

**STATEMENT OF CHAIRMAN ROB PORTMAN**  
**U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS**  
***Continuity of U.S. Senate Operations and***  
***Remote Voting in Times of Crisis***  
April 30, 2020

Good morning. I hope everyone is staying safe and healthy during these unprecedented times. Seemingly overnight, the coronavirus pandemic changed our way of life. Many businesses are shuttered and millions of Americans are teleworking for the first time; churches and schools are closed. Health care workers are working around the clock. And in the last five weeks, over 26 million Americans have filed for unemployment. Most believe we are approaching the highest percentage of unemployed since the Great Depression.

Now, more than ever, Americans need to know their leaders are working for them, and that they have a voice as we work to navigate this pandemic. In a world where it's no longer safe to be within six feet of each other, Congress must adapt.

This is not the first time we've needed to ensure the continuity of Congress. For example, with the threat of nuclear attack during the Cold War, the U.S. government constructed a large bunker for Congress to meet should Washington be attacked. However, this may be the first time in the modern era when it is not a physical meeting location at risk, but rather elected officials themselves.

We are a Subcommittee of the Homeland Security and Governmental Affairs Committee, which has jurisdiction over congressional organization. From that perspective, and while we wait for guidance from the Rules Committee on how to conduct formal hearings remotely, today's discussion is an attempt to move Congress forward in times of crisis when we cannot meet in person. And it seems fitting that our topic for today would be remote proceedings in Congress, including remote voting. Today, our gathering is part of making our case. We want to show that it is possible to have a hearing without physically being in a hearing room. We are told this is a first for the U.S. Senate.

In my view, remote congressional proceedings should never be the norm. It should be limited to times of nationwide emergencies, and only when it is infeasible for Senators to be in the same place. Any authorization to proceed remotely should be limited in duration, and any extension of such an order should require a vote by the entire Senate. Our goal should be to bring both our country—and our Congress—back to work in-person as soon as safely possible.

These principles are outlined in the bipartisan remote voting resolution I introduced with Senator Dick Durbin last month. Specifically, our resolution allows the Majority and Minority Leaders to jointly agree to put in place a temporary remote

voting arrangement in times of extraordinary crisis. After 30 days, senators would have to vote to continue to allow remote voting—otherwise, the temporary mandate would expire.

Today, our Subcommittee is releasing a report containing both a legal analysis and technical security recommendations for remote voting.

Legally, the Supreme Court has made clear that the Constitution allows the Senate to make its own rules. The Court has a long history of giving deference to Congress in determining its processes and procedures when it comes to issues surrounding voting. Based on our legal analysis, we expect remote proceedings to enjoy the same deference. I also believe that the founders would be supportive of the legislative branch being heard during emergencies.

We also need to address the technical issues surrounding remote proceedings. In my view, senators should be required to authenticate their identity and verify their vote through an encrypted platform. There are several off-the-shelf solutions that the Senate could use to create a secure and reliable remote voting platform. We don't need to reinvent the wheel.

I encourage people to review the report, which I believe puts to rest many of the concerns that I have heard raised about temporarily authorizing the Senate to proceed remotely in times of crisis. We very much look forward to hearing from our witnesses today about these issues.

By the way, the Senate would not be the first legislative body to work remotely. Several states have decided to continue legislative business in the past month, including allowing members to vote remotely. Across the Atlantic, the European Union has implemented a remote voting system for its legislative body, while the Parliament of the United Kingdom is beginning to experiment with holding virtual proceedings.

While a lot is uncertain about when life will return to normal, one thing should be clear: Congress should be able to continue to represent the American people—do its job—even in times of crisis.

I want to thank Senator Carper for hosting this event with me today. I appreciate him working with me to make sure that Congress can continue to operate and provide needed support for all Americans.