

**Written Testimony before the Select Committee on the Modernization of Congress
Unites States House of Representatives**

**The House Calendar and Schedule: Evaluating Practices and Challenges
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Chair Kilmer, Vice Chair Graves, and esteemed members of the committee:

When asked to comment on the question of scheduling, I remembered the testimony of my friend Vic Fazio to this panel in May, in which he encouraged Members to remain longer on a weekly basis in Washington. I have asked Allie to re-distribute his testimony to you. Ida Brudnick has well documented the pressures and trends which constantly require the House to re-address the matter of scheduling. My first thought was what could realistically incentivize Members to remain at the seat of government for longer periods of time during the course of a year, or a term. The key word was “realistically”, as images of bygone days of Member-subsidized travel to their districts (only one per month), of families far more often living at the seat of government with resulting friendships across the aisle, all provoked memories of the collegiality, trust, cooperative spirit and spontaneity which initially formed my deep affection for, if not understanding of, the House of Representatives. Then, court decisions on campaign financing and political gerrymandering, statutory responses such as the Budget Act, continuing Appropriations, various Reorganization Acts of 1946 and 1970, the War Powers Act, budget reform Acts, all came to mind symbolizing Congressional attempts to substitute legislative language for political will by imposing artificial deadlines on House and Senate activity. Your attention to Biennial Budgeting options will be useful in this regard. Add to these the various internal rules changes intended to make more certain the disposition of time and issues to convenience Members, coupled with the lack of institutional memory as to how it could have ever been any other way.

Leaderships on both sides endeared themselves to Members by promising and delivering certainty in legislative scheduling on a daily, weekly and monthly basis, through postponement and clustering authorities on votes, structured rules which preclude second degree and non-published amendments and discourage spontaneous debate which might influence votes. Also, variations of the Gephardt rule, reliance upon other forms of special orders which waived points of order against violations of rules designed to enhance the authorization process and changed relations with the Senate dealing with conference reports and amendments in disagreement, all restrict decision-making which might otherwise encourage Members to become more conversant with authorizing issues. Linkage of spending and debt limit extensions in the public mind and in legislative responses has run counter to standing rules and traditions requiring the two Houses to separately address those statutory imperatives. Arming Members with recent votes cast on provocative issues on the eve of most recesses has compressed the ability of Members to understand the complexity of those issues. The expectation of constant waivers of points of order against final House-Senate work products has prevented implementation of standing

rules which otherwise permit the separation of controversial issues for votes and which encourage the Senate to package omnibus bills with advance House leadership blessing. Running beneath all these trends is leadership determination to free up time and avoid attention to politically-difficult issues for the convenience of Members.

The unwillingness to “lose” votes on the part of leaderships is telling. It should not necessarily be a sign of weakness, but rather an acknowledgment that the matter can be re-addressed through the operation of the full legislative process, if preceded by the most complete gathering and dissemination of information possible and if allowed the time to subsequently play itself out.

What could prompt Members of authorizing committees, for example, to be at the seat of government when the House is not voting? Meaningful oversight.? The tools are all there, by statute and by rule. The Constitution has been definitively interpreted by the Supreme Court to authorize Congress to investigate with a view toward possible legislation. The power of the purse has enabled the Appropriations Committee to organize itself in a bi-partisan way through its S and I task force to hire professional investigators and to report to the committee when both parties agree, and to keep information confidential until otherwise determined. Could authorizing committees consider similar arrangements? If the authorizing process were made more relevant to oversight effectiveness, and to the Senate, by insistence on standing rule protections, would more time be devoted by Members and Leadership to House rules, practices and norms? The resulting awareness of Members’ constitutional responsibility to remain in session for more days and weeks to develop a reliable work product through oversight might emerge. Could Members be given further incentive by per diem reimbursements as housing allowances for full days proven to have been spent conducting oversight, or would that be considered compensation similar to salaries? Recorded votes in the full House might not be the only incentive (where packaged for whipping purposes at the end of the first day of each week), but recorded votes in committees, if based on meaningful committee participation and more fully disseminated to the public, might be added transparency to encourage Member response.

Perhaps after 40 plus years in a challenging non-partisan office, I am free to express my profound hope that your recommendations and understanding will re-invigorate the respect and affection for this institution which is so essential to proper performance of its Constitutional function.