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### United States Congress

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1. The structure of the Congress
2. Congressional elections
3. Congressional leadership, committees, bicameralism
4. Legislative process
5. Investigation and oversight
6. Budgeting process



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### Introduction

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- Congress is the lawmaking branch of government
- Framers made Congress the central institution of American government
- About 35% of Congress are millionaires (1% of general population are millionaires)
- Many are lawyers
- Many have significant investments in US corporations
- Current salary: \$174,000 (median household: \$47,000)

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### 1. The Structure of Congress

- The framers of the Constitution, through the Great Compromise, established a *bicameral legislature*, consisting of two chambers
- Each house is to check on the other's power and activity
- The Senate was to represent the states
- The House of Representatives was to represent the people as a whole, or the majority

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### US Senate



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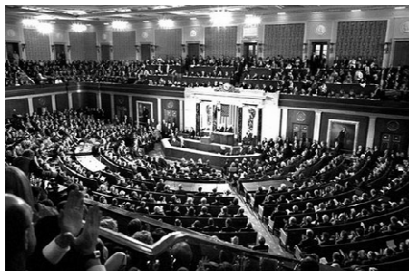
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### US House of Representatives



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### Structure of Congress (continued)

#### Apportionment of House seats

- House seats are apportioned on the basis of their respective populations
- Every 10 years, after the 10-year census, the House seats are reapportioned. Some states might gain seats while others lose seats
- Each state is guaranteed at least one seat
- 7 states have only 1 representative
- US protectorates and territories have a nonvoting representative
  - District of Columbia, American Samoa, Guam, Virgin Islands and Puerto Rico,

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### Structure of Congress (continued)

#### *Congressional Districts—the geographic area that is served by one member of the House of Representatives*

- 1842-law passed that required all states to have single-member congressional districts
- 1929-law fixed House membership at 435 members
- The entire state is one congressional district in low populated states
- Congressional districts are drawn by state legislatures
  - Districts must contain, as nearly as possible, equal numbers of people

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### Structure of Congress (continued)

- Equal Representation: if districts are not made up of equal populations, the value of people's votes is not the same
- Malapportionment-when the population and representation in one district becomes more influential than the voting power in another district
- 1964-*Wesberry v. Sanders* ruled that congressional districts must have equal populations. The principle is known as the "one person, one vote" rule.

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### Structure of Congress (continued)

Gerrymandering- the drawing of a legislative district's boundaries in such a way as to maximize the influence of a certain group

- District lines are drawn to “pack” the opposing party’s voters into the smallest number of districts or “crack” the opposition into several different districts.

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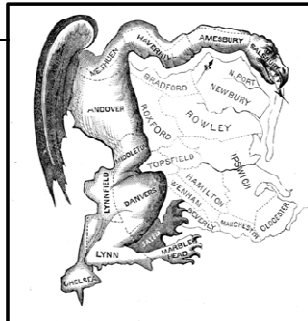
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### Gerrymander

Term originated in 1812 when Massachusetts's district lines in Essex Co. were drawn to favor Gov. Gerry's party. The lines looked like a salamander and thus called a “gerrymander” by a newspaper.



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### Structure of Congress (continued)

- Racial gerrymandering creates a minority-majority district whose boundaries are drawn so as to maximize the voting power of minority groups
  - Racial gerrymandering was authorized by the Dept. of Justice in the early 1990s.
  - Some people contend that minority-majority districts are necessary to ensure equal representation of minority groups
  - Opponents argue that racial gerrymandering is unconstitutional because it violates the equal protection clause.
    - 1990s Supreme Court held that when race is the dominant factor in drawing district lines the lines must be redrawn.

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### Structure of Congress (continued)

#### Representation function of Congress

Members of Congress represent the interests and wishes of the constituents of their home state. They must also consider larger national issues.

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### Structure of Congress (continued)

#### Views on the representation function of legislators:

1. Trustee representation
  - Trustees of the broad interests of the entire society rather than serving only the narrow interests of their constituents
2. Instructed delegate representation
  - Requires representatives to mirror the views of their constituents
3. Partisan representation
  - Members are more attentive to the wishes of the party leadership
4. Politico style of representation
  - A combination of the 3 different approaches

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### 2. Congressional Elections

#### Congressional Terms

- Article 1 of the Constitution established the Congress and rules for its members
- Congressional elections are held every two years (even numbered year)
- Congress convenes in January of the odd numbered year
- Each Congress has been numbered consecutively since 1789

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### Congressional Elections (continued)

- Each congressional term is divided into two regular sessions-one each year
- Both houses schedule short recesses for holidays and vacations
- The president may call a special session during a recess
- There are no term limits for senators or representatives

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### Congressional Elections (continued) Member Qualifications

#### House

❖ Must be:

- A citizen of the US for at least 7 years prior to his election
- A legal resident of the state from which he is to be elected
- 21 years of age

#### Senate

❖ Must be:

- A citizen of the US for at least 9 years prior to his election
- A legal resident of the state from which he is to be elected
- 30 years of age

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#### US House Term

- House members serve 2 year terms
- All 435 members are elected every 2 years
- Elections are held in even numbered years

#### US Senate Term

- Senate members serve 6 year terms
- Senate members serve staggered terms. One third (1/3) of the Senate is up for re-election every 2 years.
- Elections are held in even numbered years

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### Congressional Elections (continued)

#### The power of incumbency

- Most incumbents in Congress are reelected
- Incumbent advantages
  - Fund-raising
  - Franking privileges (free mail service)
  - Professional staff (both in DC and home district)
  - Lawmaking power (can campaign on legislative record)
  - Access to the media (opportunities for free publicity)
  - Name recognition
- Criticism of Incumbent advantages
  - Reduces competition
  - Suppresses voter turnout

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### 3. Leadership, Committees & Bicameralism

#### House leadership

- House and Senate organization is largely a function of the two major political parties
- Leaders are chosen by each party in each chamber before Congress convenes
- The Constitution provides only for the presiding officers

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### House Leadership

|   |   |   |  |
|---|---|---|--|
|  | Majority Leader<br>Eric Cantor<br>Republican, Virginia  |  | Speaker of the House<br>John Boehner<br>Republican, Ohio                                   |
|  | Minority Leader<br>Nancy Pelosi<br>Democrat, California |  | Assistant Majority Leader<br>(Republican Whip)<br>Kevin McCarthy<br>Republican, California |
|   |   |  | Assistant Minority Leader<br>(Democrat Whip)<br>Steny Hoyer<br>Democrat, Maryland          |

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Leadership, Committees & Bicameralism (continued)

Speaker of the House

- The presiding officer of the House of Representatives
- Office is mandated by the Constitution
- Candidate for Speaker is selected by the majority party caucus and voted on by the House as a whole
- Chosen at the beginning of each term
- Traditionally a longtime member of the majority party and often the most powerful/ influential member of the House

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Leadership, Committees & Bicameralism (continued)

Powers of the Speaker

- Control over what bills get assigned to which committees
- Presides over the House recognizing/ignoring members who wish to speak
- Votes in case of tie, interprets/applies House rules, puts questions to a vote, interprets the outcome of most votes taken
- Plays a major role in committee assignments
- Schedules bills for action

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Leadership, Committees & Bicameralism (continued)

Majority Leader

- Elected by the majority party caucus
- Help plan the party's legislative program
- Organize other party members to support legislation favored by the party
- Make sure committee chairmen finish work on bills favored by the majority party
- Makes speeches on important bills, stating the party's position

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### Leadership, Committees & Bicameralism (continued)

#### Minority Leader

- Elected by the minority party caucus
- Has similar responsibilities as majority leader
- Not as powerful as majority leader
- Primary duty is to maintain solidarity within the party

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### Leadership, Committees & Bicameralism (continued)

#### Whips

- Assistant to the majority and minority leaders
- Chosen in the party caucus
- Pressure members to follow their party's positions
- Press members to be present when important votes are taken and vote with the party leadership

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### Senate Leadership



President of the Senate  
Joseph R. Biden, Jr.  
U.S. Vice President



President Pro Tempore  
Daniel Inouye  
Democrat, Hawaii



Majority Leader  
Harry Reid  
Democrat, Nevada



Assistant Majority Leader  
(Democratic Whip)  
Richard Durbin  
Democrat, Illinois



Minority Leader  
Mitch McConnell  
Republican, Kentucky



Assistant Minority Leader  
(Republican Whip)  
Jon Kyl  
Republican, Arizona

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Leadership, Committees & Bicameralism (continued)

President of the Senate:

- Vice president of the US
- May vote only in the event of a tie
- May call on members to speak & put questions to a vote
- VP is not an elected member of the Senate
- May not take part in Senate debates

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Leadership, Committees & Bicameralism (continued)

President pro tempore (pro tem):

- Serves in the absence of the vice president
- He is elected by the whole Senate
- Usually the member of the majority party who has served the longest in the Senate
- A temporary presiding officer is chosen to preside in the absence of the president pro tem

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Leadership, Committees & Bicameralism (continued)

Party leaders

- Majority leader
- Minority leader
- Whips
- Duties and responsibilities correspond to their counterparts in the House

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### Leadership, Committees & Bicameralism (continued)

#### Congressional committees

- Approximately 10,000 bills were introduced in 110<sup>th</sup> Congress
- Committees provide a division of labor
- Flow of legislation through Congress is determined largely by the speed of committee action on bills
- A bill must be approved by a majority vote in committee before it can be considered by the entire House or Senate

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### Leadership, Committees & Bicameralism (continued)

- Committees are controlled by the majority party
- Membership is divided between the parties
- Committee seniority typically plays a role in determining committee chairpersons
- *Standing committees*-a permanent committee that deals with legislation concerning a particular area
- *Subcommittees*-a division of a larger committee that deals with a particular part of the committee's policy area

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### Leadership, Committees & Bicameralism (continued)

- Today there are more than 200 subcommittees
- Other types of committees
  - Special & select-study specific problems/issues
  - Joint –formed by concurrent action of both houses
  - Conference –to achieve agreement between the houses on the wording of legislative acts
- Most of the work is done by committees/subcommittees
- Work closely with relevant interest groups and administrative agency personnel

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| House Committees   | Senate Committees  |
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| <ol style="list-style-type: none"> <li>1. Agriculture</li> <li>2. Appropriations</li> <li>3. Armed services</li> <li>4. Budget</li> <li>5. Education &amp; Labor</li> <li>6. Energy &amp; Commerce</li> <li>7. Financial Services</li> <li>8. Foreign Affairs</li> <li>9. Homeland Security</li> <li>10. House Administration</li> <li>11. Judiciary</li> <li>12. Natural Resources</li> <li>13. Oversight &amp; Govt. Reform</li> <li>14. Rules</li> <li>15. Science &amp; Technology</li> <li>16. Small Business</li> <li>17. Standards of Official Conduct</li> <li>18. Transportation &amp; Infrastructure</li> <li>19. Veterans' Affairs</li> <li>20. Ways &amp; Means</li> </ol> | <ol style="list-style-type: none"> <li>1. Agriculture, Nutrition &amp; Forestry</li> <li>2. Appropriations</li> <li>3. Armed Services</li> <li>4. Banking, Housing, &amp; Urban Affairs</li> <li>5. Budget</li> <li>6. Commerce, Science &amp; Transportation</li> <li>7. Energy &amp; Natural Resources</li> <li>8. Environment &amp; Public Works</li> <li>9. Finance</li> <li>10. Foreign Relations</li> <li>11. Health, Education, Labor &amp; Pensions</li> <li>12. Homeland Security &amp; Govt. Affairs</li> <li>13. Judiciary</li> <li>14. Rules &amp; Administration</li> <li>15. Small business &amp; Entrepreneurship</li> <li>16. Veterans' Affairs</li> </ol> |

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### Leadership, Committees & Bicameralism (continued)

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#### Differences between the House & Senate

- Major differences: terms, size & *method of debate*

**House**

- Rules Committee normally proposes time limitations on debate for any bill, which are accepted or modified by the House

**Senate**

- Filibuster –unlimited debate
- Cloture –end debate-bring the matter under consideration to a vote by the entire chamber

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### Major differences between the House and the Senate

| House   | Senate  |
|---|---|
| <ul style="list-style-type: none"> <li>• Members chosen from local districts</li> <li>• 2-year term</li> <li>• Always elected by voters</li> <li>• May impeach federal officials</li> <li>• Larger (435 voting members)</li> <li>• More formal rules</li> <li>• Debate limited</li> <li>• Floor action controlled</li> <li>• Less prestige &amp; less individual notice</li> <li>• Originates bills for raising revenues</li> <li>• Local or narrow leadership</li> </ul> | <ul style="list-style-type: none"> <li>• Members chosen from entire state</li> <li>• 6-year term</li> <li>• Originally (until 1913) elected by state legislatures</li> <li>• May convict federal officials of impeachable offenses</li> <li>• Smaller (100) members</li> <li>• Fewer rules &amp; restrictions</li> <li>• Debate extended</li> <li>• Unanimous consent rules</li> <li>• More prestige &amp; media attention</li> <li>• Power of "advice &amp; consent" on presidential appointments &amp; treaties</li> <li>• National leadership</li> </ul> |

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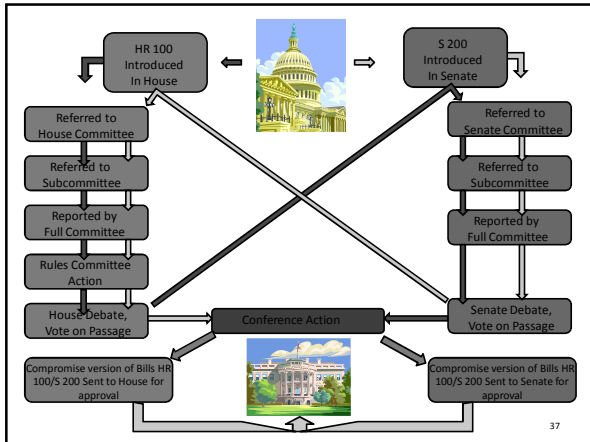
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### 4. The Legislative Process

How a bill becomes law

1. Introduction of legislation
2. Referral to committee
3. Reports on a bill
4. Rules committee & scheduling
5. Floor debate
6. Vote
7. Conference committee
8. Presidential action
9. Overriding a veto

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### The Legislative Process (continued)

1. Introduction of legislation
  - Bills are proposed by
    - Members of Congress
    - Congressional staff
    - Executive branch
    - Lobby groups
    - Private citizens
  - Only members of Congress can introduce a bill

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### The Legislative Process (continued)

#### 2. Referral to committees

- Assigned a number and sent to appropriate standing committee
- Usually sent to a subcommittee by committee chairperson
  - Bill might be pigeonholed by chairperson-set aside and ignored
- Staff researches bill
- Committee may hold public hearings
- Subcommittee & committee meet to add new amendments, or draft a new bill

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### The Legislative Process (continued)

#### 3. Reports on a bill

- Committee reports the bill to the full chamber
- It can report the bill
  - Favorably
  - With amendments
  - A newly written bill
- Send a written report that
  - explains the committee's actions
  - Describes the bill
  - Lists major changes
  - Committee opinion

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### The Legislative Process (continued)

#### 4. Rules committee and scheduling

- A bill is scheduled-put on a calendar
- House Rules Committee and House leaders control the flow of bills through the House
- In the Senate a few leading members control the flow of bills

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The Legislative Process (continued)

5. Floor debate

- The House has time limits on floor debate
- The Speaker controls who speaks
- Floor debate rarely changes anyone's mind, but completes the written record of the bill

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The Legislative Process (continued)

6. Vote

- Members must be present to vote
- Voice vote
- Standing vote
- Recorded vote (roll call vote)
- To avoid controversy:
  - Present but not voting
  - Pre-planned absence

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The Legislative Process (continued)

7. Conference committee

- To become law a bill must pass both houses in identical form
- Bills passed in different forms must be sent to a conference committee to write a compromise bill
- Conference committee members are drawn from the standing committees that handled the bill
- A conference report is sent to each house
- The bill must be accepted or rejected by both houses without further changes
- Must be approved by both houses before it is sent to the president

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### The Legislative Process (continued)

#### 8. Presidential action

- All bills passed by Congress must be submitted to the president
- The president has 10 days to act on a bill
  - Sign it
  - Veto it
  - Take no action and the bill takes effect in 10 days
  - Take no action and *pocket veto* the bill if Congress adjourns within the 10 day period

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### The Legislative Process (continued)

#### 9. Over riding a veto

- With a 2/3 majority vote in both houses Congress can override a presidential veto

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### 5. Investigation & Oversight

Congress has oversight of the executive branch and its departments and agencies

- Investigative function
  - Has the authority to investigate:
    - Executive branch
    - A need for certain legislation
    - Actions of its own members
  - Investigation is through committees & subcommittees

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### Investigation & Oversight (continued)

#### • Impeachment Power

- Congress has Constitutional power to impeach and remove from office
  - President
  - Vice president
  - Civil officers (ex. Supreme Court & federal judges)
- The House of Representatives has the power to *impeach* (*bring charges* of misconduct) an official
- The Senate has the power to *remove* an official through a trial

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### Investigation & Oversight (continued)

Article 2, Sec. 4 provides for removal from office

The president, vice president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

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### Investigation & Oversight (continued)

#### Impeachment- House of Representatives

- The House must first pass by a *simple majority* articles of impeachment, which constitute the formal allegation or allegations

#### Trial-Senate

- In order to convict the accused, a *two-thirds majority* of the senators present is required. Conviction automatically removes the defendant from office. Following conviction, the Senate may vote to further punish the individual by barring them from holding future federal office, elected or appointed. Conviction by the Senate does not bar criminal prosecution.

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### Investigation & Oversight (continued)

- Senate confirmation
  - Article II, Sec. 2 states that the president may appoint ambassadors, justices of the Supreme Court, and other officers of the US “with the advice and consent of the Senate.”
  - Nominees first appear before the appropriate Senate committee
    - If approved the nominee is voted on by the full Senate
  - Senate confirmation is an important check on the president’s power

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### 6. Budgeting Process

- Authorization and appropriation
  - The Constitution gives Congress the power of the purse
    - Only Congress can impose taxes
    - Only Congress can authorize expenditures
  - The president submits a budget but Congress makes the final decision
  - 1. Authorization –Congress passes bills outlining the rules governing the expenditure of funds
  - 2. Appropriation –Congress determines how many dollars will actually be spent in a given year on a particular set of government activities

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