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# Federal Holidays: Evolution and Current Practices

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# Federal Holidays: Evolution and Current Practices

## **Abstract**

[Excerpt] Since 1870, numerous proposals have been introduced in Congress to establish permanent federal holidays. Only 11, however, have thus far become law. Although these patriotic celebrations are frequently referred to as “national holidays,” legally they are only applicable to federal employees and the District of Columbia. Neither Congress nor the President has asserted the authority to declare a “national holiday” that would be binding on the 50 states, as each state individually determines its legal holidays. Creating a holiday for federal employees does, however, affect each state in a variety of ways, including the delivery of mail and conduct of business with federal agencies.

Federal holidays have been created for a number of reasons. In several instances, Congress created federal holidays after a sizeable number of states created state holidays. In other instances, Congress took the lead. Additionally, each holiday was designed to emphasize a particular aspect of American heritage or to celebrate an event in American history.

## **Keywords**

federal holidays, Congress, national holidays

## **Comments**

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# Federal Holidays: Evolution and Current Practices

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## Summary

The United States has established the following 11 permanent federal holidays established by law, listed in the order they appear in the calendar: New Year's Day, Martin Luther King Jr.'s Birthday, Inauguration Day (every four years following a presidential election), George Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day. Although frequently called public or national holidays, these celebrations are only legally applicable to federal employees and the District of Columbia, as the states individually decide their own legal holidays.

The first four congressionally designated federal holidays were created in 1870, when Congress granted paid time off to federal workers in the District of Columbia for New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day. In 1880, George Washington's Birthday was included. In 1885, Congress extended holiday coverage for some holidays to all federal employees. Although Thanksgiving Day was included in the first holiday bill of 1870, it was not until 1941 that Congress specifically designated the fourth Thursday of November as the official date.

Since 1888, Congress has added six federal holidays, creating Decoration Day (now Memorial Day) in 1888, Labor Day in 1894, Armistice Day (now Veterans Day) in 1938, Inauguration Day in 1957 (quadrennially and only celebrated in the District of Columbia), Columbus Day in 1968, and Martin Luther King Jr.'s Birthday in 1983. In 1954, Armistice Day was broadened to honor Americans who fought in World War II and the Korean conflict, and the name of the holiday was changed to Veterans Day.

In 1968, the Uniform Monday Holiday Act was enacted to "provide for uniform annual observances" of Washington's Birthday, Memorial Day, and Veterans Day. Additionally, the Monday Holiday Law established Columbus Day to be celebrated on the second Monday in October. In 1975, Veterans Day celebrations were returned to November 11 by Congress.

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Since 1870, numerous proposals have been introduced in Congress to establish permanent federal holidays. Only 11, however, have thus far become law.<sup>1</sup> Although these patriotic celebrations are frequently referred to as “national holidays,” legally they are only applicable to federal employees and the District of Columbia. Neither Congress nor the President has asserted the authority to declare a “national holiday” that would be binding on the 50 states, as each state individually determines its legal holidays. Creating a holiday for federal employees does, however, affect each state in a variety of ways, including the delivery of mail and conduct of business with federal agencies.

Federal holidays have been created for a number of reasons. In several instances, Congress created federal holidays after a sizeable number of states created state holidays. In other instances, Congress took the lead. Additionally, each holiday was designed to emphasize a particular aspect of American heritage or to celebrate an event in American history.

## Creation of Federal Holidays

In 1870, when Congress passed the first federal holiday law, the federal government employed approximately 5,300 workers in Washington, DC, and another approximately 50,600 around the country.<sup>2</sup> The distinction between federal employees working in the District of Columbia and those elsewhere proved important because the initial holiday act only applied to the federal workforce in Washington, DC. Federal employees in other parts of the country did not receive holiday benefits until at least 1885, as federal holidays were initially interpreted as only applying to federal workers in the District of Columbia.<sup>3</sup> For more information on applicability of federal holidays to federal employees, see “Federal Holidays and Employee Pay” below.

## New Year’s Day, Independence Day, Thanksgiving Day, and Christmas Day

On June 28, 1870, the first federal holidays were established for federal employees in the District of Columbia.<sup>4</sup> Apparently drafted in response to a memorial drafted by local “bankers and business men,” the June 28 act provided that New Year’s Day, Independence Day, Christmas Day, and “any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving [were] to be holidays within the District [of Columbia].”<sup>5</sup> This legislation

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<sup>1</sup> 5 U.S.C. §6103.

<sup>2</sup> Rep. Fernando Wood, “Finance,” remarks in the House *Congressional Record*, vol. 2, part 3 (March 7, 1874), p. 2053.

<sup>3</sup> 23 Stat. 516, January 6, 1885. The act of January 6, 1885, specifically authorized pay for all federal employees on federal holidays. The statute read, “That employees of the Navy Yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, *or elsewhere in the United States*, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days.” (emphasis added).

<sup>4</sup> 20 Stat. 277, January 31, 1879.

<sup>5</sup> 16 Stat. 168, June 28, 1870.

was drafted “to correspond with similar laws of States around the District,”<sup>6</sup> and “in every State of the Union.”<sup>7</sup>

## Washington’s Birthday

In January 1879, Congress added George Washington’s Birthday to the list of holidays observed in the District of Columbia. The principal intent of the law was to make February 22 “a bank holiday.”<sup>8</sup> In summarizing the bill, Representative Burton Cook explained Congress’s intent in creating a bank holiday.

... and for all purposes of presenting for payment or acceptance or the maturity and protect and giving notice of the dishonor of bills of exchange, bank checks, promissory notes, and other negotiable commercial paper shall be treated and considered as is the first day of the week, commonly called Sunday; and that all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured the day previously.<sup>9</sup>

Enactment of the Uniform Monday Holiday Act<sup>10</sup> in 1968 shifted the commemoration of Washington’s Birthday from February 22 to the third Monday in February. Contrary to popular belief, neither the Uniform Monday Holiday Act, nor any subsequent action by Congress or the President, mandated that the name of the holiday observed by federal employees in February be changed from Washington’s Birthday to Presidents Day. The “Uniform Monday Holiday Act” is examined in detail later in this report.

## Decoration Day/Memorial Day

In 1888, Decoration Day (now Memorial Day) became a holiday for federal workers in the District of Columbia.<sup>11</sup> Decoration Day was likely created primarily because a sizable number of federal employees were also members of the Grand Army of the Republic, an organization of Union Civil War veterans who desired to participate in Memorial Day ceremonies honoring those who had died in the conflict.<sup>12</sup> Their absence from work meant the loss of a day’s wages. Some Members of Congress felt that federal employees should be “allowed this day as a holiday with pay, so that they might not suffer loss of wages by reason of joining in paying their respects to the memory of those who died in the service of their country.”<sup>13</sup>

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<sup>6</sup> Rep. Burton Cook, “Holidays in the District,” remarks in the House, *Congressional Globe*, vol. 42, part 5 (June 17, 1870), p. 4529.

<sup>7</sup> Sen. Hannibal Hamlin, “Legal Holidays in the District,” remarks in the Senate, *Congressional Globe*, vol. 42, part 6, (June 24, 1870), p. 4805.

<sup>8</sup> Sen. Stephen Dorsey, “February Twenty-Second,” remarks in the Senate, *Congressional Record*, vol. 7, part 1 (February 12, 1878), p. 955.

<sup>9</sup> *Ibid.*

<sup>10</sup> P.L. 90-363, 82 Stat. 250-251, June 28, 1968; 5 U.S.C. §6103.

<sup>11</sup> 25 Stat. 353, August 1, 1888.

<sup>12</sup> Decoration Day, May 30, was widely observed in Northern states as a date for commemoration of the Civil War dead and “decoration” of their graves. For more information, see Robert J. Myers, *Celebrations: The Complete Book of American Holidays* (Garden City, NY: Doubleday & Company, 1792), pp. 159-164.

<sup>13</sup> Rep. Henry Lovering, “Pay for Decoration Day,” remarks in the House, *Congressional Record*, vol. 17, part 7 (July 15, 1886), p. 6999. The bill debated became law, but was only applicable to per diem laborers in the government [24 (continued...)]

With the passage of the “Uniform Monday Holiday Act” in 1968,<sup>14</sup> the observance of Memorial Day was permanently changed from May 30 to the last Monday in May.

## **Labor Day**

In 1894, Labor Day became a federal holiday.<sup>15</sup> Created to honor the country’s labor, the holiday stood in contrast to previous federal holidays designed to commemorate traditional celebrations (e.g., Christmas and New Year’s), patriotic celebrations, war, or individuals. In its report on the legislation, the House Committee on Labor stated, “[t]he use of national holidays is to emphasize some great event or principle in the minds of the people by giving them a day of rest and recreation, a day of enjoyment, in commemoration of it.”<sup>16</sup> By honoring labor with a holiday, the committee report suggested, the nation will assure “that the nobility of labor [will] be maintained. So long as the laboring man can feel that he holds an honorable as well as a useful place in the body politic, so long will he be a loyal and faithful citizen.”<sup>17</sup>

With time, the committee felt, the celebration of Labor Day as a national holiday on the first Monday in September would “naturally lead to an honorable emulation among the different crafts beneficial to them and to the whole public.” It would also “tend to increase the feeling of common brotherhood among men in all crafts and callings, and at the same time kindle an honorable desire in each craft to surpass the rest.” A reasonable amount of rest and recreation makes a workman “more useful as a craftsman.” Providing further support for its position, the committee pointed out that 23 states already recognized Labor Day as a legal holiday.<sup>18</sup>

## **Armistice Day/Veterans Day**

In 1938, Armistice Day was declared a federal holiday, and November 11, the date on which hostilities ceased, was chosen to commemorate the close of World War I. During the House debate preceding passage of this legislation, one Representative suggested that Armistice Day would “not be devoted to the exaltation of glories achieved in war but, rather, to an emphasis upon those blessings which are associated with the peacetime activities of mankind.”<sup>19</sup>

Making Armistice Day a “national peace holiday” was a proposal that, according to one Representative, had the “enthusiastic approval” of all of the societies representing World War I veterans.<sup>20</sup> In 1938, Armistice Day was already a holiday in 48 states.<sup>21</sup> Although it was

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(...continued)

Stat. 644, February 23, 1887].

<sup>14</sup> P.L. 90-363, 82 Stat. 250-251, June 28, 1968; 5 U.S.C. §6103.

<sup>15</sup> 28 Stat. 96, June 28, 1894.

<sup>16</sup> U.S. Congress, House, Committee on Labor, *Labor Day a Legal Holiday*, report to accompany H.R. 28, 53<sup>rd</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 902 (Washington: GPO, 1894), p. 1.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Rep. Bertrand Gearhart, “Armistice Day,” remarks in the House, *Congressional Record*, vol. 83, part 6 (May 2, 1938), p. 6055.

<sup>20</sup> Rep. Bertrand Gearhart, “Armistice Day,” remarks in the House, *Congressional Record*, vol. 83, part 6 (May 2, 1938), p. 6055.

<sup>21</sup> Armistice Day was a statutory holiday in 44 states and was made a holiday in the other four by gubernatorial action. (continued...)



recognized that Congress did not have the authority “to fix a national holiday within the different States,”<sup>22</sup> enactment of this bill, one Senator stated, would bring the federal government “into harmony with sentiment in the United States.”<sup>23</sup>

By 1954, however, the United States had been involved in two other military engagements: World War II and the Korean War. Instead of creating additional federal holidays to commemorate each war, Congress felt it would be better to commemorate the sacrifices of all American veterans on a single day. On June 1, 1954, the name of Armistice Day was officially changed to Veterans Day.<sup>24</sup> This legislation did not establish a new holiday. Rather, it broadened the “significance of an existing holiday in order that a grateful nation, on a day dedicated to the cause of world peace, may pay homage to all of its veterans.”<sup>25</sup>

In 1968, with the passage of the “Law,” Veterans Day was designated as one of five holidays that would henceforth be celebrated on a Monday and the date was changed from November 11 to the fourth Monday in October.<sup>26</sup> In 1975, Congress returned Veterans Day to November 11 after it became apparent that “veterans’ organizations opposed the change, and 46 states either never changed the original observation date or returned the official observance to November 11.”<sup>27</sup> In the event that November 11 falls on a Saturday, the federal holiday is observed on the preceding Friday. For a holiday that falls on a Sunday, the federal holiday is observed on the following Monday.

## Thanksgiving Day

The evolution of Thanksgiving Day as a federal holiday developed differently than other holidays. On Thursday, November 26, 1789, President George Washington issued the first proclamation calling for “a day of public thanksgiving and prayer.” Six years later, President Washington called for a second day of thanksgiving on Thursday, February 19, 1795. Not until 1863, however, did the nation begin to observe the occasion annually. That year, President Abraham Lincoln issued a thanksgiving proclamation inviting “my fellow-citizens in every part of the United States, and also those who are at sea and those who are sojourning in foreign lands, to set apart and observe the last Thursday of November next as a day of thanksgiving and praise for our beneficent Father who dwelleth [sic] in the heavens.”<sup>28</sup> During the next three quarters of a

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(...continued)

When Armistice Day was created in 1938, the United States had only 48 states.

<sup>22</sup> Sen. Alben Barkley, “Armistice Day,” remarks in the Senate, *Congressional Record*, vol. 83, part 6 (May 5, 1938), p. 6307.

<sup>23</sup> Sen. William Gibbs McAdoo, “Armistice Day,” remarks in the Senate, *Congressional Record*, vol. 83, part 6 (May 5, 1938), p. 6307.

<sup>24</sup> P.L. 83-380, 68 Stat. 168, June 1, 1954.

<sup>25</sup> U.S. Congress, House, Committee on the Judiciary, *Changing Armistice Day to Veterans Day*, report to accompany H.R. 7786, 83<sup>rd</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 1333 (Washington: GPO, 1954), p. 1.

<sup>26</sup> P.L. 90-363, 82 Stat. 250, June 28, 1968; 5 U.S.C. §6103.

<sup>27</sup> P.L. 94-97, 89 Stat. 479, September 18, 1975. See also “Veterans Day,” *Congressional Quarterly Report*, vol. 33 (September 13, 1975), p. 1957.

<sup>28</sup> U.S. President (Abraham Lincoln), “Proclamation 106—Thanksgiving Day, 1863,” October 3, 1865, found in John T. Woolley and Gerhard Peters, *The American Presidency Project*, Santa Barbara, CA, at <http://www.presidency.ucsb.edu/ws/index.php?pid=69900>.

century, each President, by proclamation, established the exact date for the celebration each year, either on the last Thursday in November or the first Thursday in December, with one exception.<sup>29</sup>

Between 1869 and 1939, the tradition of celebrating Thanksgiving on the last Thursday in November or the first Thursday in December was generally followed.<sup>30</sup> That year, President Franklin D. Roosevelt proclaimed the third Thursday in November as Thanksgiving Day.<sup>31</sup> By moving Thanksgiving up a week, Roosevelt “hoped to aid retail business by producing a longer Christmas shopping season.”<sup>32</sup> Although Roosevelt’s decision was greeted enthusiastically by the business community, others, including a sizable portion of the public and a large number of state officials, protested against changing the long-standing American tradition of celebrating Thanksgiving on the fourth Thursday in November. Despite this criticism, Roosevelt repeated his action in 1940. By May 1941, however, the Administration concluded that the experiment of advancing the observance date had not worked.<sup>33</sup>

On December 26, 1941, President Roosevelt signed a joint resolution to settle the dispute and permanently established Thanksgiving Day as a federal holiday to be observed on the fourth Thursday in November.<sup>34</sup> The intent of the joint resolution was to “stabilize the date so that there [would] be no confusion at any time in the future.” President Roosevelt upon signing the resolution announced “that the reasons for which the change was made do not justify a continued change in the date.”<sup>35</sup>

## Inauguration Day

On January 11, 1957, Inauguration Day became a permanent federal holiday in the Washington, DC, metropolitan area.<sup>36</sup> Signed by President Dwight D. Eisenhower, the law established the new

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<sup>29</sup> Myers, pp. 280-281.

<sup>30</sup> The two exceptions occurred in 1865 and 1869. In 1865, President Andrew Johnson designated the first Thursday in December as Thanksgiving Day. In 1869, President Ulysses S. Grant selected the third Thursday in November [Jane M. Hatch, *The American Book of Days* (New York: H.W. Wilson Co., 1978), p. 1056. For the text of President Johnson’s proclamation, see U.S. President (Andrew Johnson), “Proclamation 147—Thanksgiving Day, 1865,” October 28, 1865, found in John T. Woolley and Gerhard Peters, *The American Presidency Project*, Santa Barbara, CA, at <http://www.presidency.ucsb.edu/ws/?pid=72035>. For the text of President Grant’s proclamation, see U.S. President (Ulysses S. Grant), “Proclamation 186—Thanksgiving Day, 1869,” October 5, 1869, found in John T. Woolley and Gerhard Peters, *The American Presidency Project*, Santa Barbara, CA, at <http://www.presidency.ucsb.edu/ws/index.php?pid=70290>.

<sup>31</sup> U.S. President (Franklin D. Roosevelt), “148 – Proclamation 2373 – Thanksgiving Day,” October 31, 1939, found in John T. Woolley and Gerhard Peters, *The American Presidency Project*, Santa Barbara, CA, at <http://www.presidency.ucsb.edu/ws/index.php?pid=15829#axzz1VrwVPrl2>.

<sup>32</sup> G. Wallace Chessman, “Thanksgiving: Another FDR Experiment,” *Prologue*, vol. 22 (Fall 1990), p. 273.

<sup>33</sup> *Ibid.*, pp. 278-283. The protests are also mentioned in U.S. Congress, House, Committee on the Judiciary, *Thanksgiving Day*, report to accompany H.J.Res. 41, 77<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 1186 (Washington: GPO, 1941), p. 1. Debate on the significance of the change is found in Rep. Earl C. Michener, “Thanksgiving Day,” remarks in the House, *Congressional Record*, vol. 87, part 7 (October 6, 1941), p. 7653; and Sen. John A. Danaher, “Designation of Thanksgiving Day,” remarks in the Senate, *Congressional Record*, vol. 87, part 9 (December 9, 1941), p. 9551.

<sup>34</sup> P.L. 77-379, 55 Stat. 862, December 26, 1941.

<sup>35</sup> U.S. Congress, House, Committee on the Judiciary, *Thanksgiving Day*, report to accompany H.J.Res. 41, 77<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 1186 (Washington: GPO, 1941), p. 2.

<sup>36</sup> P.L. 84-1, 71 Stat. 3, January 11, 1957. The Washington, DC, metropolitan area was defined as the District of Columbia, Montgomery and Prince George Counties in Maryland; Arlington and Fairfax Counties in Virginia, and the cities of Alexandria and Falls Church in Virginia.

holiday and also provided that whenever Inauguration Day fell on a Sunday, the following day would be considered a federal holiday.<sup>37</sup> For several previous observances of the event, “inaugurations arrangements [had] been made for the Federal employees to be given a holiday in order that they [might] observe the historic and important activities associated with the inauguration.” With the passage of this statute, the necessity of acting upon this matter for each inauguration was eliminated.<sup>38</sup>

## **Columbus Day**

In 1968, Columbus Day was made a federal holiday.<sup>39</sup> Several reasons were offered for creating Columbus Day at the federal level. Among the most prominent was that observance was already an established holiday in 45 states.<sup>40</sup> By also commemorating Columbus’s voyage to the New World, Congress believed that the nation would be honoring the courage and determination which enabled generations of immigrants from many nations to find freedom and opportunity in America. Such a holiday would, according to a Senate report, also provide “an annual reaffirmation by the American people of their faith in the future, a declaration of willingness to face with confidence the imponderables of unknown tomorrows.”<sup>41</sup>

## **Birthdays of Martin Luther King, Jr.**

In November 1983, President Ronald Reagan signed legislation creating a federal holiday commemorating Dr. Martin Luther King Jr.’s birthday.<sup>42</sup> President Reagan’s signing of the legislation creating the holiday ended a 15-year debate over a national holiday honoring the civil rights leader. In remarks at the White House Rose Garden signing ceremony, President Reagan saluted the slain civil rights leader as a man who “stirred our nation to the very depths of its soul.”<sup>43</sup>

Proposals to honor Dr. King’s memory by designating his January 15 birthday as a federal holiday were first introduced following his 1968 assassination. The House of Representatives came close to approving one of these bills in November 1979, when, under suspension of the rules, it voted 252-133 for a bill designating January 15 a federal holiday. That action, however, fell four votes short of the necessary two-thirds majority required for passage under suspension of the rules.<sup>44</sup>

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<sup>37</sup> Ibid.

<sup>38</sup> Rep. Edward H. Rees, “Making Inauguration Day a Legal Holiday in the Metropolitan Area of the District of Columbia,” remarks in the House, *Congressional Record*, vol. 103, part 1 (January 7, 1957), p. 303. Inauguration Day had been a holiday for employees of the Government Printing Office since 1895 [28 Stat. 607].

<sup>39</sup> P.L. 90-363, 82 Stat. 250-251, June 28, 1968; 5 U.S.C. §6103.

<sup>40</sup> Columbus Day was a statutory holiday in 38 states and was made a holiday in seven others by gubernatorial action.

<sup>41</sup> U.S. Congress, Senate, Committee on the Judiciary, *Monday Holidays*, report to accompany H.R. 15951, 90<sup>th</sup> Cong., 2<sup>nd</sup> sess., S.Rept.1293 (Washington: GPO, 1968), p. 3.

<sup>42</sup> P.L. 98-144, 97 Stat. 917, November 2, 1983; 5 U.S.C. §6103 note.

<sup>43</sup> U.S. President (Ronald Reagan), “Remarks on Signing the Bill Making Birthday of Martin Luther King, Jr., a National Holiday,” *Public Papers of the Presidents, 1983, Book II* (Washington: GPO, 1985), p. 1529.

<sup>44</sup> “Martin Luther King Birthday,” House debate, *Congressional Record*, vol. 125, part 24 (November 13, 1979), pp. 32136-32144, 32175-32176. For more information, see also Brigitte Rouson, “House Fails to Pass Bill to Make King’s Birthday a New National Holiday,” *Congressional Quarterly Weekly Report*, vol. 37 (November 17, 1979), p. 2611.

Following a growing public campaign to honor Dr. King, on August 2, 1983, the House revisited the issue, passing legislation making the third Monday in January a federal holiday in his honor, starting in 1986.<sup>45</sup> Following a lengthy debate, the Senate passed the bill on October 19.<sup>46</sup> Two weeks later, President Reagan signed it into law.

## Uniform Monday Holiday Act

In June 1968, Congress approved the Uniform Monday Holiday Act. The “Monday Holiday Law” “provide[d] for uniform annual observances of certain legal public holidays on Mondays, and established a legal public holiday in honor of Christopher Columbus.”<sup>47</sup> Prior to the passage of this legislation, Washington’s Birthday was observed on February 22, Memorial Day on May 30, and Veterans Day on November 11. The act changed the dates of these holidays to the third Monday in February, the last Monday in May, and the fourth Monday in October, respectively. Columbus Day was also designated as a Monday holiday, to be celebrated on the second Monday in October.

By calling for the observance of these four holidays on a Monday, Congress felt there would be “substantial benefits to both the spiritual and economic life of the Nation.”<sup>48</sup> In addition, the House and Senate reports cited that the holidays would

- afford increased opportunities for families to be together, especially those families of which various members were separated by great distances;
- enable Americans to enjoy a wider range of recreational activities, since they would be afforded more time for travel;
- provide increased opportunities for pilgrimages [sic] to the historic sites connected with our holidays, thereby increasing participation in commemoration of historical events;
- afford greater opportunity for leisure at home so that Americans would be able to enjoy fuller participation in hobbies as well as educational and cultural activities; and
- stimulate greater industrial and commercial production by reducing employee absenteeism and enabling work weeks to be free from interruptions in the form of midweek holidays.<sup>49</sup>

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<sup>45</sup> “Designation of the Birthday of Martin Luther King, Jr., as a Legal Public Holiday,” House debate, *Congressional Record*, vol. 129, part 16 (August 2, 1983), pp. 22208-22243; U.S. Congress, House, Committee on Post Office and Civil Service, *Designation of the Birthday of Martin Luther King, Jr., as a Legal Public Holiday*, report to accompany H.R. 3345, 98<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 98-314 (Washington: GPO, 1983); and U.S. Congress, House, Committee on Post Office and Civil Service, Subcommittee on Census and Statistics, *Martin Luther King, Jr., Holiday Bill*, hearings on H.R. 800, 98<sup>th</sup> Cong., 1<sup>st</sup> sess., June 7, 1983 (Washington: GPO, 1983).

<sup>46</sup> “Martin Luther King, Jr., Holiday,” Senate debate, *Congressional Record*, vol. 129, part 20 (October 19, 1983), pp. 28341-28381. For more information, see also Robert Rothman, “Congress Clears King Holiday After Heated Senate Debate; Reagan Will Sign the Measure,” *Congressional Quarterly*, vol. 41 (October 22, 1983), pp. 2175-2179.

<sup>47</sup> P.L. 90-363, 82 Stat. 250-251, June 28, 1968; 5 U.S.C. §6103.

<sup>48</sup> U.S. Congress, Senate, Committee on the Judiciary, *Monday Holidays*, report to accompany H.R. 15951, 90<sup>th</sup> Cong., 2<sup>nd</sup> sess., S.Rept.1293 (Washington: GPO, 1968), p. 1.

<sup>49</sup> *Ibid.*, pp. 1-2; and U.S. Congress, House, Committee on the Judiciary, *Monday Holidays*, report to accompany H.R. 15951, 90<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept.1280 (Washington: GPO, 1968), p. 2.

In April 1968, the House Judiciary Committee reported that the Monday Holiday bill proposal was “responsive to the needs and desires of a great majority” of Americans. According to the House committee report, public opinion polls conducted in connection with the proposal indicated that “almost 93 percent of the persons polled supported the concept of uniform Monday holiday legislation, while a little more than 7 percent were opposed.”<sup>50</sup>

## Federal Holidays and Employee Pay

Although there is no indication in the authorizing statutes (or accompanying floor debate) for either the 1870 and 1879 acts that any federal employees were to be paid for such holidays, an analysis of holiday legislation subsequently signed by President Rutherford B. Hayes in April 1880 seems to support such a conclusion. The 1880 legislation was prompted by a grievance filed by a group of employees who had been denied holiday pay for the previous New Year’s Day while other federal workers had been paid. The House committee which favorably reported the bill that would become the law signed by President Hayes, stressed that while there were no existing laws requiring such payment, this group of employees, “in the committee’s opinion, should be placed upon an equality in this regard” with those of other government departments. The committee went on to point out that, on the “question of legal holidays,” the *Revised Statutes of the United States* were silent, but those relating to the District of Columbia were very precise on the issue. The implication was that the other federal employees in the District had already been paid for the holiday.<sup>51</sup>

In August 1903, Acting Attorney General James C. McReynolds issued an opinion that substantiated the reasoning applied by the House Committee on Printing. McReynolds indicated that, for “many years” prior to 1870, it was “customary to close the Executive Departments of the Government at Washington” on five holidays—New Year’s Day, George Washington’s Birthday, Independence Day, Thanksgiving Day, and Christmas Day—that had been “declared to be such by District laws.”<sup>52</sup>

This practice, McReynolds reasoned, “must have been known to the Congress, and it must have been that those days were declared public holidays only by laws applicable to the District.” As a consequence, McReynolds concluded that Congress intended with the 1870 and 1879 statutes “to designate all days made holidays by any law in effect within the District of Columbia” to be such for employees of the federal government as well.<sup>53</sup> This was done even though Congress, as late as the turn of the century, had yet to enact legislation “absolutely requiring that the Executive

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<sup>50</sup> U.S. Congress, House, Committee on the Judiciary, *Monday Holidays*, report to accompany H.R. 15951, 90<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 1280 (Washington: GPO, 1968), p. 2.

<sup>51</sup> U.S. Congress, House, Committee on Printing, *Relative to Pay for Employees of the Government Printing Office for Legal Holidays*, H.Rept. 585, 46<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1880), p. 2. In part, the statute provided that employees of the Government Printing Office (GPO) would receive the same holidays as other government workers [21 Stat. 304]. GPO employees, Representative Otho Singleton told his House colleagues, had “always enjoyed fewer holidays than the labors in any other Government establishment” [Rep. Otho Singleton, “Printing Office Employees,” remarks in the House, *Congressional Record*, vol. 10, part 3 (April 6, 1880), pp. 2170-2171].

<sup>52</sup> U.S. Department of the Treasury, *Official Opinions of the Attorney General of the United States* vol. 25 (Washington: GPO, 1906), p. 43.

<sup>53</sup> *Ibid.*, pp. 43-44.

Departments of the Government to be closed [sic] and the clerks and other employees therein to be released from work on such days.”<sup>54</sup>

In 1885, Congress approved additional legislation making the five holidays thus far approved also applicable to per diem employees of the government “on duty at Washington, or elsewhere in the United States.”<sup>55</sup> This act, apparently for the first time, extended at least limited holiday benefits to all federal employees.

For other holidays, the decision to pay federal workers was made at various times. For example, in 1870, Thanksgiving Day became a paid holiday for at least a portion of the federal workforce, after Congress gave the President power to designate a day of thanksgiving, which was to be a holiday within the District of Columbia.<sup>56</sup>

## Recent Holiday Legislation

In recent Congresses, legislation has been introduced to create a new federal holiday or add celebrations to existing holidays. On several occasions, resolutions have been introduced in the House to express support for the creation of “Cesar E. Chavez Day.”<sup>57</sup> The proposed holiday would celebrate Chavez’s life and recognize “the example he set by never wavering in his commitment to education, civic responsibility, and nonviolence.”<sup>58</sup>

Another example of a proposal to create a new federal holiday is contained in H.R. 108 (112<sup>th</sup> Congress). Introduced in January 2011 by Representative John Conyers, the bill, among other items, would establish the “Tuesday next after the first Monday” in November in even numbered years as “election day.”<sup>59</sup> To date, the bill has been jointly referred to the House Committee on the Judiciary, the House Committee on Oversight and Government Reform, and the House Administration Committee. No further action has been taken. Similarly, in the 112<sup>th</sup> Congress, Representative John Yarmuth introduced H.J.Res. 97, a proposed constitutional amendment that would set a “legal public holiday for the purposes of voting in regularly scheduled general

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<sup>54</sup> Ibid., p. 45.

<sup>55</sup> 23 Stat. 516. The debates are found in “Holidays for Government Laborers,” remarks in the Senate, *Congressional Record*, vol. 15, part 3 (March 25, 1884), p. 2240; and “Holidays for Government Employees,” remarks in the House, *Congressional Record*, vol. 16, part 1 (December 20, 1884), p. 411. At least one author suggests that this bill was the first federal holiday law. Ismar Baruch, “Federal Holiday Pay Policies,” *Personnel Administration*, vol. 7 (May 1945), p. 15. An extensive review of the debate accompanying the earlier three enactments, however, does not support such a contention.

<sup>56</sup> 16 Stat. 168, June 28, 1870. For more information on recent interpretations of holiday pay for federal employees, see U.S. Government Accountability Office, *Comments on Furloughing Federal Employees on Federal Holidays*, B-222836, May 8, 1986, <http://archive.gao.gov/f1010/087667.pdf>; U.S. Government Accountability Office, *Pay for Holidays for Part-time Employees*, B-194821, April 24, 1980, <http://archive.gao.gov/lglpapr2pdf8/112158.pdf>; and U.S. Government Accountability Office, *Entitlement to Holiday Pay*, B-199744(BRP), June 27, 1981, <http://archive.gao.gov/auditpapr2pdf3/115970.pdf>.

<sup>57</sup> H.Res. 130 (112<sup>th</sup> Congress), introduced March 1, 2011; and H.Res. 1524 (111<sup>th</sup> Congress), introduced July 15, 2010.

<sup>58</sup> H.Res. 130 (112<sup>th</sup> Congress), introduced March 1, 2011.

<sup>59</sup> H.R. 108, sec. 501 (112<sup>th</sup> Congress), introduced January 5, 2011. For additional information on H.R. 108 and the history of the National Voter Registration Act of 1993, see CRS Report R40609, *The National Voter Registration Act of 1993: History, Implementation, and Effects*, by Royce Crocker.

elections for Federal office.”<sup>60</sup> The joint resolution was referred to the House Judiciary Committee and no further action has been taken.

In addition to introducing legislation to create new federal holidays, legislation has been introduced to add to existing holidays. For example, in the 110<sup>th</sup> Congress, H.R. 856 would have added Susan B. Anthony to the list of individuals celebrated on the “third Monday in February,” or George Washington’s Birthday.<sup>61</sup> H.R. 856 was referred to the House Committee on Oversight and Government Reform and no additional action was taken.

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## **Acknowledgments**

This report revises an early report by Steven Stathis, who recently retired as a Specialist in American National Government at CRS.

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<sup>60</sup> H.J.Res. 97 (112<sup>th</sup> Congress), introduced December 20, 2011.

<sup>61</sup> H.R. 856 (110<sup>th</sup> Congress), introduced February 6, 2007. For more information, see Rep. Carolyn Maloney, “Introduction of the Susan B. Anthony Birthday Act,” remarks in the House. *Congressional Record*, daily edition, vol. 153 (February 6, 2007), p. E267.