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Opinion

Column: In the face of COVID-19 crisis, Congress must modernize

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Despite the COVID-19 crisis, many government workers in defense and other industries are considered essential personnel and remain on the job.

But not so Congress. Unlike most institutions which quickly adjusted to the new reality, the rules of the Senate and House of Representatives, embedded in centuries-old traditions, prevent members from staying in session.

Going into extended recess is dangerous for the country, but staying is dangerous for the members. The average age in Congress is nearly 60; several have tested positive for the virus and others have health conditions that put them at elevated risk.

After passing the first stimulus bill, both houses of Congress decamped without making arrangements for remote voting or other changes that are both possible and urgently needed. Subsequent legislation on large and important additional aid packages has been constrained due to the difficulty of getting members back to the Capitol to vote.

Public health officials have suggested the return to normalcy will be a slow, incremental process extending into the summer and potentially tightening up again in response to a second wave in the fall. If so, Congress must use technology to safely adjust its own traditions to meet the need of this evolving crisis, future emergencies, and the modern era.

Some question how much leeway the Constitution gives Congress to operate remotely even in an emergency. The founders debated nuances of governance, but they never envisioned a world of instant telecommunication.

Most observers contend that barriers preventing modernization of Congress originate not with the Constitution, but institutional rules. Speaker Nancy Pelosi has recently opened the door to changing the House rules, and Ohio's own Sen. Rob Portman wrote an op-ed laying out a plan for the Senate to do the same.

Beyond issues of practicality, respect for the essential constitutional checks and balances that the Founders created between our three branches of government demands that Congress modernize – and quickly.

Many government agencies are coordinating responses to the spread of Covid-19. Congress must not step aside and leave crisis management entirely to the executive branch. Doing so is problematic for many reasons, but particularly for two.

History teaches that the executive extends its power during crises and rarely gives it back. This is a bipartisan phenomenon and is not a criticism of the current administration. Presidents of both parties have reached for more power when beset with national emergencies. They generally do so not out of malice, but concern for the public good.

Nevertheless, our form of government relies on the separation of powers and presumes the co-equal status of the branches. Balance between Congress and the executive has eroded over time and it is important that this crisis not aggravate that imbalance.

Yes, the situation is very serious and critical decisions must be made rapidly. But there are no missiles rocketing over the North Pole toward American targets; there is no immediate existential threat that would warrant such deference to the executive.

Second, while executive agencies have extensive technical expertise to help manage the crisis, it takes representative government to weigh the hard trade-offs the country will inevitably face. The stimulus bills are only the first step. Many more difficult decisions await. Oversight will be needed to ensure that the hastily-passed measures in sprawling stimulus packages are working. Add to this concerns over how to manage the November elections.

In short, Congress has a responsibility to legislate, appropriate, and conduct oversight especially during the emergency. It must adapt quickly. Half the country is working remotely. Congress can, too.

I know because, with my colleagues Kevin Esterling and David Lazer, I have been working with dozens of members of Congress for over a decade to use digital technology to engage a wider range of constituents in online town hall meetings. Members of Congress could use technology to convey reliable information about the crisis and policy responses to constituents, and to hear about the issues the outbreak is causing back at home—all from off-site locations.

Meanwhile, the Congressional Management Foundation and other civil society groups are racing to help Congress maintain operations, despite distance, by facilitating secure technologies for remote voting, information sharing, and other operations.

As our country continues to grapple with the fallout from this pandemic, make no mistake: Members of Congress are “essential personnel.” Congress must adjust its work habits to meet the moment, to better serve the American people and to bring its rules and traditions into the modern era. We cannot let a functioning Congress and its relationship to the executive be further casualties of this epidemic.

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