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Congress



he U.S. Constitution creates Congress as the legislative branch of government. Its primary goals are to make the laws of the nation, as well as to represent citizens' interests in national politics. However, in recent Congresses, neither of these objectives has been particularly apparent.

As a result, the modern Congress has a serious image problem. Its approval ratings reached a new low in 2014, when less than 10 percent of Americans said they approved of the institution. The 113th House of Representatives and Senate passed a staggeringly low number of pieces of legislation—and many of the laws that passed were ceremonial or simple renewals of existing programs. As a result, the legislative branch—once the most powerful political institution in the world—has been branded as a “do-nothing” institution, fraught with political conflict and weakened by partisan gridlock.

The lack of legislation passed by Congress, critics note, does not owe to a lack of important issues facing the nation. When Congress adjourned for the midterm election in September 2014, the issues facing the institution were staggering. Farmers in the Midwest faced serious droughts and a need for governmental relief. The national debt was swelling by the minute. International conflicts persisted in the Baltic states and the Middle East. Questions remained about the status and implementation of the national health care reform bill known as Obamacare. And only stop-gap budget measures had been passed, skirting the issues of funding for programs as varied and significant as Medicare, Medicaid, and national defense. Moreover, the American people appeared to demand action on a range of other issues, including education, student grants and loans, access to abortion and contraceptives, and same-sex marriage.

What has caused such dramatic inactivity in recent Congresses? To some degree, that depends on whom you ask. Democratic Party officials, including House Democratic Leader Nancy Pelosi (D-CA), very vocally blame the Republican majority in the House for failing to schedule debates and votes on significant pieces of legislation. They note the accomplishments of recent Democratic-controlled Congresses

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CONGRESS FUNCTIONS AS THE NATION'S LAWMAKING BODY The basic structure, rules, and procedures of Congress have changed very little since the 1940s, shown above. However, the interpersonal dynamics, policy issues, and role of the media have led to dramatically different outcomes in the modern Congress, shown below.



as evidence for the fact that the problem was particularistic to the politics of the Republican Party and Speaker of the House John Boehner's (R-OH) unwillingness to compromise.

Republicans, on the other hand, accused the Democrats in the Senate. They blamed Majority Leader Harry Reid (D-NV) for the lack of legislative output, noting that even when the House passed or considered legislation, Reid and the Democrats were often unwilling to discuss the issue in the Senate. This resistance, they noted, was particularly evident when it came to issues of the budget and financial reform—some of the most important issues facing the country.

Ironically, it may be exactly this type of hyperpartisanship and finger-pointing that has produced such a low approval rating among the American people. To these citizens, many of whom are not especially interested in politics, an unwillingness to compromise for the good of the nation often looks a lot like a failure of representation. Increasingly, therefore, citizens ask why members of Congress are so focused on dividing into Democrats and Republicans—rather than uniting as Americans.



The Framers' original conception of Congress's authority was much narrower than it is today. Those in attendance at the Constitutional Convention wished to create a legislative body that would be able to make laws as well as raise and spend revenues. Over time, Congress has attempted to maintain these roles, but changes in demands made on the national government have allowed the executive and judicial branches to gain powers at the expense of the legislative branch. Moreover, the power and the importance of individual members have grown.

Today, members of Congress must combine and balance the roles of lawmaker, budgeter, and policy maker with acting as a representative of their district, their state, their party, and sometimes their race, ethnicity, or gender. Not surprisingly, this balancing act often results in role conflict.

In this chapter, we analyze the powers of Congress and the competing roles members play as they represent the interests of their constituents, make laws, and oversee actions of the other two branches of government. We also show that as these functions have changed throughout U.S. history, so has Congress itself.

Roots of the U.S. Congress

6.1

Trace the roots of the legislative branch outlined by the U.S. Constitution.

Article I of the Constitution describes the structure of the legislative branch of government. The Great Compromise at the Constitutional Convention resulted in the creation of a lower house, the House of Representatives, and an upper house, the Senate. Any two-house legislature, such as the one created by the Framers, is called a **bicameral legislature**. The population of any given state determines the number of representatives that state sends to the House of Representatives. In contrast, two senators represent each state in the Senate, regardless of the state's population.

The U.S. Constitution sets forth the formal, or legal, requirements for membership in the House and Senate. As agreed to at the Constitutional Convention, House members must be at least twenty-five years of age; senators, thirty. Members of the House must be citizens of the United States for at least seven years; those elected to the Senate, at least nine years. Both representatives and senators must be legal residents of the states from which they are elected. Historically, many members of Congress have moved to their states specifically to run for office. In 1964, U.S. Attorney General Robert Kennedy moved to New York to launch a successful campaign for the Senate, as did Hillary Clinton in 2000. Less successful was former Republican senator Scott Brown, who moved from Massachusetts to run unsuccessfully for a U.S. Senate seat in New Hampshire against Jeanne Shaheen in 2014.

The eligible electorate in each congressional district votes to elect members of the House of Representatives to two-year terms. The Framers expected that House members would be more responsible to the people, both because they were elected directly by them and because they were up for reelection every two years. The U.S. Constitution requires that a census, which entails the counting of all Americans, be conducted every ten years.

Until the first census could be taken, the Constitution fixed the number of representatives in the House of Representatives at sixty-five. In 1790, one member represented about 30,000 people. But, as the population of the new nation grew and states were added to the union, the House became larger and larger. In 1910, it expanded to 435 members, and in 1929, its size was fixed at that number by statute. When Alaska and Hawaii became states in the 1950s, however, the number of seats increased to 437. The number reverted to 435 in 1963.

Each state is granted its share of these 435 representatives on the basis of its population. After each U.S. Census, a constitutionally mandated process called **apportionment** adjusts the number of seats allotted to each state. After seats are apportioned, state legislatures must redraw congressional districts to reflect population shifts, thereby ensuring that each member in Congress represents approximately the same number of residents. This process of redrawing congressional districts to reflect increases or decreases in the number of seats allotted to a state, as well as population shifts within a state, is called redistricting. It is discussed in greater detail later in this chapter.

Senators are elected to six-year terms, and originally state legislatures chose them because the Framers intended senators to represent their states' interests in the Senate. State legislators lost this influence over the Senate with the ratification of the Seventeenth Amendment in 1913, which provides for the direct election of senators by voters. Then, as now, one-third of all senators are up for reelection every two years.

The Constitution specifically gives Congress its most important powers: the authorities to make laws and raise and spend revenues. No **bill**, or proposed law, can become law without the consent of both houses. Examples of other powers shared by both houses include the power to declare war, raise an army and navy, coin money, regulate commerce, establish the federal courts and their jurisdiction, set forth rules of immigration and naturalization, and "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers." As interpreted by the U.S. Supreme Court, the necessary and proper clause, found at the end of Article I, section 8, when coupled with one or more of the specific powers enumerated in Article I, section 8, has allowed Congress to increase the scope of its authority, often at the expense of the states and into areas not necessarily envisioned by the Framers (see Table 6.1).

apportionment

The process of allotting congressional seats to each state according to its proportion of the population, following the decennial census.

bill

A proposed law.

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HOW LONG ARE MEMBERS' TERMS?

Members of the Senate serve six-year terms, while members of the House of Representatives serve for two years. There are no term limits, so members may run for reelection for an unlimited number of terms. The advantages of incumbency make turnover in Congress very low; new members such as Elise Stefanik (R-NY), the youngest woman ever elected to the institution, constitute only a small percentage of representatives.

The Living Constitution

The Congress shall have power ... to establish a uniform Rule of Naturalization.

— ARTICLE I, SECTION 8, CLAUSE 4

This clause places authority to draft laws concerning naturalization in the hands of Congress. The power of Congress over naturalization is exclusive—meaning that no state can bestow U.S. citizenship on anyone. Citizenship is a privilege, and Congress may make laws limiting or expanding the criteria.

The word “citizen” was not defined constitutionally until ratification in 1868 of the Fourteenth Amendment, which sets forth two kinds of citizenship: by birth and through naturalization. Throughout American history, Congress has imposed a variety of limits on naturalization, originally restricting it to “free, white persons.” “Orientals” were excluded from eligibility in 1882. At one time, those affiliated with the Communist Party and those who lacked “good moral character” (a phrase that was construed to bar homosexuals, drunkards, gamblers, and adulterers) were deemed unfit for citizenship. These restrictions no longer carry the force of law, but they do underscore the power of Congress in this matter.

Congress continues to retain the right to naturalize large classes of individuals, as it did in 2000, when it granted automatic citizenship rights to all minor children adopted abroad as long as at least one adoptive parent

was an American citizen. In 2014, Congress’ ability to use this power came into question again when more than 66,000 Guatemalan, El Salvadoran, and Honduran children made their way into the United States. These “unaccompanied minors” put a strain on already overwhelmed border officials and created an immediate crisis in many border towns and cities that were unequipped to deal with the influx of new residents. Questions arose rapidly about how to care for these people, and whether they should be deported to their home countries or granted refugee status in the United States. How to handle these immigrant children also became a flash point in many 2014 congressional primaries and elections.

CRITICAL THINKING QUESTIONS

1. Is Congress the appropriate institution to have the power over immigration and naturalization? Why or why not?
2. Should Congress make a formal policy with regard to unaccompanied minors? What should this policy stipulate? How does the current partisan division in Congress affect this process?

TABLE 6.1 WHAT ARE THE POWERS OF CONGRESS?

The powers of Congress, found in Article I, section 8, of the Constitution, include the powers to:

Lay and collect taxes and duties.

Borrow money.

Regulate commerce with foreign nations and among the states.

Establish rules for naturalization (the process of becoming a citizen) and bankruptcy.

Coin money, set its value, and fix the standard of weights and measures.

Punish counterfeiting.

Establish a post office and post roads.

Issue patents and copyrights.

Define and punish piracies, felonies on the high seas, and crimes against the law of nations.

Create courts inferior to (below) the U.S. Supreme Court.

Declare war.

Raise and support an army and navy and make rules for their governance.

Provide for a militia (reserving to the states the right to appoint militia officers and to train militias under congressional rules).

Exercise legislative powers over the seat of government (the District of Columbia) and over places purchased to be federal facilities (forts, arsenals, dockyards, and “other needful buildings”).

“Make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the government of the United States.”

The Constitution gives formal law-making powers to Congress alone. But, it is important to remember that presidents issue proclamations and executive orders with the force of law; bureaucrats issue quasi-legislative rules and are charged with enforcing laws, rules, and regulations; and the Supreme Court and lower federal courts render opinions that generate principles also having the force of law.

Reflecting the different constituencies and size of each house of Congress (as well as the Framers' intentions), Article I gives special, exclusive powers to each house in addition to their shared role in law-making. For example, as noted in Table 6.2, the Constitution specifies that all revenue bills must originate in the House of Representatives.

Over the years, however, this mandate has become less clear, and it is not unusual to see budget bills being considered simultaneously in both houses. Ultimately, each house must approve all bills. The House also has the power of **impeachment**, or to charge the president, vice president, or other "civil officers," including federal judges, with "Treason, Bribery, or other high Crimes and Misdemeanors." But, only the Senate has authority to conduct impeachment trials, with a two-thirds yeas vote being necessary to remove a federal official, such as the president or a judge, from office.

While the House and Senate share in the impeachment process, the Senate has the sole authority to approve major presidential appointments, including federal judges, ambassadors, and Cabinet- and sub-Cabinet-level positions. The Senate, too, must approve all presidential treaties by a two-thirds vote. Failure by the president to court the Senate can be costly. At the end of World War I, for example, President Woodrow Wilson worked hard to persuade other nations to accept the Treaty of Versailles, which contained the charter of the proposed League of Nations. He overestimated his support in the Senate, however. That body refused to ratify the treaty, dealing Wilson and his international stature a severe setback.

impeachment

The power delegated to the House of Representatives in the Constitution to charge the president, vice president, or other "civil officers," including federal judges, with "Treason, Bribery, or other high Crimes and Misdemeanors." This is the first step in the constitutional process of removing government officials from office.

TABLE 6.2 WHAT ARE THE KEY DIFFERENCES BETWEEN THE HOUSE OF REPRESENTATIVES AND THE SENATE?

Constitutional Differences	
House	Senate
435 voting members (apportioned by population)	100 voting members (two from each state)
Two-year terms	Six-year terms (one-third up for reelection every two years)
Initiates all revenue bills	Offers "advice and consent" on many major presidential appointments
Initiates impeachment procedures and passes articles of impeachment	Tries impeached officials
	Approves treaties
Operational Differences	
House	Senate
More centralized, more formal; stronger leadership	Less centralized, less formal; weaker leadership
Committee on Rules fairly powerful in controlling time and rules of debate (in conjunction with the Speaker of the House)	No rules committee; limits on debate come through unanimous consent or cloture of filibuster
More impersonal	More personal
Power distributed less evenly	Power distributed more evenly
Members are highly specialized	Members are generalists
Emphasizes tax and revenue policy	Emphasizes foreign policy
Institutional Differences	
House	Senate
Power centralized in the Speaker's inner circle of advisers	Senate workload increasing and institution becoming more formal; threat of filibusters more frequent than in the past
Procedures becoming more efficient	Becoming more difficult to pass legislation
Turnover is relatively high, although those seeking reelection almost always win	Turnover is moderate

The Members of Congress

6.2

Characterize the demographic attributes of members of Congress, and identify factors that affect their chances for reelection.



Today, many members of Congress find the job exciting in spite of public criticism of the institution. But, it wasn't always so. Until Washington, D.C., got air-conditioning and drained its swamps, it was a miserable town. Most representatives spent as little time there as possible, viewing Congress, especially the House, as a stepping stone to other political positions back home. Only after World War I did most House members become congressional careerists who viewed their work in Washington as long term.¹

Members must attempt to represent varied constituencies—party leaders, colleagues and lobbyists in Washington, D.C., and voters at home.² In attempting to do so, members spend full days at home as well as in D.C. (see Table 6.3). According to one study of House members, average representatives made about forty trips back home to their districts each year.³ One journalist has aptly described a member's days as a

... kaleidoscopic jumble: breakfast with reporters, morning staff meetings, simultaneous committee hearings to juggle, back-to-back sessions with lobbyists and constituents, phone calls, briefings, constant buzzers interrupting office work to make quorum calls and votes on the run, afternoon speeches, evening meetings, receptions, fund-raisers, all crammed into four days so they can race home for a week-end gauntlet of campaigning. It's a rat race.⁴

□ Congressional Demographics

One measure of the representativeness of Congress is how well members' demographic characteristics reflect those of the American public. A cursory examination of these characteristics reveals that Congress is better educated, richer, more male, and whiter than the general population. Over two-thirds of the members of the House and Senate also hold advanced degrees.⁵

TABLE 6.3 WHAT IS A TYPICAL DAY LIKE FOR A MEMBER OF CONGRESS?

5:00 a.m.	Arrive at office.
7:00 a.m.	Give a tour of the U.S. Capitol to constituents.
8:00 a.m.	Eat breakfast with the House Shipbuilding Caucus.
9:00 a.m.	Meet with Speaker of the House and other members of Congress.
10:00 a.m.	Attend House Armed Services Committee hearing.
11:00 a.m.	Prepare for afternoon press conference, return phone calls, and sign constituent mail.
12:00 p.m.	Meet with constituents who want the member to join a caucus that may benefit the district.
1:00 p.m.	Read one of nine newspapers to keep track of current events.
2:00 p.m.	Attend Homeland Security Subcommittee hearing.
3:00 p.m.	Attend floor vote.
3:30 p.m.	Meet with group of high school students on front steps of Capitol.
4:15 p.m.	Return to office to sign more constituent mail and to meet with the American Heart Association.
5:00 p.m.	Attend Sustainable Energy and Environment Caucus meeting.
7:00 p.m.	Eat dinner with fellow members.
9:00 p.m.	Return to office to sign more constituent mail and read more newspapers.
11:00 p.m.	Leave office to go home.

SOURCE: Adapted from Bob Clark, "A Day in the Life ..." *Evening Tribune* (October 7, 2009), www.eveningtribune.com (accessed October 20, 2010).

Many members of both houses have significant inherited wealth, but given their educational attainment, which is far higher than the average American's, it is not surprising to find so many wealthy members of Congress. Almost half of all members of Congress are millionaires. The Senate, in fact, is often called the Millionaires Club. The average net worth of a House member today is nearly \$5 million, while the average net worth of a senator is over \$14 million.

The average member of Congress is also older than the American public. Members of the House and Senate have an average age of 60.

The 2014 elections saw a record number of women, African Americans, and other minorities elected to Congress. However, these numbers continue to lag below these groups' representation in the general public.

Members of Congress are also more religious than the general public. Protestants and Jews are overrepresented. In contrast, nonreligious Americans and minority religious groups, such as Muslims and members of Eastern religions, are underrepresented.

❑ Running for and Staying In Office

Despite the long hours and hard work required of senators and representatives, thousands of people aspire to these jobs every year. Yet, only 535 men and women (plus seven nonvoting members from American Samoa, the District of Columbia, Guam, the U.S. Virgin Islands, and Puerto Rico) actually serve in the U.S. Congress. Membership in one of the two major political parties is almost always a prerequisite for election, because election laws in various states often discriminate against independents (those without party affiliation) and minor-party candidates. The ability to raise money often is key to any member's victory, and many members spend nearly all of their free time on the phone, dialing for dollars, or attending fundraisers. Incumbency and redistricting also affect members' chances at reelection.

INCUMBENCY Incumbency helps members stay in office once they are elected.⁶ It is often very difficult for outsiders to win because they don't have the advantages enjoyed by incumbents, including name recognition, access to free media, an

incumbency

Already holding an office.

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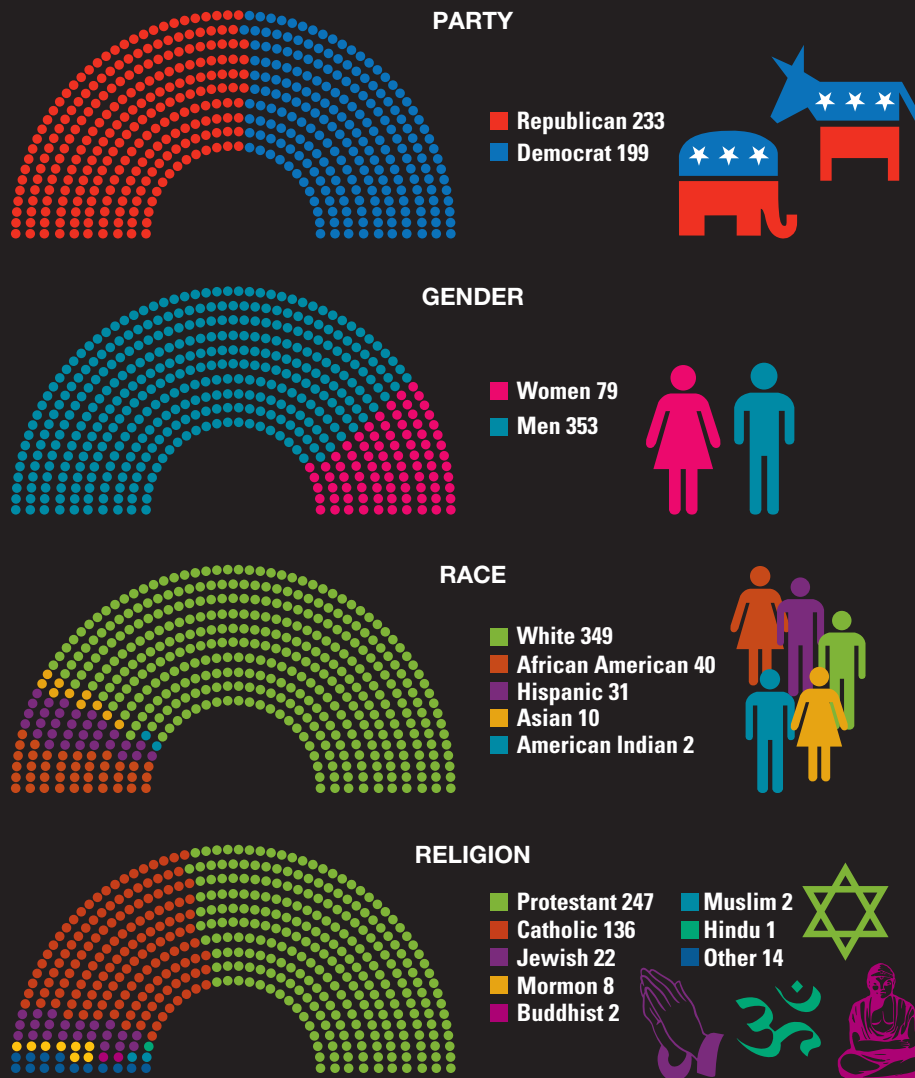


WHO ARE THE NONVOTING MEMBERS REPRESENTING WASHINGTON, D.C.?

Shadow Senators Paul Strauss (rear) and Michael Brown (left) and Delegate Eleanor Holmes Norton (center), all Democrats, represent Washington, D.C., in the Senate and the House, respectively. When Democrats held the House, Norton was allowed to cast votes in committee, a privilege she lost in 2011 when Republicans gained control of the House. D.C.'s two shadow senators have no voting rights or legal standing.

The People's House?

The Framers intended the House of Representatives to be the people's house. At least in theory, it is the more democratic of the two houses of Congress, and its members are intended to be closer to and more representative of the American population. Critics, however, charge that it is difficult for all citizens' interests to be heard in an institution whose members overrepresent some groups, while underrepresenting others, as shown in the infographic below.*



SOURCE: Data from Jennifer E. Manning, "Membership of the 113th Congress: A Profile," *Congressional Research Service*, accessed online November 8, 2014. *At the time Manning's report was written, there were three vacant seats.

CRITICAL THINKING QUESTIONS

1. Which demographic groups are most over and underrepresented in Congress, compared to the population?
2. Can members provide substantive policy representation for citizens even if they are descriptively different? Why or why not?
3. Should actions be taken to make the House look more like the American people? Why or why not? What positives and negatives might result from these actions?

TABLE 6.4 WHAT ARE THE ADVANTAGES OF INCUMBENCY?

Name recognition. Members' names have been on the ballot before, and voters may associate their names with programs or social services they have brought to the district.

Credit claiming. Members may claim to be responsible for federal money brought to the district.

Casework. Members and their staffs help constituents solve problems with the government, including navigating red tape and tracking down federal aid.

Franking privilege. Members may send mail or newsletters for free by using their signature in place of a stamp.

Access to media. Members and their staffs may have relationships with reporters and may find it easy to spin stories or give quotes.

Ease in fund-raising. Incumbents' high reelection rates make them a safe bet for individuals or groups wanting to give donations in exchange for access.

Experience in running a campaign. Members have already put together a campaign staff, made speeches, and come to understand constituent concerns.

Redistricting. In the House, a member's district may be drawn to enhance electability.

inside track on fund-raising, and a district drawn to favor the incumbent (see Table 6.4).

It is not surprising, then, that, on average, 95 percent of incumbents who seek reelection win their primary and general election races.⁷ The majority of members who lose their reelection bids are affected by three key factors: redistricting, scandals, and coattails.

REDISTRICTING The process of redrawing congressional districts to reflect increases or decreases in seats allotted to the states, as well as population shifts within a state, is called **redistricting**. Redistricting is a largely political process. In most states, partisan state legislatures draw district lines. As a result, the majority party in the state legislature uses the redistricting process as an opportunity to ensure formation of voting districts that protect their majority. The process of drawing congressional districts can, therefore, become highly contentious.

The redistricting process often involves **gerrymandering**—the drawing of congressional districts to produce a particular electoral outcome without regard to the shape of the district. Because of enormous population growth, the partisan implications of redistricting, and the requirement under the Voting Rights Act of 1965 for minorities to have an equal chance to elect candidates of their choice, legislators end up drawing oddly shaped districts to elect more members of their party.⁹ Redistricting plans routinely meet with court challenges across the country (see Figure 6.1).

For a long time, the U.S. Supreme Court considered redistricting based on partisan considerations to be a political question not within the scope of constitutional law, but, rather, one worked out through the regular political process.¹⁰ But, in recent years the Supreme Court has involved itself in some such cases and has ruled, for example, that:

- Congressional as well as state legislative districts must be apportioned on the basis of population.¹¹
- District lines must be contiguous; one must be able to draw the boundaries of the district with a single unbroken line.¹²
- Purposeful gerrymandering of a congressional district to dilute minority strength is illegal under the Voting Rights Act of 1965.¹³
- Redrawing districts to enhance minority representation is constitutional if race is not the “predominate” factor.¹⁴
- States may redistrict more frequently than every ten years.¹⁵

Redistricting decisions may have significant consequences for members of Congress. The boundaries of a member's district determine the demographic and partisan makeup of his or her constituency. In districts that heavily favor members of one party over another, it may be difficult to have competitive elections, and voters from the minority party may feel alienated from the political process. Some commentators suggest that increasingly partisan congressional redistricting is a major contributor to the high levels of partisanship exhibited in recent Congresses.

redistricting

The process of redrawing congressional districts to reflect increases or decreases in seats allotted to the states, as well as population shifts within a state.

gerrymandering

The drawing of congressional districts to produce a particular electoral outcome without regard to the shape of the district.

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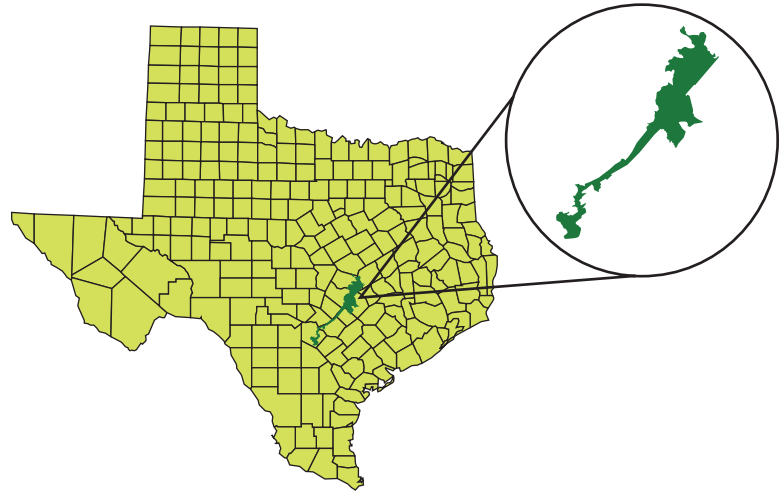


FIGURE 6.1 WHAT IS GERRYMANDERING?

Two drawings—one a mocking cartoon, the other all too real—show the bizarre geographical contortions that result from gerrymandering. The term was coined by combining the last name of the Massachusetts governor first credited with politicizing the redistricting process, Elbridge Gerry, and the word “salamander,” which looked like the oddly shaped district that Gerry created.

SOURCES: David Van Biema, “Snakes or Ladders?” *Time* (July 12, 1993) © 1993, Time Inc. Reprinted by permission.

How Congress Is Organized

6.3

Assess the role of the committee system, political parties, and congressional leadership in organizing Congress.

majority party

The political party in each house of Congress with the most members.

minority party

The political party in each house of Congress with the second most members.

party caucus (or conference)

A formal gathering of all party members.

As demonstrated in Figure 6.2, the organization of both houses of Congress is closely tied to political parties and their strength in each house. The basic division in Congress is between majority and minority parties. The **majority party** in each house is the party with the most members. The **minority party** in each house is the party with the second most members

At the beginning of each new Congress—the 114th Congress, for example, will sit in two sessions, one in 2015 and one in 2016—the members of each party formally gather in their **party caucus (or conference)** (see Figure 6.3 for the partisan composition of Congress). Historically, these caucuses have enjoyed varied powers, but today the party caucuses—now called caucus by House and Senate Democrats and conference by House and Senate Republicans—have several roles, including nominating or electing party officers, reviewing committee assignments, discussing party policy, imposing party discipline, setting party themes, and coordinating media. Conference and caucus chairs are recognized party leaders who work with other leaders in the House or Senate.¹⁶

Each caucus or conference has specialized committees that fulfill certain tasks. House Republicans, for example, have a Committee on Committees that makes committee assignments. The Democrats’ Steering Committee performs this function. Each party also has congressional campaign committees to assist members in their reelection bids.

□ Leadership in the House of Representatives

Even in the first Congress in 1789, the House of Representatives was almost three times larger than the Senate. It is not surprising, then, that from the beginning the House has shown tighter organization, more elaborate structure, and governance by stricter rules. Traditionally, loyalty to party leadership and voting along party lines have been more common in the House than in the Senate. House leaders also play a key role

in moving the business of the House along. Historically, the Speaker of the House, the majority and minority leaders, and the Republican and Democratic House whips have made up the party leadership that runs the institution.

THE SPEAKER OF THE HOUSE The **Speaker of the House**, the chamber's most powerful position, is the only officer of the House of Representatives specifically mentioned in the Constitution. The office follows a model similar to the British Parliament—the Speaker was the one who spoke to the king and conveyed the wishes of the House of Commons to the monarch.¹⁷

The entire House of Representatives elects the Speaker at the beginning of each new Congress. Traditionally, the Speaker is a member of the majority party. Although typically not the member with the longest service, the Speaker generally has served in the House for a long time and in other House leadership positions as an apprentice.

The Speaker presides over the House of Representatives, oversees House business, and is the official spokesperson for the House, as well as being second in the line of presidential succession (after the vice president). The Speaker is also expected to smooth the passage of party-backed legislation through the House. To aid in this process, the Speaker generally has great political influence within the chamber and in policy negotiations with the president.

Speaker of the House

The only officer of the House of Representatives specifically mentioned in the Constitution; the chamber's most powerful position; traditionally a member of the majority party.

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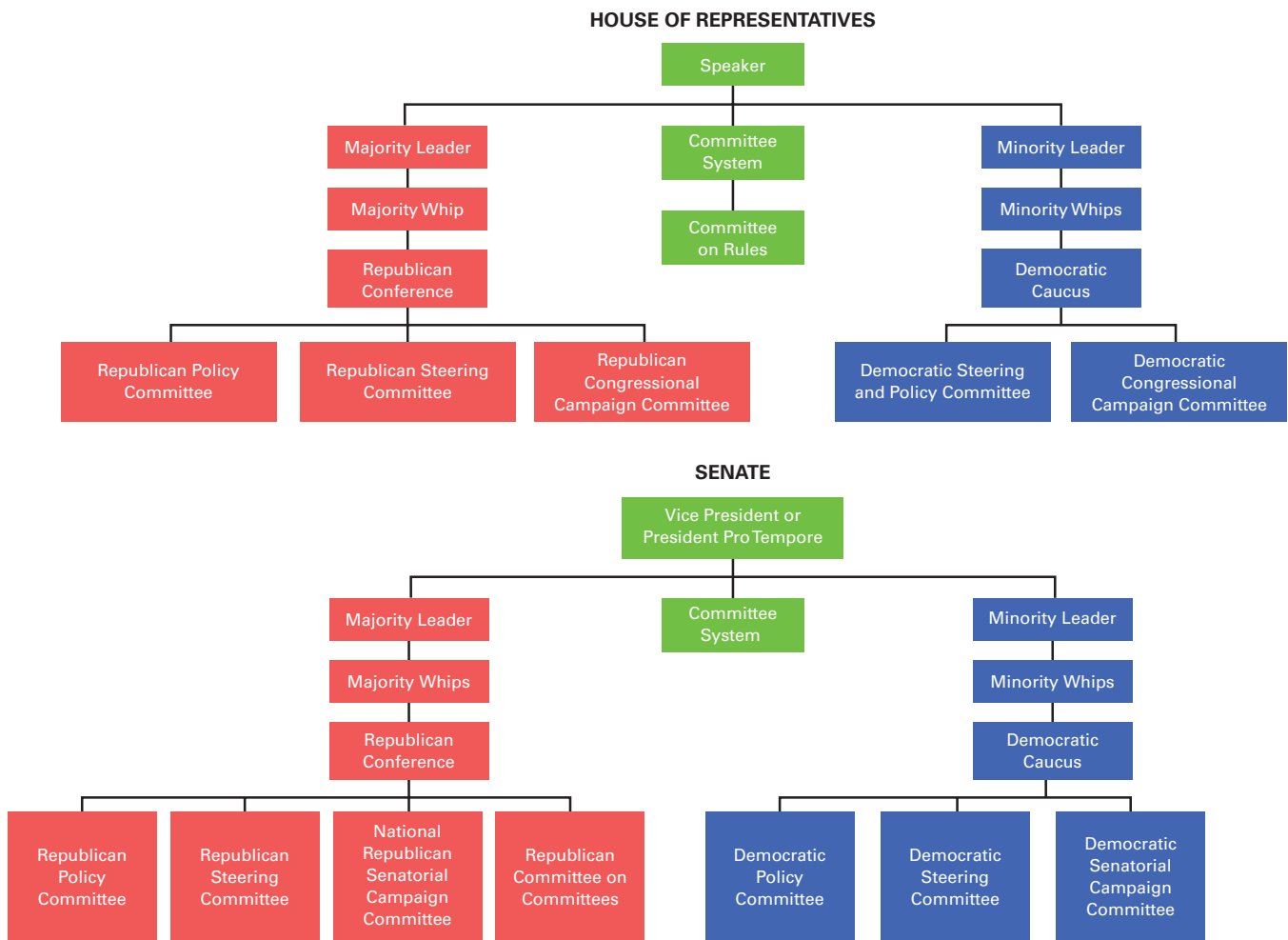
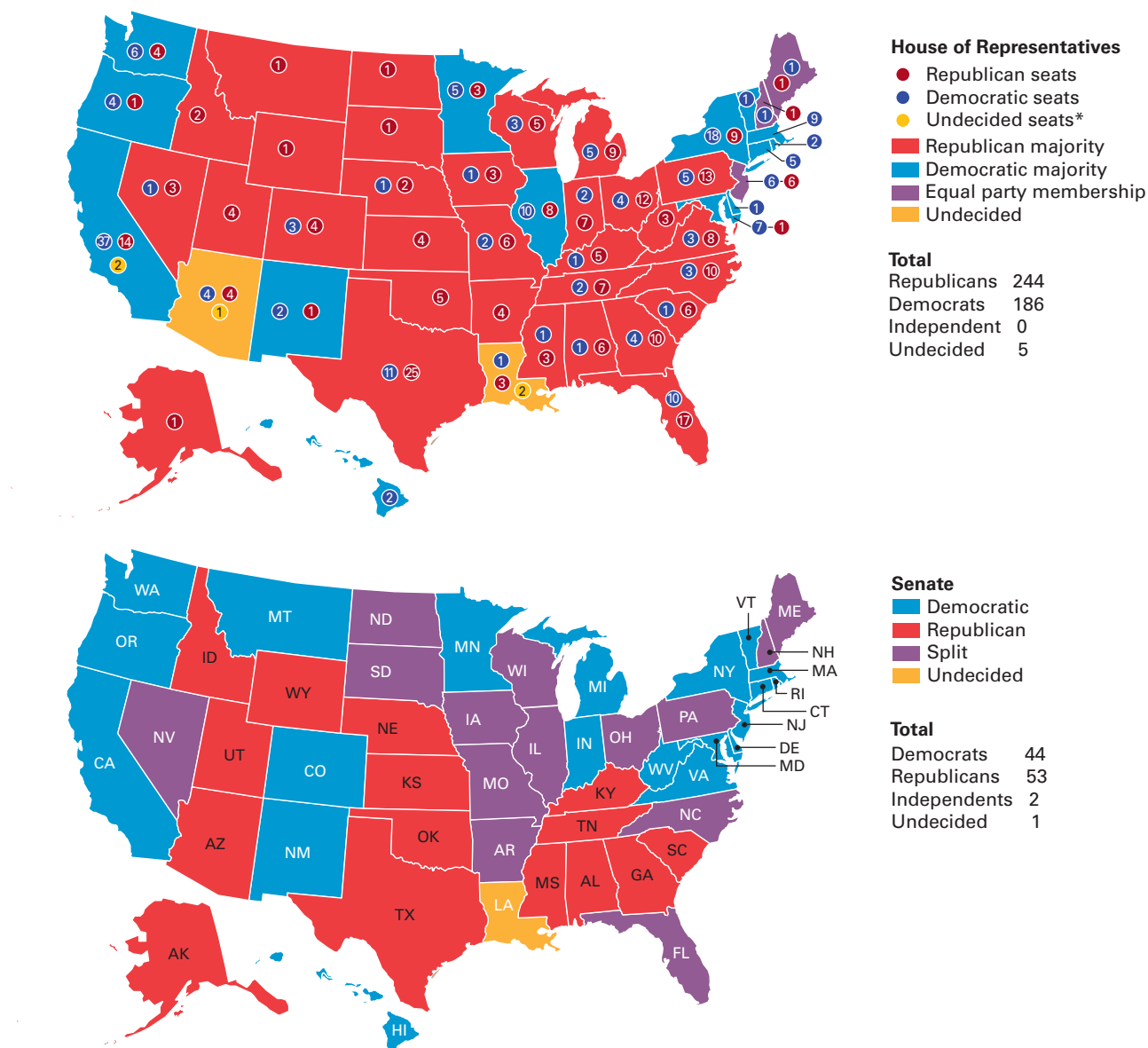


FIGURE 6.2 HOW ARE THE HOUSE OF REPRESENTATIVES AND THE SENATE ORGANIZED?

Parties play a very important role in organizing both the House and Senate. The majority and minority leaders are chosen by the party caucus or conference, as are other key leaders in the party hierarchy. This structure helps to organize operations and conflict in each of the institutions.

SOURCE: Based on Roger H. Davidson and Walter J. Oleszek, *Congress and Its Members*, 10th ed. (Washington, DC: CQ Press, 2006.) Updated by the authors.



*As of mid-November 2014.

FIGURE 6.3 WHAT IS THE PARTISAN COMPOSITION OF THE 114TH CONGRESS?

In the 114th Congress, Republicans held a majority of seats in both the House of Representatives and the Senate.

SOURCE: Politico Election Central, <http://www.politico.com/2014-election/results/map/house> and <http://www.politico.com/2014-election/results/map/senate>.

The first powerful Speaker was Henry Clay (R-KY). Serving in Congress at a time when turnover was high, he was elected to the position in 1810, his first term in office. He held the post of Speaker of the House for a total of six terms—longer than anyone else in the nineteenth century.

By the late 1800s, the House ceased to have a revolving door, and the length of members' average stays increased. With this new professionalization of the House came professionalization in the position of Speaker. Between 1896 and 1910, a series of Speakers initiated changes that brought more power to the office as the Speaker largely took control of committee assignments and the appointing of committee chairs. Institutional and personal rule reached its height during the 1903–1910 tenure of Speaker Joe Cannon (R-IL).

Negative reaction to those strong Speakers eventually led to a revolt in 1910 and 1911 in the House and to a reduction of the formal powers of the Speaker. As a consequence, many Speakers between Cannon and Newt Gingrich (R-GA), who became Speaker in 1995, often relied on more informal powers derived from their personal ability to persuade

members of their party. Gingrich, the first Republican Speaker in forty years, convinced fellow Republicans to return important formal powers to the position. These formal changes, along with his personal leadership skills, allowed Gingrich to exercise greater control over the House and its agenda than any other Speaker since the days of Cannon.

Current Speaker John Boehner (R–OH) faced many challenges trying to control members of his party during his first two years as Speaker; he received a great deal of criticism for his often conflictual leadership style. After retaining a Republican majority during the 113th Congress, Boehner vowed to become a more collaborative leader, seeking greater compromise on a variety of political issues. Only time will tell if his governing style lives up to this promise.

LEADERSHIP TEAMS After the Speaker, the next most powerful people in the House are the majority and minority leaders, who are elected in their individual party caucuses or conferences. The **majority leader** is the head of the party controlling the most seats in the House; his or her counterpart in the party with the second highest number of seats is the **minority leader**. The majority leader helps the Speaker schedule proposed legislation for debate on the House floor.

The Republican and Democratic **whips**, who are elected by party members in caucuses, assist the Speaker and majority and minority leaders in their leadership efforts. The position of whip originated in the British House of Commons, where it was named after the “whipper in,” the rider who keeps the hounds together in a fox hunt. Party whips—first designated in the U.S. House of Representatives in 1899—do, as their name suggests, try to whip fellow Democrats or Republicans into line on partisan issues. They try to maintain close contact with all members on important votes, prepare summaries of content and implications of bills, take vote counts during debates and votes, and in general persuade members to toe the party line. Whips and their deputy whips also serve as communications links, distributing word of the party line from leaders to rank-and-file members and alerting leaders to concerns in the ranks.

□ Leadership in the Senate

Organization and formal rules never have played the same role in the Senate as in the House. Through the 1960s, the Senate was a gentlemen’s club whose folkways—unwritten rules of behavior—governed its operation. One such folkway, for example,



WHO WAS THE FIRST FEMALE SPEAKER OF THE HOUSE?

Nancy Pelosi, shown here at a State Dinner with President Barack Obama and General Colin Powell, was the first woman Speaker. A strong Speaker, she was known for her ability to count votes before allowing any bill on the floor, resulting in the highest levels of party unity in modern Congresses.

majority leader

The head of the party controlling the most seats in the House of Representatives or the Senate; is second in authority to the Speaker of the House and in the Senate is regarded as its most powerful member.

minority leader

The head of the party with the second highest number of elected representatives in the House of Representatives or the Senate.

whip

Party leader who keeps close contact with all members of his or her party, takes vote counts on key legislation, prepares summaries of bills, and acts as a communications link within a party.

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Explore Your World

The structure of the U.S. Capitol reflects not only the bicameral legislature created by the Framers in Article I but also American culture. For example, the designer of the Capitol “Americanized” some of the columns on the building by sculpting ears of corn instead of traditional European acanthus leaves. Examine each of the photos below and consider how they reflect the characteristics of the state they represent.



Myanmar’s (Burma) legislative building is one of the newest in the world, opening in 2010 after decades of controversy in that country gave way to parliamentary elections. The building’s architecture echos the style of many Burmese temples in the region, but this lavish complex has spurred controversy, as the perfectly manicured lawns and brand new buildings contrast sharply with the poverty of many of the country’s residents.



The most prominent feature of the U.S. Capitol is its dome, which is located in the center of the building. The wings on either side of the dome are home to the House of Representatives and the Senate.



The Hellenic Parliament meets in the Parliament House in Athens, Greece. The building sits elevated on a hill, above Constitution Square. Although the legislature is unicameral today, it was bicameral during some parts of the country’s history.

CRITICAL THINKING QUESTIONS

1. What similarities and differences do you notice in the physical structures of the legislative buildings?
2. Why do you think each legislative building looks the way it does? How has the country’s governmental system influenced each building’s appearance? How have cultural influences affected each building’s appearance?
3. Assume two new countries have just been established: one has a unicameral legislature, and the other has a bicameral legislature. If you were to design a legislative building for each of these countries, how would each look and why?

stipulated that political disagreements not become personal criticisms. A senator who disliked another referred to that senator as “the able, learned, and distinguished senator.” A member who really could not stand another called that senator “my very able, learned, and distinguished colleague.”

In the 1960s and 1970s, senators became increasingly active on a variety of issues on and off the Senate floor, and extended debates often occurred on the floor without the rigid rules of courtesy that had once prevailed. These changes have made the majority leader’s role as coalition-builder extraordinarily challenging.¹⁸

PRESIDING OFFICER The Constitution specifies that the presiding officer of the Senate is the vice president of the United States. Because he is not a member of the Senate, he votes only in the case of a tie.

The official chair of the Senate is the **president pro tempore**, or pro tem, whom the majority party selects and who presides over the Senate in the absence of the vice president. The position of pro tem today is primarily an honorific office generally awarded to the most senior senator of the majority party. Once elected, the pro tem stays in that office until the majority party in the Senate changes. Since presiding over the Senate can be a rather perfunctory duty, neither the vice president nor the president pro tempore actually performs the task very often. Instead, this particular duty rotates among junior members of the majority party of the chamber, allowing more senior members to attend meetings of greater importance.

MAJORITY LEADER The true leader of the Senate is the majority leader, elected to the position by the majority party. Because the Senate is a smaller and more collegial body, the majority leader is not nearly as powerful as the Speaker of the House. During the 113th Congress, Senate Majority Leader Harry Reid (D–NV) discovered the many difficulties that may face a Senate leader trying to coordinate members of his party and ensure party loyalty, even in times of high partisanship. Most of Reid’s troubles resulted from struggles to ensure the loyalty of moderate Democratic members on important votes dealing with economic recovery and health care reform. New Senate Majority Leader Mitch McConnell (R-KY), who assumed control when the Republicans won a majority of Senate seats in the 2014 election, is likely to face many similar struggles as he attempts to lead a narrow majority and build consensus in a divided institution.

LEADERSHIP TEAMS The minority leader and the Republican and Democratic whips round out the leadership positions in the Senate and perform functions similar to those of their House counterparts. But, leading and whipping in the Senate can be quite a challenge. Senate rules always have given tremendous power to individual senators; in most cases senators can offer any kind of amendments to legislation on the floor, and an individual senator can bring all work on the floor to a halt indefinitely through a filibuster unless three-fifths of the senators vote to cut him or her off.¹⁹

□ The Committee System

The saying “Congress in session is Congress on exhibition, whilst Congress in its committee rooms is Congress at work” may not be as true today as it was when Woodrow Wilson wrote it in 1885.²⁰ Still, “the work that takes place in the committee and subcommittee rooms of Capitol Hill is critical to the productivity and effectiveness of Congress.”²¹ Standing committees are the first and last places to which most bills go. Usually, committee members play key roles in floor debate about the merits of bills that have been introduced. When the House and Senate pass different versions of a bill, a conference committee with members of both houses meets to iron out the differences. Committee organization and specialization are especially important in the House of Representatives because of its size. The establishment of subcommittees allows for even greater specialization.

TYPES OF COMMITTEES Congressional committees are of four types: (1) standing; (2) joint; (3) conference; and, (4) select (or special).²²

president pro tempore

The official chair of the Senate; usually the most senior member of the majority party.

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standing committee

Committee to which proposed bills are referred; continues from one Congress to the next.

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joint committee

Standing committee that includes members from both houses of Congress set up to conduct investigations or special studies.

6.3

conference committee

Special joint committee created to reconcile differences in bills passed by the House and Senate.

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select (or special) committee

Temporary committee appointed for a specific purpose.

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- 1. Standing committees** are those to which bills are referred for consideration; they are so called because they continue from one Congress to the next and consider issues roughly parallel to those of the departments represented in the president's Cabinet.
- 2. Joint committees** are standing committees that include members from both houses of Congress and are set up to conduct investigations or special studies. They focus public attention on major matters, such as the economy, taxation, or scandals.
- 3. Conference committees** are special joint committees created to reconcile differences in bills passed by the House and Senate. A conference committee comprises members from the House and Senate committees that originally considered the bill.
- 4. Select (or special) committees** are temporary committees appointed for specific purposes, such as investigating the September 11, 2001, terrorist attacks.

In the 113th Congress, the House had twenty standing committees, as shown in Table 6.5, each with an average of about thirty members. Together, these standing committees had roughly ninety subcommittees that collectively acted as the eyes, ears,

TABLE 6.5 WHAT WERE THE COMMITTEES OF THE 113TH CONGRESS?

Standing Committees		
House	Senate	
Agriculture	Agriculture, Nutrition, and Forestry	
Appropriations	Appropriations	
Armed Services	Armed Services	
Budget	Banking, Housing, and Urban Affairs	
Education and the Workforce	Budget	
Energy and Commerce	Commerce, Science, and Transportation	
Ethics	Energy and Natural Resources	
Financial Services	Environment and Public Works	
Foreign Affairs	Finance	
Homeland Security	Foreign Relations	
House Administration	Health, Education, Labor, and Pensions	
Judiciary	Homeland Security and Governmental Affairs	
<i>Constitution and Civil Justice</i>	Judiciary	
<i>Courts, Intellectual Property, and the Internet</i>	<i>Antitrust, Competition Policy, and Consumer Rights</i>	
<i>Crime, Terrorism, Homeland Security, and Investigations</i>	<i>Bankruptcy and the Courts</i>	
<i>Immigration and Border Security</i>	<i>The Constitution, Civil Rights, and Human Rights</i>	
<i>Regulatory Reform, Commercial, and Antitrust Law</i>	<i>Crime and Terrorism</i>	
	<i>Immigration, Refugees, and Border Security</i>	
Natural Resources	<i>Oversight, Federal Rights, and Agency Action</i>	
Oversight and Government Reform	<i>Privacy, Technology, and the Law</i>	
Rules	Rules and Administration	
Science, Space, and Technology	Small Business and Entrepreneurship	
Small Business	Veterans' Affairs	
Transportation and Infrastructure		
Veterans' Affairs		
Ways and Means		
Select, Special, and Other Committees		
House	Senate	Joint Committees
Select Intelligence	Select Ethics	Economic
Select Benghazi	Select Intelligence	Taxation
	Special Aging	Library
	Indian Affairs	Printing

NOTE: The subcommittees of the House and Senate Judiciary Committees during the 113th Congress are listed in italics.

and hands of the House. They considered issues roughly parallel to those of the departments represented in the president's Cabinet. For example, there were committees on agriculture, education, the judiciary, veterans' affairs, transportation, and commerce.

Although most committees in one house parallel those in the other, the House Committee on Rules, for which no counterpart in the Senate exists, plays a major role in the House's law-making process. As an indication of this committee's importance, the Speaker directly appoints its chair and majority party members. This committee reviews most bills after they come from a committee and before they go to the full chamber for consideration. Performing a traffic cop function, the Committee on Rules gives each bill what is called a rule, which contains the date the bill will come up for debate and the time that will be allotted for discussion, and often specifies what kinds of amendments can be offered. Bills considered under a closed rule cannot be amended.

Standing committees have considerable power. They can kill bills, amend them radically, or hurry them through the process. In the words of former President Woodrow Wilson, once a bill is referred to a committee, it "crosses a parliamentary bridge of sighs to dim dungeons of silence whence it never will return."²³ Committees report out to the full House or Senate only a small fraction of the bills assigned to them. A **discharge petition** signed by a majority (218) of the House membership can force bills out of a House committee.

In the 113th Congress, the Senate had sixteen standing committees ranging in size from approximately fifteen to thirty members. It also had roughly seventy subcommittees, which allowed all majority party senators to chair at least one.

In contrast to members of the House, who hold few committee assignments (an average of 1.8 standing and three subcommittees), senators each serve on an average of three to four committees and seven subcommittees. Whereas the committee system allows House members to become policy or issue specialists, Senate members often are generalists.

Senate committees have the same power over framing legislation that House committees do, but the Senate, as an institution more open to individual input than the House, gives less deference to the work done in committees. In the Senate, legislation is more likely to be rewritten on the floor, where all senators can generally participate and add amendments.

COMMITTEE CHAIRS Committee chairs enjoy tremendous power and prestige, with authorization to select all subcommittee chairs, call meetings, and recommend majority members to sit on conference committees. Committee chairs may even opt to kill a bill by refusing to schedule hearings on it. They also have a large committee staff at their disposal and are often recipients of favors from lobbyists, who recognize the chair's unique position of power. Interpersonal skills, influence, and expertise are a chair's best resources.

Historically, committee chairs were the majority party members with the longest continuous service on the committee. Committee chairs in the House, unlike the Senate, are no longer selected by **seniority**, or time of continuous service on the committee. Instead, to ensure that candidates demonstrate party loyalty, party leaders interview potential chairs. Six years of service on a particular committee is the limit on all committee chairs.

COMMITTEE MEMBERSHIP Many newly elected members of Congress set their sights on certain committee assignments. Others are more flexible. Many legislators who desire particular committee assignments inform their party's selection committee of their preferences. They often request assignments based on their own interests or expertise or on a particular committee's ability to help their prospects for reelection. One political scientist has noted that members view committee assignments the way investors view stocks—they seek to acquire those that will add to the value of their portfolios.²⁴

Some committees, such as Energy and Commerce, facilitate reelection by giving House members influence over decisions that affect large campaign contributors. Other committees, such as Education and the Workforce or Judiciary, attract members eager to work on the policy responsibilities assigned to the committee even if the appointment does them little good at the ballot box. Another motivator for certain committee assignments is the desire to have power and influence within the chamber. The Appropriations and Budget

discharge petition

Petition that gives a majority of the House of Representatives the authority to bring an issue to the floor in the face of committee inaction.

seniority

Time of continuous service on a committee.

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Committees provide that kind of reward for some members, given the monetary impact of the committees. Congress can approve programs, but unless money for them is appropriated in the budget, they are largely symbolic.

In both the House and the Senate, committee membership generally reflects party distribution within that chamber. For example, at the outset of the 114th Congress, Republicans held a majority of House seats and thus claimed about a 56 percent share of the seats on several committees. On committees more critical to the operation of the House or to the setting of national policy, the majority often takes a disproportionate share of the slots. Since the Committee on Rules regulates access to the floor for legislation approved by other standing committees, control by the majority party is essential for it to manage the flow of legislation. For this reason, no matter how narrow its margin in the chamber, the majority party makes up more than two-thirds of the Committee on Rules' membership.

Powers of Congress

6.4 Identify three of the most significant powers of Congress.

The Framers wished to ensure that the national government had sufficient power to govern the states. Thus, Article I, section 7, of the Constitution details the procedures by which Congress can make laws and raise revenues. Article I, section 8, also details Congress's power to tax, spend, regulate commerce, coin money, and make "all Laws which shall be necessary and proper for carrying into Execution" those powers.

Today, Congress not only makes laws dealing with substantive policy but also spends significant time negotiating and trying to pass the nation's budget. In addition, in accordance with the system of checks and balances, it has a key oversight role. Through the War Powers Resolution, congressional review, approval of nominations, and impeachment, Congress can check the power of the executive and judicial branches.

□ The Law-making Function

Congress's law-making power allows it to affect the day-to-day lives of all Americans and set policy for the future. Although proposals for legislation—be they about terrorism, Medicare, or tax policy—can come from the president, executive agencies, committee staffs, interest groups, or even private individuals, only members of the House or Senate can formally submit a bill for congressional consideration (although lobbyists initially draft many of them). Once a member of Congress introduces a bill, it usually reaches a dead end. Of the approximately 11,000 bills introduced during each recent session, Congress has voted fewer than 150 into law.

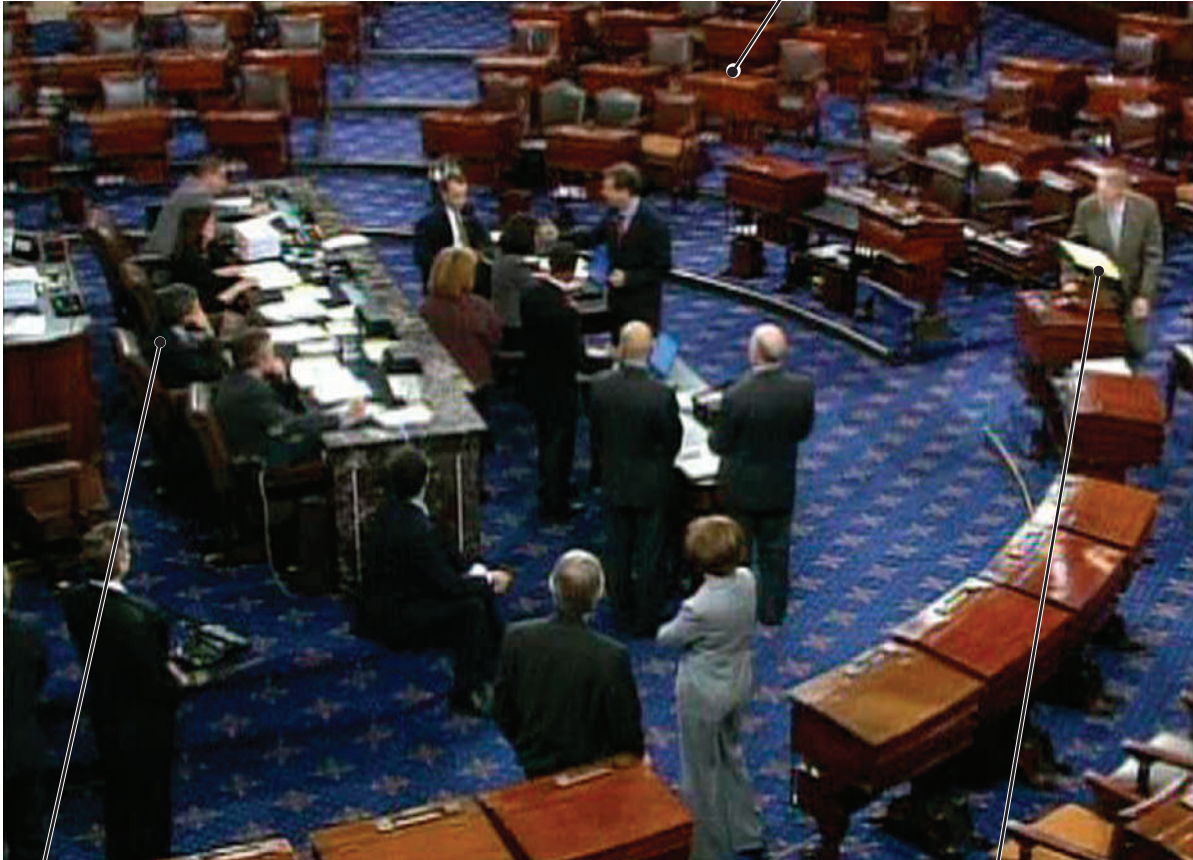
A bill must survive several stages before it becomes a law. One or more standing committees and both chambers must approve it, and if House and Senate versions differ, each house must accept a conference report resolving those differences. Multiple stopping points provide many opportunities for legislation to die or members to revise the content of legislation and may lead representatives to alter their views on a particular piece of legislation several times over. Thus, it is much easier to defeat a bill than to pass one (see Figure 6.4). The ongoing debates on the budget process are particularly illustrative of this problem.

COMMITTEE REFERRAL The House and Senate have parallel processes, and often the same bill is introduced in each chamber at the same time. One member of Congress must introduce a bill, but several other members (called co-sponsors) often sponsor a bill, in an attempt to show support for its aims. Once introduced, the bill is sent to the clerk of the chamber, who gives it a number (for example, HR 1 or S 1—indicating House or Senate bill number one, respectively). The bill is then printed, distributed, and sent to the appropriate committee or committees for consideration.

Take a Closer Look

Much of the work of Congress is accomplished in committee hearings and private meetings and negotiations. The activity that occurs on the floor of the U.S. Senate and House of Representatives is, as a result, more informal than many citizens might expect. While one member is speaking in support of or opposition to a piece of legislation, other members—if they are even in the chamber—may be casting votes, talking with colleagues, or even milling around. Still, the floor proceedings of the U.S. Congress play an important role in the legislative process.

Each senator has a desk in the chamber, with Republicans on the left hand side of the presiding officer and Democrats on the right. Senators, however, rarely sit at these desks.



Clerks record senators' comments, tally votes, and maintain the operations of the institution. Behind the clerks sits a presiding officer. Officially, this member is the vice president or the president pro tempore, but in practice, it is usually a junior member.

The member of the Senate speaking stands at a podium at the front and center of the chamber.

CRITICAL THINKING QUESTIONS

1. Why are formal legislative sessions important to the governmental process, even if little actual work is accomplished during this time?
2. Should members be required to spend more time in the chamber listening to their colleagues' speeches and participating in the legislative process? What would be the positives and negatives of this requirement?
3. Should some of the work traditionally accomplished on the floor of the House and Senate, such as voting and giving speeches, move online in the interest of efficiency? Why or why not?

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markup

A session in which committee members offer changes to a bill before it goes to the floor.

The committee usually refers the bill to one of its subcommittees, whose staff researches the proposed legislation, and then the chair decides whether or not to hold hearings. The subcommittee hearings provide an opportunity for those on both sides of the issue to voice their opinions. Since the 1970s, most hearings have been open to the public. After the hearings, the subcommittee revises the bill and then votes to approve or defeat it. If the subcommittee votes in favor of the bill, it is returned to the full committee. There, it goes through **markup**, a session during which committee members can offer changes to a bill before it goes to the floor. The full committee may also reject the bill before it goes to the floor in either house.

FLOOR DEBATE The second stage of action takes place on the House or Senate floor. As previously discussed, in the House, before a bill may be debated on the floor, the Committee on Rules must approve it and give it a rule and a place on the calendar,

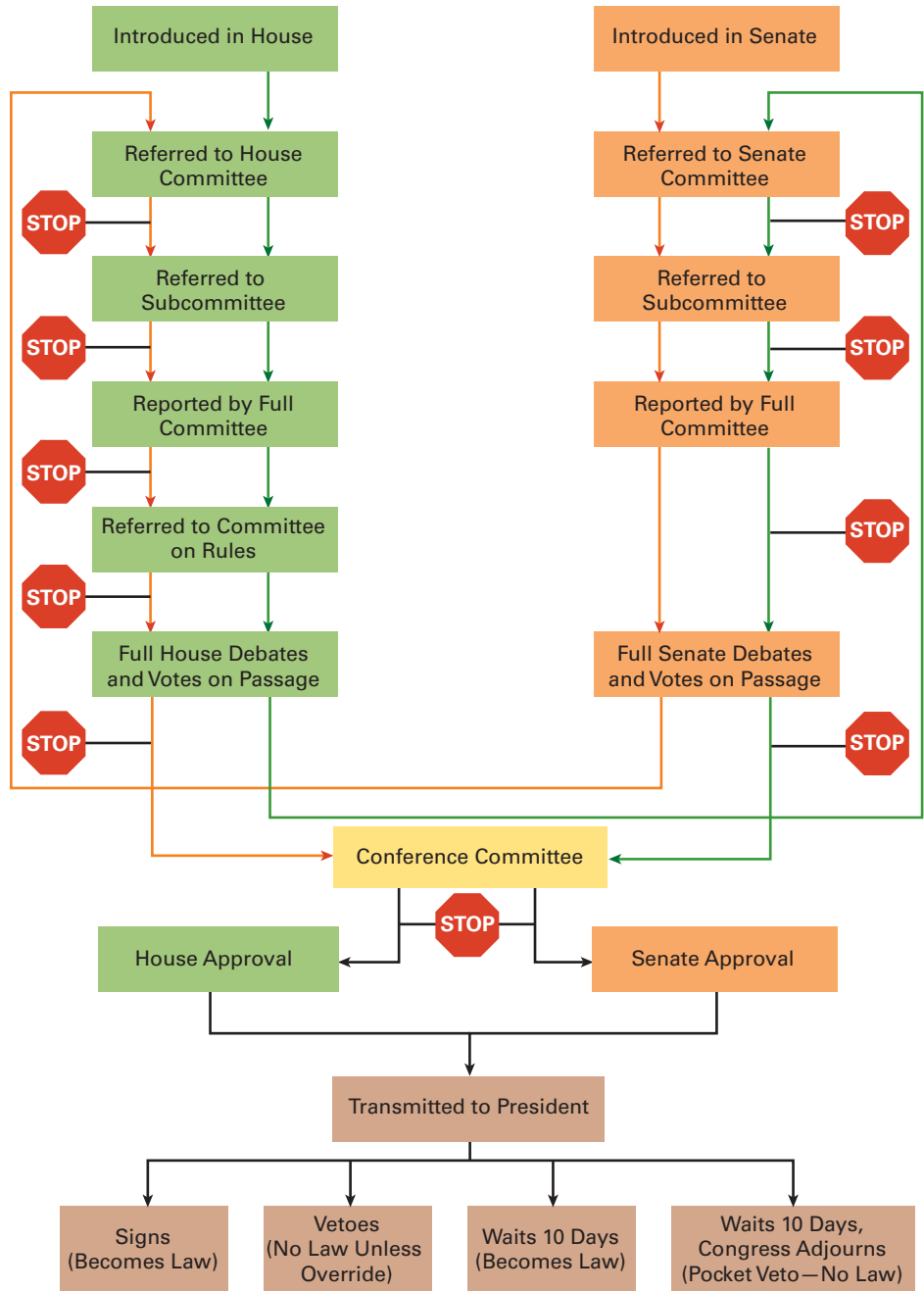


FIGURE 6.4 HOW DOES A BILL BECOME A LAW?

A bill must go through a carefully prescribed process in both the House of Representatives and the Senate in order to be enacted into law. After a bill has passed both houses, differences must be reconciled and the proposed legislation must meet with the president's approval. As a result, though many bills are introduced, few actually become law.

or schedule. (House budget bills, however, do not go to the Committee on Rules.) In the House, the rule given to a bill determines limits on the floor debate and specifies what types of amendments, if any, may be attached to the bill. Once the Committee on Rules considers the bill, it is added to the calendar.

When the day arrives for floor debate, the House may choose to form a Committee of the Whole. This procedure allows the House to deliberate with only one hundred members present to expedite consideration of the bill. During this time, members may offer amendments, and the full House ultimately takes a vote. If the bill survives, it goes to the Senate for consideration if that body did not consider it simultaneously.

Unlike the House, whose size necessarily limits debate, the Senate may hold up bills by a **hold** or a **filibuster**. A **hold** is a procedure by which a senator asks to be informed before a particular bill (or nomination) is brought to the floor. It signals Senate leadership and the sponsors of the bill that a colleague may have objections to the bill (or nomination) and should be consulted before further action is taken. A hold can be placed for any reason—including reviewing, negotiating changes, or attempting to kill a bill.

Filibusters, a way of halting Senate action on a bill by means of long speeches or unlimited debate, grew out of the absence of rules to restrict speech in the Senate. The content of a filibuster has no limits as long as a senator keeps talking. A senator may read from a phone book, recite poetry, or read cookbooks to delay a vote. Often, a team of senators takes turns speaking to continue the filibuster in the hope of tabling or killing a bill. In 1964, for example, a group of northern liberal senators kept a filibuster alive for eighty-two days in an effort to prevent amendments that would weaken a civil rights bill. The threat of filibusters has increased significantly in recent years. This threat can be quite potent; in the modern Senate, it often takes the assured votes of sixty senators for a bill to come to a final vote because of the threat of a filibuster.

Senators may end a filibuster in only one way. Sixty of them must sign a motion for **cloture**. After a cloture motion passes the Senate floor, members may spend no more than thirty additional hours debating the legislation at issue.

hold

A procedure by which a senator asks to be informed before a particular bill or nomination is brought to the floor. This request signals leadership that a member may have objections to the bill (or nomination) and should be consulted before further action is taken.

filibuster

A formal way of halting Senate action on a bill by means of long speeches or unlimited debate.

cloture

Mechanism requiring the vote of sixty senators to cut off debate.

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WHAT IS THE PRESIDENT'S ROLE IN LAWMAKING?

After a bill has won the approval of both houses of Congress, the president has the final opportunity to approve the law or veto it, sending it back to Congress for a potential veto override. Here, President Barack Obama, surrounded by Vice President Joe Biden and legislative leaders, signs into law the Patient Protection and Affordable Care Act of 2010, which reformed health care in the United States.

6.1

veto

The formal, constitutional authority of the president to reject bills passed by both houses of Congress, thus preventing them from becoming law without further congressional action.

6.2

pocket veto

If Congress adjourns during the ten days the president has to consider a bill passed by both houses of Congress, the bill is considered vetoed without the president's signature.

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6.4

Congressional Budget Act of 1974

Act that established the congressional budgetary process by laying out a plan for congressional action on the annual budget resolution, appropriations, reconciliation, and any other revenue bills.

6.5

6.6

FINAL APPROVAL The third stage of action takes place when the two chambers of Congress approve different versions of the same bill. When this happens, they establish a conference committee to iron out the differences between the two versions. The conference committee, whose members are from the original House and Senate committees, hammers out a compromise, which is returned to each chamber for a final vote. Sometimes the conference committee fails to agree and the bill dies there. No changes or amendments to the compromise version are allowed. If the bill does not pass in both houses, it dies. If the bill passes, it is sent to the president, who has ten days to consider a bill. He has four options:

1. The president can sign the bill, at which point it becomes law.
2. The president can **veto** the bill, which is more likely to occur when the president is of a different party from the majority in Congress; Congress may override the president's veto with a two-thirds vote in each chamber, a very difficult task.
3. The president can wait the full ten days, at the end of which time the bill becomes law without his signature if Congress is still in session.
4. If Congress adjourns before the ten days are up, the president can choose not to sign the bill, which is called a **pocket veto**. To become law, the bill then has only one path: to be reintroduced in the next session of Congress and put through the process all over again.

□ The Budgetary Function

Since the writing of the Constitution, Congress has enjoyed authority over the budgetary process. For much of American history, however, congressional budgets were piecemeal and made without an eye toward setting the course of public policy. By the 1920s, as a result of growing federal regulation and the bureaucracy, many policy makers sensed a need for greater centralization and order in the budgetary process. Thus, Congress passed and President Warren G. Harding signed into law the Budget and Accounting Act of 1921. This legislation required the president—for the first time—to submit a budget to Congress. The president's proposal would include the prior year's spending, projections, and proposals for the next year. Congress, in turn, could alter the allocation of appropriations but could not increase the total level of spending proposed by the president. To aid the executive branch in this role, the act also created the Bureau of the Budget. In 1970, the name of this agency was changed to the Office of Management and Budget.

This process continued relatively unfettered until the early 1970s, when tension between a Democratic-controlled Congress and a Republican president, Richard M. Nixon, exposed several shortcomings in the system. For example, although Congress authorized the expenditure of funds for many social problems, President Nixon refused to spend appropriated money on them. Angered and frustrated by Nixon's flagrant use of executive power, Congress solidified its role in the budgetary process by passing the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET ACT OF 1974 The **Congressional Budget Act of 1974** established the congressional budgetary process we use today. The act also created the Congressional Budget Office (CBO), a nonpartisan agency to help members make accurate estimations of revenues and expenditures and to lay out a plan for congressional action on the annual budget resolution, appropriations, reconciliation, and any other revenue bills. In general, these bills and resolutions establish levels of spending for the federal government and its agencies during the next fiscal year. (The federal government's fiscal year runs from October 1 of one year to September 30 of the next. Thus, the 2015 fiscal year runs from October 1, 2014, to September 30, 2015.) Although these levels rarely change dramatically from year to year, the programs and policies that receive increases and decreases in federal spending make a powerful statement about the goals of Congress and the president. For fiscal year 2015, for example, President Obama's initial budget proposal suggested increased taxes for the wealthiest Americans and significant increases in spending on early childhood education.

One special process detailed by the Congressional Budget Act of 1974 is **reconciliation**. The reconciliation procedure allows consideration of controversial issues affecting the budget by limiting debate to twenty hours, thereby ending the threat of a filibuster in the Senate. This process received a great deal of attention in 2010, when members of Congress used it to pass the health care reform bill.

The Congressional Budget Act of 1974 also includes a timetable intended to make sure that action on the budget occurs without unnecessary delay (see Table 6.6). Under this constraint, Congress must complete initial action on the budget resolution by April 15 of the preceding fiscal year. The budget resolution—or one or more continuing resolutions allowing the government to spend money at the same rates as the previous fiscal year—must receive approval by the start of the new fiscal year on October 1. When this does not occur, the federal government may shut down, as happened in 2013 when a Republican-controlled House and a Democratic president and Senate, could not agree on spending levels. As a result, all federal offices, buildings, and services did not operate for over two weeks. Note that although this is the formal process for passing a budget, Congress has not passed a full budget since 2001. In the past ten years, Congress has passed eight temporary budgets to keep government running. During this time, members have made only minor adjustments to spending. At the beginning of the 114th Congress, both Republicans and Democrats in Congress vowed to prioritize budget reform and reducing the national debt. Whether the parties can compromise on these issues, however, remains to be seen.

PORK AND PROGRAMMATIC REQUESTS Representatives often seek to win appropriations known as **pork**, legislation that allows representatives to bring money and jobs to their districts in the form of public works programs, military bases, or other programs. Many of these programs, once called earmarks but now called **programmatic requests**, are funds that an appropriations bill designates for specific projects within a state or congressional district. Legislators who bring jobs and new public works programs back to their districts are hard to defeat when up for reelection. But, ironically, these programs also attract much of the public criticism directed at the federal government in general and Congress in particular.

□ The Oversight Function

The basic objective of oversight is to hold the executive branch responsible for implementation of its delegated authority. Hearings in which members question bureaucrats to determine if they are enforcing and interpreting the laws as intended by Congress are among Congress's most visible and dramatic actions. Congress uses them not only to gather information but also to focus on particular executive-branch actions. They often signal that Congress believes an agency needs to make changes in policy or

reconciliation

A procedure that allows consideration of controversial issues affecting the budget by limiting debate to twenty hours, thereby ending threat of a filibuster.

pork

Legislation that allows representatives to bring money and jobs to their districts in the form of public works programs, military bases, or other programs.

programmatic requests

Federal funds designated for special projects within a state or congressional district.

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TABLE 6.6 WHAT IS THE TIMELINE FOR THE CONGRESSIONAL BUDGETARY PROCESS?

Date	Action
First Monday in February	President submits budget to Congress —President's budget is prepared by the Office of Management and Budget; includes requested levels of spending for the next fiscal year.
February 15	Budget outlooks —Congressional Budget Office submits economic projections to the House and Senate Budget Committees.
April 15	Budget resolution —Congress must complete action on the initial version of a budget resolution.
May 15	Appropriation begins —House begins to consider appropriations bills.
June 10	Appropriations Committee —House Appropriations Committee should conclude consideration of appropriations issues.
June 15	Reconciliation ends —House must handle any reconciliation bills by this date.
June 30	Appropriation ends —Full House should conclude consideration of all appropriations bills.
October 1	Fiscal year begins —Government's fiscal year runs from October 1 to September 30.

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War Powers Resolution

Passed by Congress in 1973; the president is limited in the deployment of troops overseas to a sixty-day period in peacetime (which can be extended for an extra thirty days to permit withdrawal) unless Congress explicitly gives its approval for a longer period.

performance before it next comes before the committee to justify its budget or actions. Congress also uses hearings to improve program administration.

Congress may also exercise its oversight powers in a number of other ways. It may, for example, use its powers under the War Powers Resolution or the Congressional Review Act of 1996 to examine actions taken by the president. The Senate also has the authority to offer advice and consent on executive and judicial branch nominees. Congress's ultimate oversight power, however, is the power to impeach other federal officials and remove them from office.

THE WAR POWERS RESOLUTION After years of playing second fiddle to a series of presidents from Theodore Roosevelt to Richard M. Nixon, a “snoozing Congress” was “aroused” and seized for itself the authority and expertise necessary to exercise its full foreign policy oversight powers over the chief executive.²⁵ In a delayed response to Lyndon B. Johnson’s conduct of the Vietnam War, in 1973 Congress passed the **War Powers Resolution** over President Nixon’s veto. The resolution permits the president to send troops into action only with the authorization of Congress or if the United States, its territories, or the armed forces are attacked. It also requires the president to notify Congress within forty-eight hours of committing troops to foreign soil. In addition, the president must withdraw troops within sixty days unless Congress votes to declare war. The president also must consult with Congress, if at all possible, prior to committing troops.



ON WHAT ISSUES DOES CONGRESS CONDUCT OVERSIGHT HEARINGS?

In 2008, Congress created the Troubled Assets Relief Program (TARP) to aid in restoring order and liquidity to the nation’s financial system. It also created an Oversight Panel to assure that this program was working efficiently and effectively. Law Professor Elizabeth Warren, who in 2012 was elected to the Senate representing Massachusetts, chaired this committee. She is shown here testifying before the House Budget Committee.

The War Powers Resolution, however, has had limited effectiveness in claiming an oversight role for Congress in international crisis situations. Presidents Gerald R. Ford, Jimmy Carter, and Ronald Reagan never consulted Congress in advance of committing troops, citing the need for secrecy and swift movement, although each president did notify Congress shortly after the deployment of troops abroad. They contended that the War Powers Resolution was probably unconstitutional because it limits presidential prerogatives as commander in chief.

CONGRESSIONAL REVIEW The Congressional Review Act of 1996 allows Congress to exercise its oversight powers by nullifying agency regulations. Under the home rule charter of the District of Columbia, the House and Senate may also nullify actions of the Washington, D.C. City Council. This process is called **congressional review**.²⁶ If using this oversight power, Congress has sixty days after the implementation of an administrative action to pass a joint resolution of legislative disapproval. The president must also have signed the resolution.

Historically, congressional review has been used rather infrequently. Since its passage, Congress has introduced only about seventy-five joint resolutions of legislative disapproval, and only once has a resolution succeeded.²⁷ In 2001, Congress and President George W. Bush reversed Clinton administration ergonomics regulations, which were intended to prevent job-related repetitive stress injuries. However, during the 112th Congress, House Republicans tried to make greater use of the act, questioning a record eleven regulations in the first nine months of 2011.²⁸

CONFIRMATION OF PRESIDENTIAL APPOINTEES The Senate plays a special oversight function through its ability to confirm key members of the executive branch, as well as presidential appointments to the federal courts. Although the Senate generally confirms most presidential nominees, it does not always do so. A wise president considers senatorial reaction before nominating potentially controversial individuals to his administration or to the federal courts.

In the case of federal district court appointments, senators often have considerable say in the nomination of judges from their states through **senatorial courtesy**, a process by which presidents generally defer to the senators who represent the state where the vacancy occurs. Through the “blue slip” process, senators may submit a favorable or unfavorable review of a nominee; they may also choose not to comment. Despite this procedure, the judicial nominees of recent presidents have encountered particularly hostile Senates. “Appointments have always been the battleground for policy disputes,” says one political scientist. But now, “what’s new is the rawness of it—all of the veneer is off.”²⁹

IMPEACHMENT As discussed earlier, the impeachment process is Congress’s ultimate oversight of the U.S. president and federal court judges. The U.S. Constitution is quite vague about the impeachment process, and much debate over it concerns what constitutes an impeachable offense. The Constitution specifies that Congress can impeach a president for treason, bribery, or other “high crimes and misdemeanors.” Most commentators agree that the Framers intended this phrase to mean significant abuses of power.

House and Senate rules control how the impeachment process operates. Yet, because Congress uses the process so rarely, and under such disparate circumstances, few hard and fast rules exist. The U.S. House of Representatives has voted to impeach only seventeen federal officials. Of those, seven were convicted and removed from office, and three resigned before the process was completed.

Only four resolutions against presidents have resulted in further action: (1) John Tyler, charged with corruption and misconduct in 1843; (2) Andrew Johnson, charged with serious misconduct in 1868; (3) Richard M. Nixon, charged with obstruction of justice and the abuse of power in 1974; and, (4) Bill Clinton, charged with perjury and obstruction of justice in 1998. The House rejected the charges against Tyler; the Senate acquitted Johnson by a one-vote margin; Nixon resigned before the full House voted on the articles of impeachment; and the Senate acquitted Clinton by a vote of 55–45 after the House voted for impeachment.

congressional review

A process whereby Congress can nullify agency regulations by a joint resolution of legislative disapproval.

senatorial courtesy

A process by which presidents generally allow senators from the state in which a judicial vacancy occurs to block a nomination by simply registering their objection.

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How Members of Congress Make Decisions

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trustee

Role played by an elected representative who listens to constituents' opinions and then uses his or her best judgment to make a final decision.

6.2

delegate

Role played by an elected representative who votes the way his or her constituents would want, regardless of personal opinions.

6.3

6.4

politico

An elected representative who acts as a trustee or as a delegate, depending on the issue.

6.5

divided government

The political condition in which different political parties control the presidency and Congress.

6.6

6.5

Analyze the factors that influence how members of Congress make decisions.

Over the years, political theorists have offered various ideas about how any legislative body can best represent constituents' interests. Does it make a difference if the members of Congress come from or are members of a particular group? Are they bound to vote the way their constituents expect them to vote even if they personally favor another policy? Your answer to these questions may depend on your view of the representative function of legislators.

British political philosopher Edmund Burke (1729–1797), who also served in the British Parliament, believed that although he was elected from Bristol, it was his duty to represent the interests of the entire nation. He reasoned that elected officials were obliged to vote as they personally thought best. According to Burke, a representative should be a **trustee** who listens to the opinions of constituents and then can be trusted to use his or her own best judgment to make final decisions.

A second theory of representation holds that a representative should be a **delegate**. True delegates are representatives who vote the way their constituents would want them to, regardless of their own opinions. Delegates, therefore, must be ready and willing to vote against their conscience or personal policy preferences if they know how their constituents feel about a particular issue.

Not surprisingly, members of Congress and other legislative bodies generally do not fall neatly into either category. It is often unclear how constituents regard a particular issue, or conflicting opinions may arise within a single constituency. With these difficulties in mind, a third theory of representation holds that a **politico** alternately dons the hat of a trustee or delegate, depending on the issue. On matters of great concern to their constituents, representatives most likely will vote as delegates; on other matters, perhaps those less visible, representatives will act as trustees and use their own best judgment.³⁰

In addition to weighing their representational role, members of Congress consider a number of other factors when deciding how to vote on a piece of legislation. Among these are political parties, constituents, interest groups and lobbyists, and staff and support agencies.

□ Political Parties

The influence of political parties on members' votes cannot be overstated. In fact, congressional party unity, a measure of the solidarity of the members of a political party, has reached historically high levels in recent years. Members of both the Democratic and Republican Parties in the House and Senate vote together on approximately 90 percent of all legislation considered by those bodies.

The incentives for members to vote with their party also rarely have been higher—or more creative. In addition to lending members campaign support through party organizations or member-to-member political action committees (PACs), leadership in both houses may also offer committee assignments or chairs as rewards to members who toe the party line. The rejuvenated use of many of these tools as mechanisms of party control can be traced back to former Representative Tom DeLay (R-TX), an effective majority whip.

DeLay earned the nickname “The Hammer” for his relentless persuasion of colleagues during a time of **divided government**, when different political parties controlled the presidency and Congress. For example, President Bill Clinton was surprised to learn that moderate Republicans on whom he had counted to vote against his impeachment were “dropping like flies.” The reason? DeLay had threatened Republicans with the denial of coveted committee assignments and with the prospect of strong Republican challengers in the next primary season unless they voted with the party.

The president may also act as chief of the party and attempt to coerce members to support his legislative package. This is particularly true in times of **unified government**, when the presidency and Congress are controlled by members of the same party and share a similar policy agenda. During the health care reform debates, for example, President Barack Obama visited the districts of members who were on the fence about supporting the proposal in an apparent attempt to mobilize constituent opinion. Showing his dedication to the cause, Obama even offered to wash one Democratic member's car in exchange for a vote.

unified government

The political condition in which the same political party controls the presidency and Congress.

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□ **Constituents**

When they are voting, members of Congress always have in mind their constituents—the people who live and vote in a representative's home district or state. Studies by political scientists show that members vote in conformity with prevailing opinion in their districts about two-thirds of the time. On average, Congress passes laws that reflect national public opinion at about the same rate.³¹ It is rare for a legislator to vote against the wishes of his or her constituents regularly, particularly on issues of social welfare, domestic policy, or other crucial issues. For example, during the 1960s, representatives from southern states could not hope to keep their seats for long if they voted in favor of proposed civil rights legislation. During modern times, members from districts disproportionately populated by the elderly are careful to support Social Security and Medicare.

Gauging how voters regard any particular issue often is not easy. Because it is virtually impossible to know how the folks back home feel on all matters, a representative's perception of his or her constituents' preferences is important. Even when voters



HOW DO MEMBERS OF CONGRESS LEARN ABOUT THEIR CONSTITUENTS' OPINIONS ON POLITICAL ISSUES?

Members and their staffs spend a substantial portion of their time meeting with constituents in Washington, D.C., and in their district offices; they also monitor calls, letters, e-mails, and social media. Failure to remain in touch with constituents at home may decrease a member's likelihood of winning another term in Congress. Here, longtime Senator John McCain (R-AZ) meets with constituents at a town hall meeting.

6.1

logrolling

Vote trading; voting to support a colleague's bill in return for a promise of future support.

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have opinions, legislators may receive little guidance if they come from a narrowly divided district. Abortion is an issue about which many voters feel passionate, but a legislator whose district has roughly equal numbers of pro-choice and pro-life advocates can satisfy only a portion of his or her constituents.

In short, legislators tend to act on their own preferences as trustees when dealing with topics that have come through the committees on which they serve or with issues they know about as a result of experience in other contexts, such as their vocation. On items of little concern in their district or when they have limited first-hand knowledge, legislators tend to turn to other sources for voting cues. But, members are always keenly aware of the consequences of voting against their constituents' views on "wedge issues"—topics like same-sex marriage, insurance coverage for contraceptives, and flag burning—that tend to drive a wedge between voters.

□ Colleagues and Caucuses

The range and complexity of issues confronting Congress means that no one can be up to speed on more than a few topics. When members must vote on bills concerning issues about which they know very little, they often turn for advice to colleagues who have served on the committee that handled the legislation. On issues that are of little interest to a legislator, **logrolling**, or vote trading, often occurs. Logrolling often takes place on specialized bills targeting money or projects to selected congressional districts. An unaffected member may exchange a yea vote now for the promise of a future yea vote on a similar piece of specialized legislation.

Members may also look to other representatives who share common interests. Special-interest caucuses created around issues, home states, regions, congressional class, or other commonalities facilitate this communication. Prior to 1995, these groups were more powerful. Several caucuses enjoyed formal status and were provided staff, office space, and budgets, which the Republican takeover ended. Today, however, all caucuses are informal in nature, although some, such as the Black and Hispanic Caucuses, are far more organized than others. The Congressional Caucus for Women's Issues, for example, has formal elections of its Republican and Democratic co-chairs and vice chairs, its members provide staff to work on issues of common concern to caucus members, and staffers meet regularly to facilitate support for legislation of interest to women.

□ Interest Groups, Lobbyists, and Political Action Committees

A primary function of most lobbyists, whether they work for interest groups, trade associations, or large corporations, is to provide information to supportive or potentially supportive legislators, committees, and their staffs. It is likely, for example, that a representative knows the National Rifle Association's (NRA's) position on gun control legislation. What the legislator needs from the NRA is information and substantial research on the feasibility and impact of such legislation. How could the states implement such legislation? Is it constitutional? Will it really have an impact on violent crime or crime in schools? Organized interests can persuade undecided legislators or confirm the support of their friends by providing information that legislators use to justify the position they have embraced. They also can supply direct campaign contributions, volunteers, and publicity to members seeking reelection.

The high cost of campaigning has made members of Congress, especially those without huge personal fortunes, attentive to those who help pay the tab for such expenses. Political action committees (PACs) organized by interest groups are a major source of most members' campaign funding. When an issue arises that is of little consequence to a member's constituents, that member, not surprisingly, tends to support the positions of those interests who helped pay for the last campaign. After all, who wants to bite the hand that feeds him or her?

Interest groups also use grassroots appeals to pressure legislators by urging their members in a particular state or district to call, write, fax, e-mail, text, or tweet their senators or representatives. Lobbyists cannot vote, but constituents back home can and do.

TABLE 6.7 WHAT ARE THE CONGRESSIONAL SUPPORT AGENCIES?

Congressional Research Service (CRS)	Government Accountability Office (GAO)	Congressional Budget Office (CBO)
Created in 1914 as the Legislative Research Service (LRS), CRS is administered by the Library of Congress. It responds to more than a quarter-million congressional requests for information each year. Its staff conducts nonpartisan studies of public issues, as well as major research projects for committees at the request of members. CRS also prepares summaries and tracks the progress of all bills introduced.	The Government Accountability Office (GAO) was established in 1921 as an independent regulatory agency for the purpose of auditing the financial expenditures of the executive branch and federal agencies. The GAO performs four additional functions: it sets government standards for accounting; it provides a variety of legal opinions; it settles claims against the government; and it conducts studies upon congressional request.	The CBO was created in 1974 to evaluate the economic effect of different spending programs and to provide information on the cost of proposed policies. It is responsible for analyzing the president's budget and economic projections. The CBO provides Congress and individual members with a valuable second opinion to use in budget debates.

□ Staff and Support Agencies

Members of Congress rely heavily on their staffs for information on pending legislation.³² House members have an average of fifteen staffers; senators, an average of thirty-five. Staff is divided between D.C. and district offices. When a bill is nonideological or one on which the member has no real position, staff members can be very influential. In many offices, they are the greatest influence on their boss's votes, and lobbyists are just as likely to contact key staffers as they are members.

Congressional committees and subcommittees also have their own dedicated staff to assist committee members. Additional help for members comes from support personnel at the Congressional Research Service (CRS) at the Library of Congress, the Government Accountability Office (GAO), and the Congressional Budget Office (CBO) (see Table 6.7).

Toward Reform: Balancing Institutional Power

6.6

Evaluate the strategic interactions between Congress, the president, the courts, and the people.

The Framers envisioned that the Congress, the president, and the judiciary would have discrete powers, and that one branch would be able to hold the others in check. These checks and balances would also allow citizens to influence their government but temper the will of the people. Especially since the 1930s, the president often has held the upper hand in institutional power. In times of crisis or simply when it was unable to meet public demands for solutions, Congress has willingly handed over its authority to the chief executive. Even though the inherent powers of the chief executive give the president greater latitude, Congress does, of course, retain ultimate legislative authority to question executive actions and to halt administration activities by cutting off funds for programs a president wants. Similar checks and balances affect relations between Congress and the courts.

□ Congress and the Executive

The balance of power between Congress and the president has fluctuated over time. The post-Civil War Congress tried to regain control of the vast executive powers that the recently slain President Abraham Lincoln had assumed. Angered at the refusal of Lincoln's successor, Andrew Johnson, to go along with its radical "reforms" of the South, Congress passed the Tenure of Office Act, which prevented the president, under threat of civil penalty, from removing any Cabinet-level appointees of the previous administration. Johnson accepted the challenge and fired Lincoln's secretary of war, who many believed guilty of heinous war crimes. The House voted to impeach Johnson, but the desertion of a handful of Republican

senators prevented him from being removed from office. (The effort fell short by one vote.) Nonetheless, this attempt to remove the president greatly weakened his power, and the Congress again became the center of power and authority in the federal government.

Beginning in the early 1900s, however, a series of strong presidents acted at the expense of congressional power. Theodore Roosevelt, Franklin D. Roosevelt, and Lyndon B. Johnson viewed the presidency as carrying with it enormous powers. Especially since the presidency of Franklin D. Roosevelt, Congress has ceded to the president a major role in the legislative process.

□ Congress and the Judiciary

As part of our system of checks and balances, the power of judicial review gives the Supreme Court the ability to review the constitutionality of acts of Congress. Historically, the Court has used this power very carefully. From 1787 to 1987, the Supreme Court struck down only 127 federal laws, for an average of less than one law per term. However, in recent years, the Court has struck down congressional legislation, at a rate of nearly three laws per term. Thus, Congress must be increasingly mindful of the Court's reaction when it enacts new laws for the nation.³³

Congress also interacts with the judiciary in a number of other ways. It is ultimately up to Congress to determine the number of judges on each court, as well as the boundaries of judicial districts and circuits. Congress also sets the jurisdiction of the federal courts. During recent Congresses, for example, several members, unhappy with Supreme Court actions on abortion and gay rights, pushed for a bill to prevent federal courts from hearing challenges related to these civil liberties issues. When Congress threatens the Court's jurisdiction, it is signaling its belief that federal judges have gone too far.

□ Congress and the People

Congress, at least conceptually, is the people's branch of government. The people elect the members, who then are supposed to serve in the citizens' best interest. In recent years, however, citizens have increasingly questioned members' dedication to their representational role. In late 2014, as shown in Figure 6.5, the congressional approval rate was a dismal 14 percent; even individual members of Congress, who have generally had higher approval ratings than Congress as a whole, received only a 41 percent approval rating. These low approval numbers mirror the frustrations of the American people over the increasing partisanship and unproductivity of the institution.

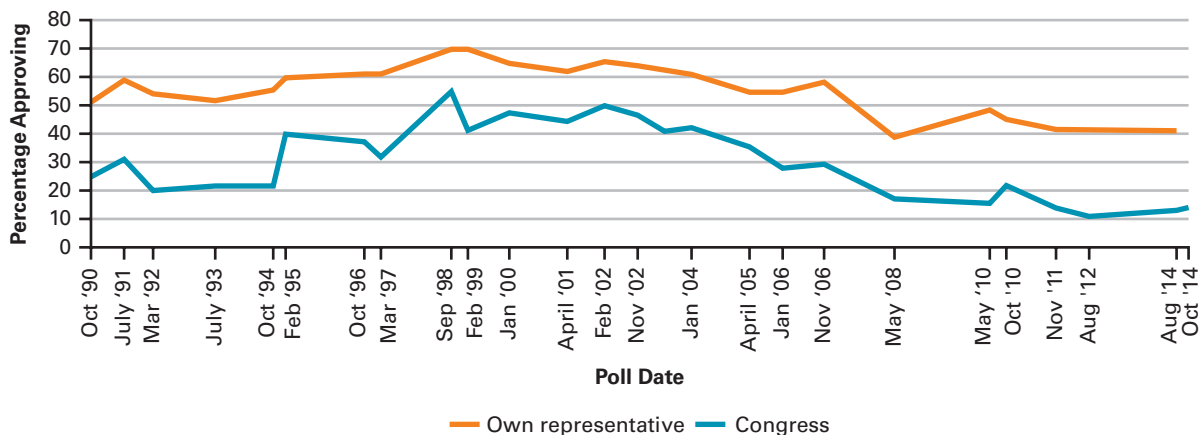


FIGURE 6.5 WHAT DO AMERICANS THINK ABOUT CONGRESS?

This graph shows the American public's views on Congress as an institution and individual members. Poll respondents were asked, "Do you approve or disapprove of the way Congress is handling its job?" and "Do you approve or disapprove of the way the representative from your district is handling his or her job?"

SOURCE: The Roper Center for Public Opinion, http://www.ropercenter.uconn.edu/data_access/tag/congressional_approval.html; Gallup, <http://www.gallup.com/poll/156662/congress-approval-ties-time-low.aspx>; and ABC News/Washington Post Poll, <http://www.langerresearch.com/uploads/1144a43ThreeMonthsOut.pdf>

Review the Chapter

Roots of the U.S. Congress

6.1 Trace the roots of the legislative branch outlined by the U.S. Constitution, p. 158.

The Constitution created a bicameral legislature with members of each body to be elected differently, and thus to represent different constituencies. Article I of the Constitution sets forth qualifications for office, states age minimums, and specifies how legislators are to be distributed among the states. In addition, the Constitution also provides a vast array of enumerated and implied powers to Congress. Both houses of Congress share some, such as law-making and oversight, but not others, such as confirmation of presidential appointees.

The Members of Congress

6.2 Characterize the demographic attributes of members of Congress, and identify factors that affect their chances for reelection, p. 162.

Members of Congress live in two worlds—in their home districts and in the District of Columbia. They must attempt to appease two constituencies: party leaders, colleagues, and lobbyists in Washington, D.C., on the one hand, and constituents in their home districts, on the other. In general, members of Congress are better educated, richer, more likely to be male, and more likely to be white than the general population, in terms of its makeup, and membership in one of the two major parties is almost always a prerequisite for election, as is the ability to raise money. When it comes to reelection, incumbency and redistricting also affect members' chances.

How Congress Is Organized

6.3 Assess the role of the committee system, political parties, and congressional leadership in organizing Congress, p. 166.

Political parties play a major role in the way Congress is organized. The Speaker of the House is traditionally a member of the majority party, and the parties also control other leadership roles, such as majority and minority leaders and whips. In addition to the party leaders, Congress has a labyrinth of committees and subcommittees that cover the entire range of government policies. In these environments, many policies take shape and members make their primary contributions to solving public problems.

Powers of Congress

6.4 Identify three of the most significant powers of Congress, p. 174.

The three most significant powers of Congress are its law-making, budgetary, and oversight functions. The road to enacting a bill into law is long and strewn with obstacles, and only a small share of the proposals introduced become law. The Congressional Budget Act of 1974 solidified Congress's role in the budgetary process. Congress conducts oversight in a number of ways, including through hearings. Congress also offers advice and consent on executive and judicial branch nominees and has the power to impeach federal officials and remove them from office.

How Members of Congress Make Decisions

6.5 Analyze the factors that influence how members of Congress make decisions, p. 182.

A number of factors—including political party, constituents, colleagues and caucuses, staff and support agencies, as well as interest groups, lobbyists, and political action committees—may influence a member's decisions. In modern Congresses, political party is a particularly influential factor.

Toward Reform: Balancing Institutional Power

6.6 Evaluate the strategic interactions between Congress, the president, the courts, and the people, p. 185.

The balance of power between Congress and the executive branch has fluctuated tremendously over time. Congress was most powerful in the early years of U.S. history, but since the New Deal, the president has played an important role in proposing legislation and spending. An ongoing power struggle also characterizes legislative–judicial relations. Although the judiciary can declare acts of Congress unconstitutional, Congress also exercises control over the judiciary in a variety of ways. The people also hold an important check on all political institutions.

Learn the Terms



Study and Review the Flashcards

apportionment, p. 159
bicameral legislature, p. 158
bill, p. 159
cloture, p. 177
conference committee, p. 172
Congressional Budget Act of 1974, p. 178
congressional review, p. 181
delegate, p. 182
discharge petition, p. 173
divided government, p. 182
filibuster, p. 177
gerrymandering, p. 165
hold, p. 177

impeachment, p. 161
incumbency, p. 163
joint committee, p. 172
logrolling, p. 184
majority leader, p. 169
majority party, p. 166
markup, p. 176
minority leader, p. 169
minority party, p. 166
party caucus (or conference), p. 166
pocket veto, p. 178
politico, p. 182
pork, p. 179
president pro tempore, p. 171

programmatic requests, p. 179
reconciliation, p. 179
redistricting, p. 165
select (or special) committee, p. 172
senatorial courtesy, p. 181
seniority, p. 173
Speaker of the House, p. 167
standing committee, p. 172
trustee, p. 182
unified government, p. 183
veto, p. 178
War Powers Resolution, p. 180
whip, p. 169

Test Yourself



Study and Review the Practice Tests

- Which power is NOT granted to Congress in Article I?
 - Regulating commerce with foreign nations and between the states
 - Declaring war
 - Raising and supporting an army and navy
 - Overruling Supreme Court decisions
 - Establishing rules for naturalization
- All of these describe the House of Representatives EXCEPT:
 - initiates all revenue bills.
 - two-year terms served by members.
 - low turnover in membership.
 - decentralized power.
 - powerful Committee on Rules.
- Much of the controversy surrounding redistricting comes from a process called:
 - gerrymandering.
 - reallocation.
 - census review.
 - incumbency.
 - demography.
- The official who oversees House business and is second in line for presidential succession is
 - minority leader.
 - Speaker of the House.
 - vice president.
 - president pro tempore.
 - conference chair
- A party whip is
 - any new member of the majority party in the House.
 - a moderate member of any party.
 - a leader responsible for mobilizing party support.
 - a member designated to speak to the media on behalf of the party.
 - the longest serving member of each party.
- The practice of halting Senate action on a bill through unlimited debate or long speeches is called a
 - hold.
 - filibuster.
 - veto.
 - cloture.
 - pocket veto.
- Which of these is NOT a power of Congress that limits the president's power?
 - War Powers Resolution
 - Congressional review
 - Appointment
 - Senatorial courtesy
 - Oversight
- Members of Congress rely heavily on all of these groups to educate them on specific political issues EXCEPT:
 - caucuses.
 - newspaper editors.
 - interest groups.
 - political parties.
 - lobbyists.

9. Political parties' influence on the votes of members of Congress is

- a. decreasing rapidly.
- b. decreasing slowly.
- c. about the same as during the 1960s.
- d. increasing.
- e. almost nonexistent.

10. Which of the following statements is true regarding congressional approval?

- a. Congressional approval is at historic highs.
- b. Citizens generally think more highly of Congress than of their individual members.
- c. Approval of Congress is higher than approval of all other political institutions.
- d. Despite declining approval, members of Congress continue to be reelected at high rates.
- e. Congressional approval has declined in every year since Watergate.