

## **CONGRESS: THE PEOPLE'S BRANCH**

### I. INTRO

- a. Example of student loan bill; pressures from all sides
- b. U.S. citizens expect Congress to act on important issues such as student loan reform
- c. Congress was NOT designed to be an efficient lawmaking machine
- d. Framers wanted it to represent people, but not act too hastily on controversial issues
- e. Citizens have influence, but interest groups have more; lobbyists

### II. CONGRESSIONAL ELECTIONS

#### i. INTRO

1. Congress is made up of 535 members; 435 in the House and 100 in Senate
2. Due to House members being elected every two years and Senate members every six, the House members are more concerned about the feelings of their CONSTITUENTS than the Senate. Worry about elections continually
3. House: 25 and citizen for 7; Senate: 30 and 9
4. Both residents in the state they represent
5. Senate originally selected by state legislatures; however Amendment 17 in 1913 made for direct election of Senators

#### ii. DRAWING DISTRICT LINES

1. Senators are two per state and represent ENTIRE state
2. House members represent their specific district; area within the state

- a. State's population determines the amount of districts
- b. Determined by census
- c. REAPPORTIONMENT- changes in the number of seats in the House allotted to each state
- d. Represents approx. 650K citizens
- e. States control the REDISTRICTING- or redrawing of the districts
- f. Districts can be redrawn to favor one party over another to ensure that party stays in power –  
GERRYMANDERING

### iii. ADVANTAGES OF INCUMBENCY

- 1. Congressional members work hard to acquire SAFE SEATS since one loss means they are out
- 2. Senate seats tend to be more vulnerable than House seats due to size of election and well-financed challengers
- 3. Advantages of incumbents:
  - a. Franking privileges
  - b. Send bulk emails anytime
  - c. Greater access to media
  - d. Raising contributions because of high odds of victory
  - e. More experience
  - f. Great influence in helping constituents and take credit for pork in their district; EARMARKS- pet projects

### iv. THE 2008 CONGRESSIONAL ELECTIONS

- 1. Worst time for Republicans; poor economy and poor perception of Bush
- 2. Near filibuster proof majority (60) in Senate
- 3. Rode on Obama's coattails

4. Large number of Republicans retired creating open seats
5. Democrats had high quality candidates
6. Democrats “nationalized” the elections; Obama vs Bush

### III. THE STRUCTURE AND POWERS OF CONGRESS

#### a. INTRO

- i. Framers wanted Congress to be most important branch over Executive; no King George III
- ii. To stop power and domination by Congress; bicameral; split into two
- iii. Framers allowed each branch to set its own rules

#### b. A DIVIDED BRANCH

- i. BICAMERALISM- two-house legislature is most important organizational feature; each has own side of capitol, own committees and work autonomously
- ii. Most common form in colonies; prevent strong-willed majorities; Federalist 51

#### c. THE POWERS OF CONGRESS

- i. ENUMERATED- expressed powers from the Constitution; first was to levy taxes; another 17 fall into 5 categories
  1. POWER TO RAISE, MAKE AND BORROW MONEY- issue currency and coin money
  2. POWER TO REGULATE COMMERCE- with foreign entities; between states; weights and measures; uniform bankruptcy laws; copyright protection
  3. POWER TO UNIFY AND EXPAND COUNTRY –create post offices and postal roads; rules for citizenship; control federal lands

4. POWER TO PREPARE AND DECLARE WAR -raise, support and regulate armies and a navy; organizing and calling state militia; suppress civil unrest; repel foreign invasions
5. POWER TO CREATE THE FEDERAL JUDICIARY- creating all “inferior” courts and determining jurisdiction
  - a. These powers have significant limitations;
- ii. IMPLIED POWERS- Necessary and Proper clause; a catch-all for Congress to do what is necessary to run government; known as elastic clause
- iii. Power of impeachment on president and federal judges; high crimes and misdemeanors; House majority for impeachment; 2/3 Senate for conviction and holds the trial
- iv. Different powers for each house of Congress
  1. Senate advises on nominees and treaties; 2/3 for ratification of treaty
  2. House authors all bills for raising revenues; all revenue bills originate in House; Constitution invites Senate to amend revenue bills
- v. 2 year period between Congressional elections is called a single Congress
  1. 2009 is the 11<sup>th</sup> Congress and comes 220 years after the 1<sup>st</sup>

#### IV. CONGRESSIONAL LEADERSHIP AND COMMITTEES

- a. Review table 11-1 on page 307
- b. LEADING THE HOUSE OF REPRESENTATIVES

- i. House rules are different and more numerous than Senate because of large numbers vs. Senate
- ii. House assigns different bills to different calendars to speed up action
- iii. Ordinary rules can be suspended by 2/3 vote on floor
- iv. Committee of the Whole with a quorum (100 members) can speed up process
- v. SPEAKER OF THE HOUSE –
  - 1. Most powerful leader; filled by majority party; 3<sup>rd</sup> in line to become president
  - 2. Power to organize temporary committees, reorganize House committees, appoint committee chairs; power to reward or punish members
  - 3. Speaker is selected on a vote by the majority PARTY CAUCUS, called the PARTY CONFERENCE by the Republicans; does other administrative functions but controlled by Speaker
- vi. OTHER HOUSE OFFICERS
  - 1. Speaker is helped by MAJORITY LEADER, who controls party and ensures party unity
  - 2. Party out of power elects MINORITY LEADER (probably Speaker when they get power) who organizes minority party
  - 3. Each is helped by WHIPS who inform members on important bills and timing of bills for votes and exert pressure on party members
- vii. THE HOUSE RULES COMMITTEE
  - a. Most powerful committee in either chamber

- b. Is in control of which bills hit the floor; can refuse to grant a rule which can delay consideration of a bill
    - c. CLOSED RULE prohibits amendments altogether; reserved for tax and spend bills
    - d. OPEN RULE permits debate within the overall time allocated to the bill
- c. LEADING THE SENATE
  - i. INTRO
    - 1. More informal than House since smaller membership; more time for debate
    - 2. Same basic structure as House
    - 3. Led by SENATE MAJORITY LEADER elected by the majority
      - a. Most visible member of Congress
      - b. If different party from president, that party's main speaker
  - ii. The president of the Senate (VP) has little influence over the Senate proceedings, but is the tiebreaker in a 50/50 split vote
  - iii. The Senate elects a PRESIDENT PRO TEMPORE who is a senior member of the majority party and acts as chair in the absence of the VP
    - 1. Regularly delegates responsibility to junior members
  - iv. More informal structure and more debate time unless supermajority (60) to stop debate
  - v. Legislative HOLD is a procedure that delays action on a pending bill, nomination or issue
  - vi. Also have the power of FILIBUSTER, which is unlimited debate time; used originally by South in Civil Rights legislation;

- vii. CLOTURE (60 of 100) prevents filibuster and limits debate for 1 hour
- d. CONGRESSIONAL COMMITTEES
  - i. INTRO
    - 1. Workhorses of Congress; they shape the politics of legislation
  - ii. TYPES OF COMMITTEES
    - 1. STANDING COMMITTEES- sources of most bills and most durable; most important for making laws and representing constituents
      - a. AUTHORIZING COMMITTEES – pass the laws that tell government what to do
      - b. APPROPRIATION COMMITTEES- how government is going to spend money
      - c. RULES AND ADMINISTRATION COMMITTEES – how the chambers are run
      - d. REVENUE AND BUDGET COMMITTEES- Raising the money appropriating committees spend while setting the broad targets that shape the federal budget
        - i. House Ways and Means Committee, is the most powerful committee, because it exists to raise taxes and authorizes spending
      - e. Review table 11-2 on page 313
    - 2. SPECIAL or SELECT COMMITTEES – address temporary priorities of Congress such as aging or taxes and rarely author legislation

3. JOINT COMMITTEES – members from both chambers to study an issue or interest or oversee Congressional support agencies
  4. All committees have subcommittees to help in the workload
- iii. CHOOSING COMMITTEE MEMBERS
    1. Each political party controls the selection of standing committee members; majority chooses chair and the most members
    2. Most committee chairpersons are chosen based on SENIORITY RULE; the member with the longest continuous service on that committee
  - iv. SPECIAL ROLE OF CONFERENCE COMMITTEES
    1. Very rarely does a bill pass in its exact form in both the House and the Senate
    2. When there are differences within the bill and each form is passed, the bills must be referred to a CONFERENCE COMMITTEE - a special committee comprised of members from each chamber, to settle differences between both versions
      - a. Both parties are represented, but the majority party has more members
      - b. Sometimes called the “third house” of Congress
  - v. CAUCUSES
    1. Informal committees that allow individual members to promote shared legislative interests; some are House and Senate only, some are combined; Black caucus, Hispanic caucus, Women’s issues caucus

## V. THE JOB OF THE LEGISLATOR

a. Intro

- i. By the 1950s, it was a full-time job and a long term career
- ii. The workday got significantly longer
- iii. Although they were frustrated in their job and it became more demanding and complex, most representatives want to keep their jobs
- iv. Old norms and rules are out the door...want to keep electorate happy to get reelected

b. LEGISLATORS AS REPRESENTATIVES

- i. The dual roles of making laws and representing constituencies force members to balance national concerns with specific interests of their state or district
- ii. Some view themselves as DELEGATES from their districts, doing what their constituents want, and some act as TRUSTEES voting with their own views
  1. Most shift back and forth depending on current legislation and public opinion
  2. Review the profile in figure 11-3 on page 316

c. MAKING LEGISLATIVE CHOICES

- i. 1 in 8 bills become law
- ii. Different factors play into the decision making process:
- iii. COLLEAGUES – close friends in Congress
  1. Vote trading or LOGROLLING occurs from time to time
- iv. CONGRESSIONAL STAFF – have more time to investigate and understand details of the bill;
- v. CONSTITUENTS- rarely vote against their wishes since they reelect them. Listen to ATTENTIVE PUBLIC- those that follow public affairs closely

- vi. IDEOLOGY – own experiences and attitudes; voting along party lines
- vii. INTEREST GROUPS – influence legislation by contributing to campaigns, lobbying for issues
  - 1. Sometimes cancel each other out and kill the bill
  - 2. Effective when they mobilize public pressure on an issue
- viii. PARTY- closely aligned with ideology; most members vote along party lines
  - 1. Strongest on domestic issues
- ix. PRESIDENT- can wield significant pressure through appealing directly to public; “bully pulpit”; State of Union Address; work hard to rally public support and opinion

#### d. CONGRESSIONAL ETHICS

- i. Under scrutiny for actions and conduct; “pay to play”
- ii. Under the Constitution, Congress is responsible to punish its own members
- iii. Enforce the rules through separate ethics committees in both houses
- iv. Members who violate the rules face three possible penalties
  - 1. Reprimand; letter
  - 2. Censure; public rebuke
  - 3. Expulsion
- v. Members and lobbyists can also face large fines and possible imprisonment

## VI. HOW A BILL BECOMES A LAW

### a. INTRO

- i. Congress operates under a system of multiple vetoes; framers didn't want tyrannical powers; dispersion of power was the goal
  - ii. It is much easier to kill a bill than pass it
- b. HOW IDEAS BECOME BILLS
  - i. Come to Congress with specific ideas
  - ii. Secure their place as legitimate thinkers and secure futures
- c. HOW BILLS BECOME LAWS
  - i. 4 distinct steps
    - 1. Introduction; formal proposal
      - a. Place in mahogany box (hopper) in House
      - b. Senate- handing it to the clerk
    - 2. Committee review; hearing and "marking up" bill
      - a. Refer it to the appropriate committee
      - b. The parliamentarian in each chamber decides the committee
      - c. Most bills referred to single committee; complex bills to multiple committees
      - d. Committee builds a LEGISLATIVE RECORD to support the bill which helps the president and federal courts interpret the bill
      - e. MARKUP – clean up the wording or amend the version of the bill; can produce significant changes in the bill; then referred back to committee; if passed ,sent to floor
      - f. Most bills die in committee, but can be forced to the floor by a DISCHARGE PETITION signed by a majority of the membership- in the House only

3. Floor debate and passage; legislative calendar, passing in each chamber and surviving a conference committee in ironing out differences
  - a. Having come this far, most bills are passed
  - b. Senators often attach RIDERS, unrelated amendments
  - c. Except for tax bills, which must originate in the House, the two houses usually move forward independent of each other
  - d. If it doesn't pass during the Congressional period, must start over in the next Congress
4. Presidential approval
  - a. Sign it or veto it
  - b. If president waits 10 days (not including Sundays) and doesn't sign it, it automatically becomes law
  - c. If president waits 10 days and doesn't sign it and Congress adjourns, he has a POCKET VETO, which automatically kills the bill
  - d. After a veto, it returns to Congress and needs a 2/3 majority in each house to OVERRIDE the veto

## VII. AN ASSESSMENT OF CONGRESS

- a. Much more complex and active than framers intended
- b. Although incumbents are usually reelected, there is a "permanent campaign" where members are always aware they need to be campaigning for next election
- c. Citizens complain of a lack of action; "gridlock"; approval very low