it a few times. But I am still—I still preserve the right to oppose the rule on proxy voting, because once the rules are changed, we got to play by those rules. And if we don't, there is a huge advantage to the majority—well, in this case, the majority.

But—so, for example, if we were not proxy voting, and we could not make it, we would likely give up a 10 percent advantage to the Democratic Party, because at any given time, roughly 10 percent of us are not here. With margins this thin, we should still be engaged in proxy voting, because if we don't, we negate any advantage we have.

But I am going to belabor the point. I will yield back, but I just want to preserve that point.

The CHAIRMAN. No. And I guess you made the point that winning is more important than constitutionality. I mean, if we could have followed that—I am just saying, what I said before about—you know, again, consistency is one thing. I mean, you have said it, you believe it is unconstitutional, and you have not utilized it. There are others who have said it is unconstitutional and have utilized it.

I do think, for me, if I thought something was unconstitutional, I wouldn't do it. I—and everybody has their own comfort level here. But just for me, if I thought this was unconstitutional, I would never utilize it. I haven't utilized it because I haven't had COVID or I haven't had family members who have come down with COVID where it might make me a risk to all of you. But I am just talking about, you know, when we talk about this being egregious and people utilize it, I think, for me, it is a little bit of a disconnect.

Yeah.

Mr. BIGGS. Well, I appreciate that you see it as a disconnect. And for me, I am very—I think I have been very consistent.

The CHAIRMAN. I—

Mr. BIGGS. I missed maybe three votes because of not wanting to vote proxy. But never forget that the majority implemented that rule. And what happened is, as this developed on, there are people who have sincerely held views that this is unconstitutional.

The CHAIRMAN. And I am not disputing that.

Mr. BIGGS. Yeah. But my point is, I don't think that we should disparage somebody's motivations.

The CHAIRMAN. Yeah.

Mr. BIGGS. And that is exactly what I think is happening. And that is all I am saying.

The CHAIRMAN. No. And I would just say one other thing too, just for the record, because I think it is important to get this on

the record. When we debated this, I have a list of Republican Members a mile long who came to me and said you got to do this. We can't be with you, but you got to do this. And I will—I remain firm in the belief that what we did, I think, save lives here and allowed us to continue our work. That is where I come from on this. And so that is my principle on this.

So, Mr. Perlmutter.

Mr. PERLMUTTER. Just a couple of points. You know, I think to Mr. Reschenthaler, to Mr. Biggs, Roy, I think you are right, I think obviously the proxy benefits the majority. The majority is making the rules. And it benefits leadership. I don't think there is any disagreement there. Now, you know, how does that play out when we make a vote on the rules? You know, if you guys are in charge sometime, you may say, you know what, we want to do proxies. It depends.

Now, on the constitutionality, just for the record, I got to say, having been part of, you know, drafting this rule and all that stuff, the fact that we do have to be here present at the beginning of the session, you know, which, you know, a year ago was chaotic and scary, but we had to be here, that is when you—that is when you set down the rules. And, ultimately, we had to be here again when we changed this rule.

There is a quorum at that point. There is no issue about that. And we, in my opinion, and I think the Supreme Court would agree, I think that is why they didn't grant cert, because it is, in my opinion, it is pretty darn clear we have the right to write our own rules as we see fit.

To your point, were there enough people? Yes, when we did the rule. And then it—the rules are such for the next 2 years, and then you have to vote again on the rules package at the beginning of the session.

And, with that, I will yield back. Thanks, Mr. Chairman. I mean, the discussion has been great. I think we have all said it a million times.

The CHAIRMAN. We will go to Mr. Roy first. Who was it?

Mrs. FISCHBACH. Well, he was asking for—

The CHAIRMAN. Okay. We will go to Mr. Roy, then Mrs. Fischbach.

Mr. ROY. I was going to make two points. The first one I was going to make to the point that we are all back. I would note that 13 percent of the votes that have been cast since the State of the Union have been cast by proxy. And I don't believe 13 percent of the body has been dealing with COVID, but I will let other people reserve judgment on that to say we are back. Okay.

And then the second point is on this issue. To say that the quorum principle is transitive, that it translates from day one that you can then establish quorum essentially for the rest of the time—

Mr. PERLMUTTER. But the rule is translated, and that is why you have the quorum.

Mr. ROY. I don't believe—now, I would take issue with saying that the constitutional requirement for quorum to then conduct business is a one-time start of the Congress thing, and then you are done. I would take issue with that.

The CHAIRMAN. Okay.

Mr. PERLMUTTER. [Inaudible.]

The CHAIRMAN. Mrs. Fischbach.

Mrs. FISCHBACH. Mr. Chair, thank you.

And I just wanted to point out that the—you know, the majority put this rule in place, good or bad. I mean, my understanding, and I wasn't here originally when it was put into place, but my understanding is no Republicans voted for it. And then when we voted on the rules again, that is the case.

So the majority put this in place. And Mr. Perlmutter admitted it that this is an advantage to the majority. And I guess I am concerned about the rules being skewed one way or the other on purpose, but that is the case.

And, Mr. McGovern, you say that, you know, it saves lives, it was good at the time—

The CHAIRMAN. Yeah.

Mrs. FISCHBACH [continuing]. It was everything, but now is the time to end it. And I think that is what we are getting at, is it needs to be stopped now.

Potentially, there was a value in it during the pandemic, but we have the opportunity to end the proxy voting now, where whoever took advantage of it, didn't take advantage of it, but that is the question in front of us. And I do believe that we should be ending it and go back to the tradition of the institution, which is no proxy voting. And I mentioned it earlier, over 200 years, we have been—that has been the way it has been done.

The CHAIRMAN. Before you go, just to make sure, is there anybody else on the Democratic side who wants to ask a question—I don't see anybody.

Mr. ROY. My son Charlie hopes not.

The CHAIRMAN. No, but wait a minute. Dr. Burgess does.

Dr. BURGESS. I am just worried that someone will invoke Mr. Udall again, so I won't say anything.

The CHAIRMAN. All right. So you are free to go. Thank you.

All right. So our next panel is Representative DeSaulnier, Representative Takano, Representative Rose, and Representative Westerman.

So, Mr. DeSaulnier, you are on.

**STATEMENT OF THE HON. MARK DESAULNIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. DESAULNIER. Mr. Chairman, so nice to see you. Seems like just yesterday we were in Worcester.

Thank you for allowing me the opportunity to testify in front of this most esteemed committee of the House of Representatives.

As someone who lives with a chronic form of cancer that is manageable but incurable, I am immunocompromised. I am not alone. Throughout the United States, there are 7 million people who are considered immunocompromised.

From the start of this pandemic, the Centers for Disease Control and Prevention made it clear that people like myself were at increased risk of contracting coronavirus and having worse health outcomes. In more places across the country, people with health conditions have been adjusting to make sure they can continue to

work on maintaining their safety. That is exactly what Congress and our leadership did when it authorized proxy voting and remote committee participation.

Because of my leukemia and a freak accident I had coming back from a run on National Mall years ago, that landed me in George Washington University ICU on a ventilator, my doctors told me early on in the pandemic that it was unsafe for me to travel on a plane, gather in the crowded House Chamber, and attend committee meetings, especially in a very small Rules Committee hearing room.

Proxy voting and remote committee proceedings allowed me to safely represent the people of California's 11th District while not risking my own life. Proxy voting works. It is a low-tech option that is easy to use, and it has allowed my constituents to have a voice on the House floor when I was unable to physically be present.

Remote committee proceedings ensured I could continue serving on Rules and three other House committees I sit on while safely teleworking. While I and my family are happy to report that I am healthy and the treatment I take for my leukemia is working, I will say thankfully much of that treatment, as the taxpayers' investment, that has been supported by Members in Congress in bipartisan fashion.

The threat from this virus is not over. Members continue to test positive. There were at least four last week. Allowing for proxy voting demonstrates to the American people that we take the advice of public health experts seriously and can continue to work on behalf of the country without putting other people's lives at risk.

Thank you, Mr. Chairman, thank you, Ranking Member Cole. And I yield back.

[The statement of Mr. DeSaulnier follows:]

The CHAIRMAN. Thank you very much.

Representative Takano.

**STATEMENT OF THE HON. MARK TAKANO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. TAKANO. Well, thank you, Mr. McGovern, Chairman McGovern, and I appreciate the opportunity to testify before the committee on the subject matter at hand.

I will just try to cut short some of my introductory remarks and just get straight to what—what I have observed with the new House procedures. And there is four points I would like to make today.

First, the House rules should allow committees to take remote testimony from witnesses as the standard part of our proceedings. Prior to hybrid and virtual hearings, too often committees often only heard from witnesses who had the ability and resources to travel to Washington, D.C. I have a small travel budget. I could pay for some witnesses to get here, but certainly not on the kind of basis that we began to do when we changed the rules.

Allowing witnesses to appear virtually means that we can gather a much greater amount of diversity of opinions and experiences and, therefore, gain a more complete understanding of the issues. Virtual hearings allowed us—allowed my committee to hear from many more veteran organizations, representing minority, women,

Native, LGBTQ+, and other veteran communities, some of whom would not have been able to join in person.

As an example, one compelling witness we met at our roundtable on veterans and the digital divide. The witness is a double amputee, living in very rural Montana. He told us that to testify in Washington, that would require him—he would be required to catch a once-a-day Amtrak, travel 2 hours to the nearest airport thereafter, and then catch two flights to Washington, D.C.

This is the type of American that we need to continue to hear from, and it is my hope that we can allow virtual testimony in the future in order to open the door to diverse voices here. The pandemic taught us that we can use technology to bring the government closer to the people.

Second, the pandemic forced us to modernize some antiquated House practices that we should continue. For instance, introducing bills, adding cosponsors, filing committee reports, signing letters, and other official actions were rightly made an electronic exercise during the past 2 years. As Members, we may not have noticed the change, but these updated procedures have saved many hours of work for our staff and should be continued and improved upon.

Third, Congress must strengthen its technological ability to handle virtual hearings. We must acknowledge the hard work and long hours performed by the House Information Technology and Recording Studio staff, as well as committee and personal office staff to support these events and determine the best systems to use under stressful times.

However, even after 2 years, we have not worked out all of the kinks. Committee rooms still do not have the technology that we need to avoid issues as basic as sound quality and reliable connectivity. We still use workarounds to ensure that we can integrate in-person and remote participation to attempt to hold seamless proceedings. We need support staff and resources devoted to the virtual aspects of our work for the long-term. Technology contracts should be both robust and flexible and should account for necessary support for these—for remote hearings.

I might just add that I am hopeful that the bipartisan infrastructure bill, which provides funding for rural areas and underserved urban areas in terms of broadband, is also partly the solution to make sure that there are connections from throughout the country that are going to be reliable and secure, allowing various parts of our country, diverse parts of our country, to be able to participate in what goes on here in Washington. So the House should continuously evaluate the technology options available so that we can test—that we may best meet our responsibilities to the American people.

Fourth, we should ensure the House rules clearly address lessons for—that we have learned for holding virtual hearings. There is a need for more guidance and training for Members and staff on how to successfully hold virtual markups and hearings, as well as additional guidance on the enforcement of decorum. At the very least, we must be prepared for the next emergency that forces Congress to work virtually, and there will be another emergency. This is not a matter of if but when a major natural or human-made disaster strikes.

I believe my committee's experience has shown that remote proceedings can be successful, and there is also additional work to be done. And I look forward to continuing to engage with this committee on that effort.

I just might, on a final note, just—I was just looking on this issue of the quorum and proxy voting, and probably the hours of testimony that preceded me, you probably already covered the sort of experience in 1918 and the pandemic and the idea that we had a quorum of 50. And there was hope then that somebody would not object to the absence of a quorum. But the government actually ran on 50 votes. And so it seems to me an absolutist reading of some parts of our Constitution—the parts of our Constitution address the presence of a quorum.

I mean, I don't know how much more democratic it is; if 50 people were running the government, then all 435 of us being able to participate because of proxy voting. That is my final reflection, and I yield back.

[The statement of Mr. Takano follows:]

The CHAIRMAN. Thank you very much.

Mr. Rose, Representative Rose, welcome back.

**STATEMENT OF THE HON. JOHN W. ROSE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF TENNESSEE**

Mr. ROSE. Thank you.

Thank you, Chairman McGovern, and Ranking Member Cole, and members of the committee, for allowing me to provide testimony on proxy voting and remote committee proceedings as established by the House Resolution 965 of the 116th Congress and renewed in the 117th Congress due to the public health emergency established in 2020.

Since May of 2020 when the House Resolution 965 was passed, thousands of votes have been cast in committees and in the House Chamber without ever being—without Members being physically present. Unfortunately, Members were allowed no alternative to remote committee proceedings, but we were allowed to choose whether or not to participate in proxy voting in the House.

To this day, I am proud to have been one of, by my count, 56 Members of the House who have, in my opinion, not abdicated their constitutional duty to represent their constituents by participating in proxy voting.

There are many reasons for this. First, and most importantly, failing to vote on important legislative matters in person would be failing my constituents that elected me and trusted me to serve their best interest in Congress. My constituents wake up every morning and go to work on the farm to feed our families, in the classroom to teach our children, into the police station to serve and protect our communities, or into the factory to make the things we use in our everyday lives.

They should rightfully expect the same from me and all Members of Congress. When we don't meet those expectations, when we don't lead by example, we lose the moral authority to lead our country during one of the most perilous times in our history when such leadership is most direly needed.

Second, oftentimes, there are important discussions, debates, and procedures that happen in the Chamber. Constituents whose Members vote by proxy and, thus, do not have their Representative present in the Chamber, lose out on those thoughtful discussions and debates that can sway opinions or change legislation.

While the world is becoming more connected than ever with this constant streaming of ideas and information on the internet, its people are actually becoming more detached from reality as we spend more time on our phones than we do with real people. This has almost assuredly been at least a contributing factor to the rise of raw partisanship we see in the Congress today, where toxicity amongst political ideas or ideologies has become the norm.

One simple way to combat this is by meeting face-to-face and actually listening to one another's ideas. Of course, we may choose to disagree on particular issues, but it is easier to understand and to respect from where the other side may be coming by simply having those face-to-face conversations.

I have found that respect and affinity for one another is almost always enhanced from a positive face-to-face human interaction. Unfortunately, we seem to have fewer and fewer of these opportunities today, and proxy voting only exacerbates the situation.

Last, the rule on establishing proxy voting and remote committee procedures was implemented during a time when our strategy was to mitigate the impacts of the pandemic on healthcare providers. We put our trust in public health officials and locked ourselves inside our homes for 15 days to slow the spread, or flatten the curve as some said.

Commercial flights ground to a halt, and lodging was nearly impossible to find as governments imposed restrictive measures to limit private businesses from offering services, in a countrywide effort to mitigate the health effects COVID would have in the short run of the pandemic.

This, obviously, made it difficult for Members to travel to Washington, D.C., hold hearings, and conduct additional official business, as it would have flown in the face of our public health officials. But those days are long over. There are no more excuses or mandates. As the resolution makes clear, the only purpose of proxy voting should be due to the ongoing health emergency, which no longer exists, in my opinion.

Members bring no honor to themselves or to this institution when a foregone public health emergency is used as the reasoning for them not casting their votes in person. At the end of the day, Members of Congress have a constitutional duty to represent their constituents. While we can differ in our opinions as exactly what is required of us to satisfy those constitutional responsibilities, we are all sworn to uphold—and surely, surely we can agree that there is merit and honor in striving to optimize, not merely meet those obligations.

By continuing to proxy vote after any national health emergency has obviously dissipated, the quality of our representation of our constituents is to one degree or the other diminished. The pandemic has brought much heartache on our constituents and our country. The least we can do is make our best effort to represent them as effectively as possible. And to do that, the requirement for



in-house voting and the face-to-face Member interaction that accomplishes such—accompanies such is an essential component.

I hope the committee takes into account these reasons for why I have chosen not to participate in proxy voting, and will finally mark the end of this emergency procedure that may never have been appropriate but that has certainly outlived any legitimacy it may have ever had.

Thank you, and I appreciate the opportunity to address the committee.

[The statement of Mr. Rose follows:]

The CHAIRMAN. Thank you.

Representative Westerman.

**STATEMENT OF THE HON. BRUCE WESTERMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS**

Mr. WESTERMAN. Thank you, Chair McGovern and members the committee. I appreciate this opportunity to testify today on the impacts of remote committee proceedings.

You know, the word “Congress” means the act of coming together or meeting, and that is what I believe this body should reflect.

Mr. Chairman, I have not voted by proxy or remotely from outside of D.C., even on committee markups. And although I have strong convictions about voting in person, I want to focus my remarks today on why I believe remote committee meetings are detrimental to our Congress and why virtual is not the best way to come together or to meet.

In June of 2021, the House Committee on Natural Resources held its first hybrid full committee hearing, where we received testimony from Secretary of the Interior Deb Haaland. At that time, I expressed my frustration that it had taken 6 months for our committee to hold an in-person hearing. Little did I know then that meeting would be our only in-person full committee meeting of the 117th Congress to date.

Simply put, I believe the persistence of remote proceedings has made our committee and this institution less civil toward our colleagues and witnesses, less efficient and effective as a deliberative body and, ultimately, less able to serve the constituents we were all elected to represent.

I never thought I would have to say this, but committee proceedings are not a time to shave your face or brush your teeth, and they are certainly not a time to change your pants, but I have seen it all on remote proceedings. Sometimes I wish I could unsee things, but I simply can't.

While my Democratic colleagues may not always agree with the positions of our Republican Members, just as I don't always agree with our Democratic Members, our committee rules exist for an open, fair, and respectful debate of pressing issues. Unfortunately, in our committee, Members of the Democratic majority have found new ways to circumvent our rules and weigh in without saying a word, constructing tinfoil hats that they probably wear on the non-public back end while our Republican colleagues are speaking.

The disrespect in our committee is not limited to interaction between Members either. We have had Members of our Democratic

majority make fun of witnesses for their attire, lie in bed, and order and eat their lunch while witnesses are offering testimony. I can only imagine the disrespect the witnesses who have worked days and nights to prepare the testimony they are presenting before our committee, that disrespect that they must feel when they see these kinds of actions from Members of Congress.

Conversely, we have also had Members deprived of their ability to engage and question witnesses. When witnesses choose to log off from committee proceedings before adjournment, Members lose the opportunity to benefit from the expertise of the witnesses. Unfortunately, in some instances, early witness departure has been due to technical difficulties. Other times, it was a calculated action to avoid questions that challenged their testimony or were contrary to their own world view. Regardless, it is an unfortunate outcome that could be easily remedied by a return to in-person proceedings.

A virtual format also deprives Members of full participation in committee hearings. Looking at a computer screen of faces is not the same as being in a room together. In addition, the value of personal interaction with our colleagues. We have had Republican Members denied recognition to speak because the chair could not hear them over background noise or because of technical difficulties on the chair's end. Now, this is just in the Natural Resources Committee. I also serve on the Transportation Committee.

Representative Bost talked about people voting in their swim trunks on the lake. We have seen all kinds of things in the Transportation Infrastructure Committee that I don't believe are becoming of what Congress should be about.

Recently, in our committee, a subcommittee hearing was delayed because the Democratic subcommittee chair was precluded by Democrat staff from participating in person from the committee room. The hearing was noticed as remote and, therefore, the staff would not turn on the AV equipment in the room, and the chair was forced to run back to his office and log on to his computer alone. While he relocated, the entire subcommittee proceeding was held in limbo.

While the Natural Resources Committee hearing room has been open upon request for the use during committee proceedings this Congress, I must bring my laptop and earbuds to participate as our proceedings have been remote, and the majority will not turn on the microphones or the AV equipment in the hearing room. Members who show up in person are forced to be on their computers, even though our hearing room is one of the most technologically advanced rooms within the House office buildings.

This is the challenge the subcommittee chair encountered when he mistakenly thought he could conduct his hearing from the hearing room. He didn't have his laptop, and the committee refused to move to a hybrid format.

American taxpayers did not equip Congress with offices and technology for it not to be available or to be used. At times, Members have even lost the ability to have their votes counted accurately, or counted at all, as the clerk tries to align videos with voices on the Brady Bunch screen in the room.

With all these antics, I worry that some Members and witnesses have stopped taking congressional committee business seriously.

We see this every meeting when Members are seen laughing on long phone calls, playing musical instruments, and making meals, unmuting only to vote and change their votes when they learn that the measure—that what the measure was that we were considering was not the one they were voting on.

A colleague made it through a whole opening statement for the wrong hearing, one she had already given, before realizing a mistake. Our ability to legislate is at stake. It appears that remote proceedings have allowed Members to treat legislating like a device they can turn on and off instead of a job they have been elected to do with their constituents.

Congress is not, nor has it ever been, a virtual body, and we cannot simply turn off our responsibilities to our constituents. During a time of global unrest, skyrocketing gas prices, energy and security dependence on rogue nations for our minerals, and historic wildfires and drought, the Natural Resources Committee has serious work to do.

Virtual legislation, I believe, has gone on long enough. The American people cannot wait until gas hits \$6 a gallon before we decide to come back and get to work. This country is open for business, and Congress should be as well.

There has been a lot of discussion, as I have listened in, about technology, how we should embrace it and how we should use it. And I think there is a format for that. I think we can have roundtables that aren't formal committee hearings where we do that virtually, and people don't have to have the expenses of flying here to D.C., and we can embrace technology. But I believe when it is an official, formal meeting of Congress, that we should do that in person.

And I really appreciate you taking time to consider this issue. It was not something that I expected to happen, and was pleased to have the opportunity to come and voice my concerns. With that, I yield back.

[The statement of Mr. Westerman follows:]

The CHAIRMAN. Thank you.

I thank you all for your testimony and your patience here today.

Again, I just want to kind of put all this in perspective. I mean, these procedures were brought forward in the middle—in the beginning of this pandemic. And I continue to believe that what we did saved lives. I think it was a responsible thing to do. The point of this hearing is to look at all the things that we have done, not just here in Congress, but things that we have done to help programs become more efficient. You know, what should be kept and what shouldn't? And is it all, or is it nothing, or is it a piece of this? And that is what we are looking at.

And so we still have a national health emergency, whether we all—hopefully, it is going in the right direction. We have an average of a thousand people a day dying of COVID. Yesterday was 2,000. I hope the trends continue to go down, but that is just the reality.

We heard from Mr. DeSaulnier, his unique set of circumstances. And, you know, we value his ability to participate in this committee and to be able to represent his constituents back in Cali-

fornia. And so I think there are—the question is, are there exceptions here?

In terms of the decorum on hearings, I can't speak for every committee—I mean, I am only on this committee—but, you know, we don't deny the minority access to this room or we don't shut down the audiovisual equipment, although one time we had the air-conditioning on too high in the winter, and everybody was getting cold. But other than that, it wasn't intentional.

But the point of the matter is there are rules, believe it or not, that accompanied the measures that we took here, including rules about decorum. And to be honest with you, all the chairs should insist that those rules be enforced. And I think if they are not, you have every right to complain.

I think Members remotely, for example, must conform to the same standards for proper attire as required to participate in a committee proceeding in person. I mean, I just want to—I am not going to read all of them here, but there are standards here that are supposed to be followed. If they are not, it is perfectly appropriate to call it out. And we need to reflect on that, as we move forward, to say it. How do we make sure everybody follows the rules that were there?

As far as somebody changing their pants in the middle of a hearing, that is a new one. We haven't seen that in this committee yet, and I hope we never do.

But I just point that out to you because these rules were put in place for the safety of all those who work up here and making sure that we had the ability to get our work done. If the rules aren't being followed, if certain committees are not adhering to the basic rules of decorum, then we should have a discussion about that as well.

So, again, I appreciate your testimony. And I am—and, again, we heard a lot of different ideas today, and we certainly value your contribution here.

Did you want to—

Mr. ROSE. No.

The CHAIRMAN. Oh, okay. You were just—okay. I am going to yield to Dr. Burgess.

Dr. BURGESS. Thank you, Mr. Chairman.

Mr. Takano, it is a little bit off topic, can I ask you, are the men and women who work at the Department of Veterans Affairs working remotely or are they back in the building?

Mr. TAKANO. I don't know how to answer that. I mean, I have not been over there recently. And time—you know, things change very quickly. I mean, I have—so the answer is I don't know.

Dr. BURGESS. You know, it strikes me, and it has been a problem for sometime; it is not just during the pandemic and with remote working, but getting questions answered by veterans from the Department of Veterans Affairs takes a long time. And I don't know if you have done any oversight hearings as to has this problem increased with remote working at the Department?

Mr. TAKANO. Just off the top of my head, I mean, I have to get back with you on that question. We have done some oversight. We have concerns about there has been a backlog of claims processing and because of the way exams get done and, yeah, the comp and

pen exams. So there was a lot of issues there that I am not prepared to answer that question, but I will definitely get back to you about that, Dr. Burgess.

Dr. BURGESS. And I didn't mean to put you on the spot. It is—my office in the Rayburn Building is right across from the Hubert Humphrey Building. I don't think there has been a light on in that building for 2 years. I mean, it is working from home.

I get the impression that the CDC is the same way. I feel like the FDA in a lot of instances is not onsite and working. Again, I know the Center for Medicare and Medicaid Services is not in. It seems like it has lengthened the time that our constituents are required to get an answer to their questions.

And the only reason I bring that up is we can't very well ask the men and women of the Health and Human Services, Department of Energy to go back into their buildings and get to work if we are not willing to abide by that ourselves. So there is a real downstream consequence of not recognizing that whatever was necessary to get us through the pandemic is now in the rearview mirror. Mrs. Fischbach outlined it very eloquently in the last panel, but we need to recognize it is in the rearview mirror and get back to work.

This morning, our Doctors Caucus had a briefing with the head of the—the Director of the CDC, and I was grateful that she came on. It was an important opportunity for us to exchange ideas. Unfortunately, because of technology, the first 15 minutes were kind of lost. And that is the reason I was late to get to this hearing, Mr. Chairman.

But what came up in that briefing was concern about the loss of credibility that our Federal agencies have, in the CDC's case, because of conflicting information. And Mr. Hoyer tells us, well, everything was necessary over here, done with CDC guidance for mandatory masking, and yet at the same time, the Senate didn't. And so the public looks at that and says, this doesn't add up. This is not consistent. We don't know whether to believe what is coming out of our Federal agencies, our public health agencies. We don't know whether to believe that or not.

And so then when they are confronted with losing their job because they don't do a vaccine, when the Federal Government says they have to, even though the Federal Government doesn't have the authority to do that, they get rightly frustrated, and oftentimes they take that frustration out on their Member of Congress. I am sure many of you have felt it as well.

But, Mr. Rose, let me just ask you, is this your first trip up here?

Mr. ROSE. My first trip to Rules?

Dr. BURGESS. Yes.

Mr. ROSE. Yes.

Dr. BURGESS. Well, welcome. I thought it was. And, usually, we acknowledge a Member's first visit to this—to the Rules Committee. And welcome. We hope it is a first of many, now that you know where we are.

Mr. ROSE. Thank you.

Dr. BURGESS. Don't make yourself so scarce.

The CHAIRMAN. Do you need to—

Mr. TAKANO. May I be excused?

The CHAIRMAN. Anybody need to question him?

Mrs. FISCHBACH. Oh, I am so tempted, Mr. Chairman. I will not object. I will not object. He can go.

Dr. BURGESS. Yes, thank you for your participation. Thanks for answering my questions.

Again, Mr. Rose, welcome to the Rules Committee. It is a—as you can see, we are an unheralded but extremely important part of the function of this Congress.

And, Mr. Westerman, I appreciate your comments. We heard from Mr. Cole when he was here how markups in the Appropriations Committee were done as—as markups were done in person. And I think that is important.

Man, we have had all these reconciliation bills, the infrastructure bill, all this stuff that came through committees where—that I serve on as well, jurisdiction Energy and Commerce, jurisdiction on the Budget Committee. But the first actual hearing was here in the Rules Committee. And oftentimes, it is a bill that spent \$1.8 trillion or \$1.9 trillion.

But what I have noticed in the virtual markups is, because of the sake of expediency, the staff gets a lot of control. Committee staff gets a lot of control over how those markups are conducted, what amendments are going to be heard, what amendments are going to be made in order, which ones are going to be allowed to come to a recorded vote. And the structure of the hearing is changed because it is a virtual—a markup, rather, is changed because it is a virtual markup. And I just wondered if you had any experience with that in your committee.

Mr. WESTERMAN. Yeah. And I know it varies highly across committees, which I don't think it should be that way. If we are going to have rules, they should apply across the committees on the decorum and the way the hearings are held.

I mentioned I was on the Transportation and Infrastructure Committee. Those, you can go to the meeting room, you can use the audiovisual equipment, the microphones are there. It is much better. Although, there is a large screen with a lot of squares on it with people who are coming remotely.

The Natural Resources Committee, you literally have to take your laptop in, put earbuds in and—so that you are not disturbing other people with the sound coming across your computer.

Dr. BURGESS. Well, if I may, taking testimony in a hearing is one thing, but an actual markup where you are preparing the legislation then to come to us in a Rules Committee, an actual markup is different. And it is harder to do that remotely, at least that has been my observation.

I was actually relieved to hear Chairman Cole—I am sorry, Ranking Member Cole—say that in the Appropriations Committee, they actually had in-person—not virtual but in-person markups. I found the virtual markups in Energy and Commerce to be cumbersome. In the Budget Committee, they were hopeless.

And, again, you abdicate a lot of our input, our authority as Members of Congress, elected Members of Congress. And, obviously, it goes somewhere. Nature abhors a vacuum. So staff takes on that role and decides which amendments are going to be heard, which amendments are going to be allowed to have a vote, in the

name of expediency, to get things to go, because these things are cumbersome sometimes and take a lot of time. The actual participation is sacrificed. I just wondered if you have experienced that in yours.

Mr. WESTERMAN. Absolutely. And I think—you know, I like coming to the Rules Committee because you all are in-person, because I can look around the room and see facial expressions, and it is a much better way to—

Mr. PERLMUTTER. Gestures.

Mr. WESTERMAN. Gestures, yeah.

Dr. BURGESS. Strike that from the record.

Mr. WESTERMAN. But it allows that interaction. And one thing I have noticed having—you know, obviously been through a lot of committee hearings that were in person, is that the virtual hearings interrupt the dialogue. You know, a lot of times one member will be talking, and they may refer to another member, and somebody would say, would the gentleman yield, and you have a little bit of a dialogue. And it makes—I think it brings a lot more to the meeting. But if you are virtually and somebody interrupts to ask somebody else to yield, it just throws the whole meeting off.

And then you get to all the connectivity issues. Especially on markups. You know, anytime, I believe, when we are voting, I would hope we would do that in person and not—I hope we move back to in-person meetings.

Dr. BURGESS. Yeah, I do too. And I appreciate your participation, Mr. Rose, your participation.

I will yield back to the chairman.

The CHAIRMAN. Thank you.

And I just want to—Mr. Westerman, you had mentioned that the only in-person Natural Resources hearing was with Secretary Haaland. And, you know, people were actually watching this hearing, and apparently at that hearing, it turns out there was a member who was COVID positive, who refused to wear a mask, and Chairman Grijalva, who is in several high-risk categories, caught COVID. So I guess I can understand why they didn't continue meeting in person. But, anyway, I just wanted to point that out for the record.

I yield to Mr. Perlmutter.

Mr. PERLMUTTER. Just quickly, I want to thank you, Mr. Chairman, I want to thank staff, both sides. I mean, we were in an emergency, and we needed to protect the Members, the staff, all of the witnesses, given COVID, and what we knew and what we didn't know about COVID. And the doctor—you know, we were learning on the go dealing with COVID.

So I just want to thank everybody for allowing the government to continue, for us to be able to continue to operate, do it in a way that was safe, clearly not perfect, but it was an emergency.

And at the end of the day, Mr. Rose can agree with me or disagree with me on that, but in Financial Services, it was really—we were stumbling for a while, but then we learned how to do it. And it is a big committee. And, you know, it would be Perlmutter votes whatever. And, you know, we learned that you got to call twice because somebody might fumble a little bit. And, you know,

by the end, we can do this thing pretty quickly and pretty efficiently coming through an emergency.

So I felt the rule, at the time, and I expressed this at the time, was too limited. I felt it should be more expansive, not limited to just COVID-related things. But, in the end, what we did was we allowed the government to continue and people to be safe with a virus that none of us understood, and it turned out to be pretty darn dangerous.

Second thing I wanted to say was, for me—and there is other philosophies—but for me, the ability to allow my staff and others to work remotely, to testify remotely, whatever, if they do the job, I am okay. They don't have to be here. I don't have to see them. I don't—you know, and I like you when I pass in the hallway, and I like talking to you, but that doesn't mean it has to be here. If the job gets done, that suffices for me.

The last thing, I believe, opposite of what some have testified, given the fact that we have done lots of conference calls when we first were kind of getting into this, whether it was within our caucuses or as committees, and then Zooms, the communication level on a pretty regular basis has increased among all—at least among—or on legislative issues, if you will, you know.

And so I believe we should expand this rule. I think it should be ongoing. I think we are going to hold the House, and we should keep the rule in place. If Mr. Davis is correct, then he can change it. But I don't think it makes a lot of sense. I think we need to take technology and use it to our benefit.

And I yield back.

The CHAIRMAN. Thank you.

And I know Mr. DeSaulnier has another hearing to go to. Does anyone have any questions for him? We can let him go?

You are free to go.

Mr. DESAULNIER. I think I want to stay, Mr. Chair.

The CHAIRMAN. Mrs. Fischbach.

Mrs. FISCHBACH. Thank you, Mr. Chair, and I will be brief because I mentioned it before. And, you know, if this was—if this was something that had to be done, and I wasn't here when it originally went into place, we need to stop now. We are over that. You know, we know what—we know what to expect.

Most of the rest of the country is getting back to normal, and we need to get back to our business, get our business back to normal, and end the proxy voting. And if there is something that needs to be looked at with remote hearings, what—you know, with Mr. Perlmutter, then that needs to be examined.

But, at this point, we are over the emergency, and we need to get back to normal and take the—you know, the advantage for the majority, take this—take the rule away now, the proxy voting rule away now because, admittedly, it gave that advantage to the majority. And I just—again, we are just missing so much without that personal interaction.

And, with that, I yield back.

The CHAIRMAN. Thank you.

Mr. Raskin.

Mr. RASKIN. Thank you, Mr. Chairman.



I have taken some careful notes on these witnesses and the prior panels, and I am counting six different values that have been invoked as being implicated by the proxy rules or the new hearing rules. And let me just quickly state what they are.

One is democracy, having the voice of the people represented. Second is Republican representation, meaning dialogue and discussion among Members. Third is friendships among Members. Fourth is civility among Members. Fifth is the efficiency of the legislative process. And sixth is etiquette and the appearances of things.

And it seems to me that we sort of have had three different positions on the table. I do want to associate myself with Mr. Perlmutter's remarks about the past. I think what we did was an absolute necessity. And you are to be commended for your leadership, Mr. Chairman, which was historic in terms of rising to the occasion and getting us through the nightmare of COVID-19, which has cost us nearly a million of our people and caused so many problems in the country.

But I want to talk about the future, because now what we have the advantage of being able to look at what took place with COVID, and we are able to make a decision not in the context of the emergency and the crisis quite so much as before. And I would say that there is sort of three types of solutions that have been advanced that we could subject to the test of these six different values.

One is the Gaetz position, we can call it that, which is that it is better for us not to be here whenever we don't need to be here. And so I guess that militates towards being absent is much—being absent as much as possible. And a rule that would get to that is sort of the one, I am not sure if he is supporting it, but the one that Mr. Perlmutter articulated of you can use proxy whenever you want, essentially.

Mr. PERLMUTTER. I am supporting that.

Mr. RASKIN. He is supporting that. Okay. So we will call it the Gaetz-Perlmutter position for the record.

Mr. PERLMUTTER. Oh, come on.

Mr. RASKIN. So, all right, which is basically you can opt out whenever you want to opt out of being physically present, and you can vote by proxy. That is in one extreme.

The other extreme is you never allow it, and we compel physical presence in all cases for voting.

And there is the one that—which I have tried to articulate based on our recent experience, which is that presence is to be presumed and favored in all circumstances, except when a person has a compelling medical reason that makes it impossible for them to come or a compelling family reason that justifies their absence.

Okay. And I think, you know, if you quickly run down all of the values, I do think that the position I am outlining is the one that best advances every value that has been invoked by the Members who have come here today.

First of all, in terms of Democratic representation of our constituents, I think—I mean, it is a tie between here, my rule and the Perlmutter-Gaetz rule. I mean, everybody is going to be able to vote a hundred percent of the time, which means their people will be a hundred percent represented. If we go with never allowing it, then there are going to be millions of people who are not rep-

resented in almost every vote that takes place on the House floor. And if somebody gets really sick, then a constituency could go for weeks or months without being represented.

Okay. Republican representation, dialogue. Well, I would again argue that—that the compelling reason for voting proxy and participating—and being able to participate that way in terms of hearings advances maximum dialogue, because we are not losing the voice of people who are sick, or they have just lost a family member, or for—you know, they are medically compromised and they can't leave. We are losing their voice. We are losing the ability to get their views. So we are reducing Republican dialogue by saying it is only going to be the 80 percent or 90 percent of the people who can be physically present.

Civility. Well, I think, again, my system advances civility the best, because the presumption is we are there, we are respecting each other, but we also respect each other enough to know that people experience medical infirmities and family emergencies. And that is a gesture and an expression of civility too, to say, everybody goes through these things and we can accept that.

Friendship. I don't know to what extent, you know, the Constitution or the people necessarily favor friendship, but it is clearly something that the Members have talked about. I think it is the exact same thing. I think that it promotes friendship among the Members like it provokes civility. There seems to be this presumption that if we are all physically present, everybody is nice to each other. I have been sitting on the floor with a Republican colleague, and I have had other Republican colleagues come up to us and yell "traitor" at that person. Okay. Face-to-face, 3 feet away. We have seen school board meetings where people show up and scream in each other's faces and talk about going home and getting their guns and so on.

So you can be rude in person, you can be sweet in person. You can be nice on Zoom, you can be mean on Zoom. So I just think that the technology and the physical presence are indeterminate factors in terms of the behavior of our colleagues.

In terms of efficiency, I think it promotes efficiency here to have the maximum participation of people. Sometimes people get sick or otherwise waylaid whose presence is needed, right. And so—

And, finally, I do think, in terms of etiquette, I think your point is probably right that physical presence and never allowing it might—might best advance etiquette. Although the chair is correct that you can have rules of etiquette that apply to Zoom, that apply to physical presence. You know, I have seen people wearing sneakers on the House floor and sneaking on, you know, doing this or that. You can also violate, you know, rules of etiquette in person like you can do it on Zoom. But it does seem easier. I think you win on that point. But I would say that the etiquette point might be the least value, the lowest value of democracy, Republican dialogue, efficiency, and so on.

So, Mr. Chairman—and I don't know whether either of you want to comment on my rundown of those different values, but I tried to systematize it a little bit because I like to try to think in a systematic way as possible because people are throwing in all kinds

of different values and principals and then making judgments about them. And I think we need to try to discipline it.

Mr. ROSE. Since you coined one as the Perlmutter-Gaetz position, I wonder if you want to ascribe a name to the other two positions?

Mr. RASKIN. Well, the one of never allowing it—well, I think several people have said go back to never allowing a proxy. I don't know if somebody wants to have it named after them. I don't know, is that the Rose—

Mr. ROSE. No.

Mr. RASKIN. Okay. But I am happy to—I am happy to embrace the Raskin rule of the compelling medical or family reason.

Did you have anything, Mr. Westerman?

Mr. WESTERMAN. Yes, sir. I commend you. I think you are a good notetaker in categorizing and systemizing things well. And I don't necessarily agree with your six points there.

Mr. Perlmutter talked about it works, but I think we should be striving to what works best. And I still believe it works best when we are in person.

And I don't want to get into the chairman of my committee's health records, but I don't think he caught COVID from that meeting we had in person. And I am pretty sure our members were very cognizant of wearing masks while Secretary Haaland was there. I think he had gotten COVID a year before that, and I think he even got another case of it when he was back home. But I just wanted to set the record straight on that.

And, also, I don't think—you know, we can talk about the past, where we were, how we got there, the benefits of it, but I was hoping this was about the future, where we are going. And is it time to end virtual hearings? Is it time to come back and vote in person?

I mean, I know when we voted for the Speaker, that there were COVID-positive Members that were allowed in the Chamber. There was even a Plexiglass container built up in the gallery to house them in. So, you know, there is—seems like there is always some political motivation behind what happens here.

But, hopefully, going forward, my wish will be that we could get back to in-person meetings and get back to voting in person as well. And, again, I appreciate the committee having the hearing and hearing us out.

The CHAIRMAN. Thank you.

Any other questions?

If there are no other questions, you are free to go. Thank you very much.

Yeah, let me just again reiterate, this is not an either/or type of thing. The deal is, you can allow for there to be hybrid hearings or virtual hearings, but you may never utilize them, or you may utilize them once; it may make sense once. But the ability to have that option is something we want to—as we look to the future, do you want to preserve that?

And I should say that proxy voting didn't end the Republic. And I think we all agree that presence is important, and more and more people understand that. And more and more people are here in person, and more and more committee meetings are in person. And that is the trend that we all want to go in. And, you know, it is

one of the reasons why I got us back into this committee room as soon as the doctors and scientists said it was okay to do so.

As I said, the pandemic is not yet over. A thousand people a day dying, 2,000 people yesterday. I think there are situations in the future, post-pandemic, that we heard here today where there might be exceptions, you know, where proxy voting might be useful.

Again, I go back to Mr. DeSaulnier's testimony. Yeah, I mean, he has a compelling case here. And I don't think he wants his voters disenfranchised, and I don't think his voters want him not to be able to participate.

While proxy voting wasn't created for a number of the situations we talked about here today, it has actually helped increase voting participation in the House, believe it or not. Based on recent vote analysis by CQ Roll Call, House Members participated in a record 98 percent of roll call votes taken in 2021. You know, that is the highest rate of voting participation in the House since 1953, when they began tracking these numbers. More Members voting means more Americans are being represented in each vote.

And I would say, I don't think—this is not about political advantage. The deal is, to the extent Democrats have a political advantage, it is that more Democrats were elected to Congress than Republicans. And if for some reason Mr. Perlmutter and I couldn't be here or if it meant the difference in a vote, you know, on an important vote, they would probably postpone the vote until we can get here.

So this is not about anything other than giving people the opportunity during these difficult times or during difficult times in their life to be able to participate. Three-hundred-and-eighty Members have used proxy voting, which means over 280 million Americans have had their voices represented on the House floor through the proxy system.

And, look, I want to suggest, after listening to our discussion, that there may be a case for a limited use of proxy voting in the future if there is a major natural disaster in your district, the death of somebody in your family, or a severe illness when you can't get on an airplane, where it is not safe. I mean, I think that is what we would be talking about.

I am not yet with—I am not convinced that the Perlmutter-Gaetz way is the way to go. But I think that those are good uses that could benefit the entire institution.

I also want to say that, again, the remote committee proceedings have helped Congress hear from a more diverse list of witnesses from across the country, because, quite frankly, sometimes it costs a lot of money or people can't afford to miss work to come here and to testify. I mean, we have been able to do that. We should find more ways to stay engaged with our constituents, and having folks testify virtually I think is a net positive for this institution.

Again, I think all of us, I think, are of the mindset that, to the extent possible, we should be here in person as much as possible, because there is benefit to that. But the stuff that we have done hasn't resulted in the end of our Republic or an undermining of this institution.

And I would just close with this. Yeah, this is a very polarized Congress. We have a very polarized political situation in this coun-

try. It had nothing to do with proxy voting. Now, as Mr. Raskin pointed out, I mean, there are some pretty non-civil moments up close and personal. We ought to have a discussion about what we can do to lower the temperature here on that.

But, in any event, I think this was a necessary thing. We have a lot to think about. Thank you for taking the time.

Thank you to everybody on this committee for sticking with it.

Thank you to the staff on both sides of the aisle for all that you have done.

And there is nobody else here, so, with that, the committee stands adjourned.

[Whereupon, at 2:05 p.m., the committee was adjourned.]

**Rep. Deborah Ross (D-NC) Statement for the Record**  
**Member Day Hearing on Proxy Voting and Remote**  
**Committee Proceedings as Established by H. Res. 965 of**  
**the 116<sup>th</sup> Congress**

- Thank you, M. Chair.
- Since the onset of the COVID-19 pandemic, proxy voting has served as an accommodating measure that allows flexibility for our colleagues on both sides of the aisle.
- Proxy voting has alleviated the burden to be present in moments when many were unable due to health restrictions to vote in person.
- Now that we are moving past the worst parts of this pandemic, I support maintaining proxy voting--under specific circumstances.
- On occasions when our colleagues are dealing with important personal issues like the death of a family

member, the birth of a child, or health issues of their own, they deserve the opportunity to vote by proxy.

- If we abolish proxy voting in cases like these, we are eliminating the ability of Members of Congress to fully represent their over 700,000 constituents when personal circumstances beyond their control render voting in person impossible.
- Missing a vote is not just a problem for a Member; it is a penalty for their constituents, who lose their voice in Congress.
- By maintaining proxy voting under certain conditions—as well as the ability to participate in committee proceedings remotely—we ensure that legislators can focus on representing their constituents.
- I firmly believe that Members must not take advantage of proxy voting for personal benefit—to go on a vacation or because they don't want to travel to D.C.

- But in serious circumstances that would otherwise result in a missed vote or committee proceeding, we should learn from the measures we have adopted during the pandemic to allow Congress to function at its fullest ability.
- Thank you, and I yield back.



**Testimony to the Committee on Rules**  
**Member Day Hearing**  
**March 17, 2022**  
**Chairwoman Eddie Bernice Johnson**

Thank you, Chairman McGovern and Ranking Member Cole for allowing me to testify to the Rules Committee regarding Proxy Voting and Remote Committee Proceedings. At the outset, let me emphasize how important these tools have been in allowing the Science, Space, and Technology Committee to continue to function safely during a dreadful pandemic. It will be extremely important to continue the availability of these tools should there be another wave of COVID-19 that necessitates a return to pandemic safety protocols.

Beyond serving as a contingency approach in the event of a recurrence of the pandemic, I believe these procedural tools are important to maintain for other reasons. Proxy voting, in a limited capacity, is extremely useful to ensure that when Members are absent in Washington due to illness or medical treatment, they are still able to represent their constituents by voting on legislation.

Maintaining some ability for Members and witnesses to attend committee meetings virtually is also, in my opinion, a good idea. Members can be unavoidably detained in their districts for any number of reasons. It is a good thing if those Members are still allowed to attend committee proceedings. It allows them to serve this legislative body more effectively, and it allows them to serve their constituents better. We noticed a marked increase in the ability of our Members to participate in hearings when we held them remotely over the attendance we saw pre-pandemic.

One additional point I would like to make regarding virtual attendance at hearings is that this rule has allowed our Committee to access witnesses that we would otherwise not have had the ability to hear from. One example of this occurred in May of 2021, when our Committee held a hearing entitled “COVID-19 Variants and Evolving Research Needs”. During that hearing we heard testimony from Dr. Salim Abdool Karim, who is the Director of the Center for the AIDS Program of Research in South Africa (CAPRISA). Dr. Karim testified from his institution in South Africa. Even in the absence of a global pandemic and its associated travel

limitations, it is unlikely Dr. Karim could have taken the long trip from South Africa to Washington just to testify at our hearing. The ability to have Dr. Karim testify virtually, allowed our Committee access to an outstanding expert witness who otherwise might not have been available to testify.

There are other reasons it can be difficult to have witnesses travel to Washington to testify. In some cases, witnesses may not have the financial means or institutional backing to travel to Washington to testify. While committees do have the option to fund witnesses travel, the reality is that committee budgets are already stretched thin. In addition, there is a growing concern about the greenhouse gas emissions associated with unnecessary travel. Many environmental groups and climate scientists have voiced their opposition to traveling to meetings when virtual options would suffice. Congress is at risk of losing the ability to hear from these voices if we routinely require witnesses to travel long distances to Washington for testimony that could be had virtually.

I appreciate the consideration of the Rules Committee as it considers this topic.

**Congress of the United States**  
**Washington, DC 20515**

Dear Chairman McGovern and Ranking Member Cole,

Thank you for initiating this important discussion on the use of proxy voting and remote committee proceedings, and whether they continue to be useful tools in the Congress of the United States.

Over the past twenty-two months, proxy voting and remote committee proceedings have been normalized. What began as an immediate response to a public health emergency spiraled into precarious legislating, defunct committee activity, and diluted representation.

While Democrat leadership claimed proxy voting was a good-faith attempt to safely return the Legislative Branch to its work of the American people, it has broadened well beyond the scope of even the broadest definition of a public health emergency.

I sincerely hope we take an honest, deliberative, and comprehensive look at proxy voting, and its place in our future. Our commitment to assemble in person is imperative to our position on the world's stage, and equally important to our shared quest to be bipartisan, productive, and representative of our constituents.

No committee has been spared from remote proceedings. Each one of us likely has a story of noticeable noises, extraneous conversation, and the perils of finding the mute button. Each of our esteemed witnesses has had to compete against not only a clock, but for airtime. What is worse, if a witness was not in the room, Members often missed opportunities to engage with them, and learn the depth and breadth of their experience. Lack of engagement diminishes Congress' capacity as a legislative institution and its ability to effectively deliberate, exchange information, and build a level of consensus that is necessary to make informed public policy.

From my perspective as Ranking Member of the House Committee on Agriculture, virtual proceedings allowed for hearings to come together quickly and for the participation of witnesses who might not otherwise be available. However, virtual proceedings most certainly impacted the quality and effect of our hearings, and frankly, the gravitas of them. Testifying before Congress should not be like a Zoom meeting, which is, sadly, how many hearings are perceived in 2022.

Adding insult to injury are the constituents and companies rendered silent by the digital divide. Excluding the wisdom of policy experts simply because they cannot access dependable internet is deeply frustrating and at times, divisive and inequitable.

Therefore, I ask this Committee to strongly consider an end to virtual and hybrid committee proceedings and proxy voting. As the House Committee on Agriculture contemplates the reauthorization of the Farm Bill, it behooves us, with the support of the full House, to shift to more personal and productive proceedings that allow rural America to share their stories openly and not through the lens of a camera.

As the world reopens and reclaims its traditions, I can only wish the same for the United States House of Representatives.

Sincerely,



Glenn 'GT' Thompson  
Republican Leader  
House Committee on Agriculture

**Testimony of Congresswoman Katie Porter (CA-45)**  
**House Committee on Rules**  
**March 17, 2022**

Chairman McGovern, Ranking Member Cole, and Members of the Committee, thank you for this opportunity to submit testimony in support of modernizing certain Congressional procedures to include remote activity. These innovations make Congress more productive and effective, and they are consistent with the best traditions of our democracy.

Being a representative requires a deep knowledge of one's community. Meetings with Washington D.C. lobbyists or briefings from Congressional staff do not substitute for Member time spent in our districts. Allowing certain work to be performed remotely could add dozens of opportunities each month to listen to and learn from our constituents. We can devote more time to touring businesses, visiting schools and nonprofits, and hosting community events.

Hybrid work means fewer days traveling and more days working. Before the pandemic, members of Congress spent roughly 65 days traveling each year. That's more than one out of every six days. According to Representative William Timmons, who serves as Vice Chair of the Select Committee on the Modernization of Congress, "Members spend more time flying in and out of DC than they do legislating."

A round trip between my home community of Orange County, California, and Washington, D.C., takes an average of 18 hours (assuming no delays.) Switching to remote work for just one week of each month would deliver 36 hours, almost a standard workweek, of time for community engagement or higher quality preparation and participation for legislative work.

With more time in our districts, we can hear from more constituents and spare them the expense of traveling to Washington to meet their representative. This makes our democracy more inclusive and gives all members of our districts more access to their representatives.

Remote work procedures also will save taxpayer money on travel and reduce carbon emissions. This flexibility between in-person and remote allows us to combine legislative work and constituent work in a single workday—including days that are currently spent on airplanes, shut off from our colleagues and our constituents.

For example, on March 8, 2022, I voted remotely to support two bills that were offered under suspension of the Rules. The first bill was a resolution that passed 418-0, while the second bill passed with minimal opposition with a vote of 387-33. Such bills require little debate and should not prevent members of Congress from conducting important business in their communities. By voting remotely, on March 8, I was able to meet with and tour the facility of the Working Wardrobes VetNet Program, an organization that provides workforce training and wardrobe services to veterans and their families in my district.

The next morning, on March 9, I was able to attend a roundtable in Irvine, California, with mental health providers, law enforcement professionals, and Health and Human Services Secretary Xavier Becerra to discuss the critical mental health services in my district that were funded by the American Rescue Plan. Without remote voting, I would have had to choose between these incredible opportunities to engage with organizations providing essential services to my community, and my responsibility to cast votes on behalf of the people of California's 45th District.

We are able to conduct certain kinds of activities just as well, if not better, on a hybrid basis. Specifically, I strongly support a permanent change to allow for remote voting on bipartisan suspension bills that enjoy nearly unanimous support in the House. There can be no amendments on these bills, and debate is sharply limited, minimizing or eliminating any back-and-forth between Members.

Remote voting for these bills rather than a required in-person vote at 6:30 p.m. at the start of each week would allow me to spend Mondays working in my district, flying out in the evening to be in Washington, D.C. to begin Tuesday morning. These "bed check" votes simply deprive communities physically distant from Washington, D.C. of days of interactions with their representatives and create inequality in representational government based on geography and the urban-rural divide.

As much as any member of Congress, I appreciate how hearings help us address the challenges facing the American people. I understand that face-to-face engagement with powerful CEOs, expert witnesses, and everyday Americans are important for getting honest and full answers. Most hearings should be held in person, but I support giving flexibility to committee chairs to identify specific hearings where a remote process would improve the hearing's effectiveness. For example, remote hearings can accommodate our diplomats, deployed U.S. military,

foreign leaders, or people living in U.S. insular areas, allowing us to hear from the witnesses with the best knowledge of the issues at hand.

Hearings are typically noticed only one week in advance. That is often insufficient time to arrange travel. That inevitably means that East Coast residents and Beltway insiders are frequent witnesses, while Americans from rural or Western parts of the country do not get heard. Under current rules, witnesses also must travel at their own expense to appear before a committee. This means that people with resources to travel to and stay overnight in Washington, D.C. are able to testify, while others are left out of our democracy. This helps special interests and hurts ordinary people with important stories to tell and policy ideas to share.

Hybrid hearings allow Congress to hear from more Americans, and more diverse Americans. We should embrace these opportunities, not only for their potential to improve our lawmaking, but for how they improve people's connections to our legislative body. As Chair of the Oversight Subcommittee of the House Natural Resources Committee, I myself have been able to call witnesses from Puerto Rico to Palau.

I also support the permanent adoption of remote work for committee mark ups of legislation. These are internal meetings of Members, and the concerns about the benefits of in-person engagement with witnesses do not apply. We have already seen improved attendance and participation at mark ups with remote participation, and we should continue the procedure that produces the best result for our lawmaking.

Remote voting and remote committee proceedings are already enabling Members of Congress to spend more time with their constituents and bringing more diverse voices to Congress. We should continue to implement and improve these important reforms in the next Congress.

Thank you.

###

**Leader McCarthy Testimony on Proxy Voting and Remote Proceedings**  
*(As Prepared for Delivery)*

“Thank you Chairman McGovern and Ranking Member Cole for holding this hearing.

From the onset of COVID-19, we all recognized that Congress’ typical ways of doing business would need to adjust. Together, we briefly served on a bipartisan working group to explore how the House could continue safely operating without sacrificing the very qualities that make this institution unique.

At the beginning, there seemed to be consensus around protecting the intrinsic idea of Congress itself—as a physical meeting place of people and ideas. In fact, the Rules Committee majority staff’s preliminary report on the matter held that “by far the best option is to use the existing House rules and current practices.”

Regrettably, it appears the current Majority has long since abandoned that stance. Instead, it has pursued fundamental changes to how the House functions on a party-line basis, setting dangerous precedents along the way while failing to safeguard against many of the concerns we raised from the start.

It didn’t need to be this way. Indeed, look no further than the United States Senate for evidence that in-person legislative work is possible during a pandemic. The Senate has managed to maintain in-person Floor voting for the entirety of the past two years—with a much older population and a 50-50 makeup, no less.

While certain new protocols have shown their merit—electronic submission of bills, amendments, and co-sponsorships, for example—we cannot look past the glaring flaws and potential for abuse ripe inside the current system. Specifically, we would draw your attention to several data points that severely undermine the credibility of Congress as it pertains to (I) proxy voting, (II) remote committee proceedings, and (III) byproducts of the “covered period.”

#### **I. Proxy Voting**

From the get-go, we warned that proxy voting would be misused as a means of convenience rather than as a precaution for health—and it has been, by Members of both parties.

While I am part of an increasingly small caucus of those who have never and will never vote by proxy or carry a proxy, we all know friends and colleagues who have done so while misrepresenting their inability “to physically attend proceedings due to the ongoing public health emergency.”

Anecdotally, Members have used proxy voting as a means to attend fundraisers, conventions, ribbon cuttings, bill signings, personal events, and more—both inside and outside DC.

According to data analyzed by the Ripon Society, it appears proxy voting is often used as a way to create longer weekends—with Members voting by proxy twice as often on Fridays compared to Wednesdays, even when some had been physically present on the Floor earlier in the same week.

We have seen days where 50, 100, and even more than 150 Members have elected to vote by proxy on a measure—for no other reason than accommodating their own schedule.

In total, 17,263 proxy votes were cast in the 1<sup>st</sup> session of the 117<sup>th</sup> Congress—12,500 by Democrats (72.4% of all proxy votes) and 4,763 by Republicans (27.6%).

Put differently, Mr. Chairman: you have given Members an inch, and they have taken the proverbial mile.

Whatever the initial intent of proxy voting, enough is enough. It's time for this body to lead by example, show up to work as Congress has done since its inception, and end proxy voting once and for all.

## **II. Remote Committee Proceedings**

The second major change under the current Majority is the advent of fully remote committee business. Compared to in-person hearings and markups, any honest assessment would conclude that this, too, is no good way for the House to operate.

Technology issues have repeatedly marred committee activity, with chairs being forced to recess hearings and markups due to technical difficulties and bandwidth issues.

Members have been caught on-camera in less than decorous condition, including rolling out of bed, making inappropriate and interruptive comments believing they were “on mute,” and voting while on a boat (yes, seriously).

Most worrisome, I personally witnessed one incident where the Majority party attempted to deny a Member of the minority from voting on a major drug pricing amendment based solely on the technology platform he was using to participate—despite the fact that the same tech platform was being used by members of both parties before, during, and since said markup.

Thankfully, the Member in question was able to download WebEx in time to cast his vote, which resulted in the drug pricing amendment failing on a tied vote. However, the Majority's attempt to manipulate the rules for its benefit in this instance certainly calls into question Leader Hoyer's pledge that any changes made under the new COVID protocols “would not be done to advantage or disadvantage either side.”

While certain developments warrant further examination—such as permitting certain concurrently agreed-upon witnesses to appear virtually—it is clear that this hastily designed



system has proven to be ineffective at best and an abject failure at worst when it comes to the more substantive work that our committees need to perform.

### **III. Byproducts of the “Covered Period”**

Finally, there are lesser-known byproducts of the “covered period” that are slowly eroding the integrity of the institution.

As Members of the Rules Committee know, the “covered period” has been used to justify the ongoing blockade against certain privileged items, including Resolutions of Inquiry, War Powers Resolutions, and Motions to Instruct Conferees. This prohibition has been extended by the Rules Committee 18 times—totaling over 660 days—in what can only be characterized as a heavy-handed power grab by the Majority.

Due to the sheer length of time for vote series necessitated by proxy voting, we regularly see hundreds of amendments haphazardly packaged into enormous en bloc packages, debated for twenty minutes, and adopted or rejected wholesale with next to no genuine scrutiny.

My friends across the aisle might be unaware, but since the proxy system was only set up to facilitate business in the House—and not the Committee of the Whole—the non-voting delegates from Washington, D.C., American Samoa, Guam, the Northern Mariana Islands, and U.S. Virgin Islands, and the resident commissioner from Puerto Rico, have not cast a single vote on the Floor since this process began.

Finally, this entire process has placed undue strain on institutional staff: the Clerk staff who process the voting cards, the Official Reporters who keep a record of each vote, the Parliamentarians who identify Members by State for the Chair, and more. Each of these individuals now devotes a significant portion of his or her time to managing and facilitating the proxy system at the expense of regular day-to-day duties, increasing the chance for errors or other procedural breakdowns behind the scenes.

### **Conclusion**

Given this body of evidence, my only question is: will the Majority commit to finally ending the “covered period” when it is next up for renewal on March 30, 2022?

We know that in-person business is possible when the Majority truly puts its mind to it. Look no further than the vote for Speaker on January 3, 2021, when a majority was compelled to come to the Chamber in-person to re-elect Speaker Nancy Pelosi, as was required since proxy voting had not yet been stood up for the 117<sup>th</sup> Congress.

To paraphrase the movie *Field of Dreams*, “if you end it, they will come.”

Finally, if you do not find my testimony convincing, I would ask you to consider the recent actions of another legislature across the globe.

Just two weeks ago, we saw true bravery, courage, and patriotism when Ukraine's elected officials gathered—in-person—to lead their people through conflict.

It didn't matter that Kyiv was under attack. It didn't matter that their parliament was perhaps a key target for Russian forces. Their leaders showed up in-person to deliberate, to legislate, and even to sing their national anthem together in the Chamber.

I hope their sense of service might inspire each of us to renew our commitment to this institution in which we are privileged to serve—and to do all we can to safeguard it for the next generation.

I thank my colleagues for their attention to this fundamental matter.”

###

**Chairwoman Maxine Waters**

**Testimony to the House Committee on Rules, Member Day**

**March 17, 2022**

Chairman McGovern, Members of the Rules Committee, and fellow Committee Chairs. I appreciate the Committee's openness to feedback as you consider the important issue of the continuation of changes in House Rules forced into place by the COVID-19 pandemic.

Let me begin by saying that I am a believer in the value of the traditions and precedents of the House of Representatives. As a Member of the House and as Chairwoman of the Financial Services Committee, I appreciate the hundreds of years of work that has gone into creating the institution we serve today, and I value the deliberative consideration of changes to the rules and operations of the House. However, at times throughout the history of this body, events have occurred that have necessitated the rapid evolution of the nature of Congress. The COVID - 19 pandemic has required changes to the way the House conducts its business just as it has in millions of households, schools, and businesses across the country. The onset of remote committee proceedings and proxy voting put in place in the 116<sup>th</sup> Congress represented a sea change in the operations of the House of Representatives. Initially driven by the need to protect the health of Members and staff, remote committee

operations have allowed the Congress to continue its work serving the needs of the American people, and I dare say have done more to bring Congress into the 21<sup>st</sup> century than many of us were expecting.

The goal of a congressional hearing is to inform Members on the issues facing their constituents, and to assist Members in conducting oversight and crafting of legislation to address the issues of the country. Incorporating testimony from diverse perspectives allows us to craft legislation that works for all. Unfortunately, for too long Congress has ascribed to a system of witness selection that has silenced the voices of people of color, women, and low-income communities. It is not uncommon in the history of this body to have all white and all male panels. We have an opportunity to redress this issue at its root cause.

The traditional, in-person hearing format creates difficulties in scheduling and accommodating a broad, diverse set of witnesses to inform Members on a particular issue. According to the Federal Reserve Board's 2020 Survey of Household Economics and Decision-making, 50 percent of all adults would have difficulty paying for a \$400 emergency expense, with 19 percent not being able to pay the expense at all. Previously, only witnesses with the flexibility and resources – including financial, familial and time - to prepare for a hearing and travel to Washington have been able to appear before Committees. Naturally, this excludes many of our constituents who lack resources and access from testifying before Congress. Our constituents – including the most

vulnerable - deserve to have their voices heard before Committees in Congress. Distance, resources and opportunity should not prohibit that. Remote Committee Operations has benefitted all of us by allowing Congress to break out of the “DC bubble” and hear from a field of witnesses that is more ethnically, socially, and economically diverse.

As many of you know, one of my primary goals during my time in Congress, and particularly as Chair of the House Financial Services Committee, has been to tackle the problem of affordable housing and homelessness in the United States. As you can imagine, many people who have experienced homelessness remain in difficult situations, spread far across the country and unable to travel to Washington to testify before Congress. Yet thanks to remote committee proceedings our Members were able to hear testimony first-hand from witnesses who had recently experienced homelessness like Mr. Michael Edmonds, a current resident of public housing in Tucson, Arizona. Or Ms. Dolfinette Martin, who was able to come before our Committee while experiencing homelessness in the New Orleans area and share powerful testimony on the difficulties of overcoming past incarceration while working towards a stable, affordable housing situation. Without the option to receive testimony remotely, our members would have been deprived of the opportunity to hear from these witnesses. Without these “real-world” perspectives, Congress - and by extension the American people would be worse off for it.

One of the most common criticisms of Congress is that we can find ourselves out of touch with many of our constituents. To make informed decisions about the many problems facing everyday Americans, we need to hear from them. Unfortunately, traveling to the Capitol is something that is out of reach for too many residents of our districts. Yet, we continue to need their input on how best to help them deal with the issues they face. This Committee has the opportunity to permanently make available for Members the ability to hear from a broader, more diverse representation of the country in an official capacity. This is an opportunity we should take, and I encourage the Committee to keep the ability to conduct hybrid hearings, for the benefit of all Members and the people of this great country.

**Rep. Nydia Velázquez, Chairwoman, House Small Business Committee  
Testimony before the House Rules Committee  
Member Day Hearing on Proxy Voting and Remote Committee Proceedings  
as Established by H. Res. 965 of the 116th Congress  
March 17, 2022**

Chairman McGovern, Ranking Member Cole, and members of the Rules Committee. I appreciate the opportunity to provide testimony for the record.

Today, I want to highlight why it is essential that hybrid and remote proceedings continue. The Small Business Committee was one of the first Committee's to hold a virtual forum. We saw first-hand how essential these virtual proceedings were for the Committee's work. In the beginning, holding hearings virtually was unfamiliar and took our staff much time and effort to adjust to new technology, rules, procedures, and a new format. That hard work has paid off, and today we have procedures in place to efficiently and effectively conduct business remotely.

Since our Committee implemented the remote and hybrid options, we've had the chance to hear from many witnesses that wouldn't have been able to testify in person under normal circumstances. Entrepreneurs are busy, and they operate on tight budgets. They often don't have time to be away from their business or the means to travel to Washington. Prior to the pandemic, many of the Committee's witnesses were represented by trade associations or other organizations that assisted with the cost and logistics of travel. While their testimony was beneficial to the Committee and integral to much of our work, today we have heard the voices of small businesses, nonprofits, and experts from all around the country who are not represented or associated with trade associations. Moreover, we have seen an increase in participation by small businesses not represented by trade associations during our remote proceedings in comparison to our in-person hearings held prior to the pandemic.

The remote and hybrid formats have allowed them to have their voices heard without the need to travel, take time out of their busy schedules running their companies, and paying membership dues to associations, organizations, or similar entities. These proceedings have also yielded more qualified and diverse witnesses from across the country. In the past, we've relied on field hearings to hear diverse perspectives from small business owners in isolated or remote locations. But today, technology gives us the ability to bring these witnesses to us.

According to our data, since the Committee started having remote proceedings in June of 2020, we have had businesses and experts from 35 states testify at our hearings. I doubt we could have achieved this without virtual proceedings. In fact, the cost alone to come to Washington to testify has been a barrier in the past to getting more participation from Main Street. The cost savings from remote proceedings has provided the Committee with on the ground testimony about the challenges and successes of Main Street. As I stated in our first remote hearing on June 10, 2020, these proceedings allowed the Committee to "facilitate a discussion without burdening small employers," which includes the cost of travel to Washington to testify.

Small businesses across the country have a unique story to tell, and the hybrid and remote hearings have opened a door for them to share their stories like never before. For example, in September of 2021, during National Small Business Week, the Committee held a remote hearing saluting our Main Street Champions. We heard testimony from 14 entrepreneurs from across the country during a single hearing. They provided critical testimony of their pandemic success stories and the efficacy of COVID-19 relief programs. In addition, during the hearing, the Committee heard from Tod Greenfield of Martin Greenfield Clothiers located in my district in Bushwick, Brooklyn. He testified about how programs like PPP, COVID EIDL, and the Employee Retention Tax Credit kept his family's business alive. This is a successful small business that has produced clothing for businessmen, grooms, celebrities, and even Presidents.

On July 15, 2020, the Committee held a remote hearing titled "Long-Lasting Solutions for a Small Business Recovery." Part of the hearing focused on examining additional stimulus legislation and ensuring that any additional funds would prioritize the *smallest and underserved businesses*. Many of those firms struggled to access or were denied PPP and EIDL loans and grants. At the hearing, Chef and Owner of Dirt Candy, Amanda Cohen, testified about the need for additional funding in order for independent restaurants to survive. At the time, she added that 85% of independent restaurants were at risk of closing without supplemental funding. Testimony from individuals like Ms. Cohen helped raise this issue to the forefront in order for the Committee to push through \$28.6 billion in targeted aid for restaurants in the American Rescue Plan.

But for hybrid and remote proceedings, we may have never heard from such a diverse array of business owners. Their stories are unique and important. Testimony from these firms has helped the Committee develop policies more attuned to the need of entrepreneurs during these trying times. This will be even more important as the nation faces rising prices due to the conflict in Ukraine.

These proceedings have also allowed our Committee to increase Member participation. With our Members' sitting on three and sometimes four different Committees it is tough at times to get maximum participation with conflicting schedules. However, providing a remote option allows them to better optimize their time, which has led to a higher attendance rate at our hearings and markups. More importantly, the remote proceedings have made it easier for our Members' to participate in our proceedings along with the proceedings of the other Committee's they sit on. Additionally, during Committee work weeks, we've been able to hold hearings even when Members are back in their districts serving their constituents.

I would note that incorporating hybrid and remote proceedings mirrors trends in the private and public sectors. Videoconferencing and teleworking have become ubiquitous during the pandemic. Congress must keep up with the times and modernize to meet the needs of our constituents.

So, I ask, why change a practice that has been transformative to the work of the Committee on Small Business?

The mandate for the Committee under the rules of the House is to provide "[a]ssistance to and protection of small businesses. . ." and this can only be done if we can hear from small businesses everywhere, not just the ones able to travel to DC or take time away from their business operations.



Let's move forward and not backwards and make the use of hybrid proceedings permanent.  
Thank you.

**Rules Committee Testimony – Ranking Member McCaul****March 17, 2022**

Chairman McGovern and Ranking Member Cole,

Thank you for inviting Members to testify today. As a Member of the Foreign Affairs Committee, I would like to share my experience with remote Committee proceedings.

The bottom line is that Members, on both sides of the aisle, have been less engaged in Committee activities in the virtual or hybrid format.

The majority of full Committee hearings and markups have been hybrid, while most subcommittee hearings have been completely virtual the last two years. Since May 2020 when the resolution was adopted allowing for remote committee proceedings, 70 new Members of the House were sworn in. Not one of these Members has had the opportunity to participate in a normal, non-virtual or non-hybrid, hearing or markup.

Newer Members are being disfranchised under this format. For instance, newer Members were told not to come to the hearing room and to participate virtually because the majority limited seating in the hearing room. The Chairman recognizes Members to ask questions in straight seniority order – instead of who was present when the hearing started. This means that newer Members are always last even if they participate from the beginning.

The virtual format also means witnesses participate remotely. In September 2021, Secretary of State Antony Blinken sat at his desk at the State Department rather than appearing in person before the Committee to answer questions related to the disastrous Afghanistan withdrawal. This was not welcomed by many Members.

In addition, we've seen many Members at their houses, in restaurants, and in their cars. Members are constantly experiencing connectivity issues and it is difficult in the hearing room to hear what they are saying.

While our committee has held only one completely virtual markup in the last two years, during that markup, due to a loss in internet connectivity, a Republican Member was unable to offer an amendment to a bill.

But the bigger issue than that is not having Members engaged as they would normally be. Many members will not log on, won't ask questions, and we as a committee are losing out on our vital oversight role.

And speaking of oversight, another crucial item I want to discuss is the Rules Committee's decision to put Resolutions of Inquiry on hold time and again. This is a vital oversight tool of the minority and has been for over 200 years. We saw the disastrous withdrawal of troops in Afghanistan and we've been requesting documents and transcribed interviews from the Administration that they refuse to provide. This administration should not be immune from oversight – just as no administration should be.

The other unintended consequence of remote Committee proceedings is lack of unity. It is much easier to speak harshly towards colleagues when you aren't sitting face to face and you don't really know someone. There is something to be said for having Members of both parties in the same room – talking, meeting in person, and working together to put forward solutions to help solve some of our countries, and in our committee's case, the world's most pressing problems.

Thank you and I yield back the balance of my time.

HOUSE COMMITTEE ON RULES – MEMBER DAY HEARING  
PROXY VOTING AND REMOTE COMMITTEE PROCEEDINGS**Testimony from the Honorable Raúl M. Grijalva,  
Chair of the House Committee on Natural Resources**

March 17, 2022

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Thank you, Chair McGovern and Ranking Member Cole, for hosting this Member Day Hearing. I appreciate the opportunity to submit this testimony, as remote proceedings have directly benefitted the House Committee on Natural Resources.

The Natural Resources Committee began to conduct business remotely in May 2020 due to the COVID-19 pandemic. While the past two years have not always been easy, we have seen the resilience of Congress in adapting to these changes. I am delighted to share some of the benefits of conducting remote proceedings, and I encourage you to keep this additional tool going forward.

I have been an outspoken supporter of the House's remote authority as a way to increase witness diversity at hearings and enable Members to learn from a wider range of backgrounds and life experiences.

For many Americans, the costs of traveling to Washington, DC, can be prohibitive. In addition to flight costs, witnesses incur costs of accommodations, missed work, childcare arrangements, missed appointments, and other expenses associated with travel. Witnesses from rural areas often require hours of additional travel, and even hotel stays, simply to reach the nearest airport.

Unfortunately, the burdens of testifying in person typically fall hardest on witnesses from impoverished, rural, or otherwise marginalized or underrepresented communities. These commitments can be especially unworkable considering that the typical length of a committee hearing can be two to three hours.

Fortunately, our Committee has seen real results from the House's remote authority for committee proceedings.

In our first event to test the remote technologies, we convened a Democratic roundtable, "*Stepping Up: Communities Protecting Themselves and the Environment in the Pandemic Era*." We heard from Sharon Lavigne, the leader of a campaign to protect her community — the mostly Black "Cancer Alley" near Baton Rouge, Louisiana — from a new petrochemical project. Without her appearing remotely, we likely would never have heard from her.

As you know, the House Committee on Natural Resources has jurisdiction over the relations of the United States with Native Americans and Native American tribes and over the Insular Areas of the United States. As Chair, then, I am particularly conscious of the need for Congress to hear from Indigenous Peoples and from the Insular Areas.

One example regarding tribal voices is a June 2021 remote hearing held by the Subcommittee for Indigenous Peoples of the United States, "*Examining Federal Facilities in Indian Country*." The hearing allowed the Committee to hear from leaders of Native American tribal governments in Oklahoma, Arizona, Nebraska, and Idaho on the social and economic consequences of inadequately funding the federal agencies that maintain schools, health care facilities, and law enforcement offices across Indian Country. Requiring in-person appearances at the witnesses' own expense and on the Subcommittee's timetable would have presented serious, likely insurmountable barriers. Such a requirement would also have been particularly

insensitive given the topic of the hearing. Thanks to the remote authority, we were able to hear from all of these leaders, and we were able to do so as part of one single, productive discussion.

Regarding the Insular Areas, many of our witnesses pre-pandemic would spend multiple days traveling to testify in person. For example, the estimated cost of a round trip flight from Guam, which is approximately 7,920 miles away, is around \$1,900 and 50+ hours. The remote authority has enabled us to hear from more Insular voices, and it has increased the opportunities for Members to question witnesses from the Insular Areas, including government officials, in real time and with an official record.

I have enclosed information regarding these and other examples of witnesses whose valuable perspectives would likely have been unavailable to the Committee if they had been required to appear in Washington, DC, in person.

I would add that, in addition to increasing witness diversity, remote hearing authority provides opportunities for Members and witnesses to testify while standing on the ground of, or in front of, the natural or culture resource area being discussed. As both technology and Members become more sophisticated, the possibilities for such “on the ground” perspectives will become even more interesting and effective.

Remote proceedings have removed many barriers to participation for those from marginalized, underrepresented, and underfunded communities. As such, remote proceedings have greatly increased the inclusivity and accessibility of our work. Maintaining a remote option for committee proceedings post-pandemic needs to become the new standard.

We have already done the groundwork to make remote proceedings a success and felt their benefits firsthand. While there is always more to improve, I believe that continuing this practice is a necessary step in meeting Congress’ responsibility to base our laws and oversight on public input.

I urge the Rules Committee to maintain such a vital option going forward.

Thank you again for the opportunity to provide this testimony and for the important work you do.

2022.03.17



**HOUSE COMMITTEE ON NATURAL RESOURCES**  
**EXAMPLES OF WITNESS DIVERSITY IN REMOTE PROCEEDINGS**

**Sharon Lavigne**, *Founder and President, RISE St. James*

- Appeared on May 13, 2020, at a Democratic roundtable “*Stepping Up: Communities Protecting Themselves and the Environment in the Pandemic Era*” (**Duration: 1 hour**)
- This event was not an official hearing but served as an early test of the remote technology.
- Sharon Lavigne is the leader of a campaign to protect her community — the mostly Black “Cancer Alley” near Baton Rouge, Louisiana — from a new petrochemical project. Without her appearing remotely, the Committee likely would never have heard from her.

**His Excellency Gerald M. Zackios**, *Ambassador to the United States, Republic of the Marshall Islands*

**Ms. Ada Monzón**, *President, EcoExploratorio, Puerto Rico Science Museum*

**Mr. Jean-Pierre L. Oriol**, *Commissioner, USVI Department of Planning and Natural Resources*

- Testified on [March 4, 2021](#), at the Full Committee Remote Hearing on Discussion Draft “*Insular Area Climate Change Act*” (**Duration: 2 hours, 27 minutes**)
- Ambassador Zackios: Flying from Marshall Islands to Washington, DC, and back **would not have been possible. Air travel was restricted due to COVID-19 during this time.**
- Ms. Monzón: The estimated cost of flying from San Juan, PR, to Washington, DC, and back is **\$299, and would take 12+ hours.**
- Mr. Oriol: The estimated cost of flying from USVI to Washington, DC, and back is **\$362, and would take 15+ hours.**

**Ms. Megan Alvanna Stimpfle**, *Self-Governance Liaison, Norton Sound Health Corp., Nome, AK*

- Testified on [April 21, 2021](#), at the Subcommittee for Indigenous Peoples of the United States Remote Hearing on “*Infrastructure in Indigenous Communities: Priorities for American Jobs Plan*” (**Duration: 2 hours, 10 minutes**)
- The estimated cost of flying from Nome, AK, to Washington, DC, and back is **\$1,100, and would take 26+ hours.**
- Ms. Stimpfle had an Indian Health Service (IHS) appointment that overlapped and could not be rescheduled without delaying her medical care by several months. By appearing virtually, she was able to keep her appointment and participate in most of the hearing.

**Ms. Kelley L. Anderson Tagarino**, *Extension Faculty, Aquaculture & Marine Science, University of Hawaii Sea Grant College Program, American Samoa Community College*

**Dr. Robert H. Richmond**, *Research Prof. and Dir., Kewalo Marine Lab, University of Hawaii at Manoa*

**Ms. Fran A. Castro**, *Associate Director, University of Guam Sea Grant*

- All three testified on [May 4, 2021](#), at the Subcommittee on Water, Oceans, and Wildlife Remote Hearing on “*Restoring Resilient Reefs Act of 2021*” (**Duration: 1 hour, 47 minutes**)
- Ms. Tagarino: The estimated cost of flying from Honolulu, HI, to Washington, DC, and back is **\$750, and would take 36+ hours.**
- Dr. Richmond: The estimated cost of flying from the Kaka’ako, HI, to Washington, DC, and back is **\$660, and would take 24+ hours.**

- Ms. Castro: The estimated cost of flying from the Guam to Washington, DC, and back is **\$1,900, and would take 50+ hours**.
- An in-person hearing likely would not have included any of these witnesses, despite them being leaders in their field.

**Hon. David Hill**, *Principal Chief, Muscogee Nation Okmulgee, OK*

**Hon. Ned Norris, Jr.**, *Chairman, Tohono O'odham Nation, Sells, AZ*

**Hon. Timothy Nuvangyaoma**, *Chairman, Hopi Tribe, Kykotsmovi, AZ*

**Hon. Victoria Kitcheyan**, *Chairwoman, Winnebago Tribe of Nebraska, Winnebago, NE*

**Hon. Chief Allan**, *Chairman, Coeur d'Alene Tribe, Plummer, ID*

- Testified on [June 17, 2021](#), at the Subcommittee for Indigenous Peoples of the United States Remote Hearing on “*Examining Federal Facilities in Indian Country*” (**Duration: 2 hours**)
- The hearing allowed the Committee to hear from leaders of Native American tribal governments in four states on the social and economic consequences of inadequately funding federal agencies that maintain schools, health care facilities, and law enforcement offices across Indian Country.
- Requiring in-person appearances at the witnesses’ own expense and on the Subcommittee’s timetable would have presented serious, likely insurmountable barriers.

**Fourteen various witnesses**, including tribal government officials

- Testified on [October 15, 2021](#), and [October 20, 2021](#), at the Subcommittee on Water, Oceans, and Wildlife Remote Hearings on “*Colorado River Drought Conditions and Response Measures*” (**Total duration: 4 hours, 44 minutes**)
- Fourteen witnesses provided remote testimony, with a total estimated cost of over **\$5,000** in flights and **75+ hours of travel**.
- A hearing this far-reaching taking place is highly improbable without remote authority, given the costs, logistics, and multiple different time constraints involved.

**Mr. Kaddu Sebunya**, *CEO, African Wildlife Foundation*

**Ms. Joan Carling**, *Global Director, Indigenous Peoples Rights International*

- Testified on [October 26, 2021](#), at the Water, Oceans, and Wildlife Remote Hearing on “*Protecting Human Rights in International Conservation*” (**Duration: 1 hour, 57 minutes**)
- Mr. Sebunya: The estimated cost of flying from Nairobi, Kenya, to Washington, DC, and back is **\$860, and would take 50+ hours**.
- Ms. Carling: The estimated cost of flying from Baguio City, Philippines, to Washington, DC, and back is **\$1,500, and would take 50+ hours**.

**The Honorable Lou Leon Guerrero**, *Governor of Guam*

**The Honorable Therese M. Terlaje**, *Speaker, 36th Guam Legislature*

**Mr. Robert Salas II**, *President, Pacific Federal Management (PFM) Inc.*

- All three testified on [February 17, 2022](#), at the Full Committee Remote Hearing on “*Native Pacific Islanders of America Equity Act*” (**Duration: 1 hour, 22 minutes**)
- The estimated cost of flying from Guam to Washington, DC, and back is **\$1,900, and would take 50+ hours**.

**03.17.22 – Member Hearing Day on Proxy Voting**

WC: 217

- Thank you Mr./Mrs. Chairman, and thank you to the committee for allowing me to testify today.
- When the Majority first announced the proxy and remote voting proposal, I raised serious concerns about this unprecedented power grab that silences the voices of the very people we are supposed to represent.
- It has now been almost TWO YEARS since the House started this proxy voting scheme – a process that has dragged on for far too long.
- I have not proxy voted because my constituents sent me to Congress to represent them, and how can I do that if I'm not here?
- Unfortunately, several of my colleagues have abused proxy voting so they could conduct virtual hearings from their boats, or worse, go on personal trips rather than fulfill their duty to vote.
- It's making a mockery of our legislative process.
- And we can no longer say that this is necessary because of a public health crisis.
- Businesses, schools, concerts and major sporting events have resumed and our nation is finally returning to business as usual.
- Even in the face of war, members of the Ukrainian parliament are showing up to vote and do their job – so what's our excuse?!
- The rest of the country is fully reopening, and so must the People's House!
- Thank you, and I yield back.



**Statement of Congresswoman Stacey Plaskett (VI)****House Committee on Rules****Hearing: “Member Day Hearing on Proxy Voting and Remote Committee Proceedings”****March 17, 2022, 9:00 AM, H-313, the Capitol**

Chairman McGovern, Ranking Member Cole, members of the committee. Good day and thank you for this opportunity to come before you to express my concerns about the current system of remote voting by proxy. As you know, under the standing House resolution authorizing remote voting by proxy (H. Res. 8), such voting cannot exist in the Committee of the Whole House on the state of the Union because the resolution only sets forth remote voting by proxy “in the House”. I wrote this committee on January 10, 2022, with my colleague Eleanor Holmes Norton, to share our lingering concerns that this preclusion has, for nearly two years’ time, unfairly denied Delegates and the Resident Commissioner the vote they are permitted under House rule III.

In 1993, the House amended rule III to allow Delegates and the Resident Commissioner to vote in the Committee of the Whole House on the state of the Union. This amendment was reinstated in 2007 and again in 2019. This provided Delegates and the Resident Commissioner with voting power on the floor of the House that has been ruled constitutional in the Federal courts. As you know, the Committee of the Whole is the traditional way in which the House processes amendments and other votes on legislation prior to final passage. Clause 3 of rule III has represented the position of the House that the people who fight and die for the United States deserve to have their voices heard in the people's House.

Remote voting by proxy has now also survived review by the Federal courts. The case against it was dismissed by the U.S. District Court for the District of Columbia, which found that “the House unquestionably has the authority, under the Constitution, to ‘determine the rules of its proceedings.’” The U.S. Court of Appeals for the District of Columbia Circuit affirmed the decision of the District Court, and the Supreme Court denied further review. That was the final disposition of the litigation over the constitutionality of remote voting by proxy.

In addition, Members of the House from both parties have now been voting remotely by proxy in droves, including Members of the leadership on both sides of the aisle, and the most senior members of this body, including the most senior Members of exclusive standing committees. And after two years’ time, the votes taken on the floor of the House now look much the same way that they did prior to the pandemic, but for the availability of remote voting by proxy. Therefore, I submit that there is no good reason why the system of remote voting by proxy should not extend to the same floor voting that took place beforehand in Committee of the Whole House on the state of the Union.

The current system of remote voting by proxy has made it easier for Members to vote without being physically present on the House floor, while it has denied the vote entirely to the representatives of more than 3 million Americans for nearly two years, nearly an entire Congress. The House has been voting and will continue to vote on highly consequential legislation for my constituents and this country. Just like before the pandemic, the American people represented by the Delegates and the Resident Commissioner deserve to have a voice in Congress, and their elected representatives deserve to have a vote in the Committee of the Whole.

The legislative modifications to make this happen would be simple. The House could simply revise the standing resolution (H. Res. 8) to provide that remote voting by proxy shall apply with respect to votes cast in the Committee of the Whole House in the same manner, and under the same terms and conditions, as it applies with respect to votes cast in the House. Under clause 3 of rule III, each Delegate and the Resident Commissioner shall possess the same powers and privileges as Members of the House in the Committee of the Whole. This committee would, just like before, decide on a case-by-case basis whether a bill will be considered on the floor under a rule for amendments in the Committee of the Whole. There could be a number of ways that this could be accomplished.

The principle that every American deserves to be represented with a vote in Congress is important. The American people of the U.S. territories and the District of Columbia proudly fulfill the ultimate responsibility of citizenship, being called upon to fight and die for this country, but without having a representative in Congress with the right to vote on legislation on the floor of the House. The vote of their representatives in the Committee of the Whole has been a meaningful gesture and a step toward inclusion of all Americans in the democratic process. I respectfully request that this again be permitted by the House during any remaining time of remote voting by proxy.

Thank you for your consideration.

**Testimony of Vice Chair William Timmons**  
**House Committee on Rules**  
**Member Day Hearing on Proxy Voting and Remote Committee Proceedings as Established**  
**by H. Res. 965 of the 116<sup>th</sup> Congress**  
March 17, 2022, 9 a.m.

Chairman McGovern, Ranking Member Cole, members of the Rules Committee, I appreciate the opportunity to speak on this important topic.

I am testifying today in my capacity as a member of the House, because these are issues that each of us has a vested interest in. They speak directly to the nature of this body, and our ability to do the jobs we were elected to do.

But importantly, my views are uniquely informed by my service on the Select Committee on the Modernization of Congress, first as a new member last Congress, and today as the Vice Chairman where our mission, simply, is to make Congress work better for the American people.

The issues before the Select Committee naturally lend themselves to finding common ground, because we have a shared interest in improving the institution. Indeed, our authorization requires it. But we have taken it a step further. We have developed the personal relationships necessary to work together. When we can, we have broken bread. We hold our hearings in roundtable fashion, looking at each other around a common table, seated alternately by party, so we can get to know each other. And so we can work effectively together. And that has been key to our success.

Importantly, and this is what I want to speak to specifically today, as part of our mission of improving the institution, we have taken a hard look – and my committee colleagues, Mr. Perlmutter and Mr. Reschenthaler will attest to the work we’ve done in this space – at how to improve culture, debate, and bipartisan collaboration in the House. We held three hearings over the course of several months last year and heard testimony from and talked through these important issues with scholars, current and former members of Congress, business consultants, organizational psychologists – even sports coaches. We looked at ways to strengthen committees, how to reinforce a culture of productivity, how to bolster civil, thoughtful debate on the issues and improve collaboration. And we’ve developed meaningful recommendations, in a bipartisan way, which I hope the full House will consider.

But perhaps my biggest takeaway from the important work we’ve done in this area, is that what underlies all of it, the common thread to improving culture and productivity, is relationships. Getting to know each other as people, not as avatars on cable news. But Mr. Chairman, that cannot happen in a virtual world. That cannot happen if we are not physically together. Being here together is a condition precedent to improving culture and productive work on the issues that matter to the American people. And it is certainly not relationships for their own sake, or for the sake of bipartisanship in and of itself. But so we can learn to work successfully together – even when we strongly disagree – to find the common ground necessary to tackle our nation’s biggest problems. Because sustainable solutions require it.

Conducting much of our business remotely, as we have done now for 22 months, has not only significantly eroded our ability to do just that – to do what we were sent here to do – but it has eroded trust. Indeed, consider the impact on our newer members, many of whom have known mostly virtual committee work. Much of the testimony we heard in our committee emphasized the importance of building culture early, getting to your new employees, players, teammates, or members and instilling culture, norms, and working relationships early so you develop practices and expectations that last and upon which you can build. Yet we have an entire class of new members who have only known disruptive schedules, who don't know what it's truly like to spend meaningful time together grappling with issues in committees, and who have missed countless other opportunities, small and large, that being together in this unique place affords.

As this pandemic is increasingly in the rearview mirror, let's look at our experiences, and take the good but leave the bad. The emergency of the pandemic has forced some much-needed changes and improvements in the institution, some of which our committee has looked at – the “eHopper,” digital co-sponsorships, a Digital Services Task Force, to name a few. It has forced us to find solutions to problems that are beneficial and will last. But for the good of the institution, for our ability to work together, virtual committee operations, proxy voting, must be left behind.

To be sure, there are important conversations to be had on specific questions. For instance, is there value in this committee considering a form of limited remote witnesses, which committee chairs can use on occasion to improve accessibility and participation for the American people in the institution and our processes and debates? It's an issue we've discussed in our own committee, and members had good faith arguments on both sides. Further, how do we ensure continuity in future emergencies in a way that is broadly accepted? If there's one thing that the pandemic taught us, it's to be prepared for the unexpected. And that is an issue we will be looking at as well.

But the first order of business is to get back to regular business. And based on where trust stands right now, I would respectfully submit that these questions cannot be addressed constructively unless and until we get back to regular order, get back to work as the Founders envisioned, and then have a reasoned, thoughtful debate, informed by the experiences of the last 22 months. From where I sit now and based on the work we've done on civility and collaboration, the processes which were put in place nearly two years ago in good faith to respond the best we could to an emergency – which were meant to be temporary – have gone on far too long, and as a result, I believe have, regrettably, negatively impacted the culture of the institution and our ability to get things done for the people we represent.

Thank you.

## Will House Dems get it together?

BY JOHN BRESNAHAN, ANNA PALMER, JAKE SHERMAN AND  
HEATHER CAYGLE

WITH MAX COHEN AND CHRISTIAN HALL

### THE TOP

**Happy Wednesday morning.**

**Programming note:** We're very excited to head to Philadelphia later today for the House Democratic Caucus Issues Conference.

**On Thursday evening** from 4 p.m. to 6 p.m., Punchbowl News will host a "Cocktails and Conversation" happy hour at the Democratic retreat. This event will feature a live interview with our own Managing Editor **Heather Caygle** and House Democratic Caucus Chair **Hakeem Jeffries**. It's part of the retreat and is only open to attendees and reporters; the whole press corps is invited. We'll have lots of food, drinks and new amazing House-themed swag. When we say amazing, we mean it.

**Questions?** Ping Jake or Heather.

**We'll release the Jeffries conversation** as a bonus episode of the Daily Punch, our podcast. Listen on [Spotify](#), [Apple Podcasts](#) or wherever you listen.

**Usually House Democratic** retreats are boring, perfunctory affairs, filled with bland food, long speeches and lawmakers itching to get home.

**But let's talk about reality** for a moment. Democrats are a bit of a

mess right now. And our sources tell us that they feel as if this gathering in Philadelphia is the “most consequential” retreat in recent memory.

**Consider this set** of facts House Democrats carry with them up I-95 to the City of Brotherly Love for their first in-person retreat in three years:

→ **31 House Democrats** have announced they’re retiring or otherwise leaving the body.

→ **Following President Joe Biden’s** State of the Union address, three House Democrats felt the need to publicly respond with their own speeches. This was an unprecedented display that took the spotlight away from Biden and only served to highlight the party’s divisions, multiple Democrats told us.

→ **The relationship between** the White House and the House Democratic leadership is frayed, and the distrust between the two ends of Pennsylvania Avenue has only deepened this week. **House Democrats** were ready to move on a bipartisan, bicameral Russian sanctions bill until the White House pulled the rug out from under them over the oil embargo and differences on trade policy. Speaker **Nancy Pelosi** is going ahead with a vote anyway – despite some misgivings from the moderate wing of the party.

→ **While improving in some polls**, Biden’s approval numbers are still in the high 30s or low 40s. Inflation is soaring, with prices increasing at a rate not seen in four decades (new inflation data is out Thursday). Gas prices are at record highs, as well.

→ **The Build Back Better Act** as envisioned by the House is dead. Senior House Democrats privately blame the Senate and White House for this disaster. But House progressives’ deal with

Democratic moderates to pass the bipartisan infrastructure bill before a social spending package has been proven to be unwise at best. A lot of progressives will put it in even harsher terms. But we'll be nice!

→ **Democrats are struggling** with basic governing responsibilities. It's five months into the 2022 fiscal year, and they still haven't passed an omnibus spending deal (more on this below). This isn't all Democrats' fault alone, of course. Republicans refused to even negotiate until BBB was clearly moribund, so they deserve a lot of blame here too. Yet Democrats, who control Congress and the White House, will celebrate when the spending bill passes, and it really just means the federal agencies are funded for less than seven months.

**Let's be clear:** Democrats won't be able to right this ship between this evening and Friday afternoon in Philly. But Democratic Party leaders are hoping they can at least ease the intra-party tension that's worsened as this Congress has unfolded.

**Consider this:** Since the mid-1990s, Congress has grown ever more impersonal. Lawmakers leave D.C. as soon as they can each week. They don't live here, they don't bring their families to town, and they don't socialize or mix with their own party or, even worse, their counterparts across the aisle. This is a break from the past. While some of this may be sepia-toned, nostalgia-tinged memories, lawmakers clearly enjoyed warmer personal relationships in previous eras, and that led to a more effective Congress.

**The rise of social media**, coupled with bitterness of the **Donald Trump** era – which culminated in the bloody Jan. 6 insurrection, some of the worst political violence in decades – demonstrated the enormous depth of the partisan gulf that lawmakers now face.

**The multi-year Covid-19 pandemic** only exacerbated the physical



and personal distance between lawmakers. Proxy voting, remote party meetings and virtual hearings means House Democrats have spent far less time in the same room with each other for the last two years than they normally would. A lot of Democrats, especially the newer members, don't even know each other that well. And across the entire caucus, there's a clear lack of trust. Progressives versus moderates, younger versus older, leaders versus rank-and-file – these are just some of the fault lines inside the party. Legislative and political priorities and prerogatives often don't line up.

**“The caucus lives in two different realities,”** one senior Democratic aide told us. “We need to be focused on Ukraine and inflation. Anything else is a distraction.”

**We caught up with House Majority Leader Steny Hoyer** last night about some of these issues. Here's what he had to say:

“I think things are going very well, John, I really do. The world is not going well. This [Ukraine] war is terrible. We have passed two major pieces of legislation, in any other Congress, would have been historic in and of themselves, in the [American Rescue Plan] and the infrastructure bill. We've also passed through the House two major pieces of legislation that are now sitting in the Senate: [the USICA bill], I think we're going to adopt, and I think we can get part of Build Back Better. You've heard me say this before: Last year on our first 30 bills, we lost 19 votes.”

**We reminded him** that Democrats are leaving the House in droves.

“I think we'll have a really good message for the American people. Now, yes, we have a lot of people retiring. Most of them in safe seats. Most of them. Not all. [In] the open seats that we have, we're going to have to really hone down. And very frankly, it's going to depend upon what is the atmosphere in June, July and August. ... I know the

polls don't look particularly good now, but that's happened in the past. I think we have a very, very good message to go to the American people with as to what we said we do and what we have, in fact, done. ... I'm looking forward optimistically to the elections. I'm not a pie in the sky guy, as you know, but I don't by any stretch of the imagination think our time is over."

[Here's the schedule](#) for the retreat. If all doesn't go well, Democrats can look forward to **Lady Bunny** tonight at 9:30 p.m. and **DJ Jazzy Jeff** performing at 9:30 p.m. Thursday night – after the Punchbowl News event.

**Also important:** The White House has sent House Democrats [this slideshow](#) on deficit reduction. This is part of the Biden administration's effort to highlight different elements of the president's State of the Union each day this week. Today, the president will talk about passing the Bipartisan Innovation Act. On Thursday, Biden will talk about "the American Rescue Plan's success reducing the cost of health care for the middle class and plans to cut prescription drug costs."

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## THE FUNDING FIGHT

### House to vote on omnibus, 4-day CR today

**Following a frantic few days** of negotiations, and an abbreviated late-night (early morning?) markup by the Rules Committee, the House is moving toward a vote today on a \$1.5 trillion omnibus spending package designed to keep federal agencies open through September.

**The massive FY 2022 omnibus package** – which was released at 1:30 a.m. – is 2,741 pages long. You can see the full [text](#) here and the

House Dems' summary [here](#).

**Included in this package is \$13.6 billion** in military and humanitarian aid for Ukraine and neighboring Eastern Europe countries in response to the recent Russian invasion. This funding, which has huge bipartisan support, is one of the keys to passing the omnibus today.

**There's no way** that members can read this enormous bill by the time they vote on it later today, roughly 12 hours after it was released. Yet Speaker **Nancy Pelosi** and House Democrats are heading to a Democratic retreat in Philadelphia that kicks off this afternoon, so they're pressing ahead with a vote as soon as possible anyway. Progressives are upset about the inclusion of huge increases in defense spending. However, they support the big increases in domestic spending won by Democratic leaders, so they'll vote for the bill.

**With government funding** running out at midnight on Friday, the Rules Committee also passed a [four-day continuing resolution](#) to keep federal agencies running until March 15. This is an insurance policy which will give the Senate several more days to process the omnibus legislation. Senate Majority Leader **Chuck Schumer** will likely need that extra time to steer the chamber around objections from Republican senators.

**In addition**, the Rules Committee passed a new sanctions bill that includes a ban on importing oil and other petroleum products from Russia into the United States. While President **Joe Biden** has already instituted the oil ban by executive order, Pelosi believes it is important for the House to go on the record on the issue. Senate Republicans may end up blocking this measure after Democrats reneged on a deal over the issue.

[Here's that bill](#), which prohibits the importation of Russian crude oil, gasoline, coal, natural gas and other energy products. The restriction on imports can be waived by the president if he deems "it is in the national interest," although that move is subject to a resolution of disapproval by Congress.

**The Russia sanction bill** has language calling on the U.S. Trade Representative to begin the process of seeking the Russian Federation's suspension from the WTO. Additionally, it reauthorizes and amends the Global Magnitsky Act, which imposes sanctions on human rights violators.

**Republicans complained Tuesday** about House Democrats' decision to go back on a bipartisan, bicameral deal over ending "permanent normal trade relations" with Russia and Belarus. However, the White House opposed the language and pressured Democratic leaders on the Hill to drop it. Administration officials want to make sure the United States can act in coordination with allies on economic sanctions while also giving Biden a free hand to deal with the crisis – and potential negotiations to end the conflict.

**On the omnibus**, the two parties eventually settled their differences by spending a lot more money. Per House Appropriations Committee Democrats, "the regular 12 appropriations bills include \$730 billion in non-defense funding, a \$46 billion increase over fiscal year 2021. This 6.7 percent increase in non-defense funding is the largest in four years. The bills provide \$782 billion in defense funding – an increase of \$42 billion, 5.6 percent, over fiscal year 2021."

**The path to get to today's House vote** on the omnibus package was long and extremely tedious. House Appropriations Committee Chair **Rosa DeLauro** (D-Conn.) noted during a very brief Rules Committee meeting (no Democrats but the chair, Rep. **Jim**

**McGovern** of Massachusetts, even showed up in person) that the “Four Corners” – the chairs and ranking members of the House and Senate Appropriations panels – first met to discuss this package on Nov. 2. That was more than four months ago.

**“I am so proud** of this government funding legislation, which delivers transformative federal investments to help lower the cost of living for working families, create American jobs, and provide a lifeline for the vulnerable,” DeLauro said in a statement “During this time of great uncertainty and change, we are tackling some of our nation’s biggest challenges, including making health care more affordable, confronting the climate crisis, and protecting our national security.”

**But as we noted in our PM edition**, Republicans did very well on this bill. They achieved “parity” for the increases in defense and non-defense spending. They won on policy riders including the Hyde Amendment, which bars the use of federal funds for abortions. There’s also no “poison pills,” another Republican priority.

**Rep. Kay Granger of Texas**, top Republican on House Appropriations, praised the bill during the Rules markup. Sen. **Richard Shelby** (Ala.), ranking Republican on the Senate Appropriations Committee, said this: “Throughout this process, I have insisted upon dollar-for-dollar parity for defense and non-defense increases, preservation of long-standing legacy riders, and the exclusion of partisan poison pills. I am pleased that we have achieved all three goals.”

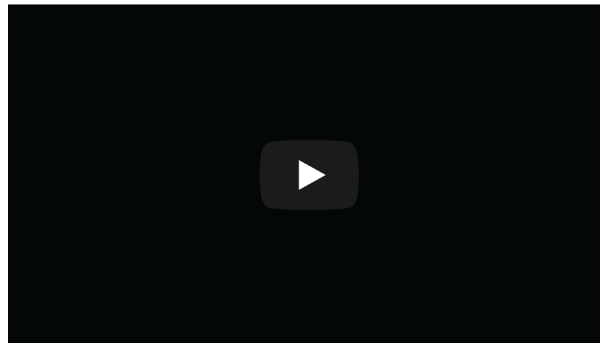
**Senate Majority Leader Mitch McConnell** backs the package as well, calling it a “major step forward that our national security needs.”

**Our fault:** We misstated the rate growth for defense and non-defense spending in the omnibus package as part of our P.M. edition

last night. It is 5.6% for defense spending, and 6.7% for non-defense spending.



→ **Believe it or not**, this is a real fundraising video from **Nikki Haley**, former U.S. ambassador to the United Nation, and Georgia Senate GOP candidate **Herschel Walker**. Watch it for yourself.



**FRONTS**



## **MOMENTS**

**7:30 a.m.:** Vice President **Kamala Harris** will leave for Warsaw, Poland.

**9:15 a.m.:** Judge **Ketanji Brown Jackson** will meet with Sen. **Mike Lee** (R-Utah).

**11 a.m.:** President **Joe Biden** will get his daily intelligence briefing.

**11:30 a.m.:** House Minority Leader **Kevin McCarthy** will hold his weekly news conference.

**11:45 a.m.:** Jackson will meet with Sen. **Josh Hawley** (R-Mo.).

**1 p.m.:** **Jen Psaki** will brief.

**1:15 p.m.: Speaker Nancy Pelosi** will hold her weekly news conference

**2 p.m.:** Biden and Commerce Secretary **Gina Raimondo** will meet with business leaders about the semiconductor chips manufacturing bill.

**3 p.m.: Sen. Ted Cruz** (R-Texas) will speak about a possible Iran nuclear deal.

**4 p.m.: House Majority Leader Steny Hoyer**, Assistant Speaker **Katherine Clark**, House Democratic Caucus Chair **Hakeem Jeffries** and Vice Chair **Pete Aguilar** will meet with reporters in Philadelphia.

**6:15 p.m.:** Biden will speak at the Senate Democrats' retreat at Howard University.

**8:15 p.m.: Climate Adviser Gina McCarthy**, Commerce Secretary **Gina Raimondo** and Labor Secretary **Marty Walsh** will speak to Democrats at their retreat in Philadelphia.

## CLIP FILE

### NYT

→ ["Loss of Russian Oil Leaves a Void Not Easily Filled, Straining Market,"](#) by Clifford Krauss in Houston

→ ["Food Companies, Long Symbols of the West in Russia, Pause Operations,"](#) by Julie Creswell

→ ["Pentagon says Poland's fighter jet offer is not 'tenable,'"](#) by Ada Petriczko

### WaPo



→ ["Inside the Jan. 6 committee's effort to trace every dollar raised and spent based on Trump's false election claims,"](#) by Josh Dawsey, Jackie Alemany and Tom Hamburger

→ ["'Every inch of NATO': Blinken seeks to deter any Russia thought of pushing beyond Ukraine,"](#) by Missy Ryan in Tallinn, Estonia

→ ["Venezuela releases at least 2 imprisoned Americans after rare trip by U.S. officials,"](#) by Ana Vanessa Herrero and Samantha Schmidt

## WSJ

→ ["U.S. Probes Options Trade That Gained on Microsoft-Activision Deal,"](#) by Dave Michaels and Jeffrey Trachtenberg

## AP

→ ["Air raid sirens in Ukraine capital; Russians pressure cities,"](#) by Yuras Karmanau

## Politico

→ ["Trump's man in North Carolina struggles in Senate primary,"](#) by Natalie Allison

## USA Today

→ ["Harris visits Poland amid fighter jets rift; Congressional leaders reach \\$13B deal to aid Ukraine,"](#) by Celina Tebor

## LA Times

→ ["Facing reelection, Newsom touts the 'California way' and teases gas tax rebate,"](#) by Taryn Luna and Phil Willon

Editorial photos provided by Getty Images

## Republicans are getting it wrong on remote voting

[washingtonexaminer.com/opinion/oped/republicans-are-getting-it-wrong-on-remote-voting](https://www.washingtonexaminer.com/opinion/oped/republicans-are-getting-it-wrong-on-remote-voting)

Rep. Matt Gaetz

November 18, 2020



This week, Republicans and Democrats will meet to elect their caucus leadership and pass caucus rules. Much like a vote on the high school homecoming court, it is a process that matters very little to most of us and *everything* to the few who will be bestowed vaunted titles and crowns of one form or another.

Some Democrats will endorse "remote voting," allowing members of Congress to cast their support or opposition to legislative initiatives via verified identity through the phone. Republicans will castigate this as "phoning-in" of Congress's job. To date, I've toed the party line, but no more: the Republicans are wrong. I am now convinced that remote voting would be a devastating blow to the lobbyists and special interests who corrupt our politics and harm our nation.

Let me walk you through the typical day for a Washington lobbyist. They start by sitting in the Capitol Hill Club for three hours of 15-minute coffee meetings with donation-thirsty lawmakers. They hand off thousand-dollar PAC checks and make requests for their well-paying clients. A letter to an agency here ... an appropriation rider there ... the usual. It's the exchange of money for favors, done in the smarmiest of ways. By then, it's time for lunch.

Lunches allow PAC fund managers and lobbyists to congregate with senators and representatives. Since we are all in one place, it is easy to raise tens of thousands of dollars over mediocre Tex-Mex with contributions and legislative requests swapped over the

guacamole.

Dinner is less about the money and more about the lifestyle. Swanky bars heavy-pour smooth bourbon. The finest steak and butter-poached lobster might not be available on someone else's dime back home in Scranton, but D.C. offers all the temptations — and all the ways to fulfill them.

But imagine instead if Beltway influence peddlers had to fly to Topeka, Northwest Arkansas Regional Airport, or Maine to swap campaign cash for corporate-driven desires. Lobbyists would hate it — but the nation would benefit greatly. The people's representatives would spend more time at home, serving the people they represent, and lobbyists would have to work much harder to develop relationships with lawmakers. Lobbyists fill the trough of D.C., plying Congress with free food, drink, and money; by having to travel to individual congressional districts, they lose their stature and become little more than traveling salespeople — and just as easy to turn down.

We often ask why so many good people come to Congress and get corrupted. Perhaps it's because D.C. is a deeply corrupt place.

I support remote voting because we are better as public servants when we spend more time with the public we are elected to serve.

Some will say that remote voting will erode the quality of legislative debate. Defending its current quality would be difficult. During virtually every debate, congressional participation is so low that staff members from both parties are told to sit in the camera frame to avoid the chamber looking empty. On virtually no days do lawmakers outnumber unelected staff on the floor of the People's House during debate.

People will ask: "So why make it worse? If Henry Clay could ride on horseback to congressional service, why can't the 117th Congress fly in on Delta?"

To put it bluntly, after four years in Congress, I'm convinced that time in Washington doesn't make any of us better. Time at home reminds us of our priorities and our purpose. All humans innately want to please those who are in our proximity. If we spend more time with our constituents, we will be a more representative body. Congress can't drain the swamp if its members primarily spend time wallowing in the mud with swamp-monsters.

And if we cannot drain the swamp, we should at least spend less time in it.

*Congressman Matt Gaetz, a Florida Republican, is a member of the House Armed Services Committee and the House Judiciary Committee. He represents Florida's 1st Congressional District.*

