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ARE LONG WEEKENDS REDUCING CONGRESS' PRODUCTIVITY?

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INTRODUCTION

A common complaint of congressional observers—both those inside and outside the Beltway—is that lawmakers do not spend a whole lot of time on Capitol Hill doing the people's business.¹ For reference, during 2016, the second year of the 114th Congress, the House was in session for 131 days and the Senate for 165.²

The typical congressional schedule finds members in legislative session beginning Tuesday morning and returning to their districts or states Thursday evening for constituent-related work. Members also have district work periods throughout the year, including the entire month of August, during which they remain in their home states. Many people—even members themselves—argue that such a schedule simply does not allow enough time to legislate effectively.

Accordingly, many are calling on legislators to institute mandatory five-day workweeks. In fact, House members from both sides of the aisle have proposed mandating members of

Congress to spend Monday-Friday in Washington. In 2014, Rep. David Jolly, R-Fla., lobbied for a change in the House rules to require lawmakers to commit to 40-hour workweeks in D.C.³ The following year, Rep. Scott Peters, D-Calif., introduced a bill⁴ that called for a similar change.⁵

Proponents of the five-day congressional workweek insist that this mandate would result in both increased productivity and increased bipartisanship, since members can get to know each other better within each chamber. The most common proposal calls for members to spend three consecutive weeks in Washington, followed by one week in their districts or states for constituent matters.⁶

IS CONGRESS REALLY SPENDING LESS TIME IN D.C.?

Arguments in favor of the five-day workweek imply there is a problem that did not exist before: namely, that members used to spend more time in Washington and less time in their states and districts. However, data suggest the amount of actual time members spend in Washington has been fairly consistent for more than four decades.⁷

Figure 1 shows that, while there have been small fluctuations, the number of hours the House and Senate have spent in session has held steady—a little below and a little above 2,000 hours, respectively—since the early 1970s.⁸ To get a more accurate measure of time actually spent in session, we use the number of hours rather than days. This is because a “legislative day” can range from 15 minutes to a record-long 54 hours.⁹ Fitted trend lines (dotted orange and blue) actually show almost no long-term change in the amount of time either chamber spends in Washington.

THE PRODUCTIVITY QUESTION

This leads naturally to the question of legislative productivity. If Congress is in Washington for roughly the same amount of time, are they simply getting less done than they used to? Measuring productivity with any level of exactitude is difficult. For example, the raw number of bills passed per-session includes a fluctuating number of “ceremonial” bills, such as those that designate post office names. The Congressional Bills Project helpfully categorizes all bills in both chambers by importance.¹⁰ For our purposes, we have included only those bills designated as “important”—nonceremonial bills, in our analysis—as they are harder to generate coalitions for passage and thus provide a better measure of Congress' ability to legislate.

So, how does congressional productivity track with the amount of time lawmakers spend in Washington? In recent years, not all that closely.

FIGURE 1: HOURS-IN-SESSION PER YEAR, HOUSE VERSUS SENATE

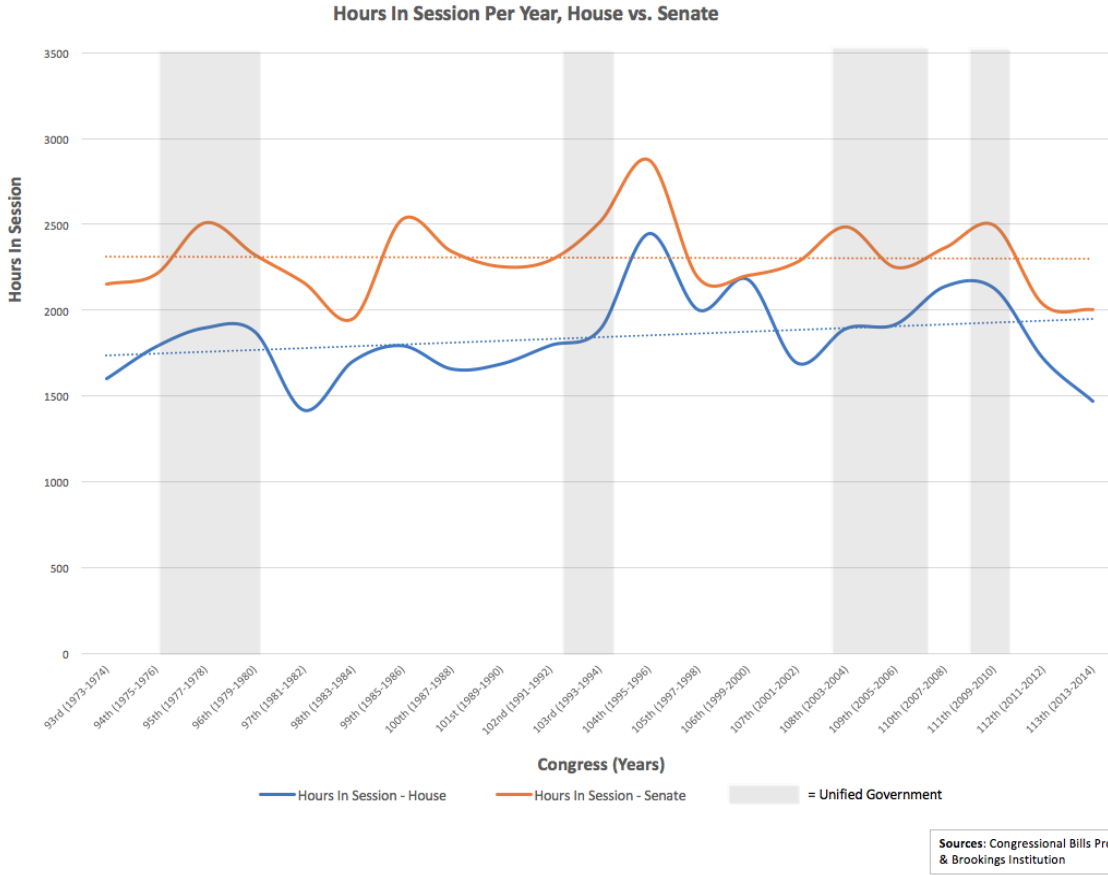


FIGURE 2: LEGISLATIVE PRODUCTIVITY VERSUS HOURS SPENT IN WASHINGTON

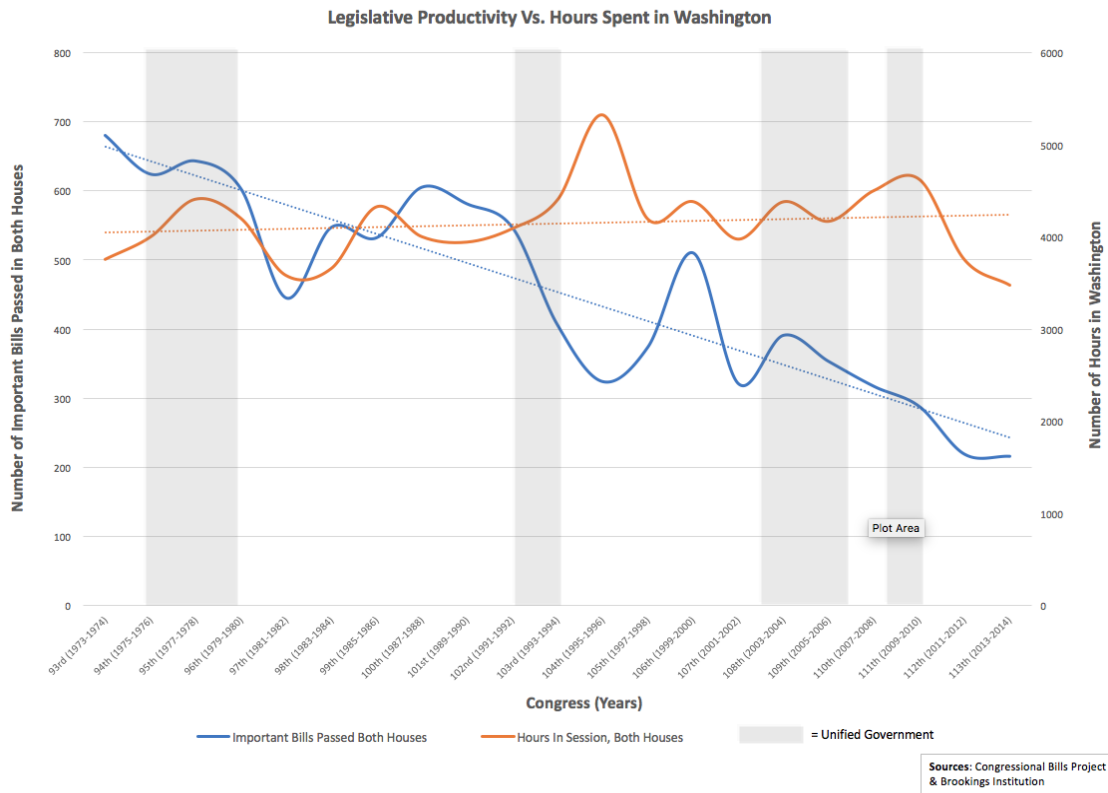


FIGURE 3: INDEX OF TWO-PARTY COMPETITION FOR CONTROL OF CONGRESS¹²

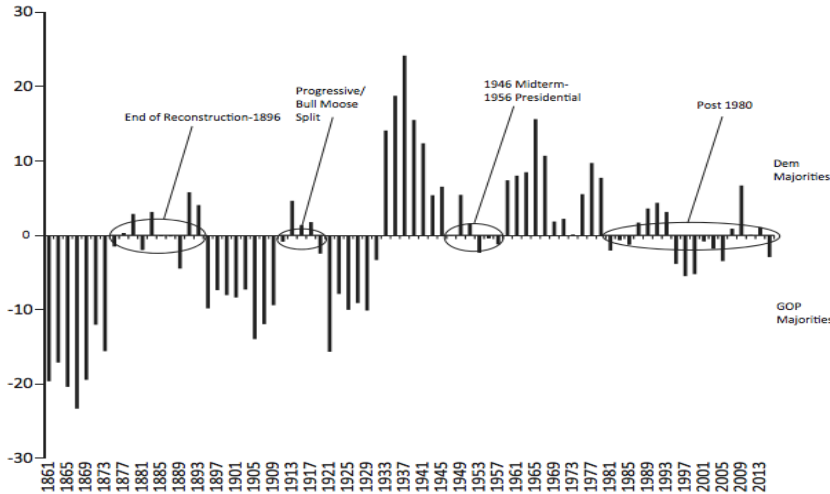


FIGURE 2.1. Index of two-party competition for control of US governing institutions, 1861–2016
The index is the average of the Democratic Party’s share of the national two-party presidential vote, its share of House seats, and its share of Senate seats. Fifty is subtracted from the average to differentiate Democratic and Republican majorities.

As in Figure 1, the orange line in Figure 2 plots the combined number of hours both chambers spent in session for every Congress since 1973. Also included in blue is the time-series of the number of important bills passed by both chambers—our measure of Congress’ legislative productivity. The trend lines show that, while the number of actual work hours in Washington has stayed consistent over the last 40 years, productivity is only about a third of what it was in the early 1970s.

However, despite the fact that productivity in Congress is clearly trending downward, there does not appear to be much support for the argument that restructuring their workweek would solve the problem. After all, members are not spending less time in Washington than they used to, both chambers are simply less productive in terms of passing substantive legislation. This, of course, prompts us to question why Congress’ productivity is declining, even as they spend roughly the same amount of time in D.C. as their predecessors.

ALTERNATIVE EXPLANATIONS FOR DECREASING PRODUCTIVITY

Explanations for the decrease in productivity, as well as for that of bipartisanship in the lawmaking process, are more likely the product of factors other than time spent in the capital. Accordingly, we propose two alternatives that explain the decrease in the passage of important legislation in Congress:

1. Parties have adopted a more confrontational style of politics since majority status in Congress has been

in play. This has resulted in incentives for parties to obstruct rather than legislate.

2. A decrease in the number of staff that work with members to draft and pass legislation effectively limits members’ abilities to do so.

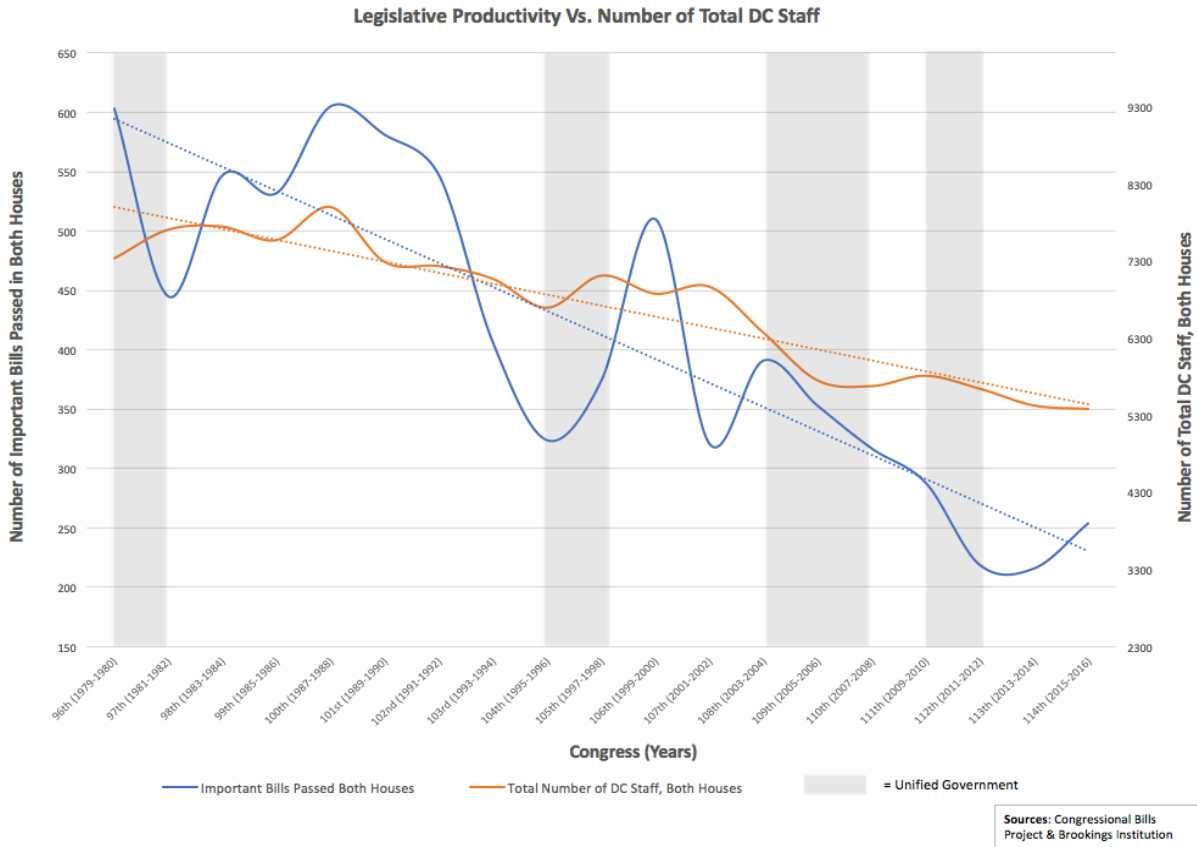
Shifting from policy to political goals

One factor that may explain the decreased productivity we have observed is various changes in how the parties conduct elections and compete with each other, which have far-reaching implications for policymaking in Congress.

In her landmark works, Frances Lee of the University of Maryland explains why members might be less focused on policy than politics.¹¹ Before the 1980s, Republicans in Congress perpetually occupied the minority. Because achieving the majority in either chamber was unlikely, they were forced to cooperate and compromise with Democrats to ensure Republican policy views were represented. Since the 1980s, however, majority status in Congress has become much more uncertain and competitive. This has necessitated a strategic shift away from crafting policy and toward partisan politics.

Figure 3 shows that majority status in Congress has recently flipped between the parties far more frequently than in the past, and the size of majorities are comparatively small. Both of these conditions have helped to produce the confrontational partisan politics of today. With chamber majorities constantly in play, the goal of the minority is to portray the majority party as incompetent, in order to provide voters a strong case for the minority to retake control of the chamber.

FIGURE 4: LEGISLATIVE PRODUCTIVITY VERSUS TOTAL D.C. STAFF



Thus, legislative obstruction has become more strategically advantageous, not just a means to prevent policies a particular party does not like, but as a way to win elections. In view of this, as Lee argues, the dynamics of gridlock and discord in the legislative branch are caused not solely by ideological gaps and disagreements with respect to policy, but also by competitive, team-based partisanship unrelated to the business of legislating.

What these data-driven theories suggest is that a greater proportion of members' time is being dedicated to largely symbolic wins leading up to elections, or to legislative obstruction. Arguments on Capitol Hill are therefore not as much policy arguments as political ones, which offers one compelling reason why policy productivity is slowing.

DECREASE IN LEGISLATIVE CAPACITY

A second reason may be that members are not as well-resourced as in the past. One of lawmakers' most essential tools to create public policy is the congressional staff that works on their behalf. Among other duties, this bevy of legislative assistants and directors are responsible for monitoring policy activity, drafting legislative proposals and amendments, and coordinating coalitions across member-offices

to advance legislation. Put simply, policy staffers are the behind-the-scenes workers that execute the vital responsibilities of legislative research, creation and passage in Congress.

Since the mid-1980s, however, the number of congressional staffers has decreased. This forces lawmakers to stretch their capacity more than in previous decades. As a point of comparison, in 1986, Congress employed just shy of 11,700 aides. By 2015, the number had shrunk to less than 10,000; a decline of 15 percent.¹³ It is important to note that congressional support agencies, such as the Congressional Research Service (CRS) and the Government Accountability Office (GAO), have seen even more drastic staffing cuts that further deteriorate Congress' policymaking capacity.¹⁴

Figure 4 assesses the relationship between the number of important bills passed and the number of aides working on Capitol Hill since the 96th Congress, from 1979 to 1981. We use Hill-based staff because, generally speaking, district and state staff are constituent-service-oriented, while those on the Hill are more involved in policy matters. Figure 4 reveals that the clear downward trend in the number of important bills passed is mirrored by the falling number of staffers based in Washington. This correlation suggests the

decline of legislative productivity over the past 40 years can be attributed, at least in part, to a corresponding decrease in congressional staffing levels.

Naturally, with fewer staffing resources available to members, policy attention has inevitably suffered. Quite simply, if there are fewer aides available to draft and advance policies, fewer bills will be signed into law, particularly on important issues where passage coalitions are harder to formulate. Further, this decline in staffing resources is compounded by factors like dramatic growths in population, the size and scope of the federal government and the number of issues Congress is expected to address.¹⁵

CONCLUSION

Why is Congress getting less done? The answer is more complicated than those advocating for a five-day workweek might assume. Increased national party competition at the chamber level and steadily decreasing numbers of policy-oriented staff in Washington are likely working in tandem, along with other component causes, to shift the focus on Capitol Hill away from policy productivity and toward partisan politics.

It is possible, though not proven, that extended work periods in Washington might assist in raising the level of personal familiarity, and perhaps even a modicum of trust among ideologically opposed members. However, the political incentives toward a more confrontational politics and severely limited congressional capacity may well continue to far outweigh such potential gains. Solutions to the competitiveness and staffing issues are in short supply in such a highly partisan environment, but simply keeping members in Washington for longer periods of time is not an effective silver bullet.

ABOUT THE AUTHORS

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ENDNOTES

1. Dana Milbank, "Congress should work 5 days a week," *Chicago Tribune*, Nov. 6, 2015. <http://www.chicagotribune.com/news/opinion/commentary/ct-congress-paul-ryan-newt-gingrich-perspec-1109-20151106-story.html>.
2. The Government Printing Office (GPO) maintains the congressional calendars going back to the 104th Congress. The legislative calendar for the 114th House of Representatives can be found at <https://www.gpo.gov/fdsys/pkg/CCAL-114hcal-2017-01-03/pdf/CCAL-114hcal-2017-01-03-pt23.pdf>, and the legislative calendar for the 114th Senate can be found at <https://www.gpo.gov/fdsys/pkg/CCAL-114scal-2017-01-03/pdf/CCAL-114scal-2017-01-03-pt0.pdf>.
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4. H.R. 184, <https://www.congress.gov/114/bills/hres184/BILLS-114hres184ih.pdf>.
5. Cristina Marcos, "House Dem calls for five-day workweek," *The Hill*, March 30, 2015, <http://thehill.com/blogs/floor-action/house/237383-house-dem-calls-for-five-day-workweek>.
6. "FAQ: Five-Day Work Week," No Labels, 2017. <https://www.nolabels.org/faq-five-day-work-week/>.
7. Though a better measure than legislative days, the number of hours spent in session still has its limitations. For instance, spending 40 hours in session over three days is qualitatively different from spending 40 hours in session over five. The latter requires more time in town, which provides more opportunities to foster relationships that may contribute to increased productivity. The former can create more harsh time constraints. Still, while hours spent is not a perfect measure, we find the same overtime trends if we adjust for hours, days or hours-per-day in session as the primary measure.
8. Number of hours per legislative session calculated by Brookings Institution, "Legislative productivity in Congress and Congressional workload," *Vital Statistics on Congress*, Jan. 19, 2017. <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>.
9. United States Senate, "All Night Sessions of the Senate," Senate Historical Office, February 2017. https://www.senate.gov/pagelayout/reference/four_column_table/All_Night_Sessions.htm.
10. The Congressional Bills Project provides information for every bill introduced in Congress since 1947. The data and website is maintained by Professors. E. Scott Adler and John Wilkerson and can be found at <http://www.congressionalbills.org/>.
11. Frances E. Lee, *Insecure majorities: Congress and the perpetual campaign* (Chicago: University of Chicago Press), 2016; and *Beyond ideology: Politics, principles, and partisanship in the US Senate* (Chicago: University of Chicago Press), 2009.
12. The index is the average of the Democratic Party's share of the national two-party presidential vote, its share of House seats, and its share of Senate seats. Fifty is subtracted from the average to differentiate Democratic and Republican majorities. Figure and description are used with permission from the author and can be found in *Insecure majorities*, p. 20.
13. Number of staffers provided by Brookings Institution, *Vital Statistics on Congress*, "Congressional staff and operating expenses," Jan. 19, 2017. <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>.
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