



Statement of

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Chairman Kilmer, Vice-Chairman Graves, and members of the select committee, my name is Ida Brudnick, and I am a Specialist on the Congress at the Congressional Research Service (CRS). Thank you for inviting me to testify today on behalf of CRS. CRS's role is to provide objective, non-partisan research and analysis to Congress. As such, CRS does not take a position on the desirability of any specific policies or practices.

As requested, I will provide a contextual and historical overview of the challenges of establishing a House schedule that will best meet the needs of a diverse Membership representing diverse districts.

Specifically, I will provide an overview of various underlying components of the scheduling options that have previously been proposed or implemented; discuss the increasing and competing demands for Members' time resulting in inherent scheduling challenges; and, summarize prior congressional attempts to address the House schedule.

## House Scheduling

Discussions of House scheduling may focus on various factors, including the days each week that the House will be in session, the length of the workday during which House activities will take place, the timing and scheduling of votes, and the timing and scheduling of committee and floor activities.

My testimony does not address the scheduling of specific floor activities in the House—including which measures will be taken up for consideration and when—which is fundamentally a prerogative of the majority leadership.

### Weekly Meetings

While there has long been interest in reducing the amount of time Members spend traveling, and the associated costs, most observers agree that Members generally strive to return to their districts whenever they can accomplish the round trip in the available time, without missing votes. This regular commute increases Members' interactions with their constituents, as well as being desired by Members whose families have remained in the district.

Congress has previously examined a variety of scheduling options with an aim to increase predictability for Members and increase the amount of time available to study policy issues and consider legislation in committee and on the floor.

Proposals regarding the number of days of House meetings each week have included:

- a Tuesday-to-Thursday meeting schedule;
- a four-day workweek, possibly with alternating days biweekly (e.g., Tuesday-Friday one week, followed by Monday-Thursday the following week, to allow for a four day break every other weekend); and
- a five-day workweek.

Proposals for regular district work periods have also included proposals for a “three weeks on, one week off” schedule. This proposal for regular, predictable district work periods could be paired with different proposals for the number of days of meetings each week.

Since a desire not to miss recorded votes appears to be a strong influence on congressional travel plans, a focus primarily on the timing of votes, rather than the specific days the House is in session, may also be a way to address scheduling concerns. More particularly, to the extent that votes are delayed on the first day of the weekly meeting, or concluded early on the last day, the distinctions between the weekly meeting proposals may be diminished.

## The Length and Structure of Daily Meetings

The choice of the number of days of meetings each week, and the expectation of weekend commuting, will variously compress the legislative workweek and impact the amount of scheduling conflicts each day. The length and structure of daily meetings may impact (1) vote timing and scheduling and (2) competing demands for committee and floor activities.

## Voting: Length of Time and Scheduling

The number of “recorded” votes taken in the House and in the Committee of the Whole on a specific issue or day is generally dependent on how often Members request a “recorded” vote. While leadership might be able to estimate the number of expected “recorded” votes (e.g., from the number of amendments made in order or offered, and other motions that might be offered during the day), there is some level of unpredictability inherent in vote scheduling.

Some current aspects of the timing and administration of voting date to the 1970s. For example, the Legislative Reorganization Act of 1970 authorized the use of an electronic voting system,<sup>1</sup> which first became operational on January 23, 1973. The authority of the Speaker (Rule XX, clause 8)<sup>2</sup> and Chair of the Committee of the Whole (Rule XVIII, clause 6(g)) to postpone and cluster record votes was first incorporated into the rules in 1979. The authority to reduce the time allotted for certain votes also has expanded since the late 1970s.<sup>3</sup> Conversely, an accommodation to Members absent for a vote—vote pairing—was eliminated in the 106<sup>th</sup> Congress (1999-2000).<sup>4</sup>

The timing of votes on Mondays and Fridays when the House is in session has also been examined with an eye to accommodating weekly trips back to the district, particularly for those Members with more lengthy trips. In recent years, leadership has announced that Monday votes would generally be postponed until 6:30 PM, with the last votes on Friday occurring no later than 3:00 PM.

## Allocating Separate Time for Committee and Floor Activities

Currently, a House committee may sit at any time, except during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.<sup>5</sup> Prior restrictions on when House committees could meet, and their exemptions, were eliminated in the 105<sup>th</sup> Congress.<sup>6</sup> By contrast, Senate Rule XXVI states that no committee may meet after the first two hours of session or after 2:00 PM without special leave, although this prohibition does not apply to the Senate Appropriations or Budget

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<sup>1</sup> P.L. 91-510, 84 Stat. 1140, October 26, 1970.

<sup>2</sup> According to the U.S. Congress, House, *Constitution, Jefferson’s Manual and Rules of the House of Representatives*, 115<sup>th</sup> Cong., 2<sup>nd</sup> sess., 2019, H.Doc. 115-177 (Washington: GPO, 2019) (*House Manual*) §1030. Postponing record votes, “This provision (formerly clause 5(b) of rule I) was added in the 96<sup>th</sup> Congress (H. Res. 5, Jan. 15, 1979, p. 7), and paragraph (a) was amended in the 97<sup>th</sup> Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113) to consolidate most authority for the postponing of further proceedings on certain questions into this paragraph.”

<sup>3</sup> *House Manual*, §1032. 5-minute voting.

<sup>4</sup> CRS Report 98-970, *Pairing in Congressional Voting: The House*, by Christopher M. Davis. See also, *House Manual*, §1031. Former pairs. A Member who is absent or otherwise unable to vote, however, may announce to the House how he or she would have voted had he or she been present.

<sup>5</sup> House Rule XI, clause 2(i), (116<sup>th</sup> Cong.) See also, the “Meetings, Restrictions on” section of CRS Report RL33610, *A Retrospective of House Rules Changes Since the 104th Congress through the 109th Congress*, by Michael L. Koempel and Judy Schneider.

<sup>6</sup> *House Manual*, §801. Committees not to sit.

Committees, and permission for other committees to sit during the hours restricted by the rule is routinely granted in the Senate by unanimous consent.<sup>7</sup>

The House has periodically examined the timing of committee and floor work. Proposals to reduce scheduling conflicts by allocating separate time exclusively for floor proceedings and exclusively for committee meetings, however, has sometimes competed with proposals to reduce late night floor sessions and provide for an earlier adjournment of the daily session or to provide for additional deliberation on the floor. In recent Congresses, the House has, under majorities of both parties, generally devoted the morning to committee work, with the House regularly beginning its legislative business at noon.

Additional arguments in favor of this separation have focused on how conducting both committee and floor activity simultaneously may divide the attention of Members, and committee meetings are likely to be interrupted frequently by floor votes.

Potential disadvantages of requiring separate committee and floor times include: further limiting time for both floor and committee activities; potential complications with committee quorum requirements if all committees need to adhere to the same schedule; the possibility of exemptions for certain committees or in certain circumstances; and the idea that some floor activities—for example, non-legislative debate like one-minute and special order speeches; consideration of non-controversial legislation under suspension of the rules; or consideration of substantive but unrelated matters on the floor and in committee—may not require increased attention of Members to the floor in a way that would justify the postponement of committee activities.

## Inherent Scheduling Conflicts and Increased Demands for Members' Attention

How Members choose to allocate their time and balance competing priorities has been a topic of inquiry in Congress and in the field of political science for decades.<sup>8</sup>

Members have commitments in both their districts and in Washington, where they must divide their attention between floor and committee work. Members typically serve on multiple committees and subcommittees and therefore might have multiple committee meetings ongoing at the same time. They also have other obligations like meeting constituents and performing casework; communicating with leadership; managing their offices; and participating in electoral activities such as fundraising.

Balancing these many obligations, while also achieving a work-life balance and family-friendly schedule, has been a persistent challenge.

While the increasing scope and complexity of policy issues has long been noted in studies of congressional organization,<sup>9</sup> the demands, considerations, and pressures on Members of Congress have only amplified over time. For example, Congress is asked to address various technological and

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<sup>7</sup> CRS Report R45170, *The Senate "Two-Hour Rule" Governing Committee Meeting Times*, by Christopher M. Davis and Michael Greene.

<sup>8</sup> Richard F. Fenno, *Home Style: House Members in their Districts* (Boston, MA: Little, Brown, 1978).

<sup>9</sup> For example, the 1993 Joint Committee on the Organization of Congress noted "increasing workload pressures on Members, generated in part by increasing scope and complexity in policy issues" and "intensified policy demands from constituencies" (U.S. Congress, Joint Committee on the Organization of Congress, *Congressional Reorganization: Options for Change*, committee print, prepared by the Congressional Research Service of the Library of Congress, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., September 1992, S.Prt. 103-19 (Washington: GPO, 1993), p. 85.

cybersecurity issues that did not exist a generation ago. Demands for casework assistance, as well as demands for other forms of constituent engagement—including those generated through email and social media—have also increased. The average size of each congressional district has also grown,<sup>10</sup> but the number of staff authorized for Members, however, has remained capped since 1975,<sup>11</sup> and the FY2019 enacted funding level for the Members' Representational Allowance was approximately 13% below the peak funding provided in FY2010, not adjusted for inflation (26% below when adjusted for inflation).<sup>12</sup>

## Past Experience with Attempting to Revise the Schedule

The congressional schedule has developed over time. In addition to the basic parameters established in the Constitution,<sup>13</sup> the schedule has also traditionally accommodated regular or predictable breaks for holidays, the August recess,<sup>14</sup> and recesses prior to elections.<sup>15</sup>

At least one scholarly study traced the earliest evidence of regular weekend commuting, at least by Members from states close to Washington, to the post-Civil War period, stating: “The Tuesday-Thursday Club is far from a purely ‘modern,’ airplane-driven development. Its origins lie in the late 19th century changes in electoral incentives that produced the career-oriented professional politicians that we see today.”<sup>16</sup> The expectation of weekend commuting, even during shorter weekends, has only increased with transportation advances that make returning to most districts feasible, ongoing campaign activities, and fewer Members moving their families to Washington.

During past examinations of the House schedule, one area of agreement appears to have been a desire for more predictability—both for Members' evenings in Washington and for when they can return to their districts. Predictability has been most frequently cited by Members with young children desiring a family-friendly schedule.

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<sup>10</sup> According to the U.S. Census Bureau, the “average size of a congressional district based on the 2010 Census apportionment population will be 710,767, more than triple the average district size of 210,328 based on the 1910 Census apportionment.” U.S. Census Bureau, “Congressional Apportionment,” 2010 Census Briefs, issued November 2011, at <http://www.census.gov/prod/cen2010/briefs/c2010br-08.pdf>. From the 1970 census through the 2010 census, the average congressional district population increased by 52%. U.S. Census Bureau, “Apportionment Data,” at <http://www.census.gov/2010census/data/apportionment-data.php>.

<sup>11</sup> Committee Order No. 16 (effective March 6, 1975) and H.Res. 359, 96th Cong. (P.L. 96-536, December 16, 1980, 94 Stat. 3167); 2 U.S.C. 92.

<sup>12</sup> CRS Report R40962, *Members' Representational Allowance: History and Usage*, by Ida A. Brudnick.

<sup>13</sup> In particular: “Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days” (Article I, Section 5, clause 4); and, “The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day,” (20<sup>th</sup> Amendment, Section 2).

<sup>14</sup> The Legislative Reorganization Act of 1970 provided the House and Senate shall “...in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by rollcall vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day” (P.L. 91-510, Oct. 26, 1970, 84 Stat. 1193); Records of the House Committee on Ventilation and Acoustics, 53<sup>rd</sup>-61<sup>st</sup> Congresses (1893-1911) and Predecessor Select Committees at the Center for Legislative Archives, National Archives and Records Administration; U.S. Senate Historical Office, “The August Recess,” [https://www.senate.gov/artandhistory/history/common/generic/News\\_August\\_Recess.htm](https://www.senate.gov/artandhistory/history/common/generic/News_August_Recess.htm); and U.S. Capitol Historical Society, “August Recess: A History,” <https://uschs.wordpress.com/2012/08/23/august-recess-a-history/>.

<sup>15</sup> “Length of Election Breaks,” in CRS Report RL33677, *Lame Duck Sessions of Congress, 1935-2012 (74th-112th Congresses)*, by Richard S. Beth.

<sup>16</sup> Timothy Nokken and Brian R. Sala, “Institutional Evolution and the Rise of the Tuesday-Thursday Club in the House of Representatives,” in *Historical Studies of Congress*, ed. David W. Brady and Mathew D. McCubbins (Stanford University Press, 2002), pp. 407-431.

Many Members also have cited a desire for fewer scheduling conflicts during the day. Additionally, some Members and congressional observers have called for more time for deliberation and study, and for additional opportunities to interact, with an aim toward increasing familiarity and civility among Members.

Beyond these goals, there has been no general agreement on what a schedule achieving these goals would look like. The diversity of districts, and the diversity of Member interests, is considerable. The ideal schedule might vary, for example, depending on the distance to the district, the varying characteristics of a district (e.g., size, demographics), and individual Members' family situations (e.g., location in Washington or the district, age of any children) or individual preferences.

Efforts to revise the House schedule to increase efficiency and productivity and ameliorate competing time demands has been a part of congressional reform efforts since at least the 1970s. Many of these have encountered challenges in passage and implementation; and in tradeoffs between flexibility and predictability, and between enforcement and the ability to adapt to changing and diverse congressional needs.

Furthermore, the impact of various scheduling proposals on congressional staff—both in terms of adequate planning time and retention—is also important but difficult to measure.

Finally, past experience has also shown some difficulty with maintaining a predictable schedule due to the unpredictable nature of events and issues which Congress might address. Any stated schedule may be superseded by events both national and international in scope.

## Selected Prior House Actions Related to the Schedule

Examinations of the House schedule have been included in every House reorganization study for at least fifty years. The listing below highlights some of the discussions and proposals. Legislation related to the House schedule also has periodically been introduced in the House.<sup>17</sup>

- In 1970, in its report on the Legislative Reorganization Act, the House Committee on Rules supported easing restrictions on when committees could meet, stating:<sup>18</sup>

Under Rule XI, clause 31, most committees must obtain special leave if they wish to meet while the House is in session. Committee requests for that purpose may once have been offered merely to serve the convenience of members. Those days are long since past [sic]. Under the impact of a burgeoning workload, convenience has been transformed into dire necessity. Nowadays, committees must frequently sit while the House is in session if they are to meet urgent legislative deadlines. The House usually recognizes this fact of life and by unanimous consensus accedes to committee requests for permission to sit. However, we believe that the interest of the House would be better served if committees possessed the *right* to sit without the necessity of making requests. Section 117(b) therefore permits all committees to sit at any time except when the House is considering a measure for amendment under the 5-minute rule.

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<sup>17</sup> Including, for example: H.Res. 518 (98<sup>th</sup> Cong.); H.Res. 47, H.Res. 439, H.Res. 404, H.Res. 599 (100<sup>th</sup> Cong.); H.Res. 56, H.Res. 61 (101<sup>st</sup> Cong.); H.Res. 127, H.Res. 419, H.Res. 469 (102<sup>nd</sup> Cong.); H.Res. 36, H.Res. 280, H.R. 3801 (103<sup>rd</sup> Cong.); H.Res. 695 (113<sup>th</sup> Cong.); H.Res. 184, H.Res. 298, H.Res. 415, H.Res. 457 (114<sup>th</sup> Cong.); H.Res. 149, H.Res. 343, H.Res. 465 (115<sup>th</sup> Cong.).

<sup>18</sup> U.S. Congress, House Committee on Rules, *Legislative Reorganization Act of 1970*, Report of the Committee on Rules on H.R. 17654, to Improve the Operation of the Legislative Branch of the Federal Government, and for Other Purposes, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., June 17, 1970, H.Rept. 91-1215 (Washington: GPO, 1970), p. 8.

- In 1974, a proposal was offered to the Democratic Caucus by three Members to urge leadership to schedule:<sup>19</sup>

...an approximately regular cycle of three full work weeks (Monday through Friday) in Session, to be followed by one full work week devoted to other business such as constituent service in Members' home districts and essential Committee work; that the Leadership be directed, insofar as practicable, to schedule a full legislative workload on Mondays and Fridays of weeks in Session...
- In 1977, the House Commission on Administrative Review (often known as the Obey Commission, after its Chairman, Representative David R. Obey) issued a 29-page document on "Scheduling the Work of the House." It provided an examination of the increase in "pressures on Members' time," including an increase in workload. Selected scheduling-related recommendations included the adoption of a "firm schedule of work periods," scheduled around traditional holidays and budget deadlines, and available at the beginning of the session; more committee time early in the session, with more floor time concentrated near the end of the session; and permitting committees to meet while the House is in the Committee of the Whole under the five-minute rule unless 10 Members object.<sup>20</sup>
- In 1979, Representative Jerry Patterson, Chair of the House Select Committee on Committees, introduced a resolution that "aimed at eliminating many of the conflicts that all Members have in committee scheduling" by dividing committees into:<sup>21</sup>

...three categories, A, B, and X. The X committees include Appropriations, Budget, Rules, Ways and Means, and all ad hoc, joint, and select committees, all of which could be free to meet at any time. Group A committees could meet for markups, and so forth on Monday, Tuesday, Wednesday morning, and Friday. Group B committees could meet for these purposes on Monday, Wednesday afternoon, Thursday, and Friday. All committees could hold hearings at any time.
- A 1989 letter from three Members of Congress provided an overview of the challenges of establishing a schedule that would work for all Members, before advocating for the "three weeks on, one week off" schedule.<sup>22</sup>

The modern history of the House is replete with efforts to improve the scheduling system. Ironically, an innovation that may enhance the time allocation needs of one set of actors may adversely affect the others. Despite these dilemmas, we believe it is worthwhile to explore how and whether consensus can be created to bring about scheduling changes that give individual Members additional time to study issues, spend time with their families, and learn more about their colleagues' concerns without unduly hampering the time management responsibilities of committee and party leaders. More specifically, we urge the Speaker and majority leadership to consider a new, 3-week-1 week scheduling system.

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<sup>19</sup> As quoted in an archived CRS report available to congressional requesters.

<sup>20</sup> U.S. Congress, House Commission on Administrative Review, *Scheduling the Work of the House*, Communication from the Chairman, 95<sup>th</sup> Cong., 1<sup>st</sup> sess., January 4, 1977, H.Doc. 95-23 (Washington: GPO, 1977), pp. 1-29.

<sup>21</sup> H.Res. 404 (100<sup>th</sup> Cong.), and *Congressional Record*, September 12, 1979, p. 24322.

<sup>22</sup> As printed in: Barbara Kennelly, Thomas J. Tauke, and Matthew F. McHugh, "Scheduling and Use of Member's Time in the House," in *The View from Capitol Hill: Lawmakers on Congressional Reform*, ed. Robert T. Braye, Ellen Miller, Laura Weiss (Center for Responsive Politics, 1989).

- In the early 1990s, the Joint Committee on the Organization of Congress examined numerous scheduling options:
  - A proposal included in a committee print to “Revise House and Senate Rules to allow committees to meet more easily during House and Senate sessions;” “Encourage Congress to establish an annual agenda;” “Consider establishing regularized and enforceable legislative schedules;” and “Provide for periodic ‘great debates’ on national issues.”<sup>23</sup>
  - The Legislative Reorganization Act of 1994 (H.R. 3801, 103<sup>rd</sup> Cong.) as introduced contained language (1) providing for four full days of legislative business per week while the House is in session and (2) setting aside specific periods exclusively for floor proceedings and exclusively for committee meetings and hearings.
  - During markup of H.R. 3801, an amendment was offered, but not agreed to, to move the House to a schedule with three weeks of consecutive five-day weeks of session, followed by one week for a district work period.<sup>24</sup>
  - Additional proposals considered included a four-day workweek, and “2 to 3 weeks of committee work, followed by a week of full House activity.”<sup>25</sup>
- In the early 1990s, the Joint Committee on the Organization of Congress surveyed Members regarding their preferred legislative schedule. In addition, an informal Family Friendly Advisory Committee was appointed by the leadership during the transition to the 104<sup>th</sup> Congress. The result was conflicting evidence regarding the preferred meeting schedule of Members, and competing proposals and petitions from a divided membership were circulated in the House.<sup>26</sup>

## Conclusion

This concludes my prepared remarks. Thank you for the opportunity to testify, and I look forward to answering any questions you may have. If additional research and analysis related to this issue would be helpful, my colleagues and I at CRS stand ready to assist the committee.

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<sup>23</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Congressional Reorganization: Options for Change*, committee print, prepared by the Congressional Research Service of the Library of Congress, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., September 1992, S.Prt. 103-19 (Washington: GPO, 1993), pp. 59, 66-69.

<sup>24</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Business Meetings on Congressional Reform Legislation*, Meetings of the Joint Committee on the Organization of Congress, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., November 1993, S.Hrg. 103-320 (Washington: GPO, 1993), pp. 246-251, 677.

<sup>25</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Final Report of the Joint Committee on the Organization of Congress*, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., December 1993, H.Rept. 103-413, Vol. II (Washington: GPO, 1993), p. 37.

<sup>26</sup> Alice A. Love, “‘Family Friendly’ Survey Hits Hill,” *Roll Call*, Nov. 17, 1994, p. 42; Representative Frank Wolf, remarks in the House, “Improving the House Schedule,” *Congressional Record*, February 22, 1995; Representative Frank Wolf, remarks in the House, “Family Quality of Life Advisory Committee—Assessment of Efforts in the 104<sup>th</sup> Congress,” *Congressional Record*, September 24, 1996.