
# Video Broadcasting of Congressional Proceedings

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# Summary

Video broadcasts of congressional proceedings enable constituents, policy professionals, and other interested individuals to see Congress at work, learn about specific Members, and follow the legislative process. Members of Congress have always considered communication with constituents an essential part of their representational duties. Members also often utilize new tools and technologies to reach and engage their constituents and colleagues.

**Background**

The Legislative Reorganization Act of 1970 first enabled congressional committees to broadcast their proceedings, if desired. Separate decisions were then made by the House and the Senate in 1977 and 1986, respectively, to provide audio and video broadcasts of chamber proceedings.

Congressional video and audio feeds are operated by the House and Senate but are available for any credentialed press gallery member to broadcast. Many Americans are familiar with these feeds in video format, as the primary content on the privately operated, nonprofit Cable-Satellite Public Affairs Network (C-SPAN). C-SPAN launched a dedicated television channel for House proceedings in 1979 and another for Senate proceedings in 1986, and they continue to be key information resources for Congress and the public.

Live broadcasts provided real-time information about Congress to anyone outside of the Capitol. Previously, only credentialed press or members of the public seated in the galleries could see floor proceedings as they occurred. In addition to augmenting the legislative information available to the public, these broadcasts arguably were also of value to Congress. Broadcasts diminished the need to wait for transcripts or a reporter's account of events. Members and congressional staff could follow a variety of live proceedings from their offices or elsewhere.

**Key Issues**

Technological advancements over the last decade have presented new considerations for congressional video broadcasting. The House and Senate video feeds and C-SPAN all originated in an era when television was the presumed source for video-based news, and the ability to record or transmit video required specialized equipment. As the Internet became an influential medium, the House, Senate, and C-SPAN each adjusted and began to provide online access to live video streams and past recordings. These online videos expand the potential reach of congressional video, as cable television subscriptions are no longer required to watch Congress in action.

The House and Senate continue to maintain exclusive control over their video and audio feeds, whether they are broadcast on television, radio, or over the Internet. Yet technology now exists enabling anyone with a smartphone to produce and broadcast an online video. This creates a greater potential for unauthorized videos to be broadcast from the House and Senate chambers. Some believe that these videos may disrupt decorum in Congress, while others view them as an essential alternate means of distributing congressional information. In light of these new technological capabilities, the use and regulation of wireless devices or broadcasting from the chambers may be reexamined. New rules adopted by the House at the start of the 115th Congress, for example, enable the Sergeant at Arms to impose fines on Members who disrupt decorum by taking photographs, recording audio or video, or broadcasting using an electronic device.

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# Introduction

From postal mail to social media, Members of Congress have regularly adopted and utilized new communications tools to better inform constituents about the workings of Congress and important policy matters.[1] Some of these communications advancements also facilitate better information within Congress as it undertakes its legislative work. By the mid-20th century, radio and television broadcasts offered Congress the ability, for the first time, to provide real-time information about events unfolding on the chamber floors or in committees.

The idea of offering live video broadcasts initially appealed to some, but others had reservations about the potential effects of broadcasting on congressional behavior. Technical challenges also existed, including setting up the necessary lights, microphones, cameras, and other equipment and making arrangements with media outlets for broadcast coverage.[2] Although the House and Senate experimented with television broadcasts as early as 1948, regular coverage of the House floor began in 1977 and regular coverage of the Senate floor began in 1986.

Many people are familiar with congressional video because it is continually broadcast on the privately operated, nonprofit Cable-Satellite Public Affairs Network (C-SPAN). One C-SPAN channel was created for House proceedings in 1979, another for Senate proceedings in 1986, and a third for additional congressional or public affairs programming in 2001. C-SPAN operates independently from Congress—it receives no financial support from the House or Senate, and it does not have any contractual agreement with either chamber.[3]

The House and Senate separately administer their video feeds, and each chamber maintains exclusive control over its videos. Congressionally produced video feeds are available for free to any accredited news organization. Committees in each chamber often allow video coverage of public hearings or other proceedings, and have discretion to adopt additional rules to govern video coverage, which can include allowing media outlets to film using their own cameras.

Beginning in 2011 and 2012, respectively, the House and Senate began streaming their floor video feeds directly to the public over the Internet, in addition to allowing C-SPAN and other media outlets to rebroadcast their video feeds. Most committees also provide Internet video broadcasts of their open proceedings. Additional technological advancements in recent years, like the ubiquity of smartphones with video cameras and the ability to broadcast over wireless networks, may challenge the ability of the House and Senate to maintain exclusive control over video coverage of their proceedings.

This report begins with a brief history of early congressional experiences with television coverage and background on the decisions to allow regular committee and floor broadcasts. The next sections describe how video coverage is administered within Congress, discussing rules, regulations, and authorities affecting video recording and broadcasting for House committees, House floor proceedings, Senate committees, and Senate floor proceedings. A brief overview of

[1] See, for example, CRS Report RL34274, *Franking Privilege: Historical Development and Options for Change*, by (name redacted) ; CRS Report R44509, *Social Media in Congress: The Impact of Electronic Media on Member Communications*, by (name redacted) and (name redacted) .

[2] Similar issues have been, and continue to be, raised in discussions about the possible benefits and drawbacks of video coverage in the U.S. Supreme Court and other federal courts. See CRS Report R44514, *Video Broadcasting from the Federal Courts: Issues for Congress*, by (name redacted) .

[3] National Cable Satellite Corporation, "Our History," *C-SPAN.org*, updated 2016, available at https://www.c-span.org/about/history/.

C-SPAN's history, organization, and operating structure is then provided. The final sections of this report discuss some recent events related to congressional video and highlight some of the new challenges presented by smartphone and wireless broadcasting technologies.

# Early Television in Congress

Prior to the 1979 House and 1986 Senate decisions to broadcast proceedings, television cameras rarely covered floor proceedings in either chamber. In 1947, the House allowed television cameras to broadcast portions of the opening session of the 80th Congress, but no other regular sessions were broadcast over the next few decades.[4] The State of the Union address was also first televised in 1947, an event that continued to be broadcast and was often the public's only televised glimpse inside the House chamber. The only video broadcast from the Senate floor prior to 1986 was the swearing-in ceremony of Vice President Nelson Rockefeller on December 19, 1974.[5]

Committee hearings, although not regularly televised, were more frequently broadcast than floor proceedings in this early period, at the discretion of individual committees. In spring 1948, the Senate Armed Services Committee became the first congressional committee to broadcast a hearing, and the House Un-American Activities Committee followed a few months later.[6] In these instances, committees allowed camera operators from the television networks to attend and film the hearings.[7]

This practice was formalized in the Legislative Reorganization Act of 1970, which provided that House and Senate committees could, but were not required to, allow hearings to be filmed.[8] Prior to this legislation, it was not universally agreed upon who exercised authority over committee broadcasts; some believed that television broadcasts fell under the authority of House committees to open and publicize their own hearings, but others believed the Speaker needed to grant the committees permission to broadcast.[9]

In 1974, the Joint Committee on Congressional Operations, a bicameral panel established by the 1970 act, expressed concern that the American public lacked information about how Congress worked. Noting that the President had successfully utilized radio and television to increase executive branch exposure and prestige, the joint committee considered a number of ways to

[4] U.S. Congress, Joint Committee on Congressional Operations, *Congress and Mass Communications: An Institutional Perspective*, committee print, prepared by the Congressional Research Service, 93rd Cong., 2nd sess. (Washington: GPO, 1974), p. 24.

[5] Authority granted by S.Res. 452 (93rd Congress), agreed to December 14, 1974; *Congressional Record*, vol. 120, part 30 (December 14, 1974), p. 39915.

[6] Ronald Garay, *Congressional Television: A Legislative History* (Westport, CT: Greenwood Press, 1984), ch. 3.

[7] Rep. Joseph Martin, "Televising of Committee Hearings," remarks in the House, *Congressional Record*, vol. 98, part 1 (February 25, 1952), p. 1334.

[8] P.L. 91-510, 84 Stat. 1140.

[9] More generally, the absence of any rule regarding television broadcasting during the 1950s and 1960s left an open question of whether or not such activity was allowed, and the Speaker provided the answer. In 1952, for example, the Speaker acknowledged that some committees had televised hearings or meetings, but he believed that the absence of a rule precluded broadcasting, further indicating that "in each and every instance when [he] called attention to the fact that he did not think the rules of the House authorized this, each and every chairman of a committee or subcommittee has ceased doing so at that moment." See Speaker Sam Rayburn, "Televising of Committee Hearings," remarks in the House, *Congressional Record*, vol. 98, part 1 (February 25, 1952), pp. 1334-1335. See also Rep. George Meader, "Telecasting, Broadcasting, and Photographing Public Committee Hearings of the House," remarks in the House, *Congressional Record*, vol. 108, part 1 (January 15, 1962), p. 224; Idem., (January 16, 1962), pp. 267-269.

improve congressional mass communications, including televised floor proceedings.[10] Instead of relying upon broadcast networks to air portions of congressional coverage in newscasts or in lieu of other programming, new cable and satellite technologies offered Congress the possibility of its own designated channels that could provide all proceedings in their entirety.[11] The joint committee recommended that the House and Senate provide radio and television coverage of their regular proceedings, but each chamber still needed to adopt the recommendation, establish broadcasting rules, and work out technical logistics and funding.

# House Video Broadcast Operations

House floor proceedings and many House committee proceedings are available as live or recorded video footage which may be used by media outlets, members of the public, and Congress itself. Regulations governing these videos are generally found in the Rules of the House of Representatives. Media outlets seeking access to House proceedings or House-provided video footage must be accredited by the House Radio and Television Correspondents' Gallery. Those approved may show portions of proceedings, as in part of a newscast, or show congressional proceedings in their entirety, as C-SPAN chooses to do. Committees may adopt additional rules that affect how videos of their hearings, meetings, or other proceedings are produced or used. The Speaker of the House has the ability to administer and direct video coverage of House floor proceedings, and often delegates some responsibilities to other House offices. For example, the House Recording Studio generally operates the video equipment to film the House floor and the Clerk of the House maintains the online video services provided by the House.

## House Committees

Section 116(b) of the Legislative Reorganization Act of 1970 enabled House committees to allow photographic, radio, and television coverage of their proceedings. This legislation amended Rule XI of the House, outlining certain guidelines to preserve "acceptable standards of dignity, propriety, courtesy, and decorum," stating, for example, that audio and video recordings can only be used for educational or informational purposes and not for any partisan campaign purposes. Committee videos cannot be used to discredit or dishonor a Member, the committee, or the House, nor can videos be used to distort the purpose of the hearing.[12]

Rule XI also enables House committees to adopt individual rules to govern video coverage. Typically, television, radio, and photography coverage are permitted if a committee or subcommittee proceeding is open to the public.[13] Some committees adopt more detailed rules,

[10] U.S. Congress, Joint Committee on Congressional Operations, *Congress and Mass Communications*, hearings, 93rd Cong., 2nd sess., February 20-21, March 7, 20, April 9-10, 1974 (Washington: GPO, 1974); U.S. Congress, Joint Committee on Congressional Operations, *Broadcasting House and Senate Proceedings*, interim report, 93rd Cong., 2nd sess., October 10, 1974, S. Rept. 93-1275 (Washington: GPO, 1974).

[11] Stephen Frantzich and John Sullivan, *The C-SPAN Revolution*, (Norman, OK: University of Oklahoma Press, 1996), pp. 5-9; Ronald Garay, *Congressional Television: A Legislative History* (Westport, CT: Greenwood Press, 1984), pp. 79-83.

[12] P.L. 91-510, 84 Stat. 1140; Rule XI, cl. 4 in U.S. Congress, House, *Rules of the House of Representatives, One Hundred Fifteenth Congress*, prepared by Karen L. Haas, Clerk of the House of Representatives, 115th Cong., 1st sess., January 5, 2017, pp. 23-24, available at https://rules.house.gov/sites/republicans.rules.house.gov/files/115/PDF/House-Rules-115.pdf.

[13] For example, see "Rule V: Broadcasting," U.S. Congress, House, Committee on the Judiciary, *Rules of Procedure, One Hundred Fourteenth Congress*, 115th Cong., 1st sess., January 24, 2017, at https://judiciary.house.gov/wp-content/uploads/2013/07/115th_Rules_of_Procedure.pdf.

addressing, for example, the number of journalists allowed or where cameras must be positioned in a hearing room.[14] Committee rooms may only be able to accommodate a certain number of cameras.[15] In the past, news networks or C-SPAN often had to provide their own cameras for committee coverage, and some broadcast outlets may continue this practice.

Today, many House committee websites broadcast videos of eligible proceedings live and provide archives of past videos. In recent years, the Internet and advancements in digital video equipment have enabled committees to create, broadcast, and archive videos more easily and inexpensively. Often, these videos are posted on YouTube, with the content embedded into the committee website. Alternatively, some committees simply provide a link to their YouTube page for video content. Although most House committees post their own videos online, they usually have not adopted formal committee rules that apply to Internet video broadcasting or archiving.[16]

## House Floor Proceedings

By the 1970s, many House Members were interested in television as a means to better inform the public about the workings of Congress, yet others were concerned that cameras in the chamber might be distracting or cause disruptions. In addition to these concerns, the House faced a number of logistical matters related to video production and distribution. Ultimately, the House chose to control its own video production but rely on privately-operated television stations to distribute the content. This decision alleviated some concerns about the cost of televising the House, but others remained worried that the House's exclusive control of video coverage could lead the public to believe they only saw "a censored view of our activities."[17] The Internet made it possible for the House to distribute video easily and inexpensively, and in 2011, the House chose to supplement its existing means for distributing videos by providing video access through its website.[18]

Following a preliminary closed-circuit video broadcasting test,[19] the House adopted H.Res. 866 in October 1977.[20] Under H.Res. 866, the Speaker of the House set up a closed-circuit video system

[14] See "Rule 21. Broadcasting of Committee Hearings and Meetings," U.S. Congress, House Committee on Foreign Affairs, *Rules for the Committee on Foreign Affairs*, committee print, 115th Cong., 1st sess., January 24, 2017, available at http://docs.house.gov/meetings/FA/FA00/20170124/105483/HMTG-115-FA00-20170124-SD002.pdf.

[15] See "Committee Room Camera Limits," U.S. Congress, House Radio-Television Correspondents' Gallery, May 10, 2012, at https://radiotv.house.gov/for-gallery-members/committee-room-camera-limits.

[16] The Rules Committee is the only House committee to have such a rule in the 115th Congress, stating that "Proceedings shall be broadcast live on the Majority Committee website and recordings shall be made available on such website within one calendar day of the proceeding." See Rule 8(c), "Audio and Video Coverage," U.S. Congress, House Committee on Rules, *Rules of the Committee on Rules*, 115th Cong., 1st sess., January 3, 2017, at http://democrats.rules.house.gov/sites/democrats.rules.house.gov/files/documents/115/115_RulesoftheRulesCommittee.pdf.

[17] For examples of these and other concerns related to administration and implementation of House video broadcasts, see *Congressional Record*, vol. 124, part 13 (June 14, 1978), pp. 17657-17666; also *Congressional Record*, vol. 123, part 6 (March 15, 1977), pp. 7607-7613.

[18] Available as HouseLive, at http://www.houselive.gov.

[19] In October 1974, the Joint Committee on Congressional Operations recommended a "carefully designed but limited test to determine the ultimate feasibility and desirability" of permanent broadcasting in each chamber, but subsequent resolutions to initiate a broadcasting trial were not agreed to. The Speaker initiated a 90-day broadcasting test from March 15 to September 15, 1977. See U.S. Congress, Joint Committee on Congressional Operations, *Broadcasting House and Senate Proceedings*, interim report on Congress and mass communications, 93rd Cong., 2nd sess., October 10, 1974, pp. 54-56; *Congressional Record*, vol. 123, part 6 (March 15, 1977), pp. 7607-7613; U.S. Congress, House Select Committee on Congressional Operations, *Televising the House*, communication from the Chairman, Select Committee on Congressional Operations to the Speaker of the House of Representatives transmitting the report of the select committee on the conduct of the 90-day test of broadcast coverage of the daily floor proceedings of the House, (continued...)

to show floor proceedings in locations throughout the Capitol and House office buildings. The Committee on Rules would study "all alternative methods" for providing video and audio coverage of the proceedings and provide recommendations by February 15, 1978, for how the House should proceed with video coverage. The Speaker would then devise a system for broadcasting, distribution to news organizations, and storage and preservation of recordings.

Many of the provisions found in H.Res. 866 were incorporated in the Standing Rules of the House of Representatives at the start of the 96th Congress (1979-1980)[21] and continue to apply to House video coverage and its use by media outlets. For example, H.Res. 866 stipulated that video footage would be "complete, gavel-to-gavel, and unedited," and it would be made available to any news station, network, or correspondent accredited by the House Radio and Television Correspondents' Galleries. These provisions helped alleviate concerns that a House-controlled broadcast might be censored for political reasons or violate the rights of a free press.[22] Additionally, House video footage can be used for news or public affairs programs, but it cannot be used for commercial or political purposes.

The Rules Committee considered several options, including using a pool of broadcast network cameras, but ultimately recommended that the House operate its own television system.[23] The Legislative Branch Appropriations Act for FY1979 stated that House funds could be used for broadcasting floor proceedings if the cameras were controlled and operated by House employees as part of the House Recording Studio.[24] The first live broadcast from the House floor was a speech by Representative Al Gore on March 19, 1979.[25] This, and some of the other early broadcasts from the House floor, aired on C-SPAN and on local public broadcasting.[26] The commitment of C-SPAN to cover House floor proceedings in their entirety provided an opportunity for House broadcasts to continually reach interested audiences, avoiding the scheduling challenges and ratings pressures that other television networks often face.

Under House Rule V, authority to administer, direct, and control the broadcasts of House floor proceedings remains with the Speaker of the House.[27] Occasionally, the Speaker has issued directions modifying floor television coverage. For example, in 1984, the Speaker directed the Clerk of the House to provide a caption during special-order speeches to indicate that legislative

(...continued)

together with recommendation for the future of broadcast coverage, 95th Cong., 1st sess., September 27, 1977, H. Doc. 95-231 (Washington: GPO, 1977); *Congressional Record*, vol. 123, part 27 (October 27, 1977), p. 35426.

[20] H.Res. 866 (95th Congress), agreed to October 27, 1977; "Providing for Radio and Television Coverage of House Proceedings," *Congressional Record*, vol. 123, part 27 (October 27, 1977), pp. 35425-35437.

[21] H.Res. 5 (96th Congress), agreed to January 15, 1979; Rule 1, cl. 9 in U.S. Congress, House Committee on Government Operations, *Rules of the Committee on Government Operations Together with Selected Rules of the House of Representatives*, committee print, 96th Cong., 1st sess., February 1, 1979.

[22] Rep. Dan Quayle, "Proposed TV Coverage of the House," remarks in the House, *Congressional Record*, vol. 124, part 3 (February 9, 1978), p. 2907; Rep. James Quillen, "Broadcasting of House Sessions," remarks in the House, *Congressional Record*, vol. 124, part 3 (February 9, 1978), pp. 2907-2908.

[23] U.S. Congress, House Committee on Rules, *Broadcasting the Proceedings of the House*, 95th Cong., 2nd sess., February 15, 1978, H. Rept. 95-881 (Washington: GPO, 1978).

[24] P.L. 95-391, §306, 92 Stat. 789, September 30, 1978.

[25] Rep. Al Gore, "First Day of Televising of House Proceedings A Historic Occasion," remarks in the House, *Congressional Record*, vol. 125, part 5 (March 19, 1979), p. 5411.

[26] Gillis Long, "Television in the House of Representatives," *Capitol Studies*, vol. 6 (Spring 1978), p. 8.

[27] "House Rule V: Broadcasting the House," in U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Fourteenth Congress*, 113th Cong., 2nd sess., H. Doc. 113-181 (Washington, GPO, 2015), at https://rules.house.gov/HouseRulesManual114/rule5.xml.

business was complete for the day and to implement periodic wide-angle camera shots to show more of the chamber during these speeches.[28] Similarly, in 2010, live Internet streaming of House floor video feed was launched as HouseLive[29] under the direction of the Clerk of the House. HouseLive includes archived House videos dating back to 2009 and enables users to download audio or video recordings or embed clips on their own websites.[30]

# Senate Broadcast Operations

Video broadcasts and recordings of Senate floor proceedings and many Senate committee proceedings are available to the media and the public. Broadcast media outlets seeking to use Senate-produced video or to transmit Senate proceedings must be accredited by the Senate Radio and Television Correspondents' Gallery. C-SPAN 2 has voluntarily committed to broadcast live Senate floor proceedings and other related programming. The Standing Rules of the Senate enable Senate committees to allow video coverage of their public proceedings, and committees may adopt additional rules to facilitate broadcasting or recording. Floor video coverage is authorized by a Senate resolution,[31] subject to oversight by the Committee on Rules and Administration, and is operated by the Senate Recording and Photographic Studio.

## Senate Committees

Throughout the 1950s and 1960s, some Senate committees decided to permit television and radio coverage of important hearings.[32] Statutory authority for broadcasting Senate committee hearings was provided in Sections 116(a) and 242(a) of the Legislative Reorganization Act of 1970.[33] Under this legislation, committee hearings that were open to the public could also be broadcast on radio and television, subject to additional rules adopted by the committees. This provision is also found in Rule XXVI of the Standing Rules of the Senate.[34] Committees may adopt additional requirements or regulations regarding video coverage as part of their own committee rules. Beginning in the 110th Congress (2007-2008), Rule XXVI required that Senate committee records for open proceedings, whether in video, audio, or written format, must be made publicly available on the Internet within 21 business days of the committee proceeding.[35] All of the Senate standing

[28] *Congressional Record*, vol. 130, part 9, (May 19, 1984), p. 11894. In 1994, the Speaker ended the wide-angle requirement and ordered that the cameras would not "pan" the chamber. See Wm. Holmes Brown, *House Practice: A Guide to the Rules, Precedents and Procedures of the House* (Washington, DC: GPO, 1996), p. 215.

[29] HouseLive is available at http://www.houselive.gov.

[30] U.S. Congress, House Committee on House Administration, *Oversight of the Clerk, Sergeant at Arms, Chief Administrative Officer, and Inspector General of the House of Representatives*, hearing, 111th Cong., 2nd sess., April 28, 2010 (Washington: GPO, 2010), pp. 5-13, 164; U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *Legislative Branch Appropriations for 2015*, Part 2 - Fiscal Year 2015 Legislative Branch Appropriations Requests, 113th Cong., 2nd sess., March 4-6, 26 2014 (Washington: GPO, 2015), p. 233.

[31] S.Res. 28 (99th Congress), agreed to February 27, 1986; *Congressional Record*, vol. 132, part 3 (February 27, 1986), pp. 3130-3158.

[32] Rep. George Meader, "Televising Committee Hearings," extension of remarks, *Congressional Record*, vol. 98, part 10 (May 8, 1952), pp. A2836-2837.

[33] P.L. 91-510, 84 Stat. 1140.

[34] Rule XXVI (5)(c) in U.S. Congress, Senate Committee on Rules and Administration, *Standing Rules of the Senate*, 113th Cong., 1st sess., November 4, 2013, Document 113-18 (Washington: GPO, 2013), pp. 32-33. These measures were originally incorporated into Rule XXV in 1975; see S.Res. 9 (94th Congress), agreed to November 5, 1975.

[35] Rule XXVI (5)(e) in U.S. Congress, Senate Committee on Rules and Administration, *Standing Rules of the Senate*, 113th Cong., 1st sess., November 4, 2013, Document 113-18 (Washington: GPO, 2013), p. 34.

committees in the 115th Congress (2017-2018) embed videos of their public hearings on their websites, along with the written statements and testimony from witnesses.

## Senate Floor Proceedings

During the early 1980s, the Senate Rules and Administration Committee considered changing the Senate rules to allow for the broadcast of Senate floor proceedings.[36] Some Senators were concerned about the impact television might have on the Senate, affecting its efficiency, traditions, institutional role, and public reputation. To address these concerns, many of the proposals to televise the Senate floor were accompanied by additional procedural rule changes.[37]

Some Senators, for example, thought that televised proceedings would make the Senate less efficient, speculating that their colleagues might employ vote-delaying tactics in order to be on television longer.[38] Unlike the House, where the House Rules Committee could place limits on debate or amendments, the Senate traditionally engaged in more extensive discourse, and many Senators wanted to maintain this characteristic of the institution. Other Senators also believed the "burden of statesmanship" sometimes required them to make unpopular decisions, made on behalf of the nation at large and its longer-term interests. With immediate, comprehensive coverage of these decisions, they feared that the Senate's reputation, overall, could be damaged.[39]

The Senate agreed to S. Res. 28 on February 27, 1986, which initiated an approximately two month test period for radio and television broadcasts from the Senate floor, and instituted a few other Senate rules changes affecting floor proceedings and procedural requirements.[40] One of the rule changes under S. Res. 28, for example, reduced the length of time a committee report needed to be available to all Senators prior to a measure's consideration from three to two calendar days. Another change reduced the time for consideration after cloture had been invoked from 100 hours to 30 hours. These procedural rule changes reflected the interests many Senators had in balancing the Senate's tradition of deliberation while enabling them to proceed with its work.

To provide Senate floor video under S. Res. 28, the Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, would be responsible for setting up broadcast facilities, with any related contracts subject to approval by the Committee on Rules and Administration. After this initial set-up, the Sergeant at Arms and the Doorkeeper would be responsible for employing staff to operate and maintain the audio and video broadcasting equipment, in conjunction with the Senate Recording and Photographic Studios. Funding to produce the video feed would come from the contingent fund of the Senate.

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[36] U.S. Congress, Senate Committee on Rules and Administration, *Authorizing Television and Radio Broadcast Coverage of Proceedings in the Senate Chamber*, report to accompany S.Res. 28, 99th Cong., 1st sess., November 18, 1985, Report 99-190 (Washington: GPO, 1985), pp. 1-4.

[37] Richard F. Fenno, Jr.,"The Senate Through the Looking Glass: The Debate over Television," *Legislative Studies Quarterly*, vol. 14, no. 3 (August 1989), pp. 313-348.

[38] U.S. Congress, Senate Committee on Rules and Administration, *Hearings on Senate Resolutions 29 and 81, Concerning Television and Radio Coverage of Senate Proceedings*, unpublished hearing, 99th Cong., 1st sess., September 19, 1985 (Washington: Miller Reporting Company, Inc., 1985), pp. 2-3.

[39] Ibid., pp. 4-6.

[40] S.Res. 28 (99th Congress), agreed to February 27, 1986; *Congressional Record*, vol. 132, part 3 (February 27, 1986), pp. 3130-3158; Nancy J. Schwerzler, "Leaders of Senate Agree on TV Plan, Rule Reforms," *The Sun*, February 21, 1986, pp. 1A-13A.

Video of Senate floor proceedings was available for public broadcast on June 2, 1986, following a month-long test within the closed-circuit network serving Capitol and Senate offices.[41] The Senate provided video feed access to accredited members of the Senate Radio and Television Correspondents Gallery and to other news or educational entities authorized by the Committee on Rules and Administration. C-SPAN pledged to cover the Senate proceedings on a second channel, C-SPAN 2, but no formal agreement was made between the network and the Senate to govern this relationship. The Senate agreed to S.Res. 444 on July 15, 1986, which enabled video broadcasts to continue beyond the initial test period established by S.Res. 28, covering Senate sessions, unless the Senate expressly voted on a resolution to end coverage.[42]

Many of the rules that govern Senate video broadcasting today remain the same and are found in the Standing Orders of the Senate.[43] The Senate cameras film continuous, gavel-to-gavel video of floor proceedings, and the cameras typically follow the individuals who are speaking. During roll call votes, the camera pans to show the entire chamber. Recorded footage may be used in an informational or educational context, but not for political purposes. Video recording is administered by the Senate Recording Studio, under the direction of the Sergeant at Arms and the Committee on Rules and Administration. The Committee on Rules and Administration can make minor adjustments to rules or procedures that affect video broadcasts, but significant changes must be adopted via Senate resolution. Since January 2012, the Senate has provided live floor webcasts and has archived past videos on its website, in addition to allowing accredited media outlets like C-SPAN 2 to carry proceedings.[44]

# C-SPAN

Although the House and Senate each decided to produce video footage of their respective floor proceedings, neither chamber had the means to televise these proceedings to an audience beyond the Capitol complex's closed-circuit system. The Cable-Satellite Public Affairs Network, commonly known as C-SPAN, became the primary way most people would watch House and Senate proceedings. C-SPAN and its related channels are owned and operated by the National Cable Satellite Corporation, a private, nonprofit company. C-SPAN began as a television channel

[41] Cragg Hines, "'Lights, Camera, Inaction'; Senate's Debut on Television Rather Lackluster," *Houston Chronicle*, June 3, 1986.

[42] S.Res. 444 (99th Congress), agreed to July 15, 1986; "Radio and Television Coverage of Senate Proceedings," *Congressional Record*, vol. 132, part 13 (July 29, 1986), pp. 17878-17905.

[43] Standing Order 69, "Television and Radio Broadcast of Senate Chamber," U.S. Congress, Senate, *Senate Manual*, 113th Cong., 1st sess., S. Doc. 113-1, prepared by the Committee on Rules and Administration (Washington: GPO, 2014) pp. 129-133. Two resolutions in 1988 made minor modifications to the standing order. One relaxed the prohibition on tape duplication, allowing copies of recordings to be made available to the Library of Congress, National Archives, and for educational or research purposes; see S.Res. 431 (100th Congress), agreed to June 7, 1988. The second clarified procedures for transferring these recordings to the Library of Congress and National Archives, and adjusted the length of time the Senate Recording Studio would retain copies from 90 days to 30 days; see S.Res. 459 (100th Congress), agreed to June 7, 1988. For further information, see U.S. Congress, Senate Committee on Rules and Administration, *Amending Senate Resolution 28 (99th Congress), Relating to Television and Radio Coverage of the Senate, to Clarify the Prohibition on the Use of Tape Duplications of Radio or Television Coverage of Senate Proceedings*, report to accompany S.Res. 431, 100th Cong., 2nd sess., May 19, 1988, S. Rpt. 100-351 (Washington: GPO, 1988); U.S. Congress, Senate Committee on Rules and Administration, *Amending Senate Resolution 28 (99th Congress), To Provide for the Transfer of Archival Quality Video Recordings of Senate Proceedings to the Librarian of Congress and the Archivist of the U.S. and To Clarify Procedures for Providing Copies to Senators*, report to accompany S.Res. 459, 100th Cong., 2nd sess., August 19, 1988, S. Rpt. 100-471 (Washington: GPO, 1988).

[44] Senate floor webcast is available at http://www.senate.gov/floor.

dedicated to carrying the live feed of the House of Representatives in March 1979.[45] In the early 1970s, Brian Lamb, the founder of the station, sought to provide more comprehensive public affairs coverage on television and recognized the ability of cable and satellite technologies to provide such a service.[46] At the same time, Members of Congress were considering ways to improve their communications with the public, which included proposals to televise floor proceedings.[47]

During 1977 and 1978, Lamb met with members of the House to discuss his plans for a cable network devoted to House proceedings.[48] Although C-SPAN would become almost synonymous with congressional television in the following years, no formal contract or financial agreement has ever been made between the House or Senate and C-SPAN.[49] The original funding for C-SPAN came from donations by individuals involved in the cable and satellite industries, and its operating expenses today come from license fees paid by cable operators.[50] The House chose to own its video recording equipment, hire its own camera operators, and maintain its own video feed. C-SPAN operates an independent public affairs television network, voluntarily committed to continuously distributing the House video feed.

When the Senate decided to televise its floor proceedings in 1986, C-SPAN 2 began to show gavel-to-gavel Senate floor proceedings under a voluntary commitment, similar to the way C-SPAN operates with the House.[51] The Senate maintains control over its cameras and produces its own video feed, and C-SPAN 2 relies upon cable license fees to operate. A third network, C-SPAN 3, was created in 2001 to show additional programming, including congressional committee hearings, political events, and original programs on American history. C-SPAN subscribers can also stream the television stations online at http://www.cspan.org/. In 1997, C-SPAN launched a radio station, available in the Washington, DC, area at 90.1 FM and nationwide via XM Satellite Radio subscription.

C-SPAN and Congress generally have a cooperative and symbiotic working arrangement,[52] but the separate administration of the network and the congressional video feed has occasionally created challenges. Video ownership and camera control are two areas where some concerns have arisen. C-SPAN often uses its own cameras to record committee hearings, and its footage is copyrighted by C-SPAN. Video feeds produced by the House and Senate, however, are provided

[45] *The C-SPAN Revolution*, p. 30.

[46] Connaught Marshner, "Brian Lamb on the C-SPAN TV," *Conservative Digest* (January 1987), p. 82.

[47] U.S. Congress, Joint Committee on Congressional Operations, *Congress and Mass Communications*, 93rd Cong., 2nd sess., February 20-21, March 7, 20, April 9-10, 1974 (Washington: GPO, 1974).

[48] *The C-SPAN Revolution*, pp. 34-35.

[49] National Cable Satellite Corporation, "Our History," *C-SPAN.org*, updated 2016, available at https://www.c-span.org/about/history/.

[50] *The C-SPAN Revolution*, pp. 35-38.

[51] C-SPAN 2 first began broadcasting in 1983 and initially aired supplementary coverage of House proceedings. See U.S. Congress, Senate Committee on Rules and Administration, *Hearings on Senate Resolutions 29 an d 81, Concerning Television and Radio Coverage of Senate Proceedings*, unpublished hearing, 99th Cong., 1st sess., September 18, 1985 (Washington: Miller Reporting Company, Inc., 1985), pp. 119-120.

[52] Neither C-SPAN, nor the House or Senate has undertaken significant initiatives to end or fundamentally alter the existing arrangements for congressional video coverage. Comments of Members frequently indicate support for C-SPAN, and for select examples, see "Senate Concurrent Resolution 22—Relating to the 10th Anniversary of C-SPAN," *Congressional Record*, vol. 135, part 4 (March 15, 1989), pp. 4410-4411; "Thanking C-SPAN for its Service on 25th Anniversary of its First Coverage of Proceedings of House," *Congressional Record*, vol. 150, part 33 (March 16, 2004), pp. 1082-1085; but see also Susan Davis, "Not Everyone is a Fan of C-SPAN Cameras in Congress," *USA Today*, March 19, 2014, at http://www.usatoday.com/story/news/politics/2014/03/19/cspan-anniversary/6577593/.

free of charge to any accredited media outlet and are not copyrighted. In 1981, for example, the Speaker's Advisory Committee on Broadcasting wanted C-SPAN to provide its committee hearing coverage to the House free of charge. When C-SPAN would not make this footage available, the chair of the committee blocked C-SPAN from airing on televisions in the House cable system.[53] More recently, in 2007, the Speaker of the House posted a video clip of a committee hearing from C-SPAN on a website and was issued a cease-and-desist notification.[54] After this incident, C-SPAN revised its copyright policy to allow for noncommercial copying, sharing, or posting of C-SPAN videos online with attribution. C-SPAN has also sometimes requested permission to use its own cameras to cover floor proceedings, and these requests are regularly denied by the House and the Senate.[55]

C-SPAN provides public affairs programming, much like local networks or public broadcasting stations, but C-SPAN operates cable television channels, which has sometimes meant there are limits to its reach. Americans who do not pay for a cable subscription service, for example, do not have access to C-SPAN channels, nor can they watch C-SPAN live online.[56] Moreover, cable companies are not required to include C-SPAN in their subscription packages, which can mean that certain channel lineups may not include any or all of the C-SPAN channels.[57]

# New Video and Broadcasting Technologies

In recent years, wireless networks, video-hosting websites, and the abundance of cell phone cameras have resulted in a new media environment where specialized equipment is no longer required to produce and distribute video to a wide public audience. These developments may present challenges for the House and Senate traditions of chamber-controlled video feeds. The House and Senate maintain rules that prohibit individuals from filming or broadcasting footage from within their chambers, but it may be difficult for the chambers to fully prevent the use of such technologies.

[53] U.S. Congress, Senate Committee on Rules and Administration, *Hearings on Senate Resolutions 29 an d 81, Concerning Television and Radio Coverage of Senate Proceedings*, unpublished hearing, 99th Cong., 1st sess., September 18, 1985 (Washington: Miller Reporting Company, Inc., 1985), pp. 41-42; Rich Burhardt, "Can House Copyright TV?," *Roll Call*, November 19, 1981, p. 11.

[54] Noam Cohen, "Which Videos Are Protected? Lawmakers Get a Lesson," *New York Times*, February 26, 2007, at http://www.nytimes.com/2007/02/26/technology/26cspan.html; Kasie Hunt, "C-SPAN Alters Copyright Over Pelosi Flap," *USA TODAY*, March 3, 2007, at http://usatoday30.usatoday.com/news/washington/2007-03-07-1965288649_x.htm.

[55] Elisabeth Wasserman, "Media: Camera Ready or Not," *CQ Weekly*, January 15, 2007, p. 169; "Letters Requesting Camera Coverage," *C-SPAN*, at https://www.c-span.org/about/letters/.

[56] The C-SPAN video archives, however, are publicly available for free at http://www.cspan.org/.

[57] Paul Farhi, "Dimming Cable's Eye on Congress: Fewer People Are Getting C-SPAN Because of New Law's Break for Broadcasters," *Washington Post*, September 7, 1993, p. E1; Elizabeth Kolbert, "Some Cable Systems Are Cutting C-SPAN for Other Channels," *New York Times*, June 20, 1994, at http://www.nytimes.com/1994/06/20/business/the-media-business-some-cable-systems-are-cutting-c-span-for-other-channels.html; Paul Farhi, "Pulling the Plug on Capitol Hill: Cable TV Rivalry and Deregulation Make C-SPAN Less of a Household Word," *Washington Post*, February 13, 1997, p. C1; Nancy Snow, "No C-SPAN is Bad News for L.A. Viewers," *Los Angeles Times*, January 21, 2002, p. F4; John McArdle, "C-SPAN Battles 'Dual Must Carry,'" *Roll Call*, November 17, 2003, p. 1.

## 2016 House Floor Sit-In and Cell Phone Broadcasts

On June 21-22, 2016, several Members used their smartphones and social media platforms to broadcast a sit-in that occurred on the House floor.[58] When the House went into recess, the Speaker turned the floor cameras off, in accordance with the rules of the House.[59] People outside of the House chamber, however, still watched the sit-in occur live, as some Members broadcast video from the floor via Facebook Live and Twitter's Periscope. With no official House video footage to rely upon, C-SPAN and other television networks broadcast the Members' videos.[60]

The sit-in highlighted some important contemporary considerations related to the video coverage of congressional floor proceedings. First, under the current rules, the House and Senate each maintain exclusive control over floor video coverage for their respective chambers; in the House, filming may be suspended at the discretion of the Speaker. Concerned that video coverage may be restricted arbitrarily, some believe that there should be an alternative means to provide real-time information about what is happening in Congress, like allowing credentialed press to record and broadcast their own footage.[61] Others believe these types of changes would breach decorum.

Similarly, current rules only provide for floor coverage when the House or Senate is in session. When the House and Senate are not in session, the chambers are usually empty and there is no activity to film, but the sit-in illustrated that a newsworthy event may occasionally occur on the floor while a chamber is in recess.

Another issue raised by the sit-in is the use of cell phones or other wireless devices capable of recording and transmitting video within the House and Senate chambers. Cell phone videos present a challenge to the tradition of video controlled by the chambers themselves. Generally, cell phones are prohibited in the House and Senate—visitors may not bring them into the galleries,[62] and Members, though allowed to bring their cell phones with them, often are not permitted to use them on the floor. In the House, under Rule XVII, clause 5, use of a mobile device that impairs decorum is prohibited, and no photography, audio recording, or video recording is allowed.[63] Other language in Rule XVII, clause 5, however, may indicate that its

[58] Amy Tennery, "House Democrats Broadcast 'Sit-In' On Social Media After Cameras Shut Down," *Reuters*, June 23, 2016, at http://www.reuters.com/article/us-florida-shooting-guns-socialmedia-idUSKCN0Z82R2; "A Sit-In On the House Floor Over Gun Control," *The Atlantic*, June 22, 2016, at http://www.theatlantic.com/politics/archive/2016/06/house-democrats-gun-control-sit-in/488264/.

[59] "House Rule V: Broadcasting the House," in U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Fourteenth Congress*, 113th Cong., 2nd sess., H. Doc. 113-181 (Washington, GPO, 2015), at https://rules.house.gov/HouseRulesManual114/rule5.xml.

[60] Paulina Firozi, "C-SPAN Circumvents House Blackout On Sit-In Coverage," *The Hill*, June 22, 2016, at http://thehill.com/policy/technology/technology/284491-c-span-circumvents-houses-blackout-on-sit-in-coverage; Hadas Gold, "C-SPAN's Viral Video Moment," *Politico*, June 22, 2016, at http://www.politico.com/story/2016/06/cspan-house-sitin-democrats-224696; Nicholas Fandos and Mike Isaac, "C-SPAN Delivers on Sit-In, Even With Cameras Off," *New York Times*, June 23, 2016, at http://www.nytimes.com/2016/06/24/us/politics/c-span-delivers-on-sit-in-even-with-cameras-off.html; Amber Phillips, "C-SPAN Cameras Couldn't Show Democrats' Gun Control Sit-In—So Democrats Did It Themselves," *The Fix* (*Washington Post* blog), June 23, 2016, at https://www.washingtonpost.com/news/the-fix/wp/2016/06/22/the-real-reason-c-span-cameras-arent-showing-democrats-gun-control-sit-in.

[61] See Issie Lapowsky, "How the House Sit-In Went Down, From the People Who Made It Happen," *Wired*, June 24, 2016, http://www.wired.com/2016/06/house-sit-went-people-made-happen/.

[62] U.S. Capitol Visitor Center, "Prohibited Items," at https://www.visitthecapitol.gov/plan-visit/prohibited-items/.

[63] See Section 945, discussing Rule XVII and interpretations from the Speaker of the House in U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Fourteenth Congress*, 113th Cong., 2nd sess., H. Doc. 113-181, [compiled by] Thomas J. Wickham, Parliamentarian (continued...)

provisions apply to keep order while the House is in session and conducting business. In the Senate, use of electronic devices is allowed only if the Senate Sergeant at Arms determines they are "necessary and proper" for official business and do not "distract, interrupt, or inconvenience the business or Members of the Senate."[64]

## Initial Response to 2016 House Sit-In Broadcasts

None of the Members involved in the June 2016 sit-in were cited with infractions of Rule XVII, clause 5, or any other House rule, although the Sergeant at Arms reportedly asked Members to stop taking photos and filming video from the floor during the sit-in.[65] House leaders also reportedly discussed the possibility of disciplining sit-in participants.[66]

One resolution addressing House video broadcasts was introduced after the sit-in. H.Res. 804, introduced on July 5, 2016, would have allowed "independent, non-government television cameras to broadcast House floor proceedings." The resolution proposed a change to House Rule V, clause 2(b), which states that television and radio broadcasters accredited by the House Radio and Television Correspondents' Gallery can access the House's live coverage feed. H.Res. 804 included language permitting these accredited press members "to record and broadcast at any time a Member is present on the floor," whether the House was in session or not. A "Dear Colleague" letter sent requesting support for the resolution referred to the lack of footage available from House video cameras during the sit-in on June 21-22, 2016, while the House was out of session.[67] No further action was taken on this measure.

## 115th Congress House Rule Changes and Penalties for Broadcasting

H.Res. 5, agreed to January 3, 2017, established rules for the House of Representatives in the 115th Congress, which include financial penalties for House Members who disrupt decorum by taking photographs or for audio or video recording or broadcasting.[68] Existing language in House

(...continued)

(Washington: GPO, 2015), at https://rules.house.gov/HouseRulesManual114/rule17.xml.

[64] "Rule IV: Taking of Pictures Prohibited; Use of Mechanical Equipment in Chamber," U.S. Congress, Senate, Rules for Regulation of the Senate Wing of the U.S. Capitol and Senate Office Buildings, in *Senate Manual*, 113th Cong., 1st sess., S. Doc. 113-1, prepared by the Committee on Rules and Administration (Washington: GPO, 2014) p. 193; "Use of Tablet Computer Under Interpretative Ruling 444," Dear Colleague letter from Sen. Barbara Boxer, chair, and Sen. Johnny Isakson, vice-chair, Senate Select Committee on Ethics, and Sen. Charles E. Schumer, chair, and Sen. Lamar Alexander, ranking member, Senate Committee on Rules and Administration, June 12, 2012, at http://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=A25EEB37-8A15-44E2-A9C9-FC47756047C1; Brian Friel, "Calculated Move," *National Journal*, March 24, 2007.

[65] "House Democrats Holding Sit-In to Demand Action on Guns," *CNN Tonight*, transcript, June 22, 2016, at http://www.cnn.com/TRANSCRIPTS/1606/22/cnnt.02.html/; Ari Melber and Joy Y. Wang, "Can They Do That? These Rules Govern Protests on House Floor," *NBC News*, June 23, 2016, at http://www.nbcnews.com/news/us-news/can-they-do-these-rules-govern-protests-house-floor-n597161/.

[66] Oliver Darcy, "Paul Ryan Receiving Recommendations from House Sergeant-at-Arms on How to Address Democratic 'Sit-In'," *Business Insider*, June 30, 2016, at http://www.businessinsider.com/paul-ryan-house-sergeant-at-arms-democratic-sit-in-2016-6/; Paul Kane and Karoun Demirjian, "Ryan to Meet with House Officials on Investigation of Democratic Sit-in on Gun Legislation," *PowerPost* (*Washington Post* blog), July 5, 2016, at https://www.washingtonpost.com/news/powerpost/wp/2016/07/05/ryan-meeting-with-house-officials-on-investigation-of-democratic-sit-in-on-gun-legislation/.

[67] "Keep the Cameras On," Dear Colleague letter from the Honorable Ami Bera, July 11, 2016, available at http://e-dearcolleague.house.gov/details.aspx?191984.

[68] §2(a) of H.Res. 5 addresses changes to the House Standing Rules related to decorum; see "Rules of the House," consideration and adoption of H.Res. 5, *Congressional Record*, daily edition, vol. 163, part 1 (January 3, 2017), pp. (continued...)

Rule XVII, clause 5, prohibits the use of a mobile device on the House floor if it impairs decorum, and prohibits photography, audio recording, or video recording.[69] Under H.Res. 5, language was added to Rule II, clause 3, authorizing and directing the Sergeant at Arms to impose a fine against Members who use an electronic device in the House chamber for photographs, audio or video recordings, or broadcasts in violation of Rule XVII, clause 5. For a first-time offense, the rule established a fine of $500; for any subsequent violation, the fine is $2,500. Those charged fines could appeal, in writing, to the Ethics Committee within five legislative days or 30 calendar days of the charge, whichever is later. If the fine stands, the Ethics Committee notifies the Member in question, the Speaker, and the Chief Administrative Officer (CAO); the Speaker then notifies the House and the CAO deducts the amount of the fine from the Member's salary.[70]

In the debates on the rule change, supporters consistently argued that the measure would help preserve free speech by maintaining a floor environment in which legislative debate could occur without disruptive behavior. By reinforcing the role of the House floor as a forum for debate and business, not protest and demonstration, the rule change would help the House maintain legislative efficiency.[71] Under Article I, Section 5, the House may determine its own rules and punish its own Members, and these punishments have occasionally included fines.[72] The inclusion of a process for appeal before the Ethics Committee helped alleviate some concerns that penalties could be arbitrarily enforced for political purposes.[73]

Opponents of the rule change were more varied in their arguments against it. Some believed that under Article I, Section 5, punishments against a Member for disorderly behavior must be imposed by the full House, not delegated to an administrative officer or committee like the Sergeant at Arms or Ethics Committee.[74] Other opponents argued that a penalty levied on floor behavior may violate the immunity for legislative acts granted to Members in the speech or debate clause from Article I, Section 6.[75] Because the penalty itself is imposed as a salary

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H7-H28.

[69] See Section 945, discussing Rule XVII and interpretations from the Speaker of the House in U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Fourteenth Congress*, 113th Cong., 2nd sess., H. Doc. 113-181, [compiled by] Thomas J. Wickham, Parliamentarian (Washington: GPO, 2015), at https://rules.house.gov/HouseRulesManual114/rule17.xml.

[70] See Sergeant-at-Arms section of "Rule II: Other Officers and Officials," in U.S. Congress, House, *Rules of the House of Representatives, One Hundred Fifteenth Congress*, prepared by Karen L. Haas, Clerk of the House of Representatives, 115th Cong., 1st sess., January 5, 2017, pp. 2-3, available at https://rules.house.gov/sites/republicans.rules.house.gov/files/115/PDF/House-Rules-115.pdf.

[71] "Rules of the House," consideration and adoption of H.Res. 5, *Congressional Record*, daily edition, vol. 163, part 1 (January 3, 2017), p. H18.

[72] See CRS Report RL31382, *Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives*, by (name redacted)

[73] Heather Caygle and Rachel Bade, "Top Democrats Vow War Against GOP 'Sit-In' Response," *Politico*, December 29, 2016, http://www.politico.com/story/2016/12/house-floor-protests-john-lewis-john-larson-letter-paul-ryan-233049; Christina Marcos, "House Passes Rules Aimed at Preventing Lawmaker Protests," *The Hill*, January 3, 2017, http://thehill.com/blogs/floor-action/312578-house-gop-passes-rules-aimed-at-preventing-lawmaker-sit-ins-protests; "Rules of the House," consideration and adoption of H.Res. 5, *Congressional Record*, daily edition, vol. 163, part 1 (January 3, 2017), pp. H15, H21-22.

[74] "Rules of the House," consideration and adoption of H.Res. 5, *Congressional Record*, daily edition, vol. 163, part 1 (January 3, 2017), pp. H20-21; Rachel Bade, "Experts: Ryan's Livestream Crackdown may be Unconstitutional," *Politico*, December 28, 2016, http://www.politico.com/story/2016/12/paul-ryan-livestream-constitution-232994.

[75] See CRS Report R42648, *The Speech or Debate Clause: Constitutional Background and Recent Developments*, by (name redacted) and (name redacted)

garnishment, they argued that it may also violate another provision of that constitutional section, stating that changes to congressional compensation must be made through statute, not chamber rules.[76]

# Concluding Observations

The House and Senate decided to provide video broadcasts of their proceedings after spending several years considering the impact cameras might have on policymaking and legislative behavior. Since the decisions were made to broadcast from the House and Senate, the cameras have operated with little controversy. Video broadcasts have become a common part of congressional life, valued for facilitating public information about Congress and information within Congress. This acceptance was illustrated when the chambers began their own Internet broadcasts, which expanded access to House and Senate video and was readily accepted as a necessary transition to help Congress adapt to a new informational environment.

Congress has largely embraced video coverage, but the House and Senate have historically sought to retain control over the footage that is recorded and broadcast. Technological advancements have both enabled and hindered Congress's ability to retain this control. Limited television bandwidth and signal strength, for example, initially prevented the House and Senate from obtaining the unedited, gavel-to-gavel coverage they desired on existing networks. Cable and satellite technology made specialized, nationwide television stations, like C-SPAN, possible. The House and Senate initially sought the commitment of a network to ensure an audience for their broadcasts, and C-SPAN needed access to the video content exclusively provided by the House and the Senate. Congress and C-SPAN have maintained this partnership for many years, yet neither chamber has any formal agreement with C-SPAN to cover their proceedings, nor do they grant C-SPAN any special access.

Today, the combination of cell phones or other pocket-sized cameras, wireless networks, and video broadcasting websites present new challenges to congressional video coverage controlled by the House and the Senate. Although the House and Senate typically discourage cell phone use within their chambers, their rules also recognize that Members may bring their devices with them to the floor for productivity and safety reasons. Widespread cell phone video could affect congressional decorum; however, when no official video coverage is available from the chambers, these alternative means of broadcasting might provide a way to keep the public informed about what is happening in Congress. As video footage becomes easier for anyone to produce and broadcast, the House and Senate may continue to address institutional rules regarding technology use and video coverage of their proceedings.

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[76] "Rules of the House," consideration and adoption of H.Res. 5, *Congressional Record*, daily edition, vol. 163, part 1 (January 3, 2017), pp. H19, H23.