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To: The Select Committee on the Modernization of Congress

From: Prof. Jason Roberts, University of North Carolina, chair; Prof. James Curry, University of Utah; Dr. Jon Fortier, Bipartisan Policy Center; Dr. Kevin Kosar, R Street Institute, and Prof. Vanessa Tyson, Scripps College¹

Subject: The House of Representatives' Work Schedule: Issues, and Options for Reform

A memoranda of the Subcommittee on Congressional Calendars of the American Political Science Association Presidential Task Force Project on Congressional Reform. (A PDF copy of this document may be downloaded here.)

The schedule kept by the U.S. House of Representatives has drawn concern from various corners. Media stories about how seldom Congress is in Washington are commonplace.² Some scholars worry that the congressional schedule undermines its legislative capacity.

This memorandum outlines concerns with the current House schedule, discusses options for reform, and considers some tradeoffs and other concerns. Throughout, we draw on political science research and various related data. However, none of the suggested options or likely consequences reflect consensus among the political science community or even members of the Task Force. The intention here is to provide insight for members of the Select Committee about challenges facing the House, reform options to consider, and the likely consequences or tradeoffs related to those reforms

A brief note: By “schedule,” this memorandum means the days on which the House convenes to conduct official business. Usage here does not refer to the various “calendars” for legislative business, e.g., “union calendar,” “private calendar,” etc.³

¹ All affiliations are listed for informational purposes only and the views expressed here are the authors' own.

² See, e.g., Courtney Connley, “Here’s how many days Congress will spend away from the office in 2018,” CNBC.com (March 29, 2018), <https://www.cnbc.com/2018/03/29/heres-how-many-days-congress-will-spend-away-from-the-office-in-2018.html>; and Arlette Saenz, “Here’s how much less Congress works than you do,” ABCNews, (August 4, 2014), <https://abcnews.go.com/Politics/heres-congress-works/story?id=24810354>.

³ The Congressional Research Service notes that the House’s use of the term “calendar” is peculiar: “The five House calendars are not calendars in the traditional sense. Because a measure is listed on a calendar does not guarantee that it will be considered on the House floor on a date certain—or at all. It could be argued that the word menu provides a more accurate picture of what the calendars actually represent in a parliamentary sense: lists of eligible legislation that the majority party leadership might choose to “order” in structuring the House’s floor schedule. Which measures on the calendar the leadership will schedule for consideration, and in what order, is a decision based on a combination of policy, political, and procedural factors.” Congressional Research Service, “Calendars of the House of Representatives,” report 98-437, May 15, 2019. <https://www.everycrsreport.com/reports/98-437.html>

Key Issues with the Current House Schedule

Concerns with the schedule kept by the House of Representatives tend to focus on: (1) The possibility that it is not spending enough total time in session to fulfill its core functions and address the nation's challenges; and (2) That the current schedule limits the abilities of many members of Congress to develop close professional or personal relationships, which may be important to deal making and legislating on Capitol Hill.

(1) Congress may not be in session enough.

Arguably, the challenges facing Congress have grown. The number of policy issues on the public agenda continues to increase, and data suggest Congress is successfully addressing fewer of them.⁴ While the overall size of the federal workforce has not increased in decades,⁵ the number of governmental rules, regulations, and actions published by the federal government continues to proliferate,⁶ and the number of federal contractors and subcontractors implementing federal policy has grown.⁷ These combined patterns leave Congress with more governmental action, and a more scattered workforce, to oversee. Perhaps most pressing, there is a growing sense of dissatisfaction and a feeling of crisis among many in the American public,⁸ and public confidence in Congress has been below 25% for much of the last decade.⁹

Inarguably, Congress is not fulfilling its core functions. Congress routinely fails to pass a budget resolution or any of the 12 annual appropriations bills on the schedule spelled out by the Budget Act. Instead, Congress often enacts a series of continuing resolutions followed by one or more omnibus appropriations bills that is enacted long after the start of the fiscal year. At the same time, the number of oversight hearings has decreased (see Figure 3).

As the challenges facing the government have grown, the House schedule has stagnated, and by some metrics, its activity has declined. While the House is not spending *less* time in session than it used to, it also is clearly not spending *more* time in session trying to address national challenges. As shown in Figure 1, the number of *days* the House has spent in session during each congress has not consistently increased or decreased since the 80th Congress (1947-48). While

⁴ See, Sarah A. Binder, "Polarized We Govern?" Center for Effective Public Management, Brookings Institution (May 2014). Accessible at: <https://www.brookings.edu/research/polarized-we-govern/>. Binder's data show that the size of the "policy agenda" facing Congress has increased since the mid-20th century, as have the proportion of those agenda items mired in gridlock.

⁵ See, "Executive Branch Civilian Employment Since 1940," U.S. Office of Personnel Management (<https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/historical-tables/executive-branch-civilian-employment-since-1940/>).

⁶ Data collected by the Center for Regulatory Studies at George Washington University shows that the number of pages of published rules and regulations in the Code of Federal Regulations has grown steadily since the 1950s. See, <https://regulatorystudies.columbian.gwu.edu/reg-stats>

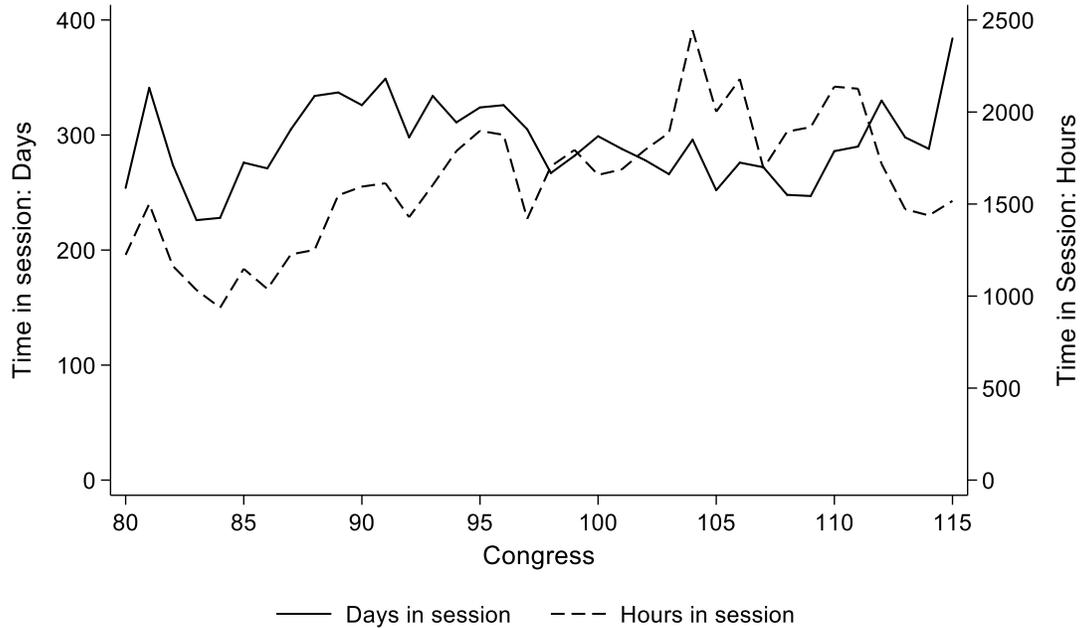
⁷ See, Paul Light, *The Government-Industrial Complex: The True Size of the Federal Government, 1984-2018*. (Ox

⁸ According to Gallup, majorities of Americans have not been satisfied with the way things are going in the U.S. since 2005 (see, <https://news.gallup.com/poll/1669/general-mood-country.aspx>), and majorities have not been satisfied with the direction of the U.S. since 2004 (see, <https://news.gallup.com/poll/240911/satisfaction-running-improved-level.aspx>).

⁹ Megan Brenan, "Trust in U.S. Legislative Branch 40%, Highest in Nine Years," Gallup (October 1, 2018). Accessible at: <https://news.gallup.com/poll/243293/trust-legislative-branch-highest-nine-years.aspx>.

the number of *hours* in session increased through the 1970s, there has not been any consistent change since then.¹⁰

FIG 1. Time in Session by the House of Representatives, 80th-115th Congresses (1947-2018)¹¹



¹⁰ Data from the Bipartisan Policy Center on the number of “working days” the House is in session also show little change since 1995, the first year such data are available. See, <https://bipartisanpolicy.org/congress/>.

¹¹ Data is from The Brookings Institution, Vital Statistics on Congress, Table 6-1.

FIG 2. Bill Introduction Activity, 80th-115th Congresses (1947-2018)¹²

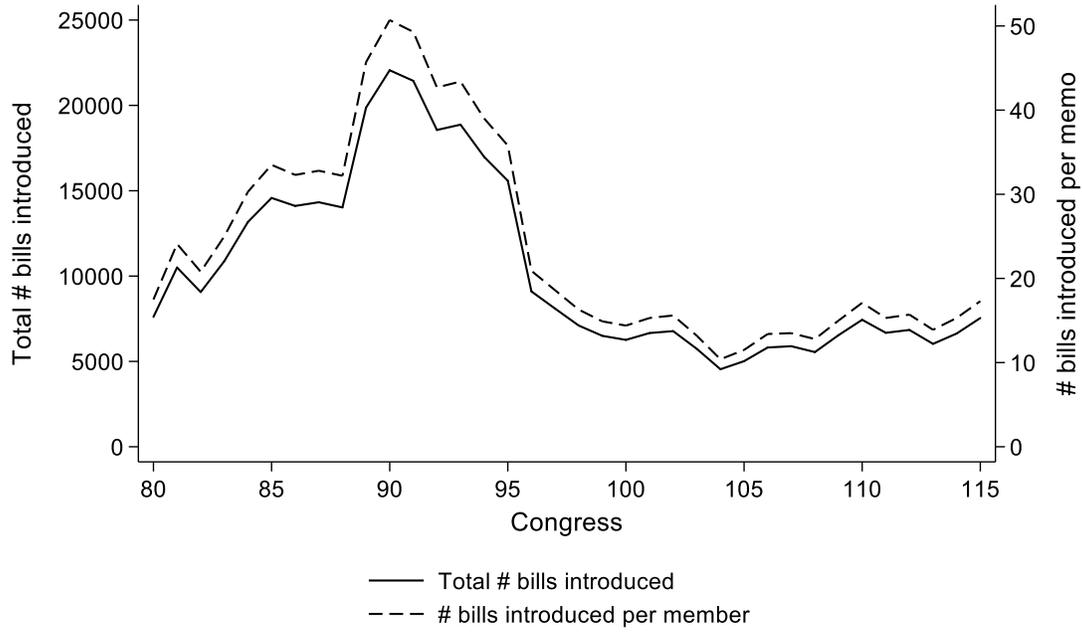
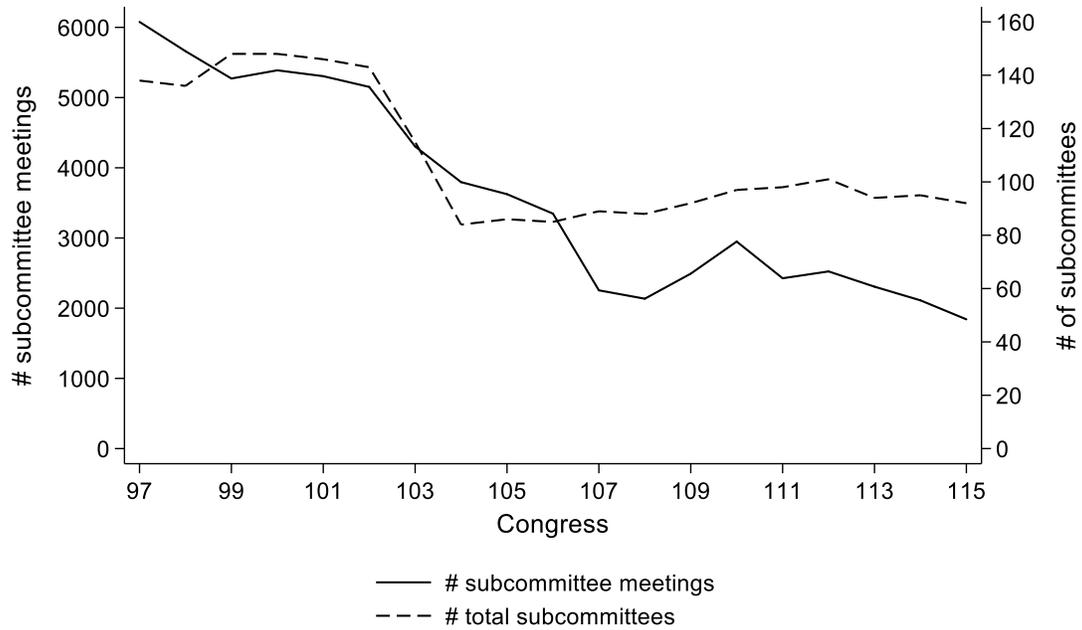


FIG 3. Subcommittees and Subcommittee Meetings in the House, 80th-115th Congresses (1947-2018)¹³



¹² Data is from The Brookings Institution, Vital Statistics on Congress, Table 6-1.

¹³ Data is from The Brookings Institution, Vital Statistics on Congress, Tables 4-2 and 6-1.

By other metrics, the House's levels of activity have declined. As shown in Figure 2, members of the House are introducing fewer pieces of legislation than they used to. In the late 1960s, members introduced almost 50 bills per congress, on average. Today, that number is less than 20.

Committee meetings have also become less commonplace¹⁴ (see Figure 3), with the number subcommittee meetings per congress on a steady decline since the 1980s, even as the number of subcommittees has rebounded since 1995. And as noted above, Congress has struggled with its annual budget process, frequently failing to pass a budget resolution or annual spending bills on time.¹⁵

(2) Congressional sessions may be poorly apportioned.

The quantity of time, however, is not the only factor at play. Congress has settled into a work schedule of four-day workweeks, with business conducted between late Mondays and mid-Thursdays, and occasionally Friday mornings.¹⁶ Members frequently spend just three nights a week in Washington (when the House is in session) and four nights in their districts.

This condensed Washington, DC workweek comes with both benefits and costs. A benefit for members, arguably, is that they may return to their districts weekly. Frequent trips home help legislators stay in close contact with their constituents, and avoid the charge of succumbing to "Potomac Fever." Regular trips home also enable members who serve as caregivers for children or family members to continue to do so without uprooting to Washington, DC, where the costs of real estate purchases and rentals is high. Moreover, with advances in information technology in recent years, it is not always necessary for members of Congress to be present in Washington, DC to engage in some legislative tasks, or to interact with their staff.

Nevertheless, the short workweek comes with significant costs. Some legislators find the travel wearying, especially those who travel longer distances or to areas with very limited air travel service.¹⁷ It is also potentially costly for American taxpayers. Hundreds of members of Congress flying home every week to points across the country is certainly not an inexpensive arrangement.

But perhaps most important for Congress's role as a legislative institution, this arrangement of the House schedule may be making it more difficult for many members of Congress to develop close professional or personal relationships with one another. In interviews, former members and staff almost universally claim that close relationships bolster effective legislating and compromise.¹⁸ Like any working professionals, members of Congress need to build interpersonal

¹⁴ See, also, Jonathan Lewallen, Sean M. Theriault, and Bryan D. Jones, "Congressional dysfunction: An information processing perspective," *Regulation & Governance* 10(2), pp. 179-90.

¹⁵ Nolan McCarty, "The Decline of Regular Order in Appropriations: Does It Matter?" (December 12, 2014). Available at SSRN": <http://dx.doi.org/10.2139/ssrn.2537444>

¹⁶ E.g., see the 2018 schedule at

<https://www.majorityleader.gov/sites/democraticwhip.house.gov/files/2018CALENDAR.pdf>.

¹⁷ See, e.g., Sabrina Siddiqui, "Is Your Commute Long? Imagine If You Were A Senator from Alaska," *Huffington Post* (December 18, 2013). Accessible at: https://www.huffpost.com/entry/congress-travel_n_4469313.

¹⁸ Many of us have heard members of Congress and staff attest to this in interviews we have conducted for our research. See, also, Richard Simon, "When Friendship Trumps Politics," *LA Times* (September 21, 2008),

trust to work out legislation, cut deals, and get things done. This may be harder in a House of Representatives where most members spend little time together in Washington.

Possible Reforms

There are two basic approaches that could address these concerns: (1) Expanding the congressional schedule; and (2) Rearranging the current schedule to allow for more extended periods of time in Washington.

(1) Expanding the schedule.

The number of days Congress schedules for legislative work is at the discretion of Congress. Chamber leadership, in consultation with members, can simply proactively choose to add more work days. The House of Representatives did just that in late 2016, announcing it would be in session 145 days in 2017, an increase of 12 days.¹⁹ Summer may prove a particularly obvious time for adding legislative days. The House usually allows legislators to spend the entire month of August in their home districts. This summer recess could be cancelled or shortened if the House had failed to pass annual appropriations bills.²⁰ Obviously, the costs associated with expanding the schedule are legislators will be forced to spend more time away from their families and less time with constituents.

(2) Rearranging the current schedule.

Another option is to rearrange the House schedule so that members spend longer, more intensive stretches in Washington focused on legislative work, without adding any days to the annual legislative schedule.

First, the House may block the days they spend in DC—and out of it, by implication—into longer chunks. For example, rather than traveling in and out of DC each Monday and Thursday, legislators could spend two or three consecutive weeks in town (and perhaps work Saturdays) and then depart for two or three weeks. Alternatively, legislators might work “super weeks” lasting from a Tuesday through the Thursday of the following week. Either way, blocking longer stretches of work time in DC would have the added benefit of reducing the number of hours legislators spend in transit. Again, the cost of this “block” sort of reform is members would spend longer stretches of days away from their families and districts, but it need not necessitate spending more *total* days away from home and away from constituents. This reform would also likely upset the work routine of many House staffers.

Second, the House might lengthen the current legislative workday to allow more time for substantive legislative activities, such as committee meetings, hearings, negotiations, and

<https://www.latimes.com/archives/la-xpm-2008-sep-21-na-inouye21-story.html>. On the importance of trust in Congress, see Eric Uslaner, *The Decline of Comity in Congress* (Ann Arbor, MI; University of Michigan Press).

¹⁹ Rachel Bade, “House GOP planning to work more next year,” *Politico* (November 30, 2016),

<https://www.politico.com/story/2016/11/house-gop-work-schedule-2017-231992>

²⁰ See, e.g., the August 2019 calendar at <https://www.house.gov/legislative-activity>.

debates. This can be achieved by adding legislative hours to each day, and by reducing the time legislators spend fundraising. The latter may be achieved through an outright ban (e.g., legislation previously has been introduced to ban fundraising by elected officials).²¹ Or it might be achieved by relegating fundraising activities, such as “dialing for dollars,” to days of the week when the House is out of session.²² While members of Congress clearly engage in meaningful legislative work outside of regular legislative session hours, providing or requiring more time to be focused on this work may benefit the House’s productivity.

²¹ E.g., H.R. 4443, 114th Congress, <https://www.congress.gov/bill/114th-congress/house-bill/4443>; and H.R. 528, 115th Congress, <https://www.congress.gov/bill/115th-congress/house-bill/528>.

²² Norah O’Donnell, “Are members of Congress becoming telemarketers? CBS 60 Minutes (April 24, 2016), <https://www.cbsnews.com/news/60-minutes-are-members-of-congress-becoming-telemarketers/>. Fundraising generally have been identified by legislators as time-consuming. See, Marian Currinder, Michael Beckel, and Amisa Ratliff, “Why we left Congress,” IssueOne and the R Street Institute (December 2018), <https://www.issueone.org/why-we-left/>.