

# American Government and Politics Today

Chapter 11  
The Congress



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# Chapter 11 Congress




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## 3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS





Legislative Branch	Executive Branch	Judicial Branch
•Congress (Art. 1) •Makes the law	•President (Art. 2) •Carries out the law	•Supreme Court (Art. 3) •Interprets the law

3 Branches are separate, have different powers, co-equal and **checks and balances** on one another to make sure one branch does not get too powerful

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## 3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS





Legislative Branch	Executive Branch	Judicial Branch
--------------------	------------------	-----------------

3 Branches are separate, have different powers, co-equal and **checks and balances** on one another to make sure one branch does not get too powerful

Legislative Checks	Executive Checks	Judicial Checks
<b>On Executive</b> •Override a veto •Declare war •impeachment <b>On Judicial</b> •Approve judges •Impeachment	<b>On Legislative</b> •Veto a law •Ask for war •Propose laws <b>On Judicial</b> •Appoint judges	<b>On Executive and Legislative</b> •Declare an act of President or law of Congress unconstitutional •Appointed for life

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## Why Was Congress Created?

- Fear that power in the hands of a single individual would be abused and the people would suffer.
- The national legislative power that was vested in Congress was to be a bicameral (two-house) institution. Each house was intended to serve different constituencies. The House was to be elected by the people and would therefore represent the views of the people. The members of the Senate were selected by the state legislatures and would be at least one step removed from the people.

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## CONSTITUTIONAL CONVENTION

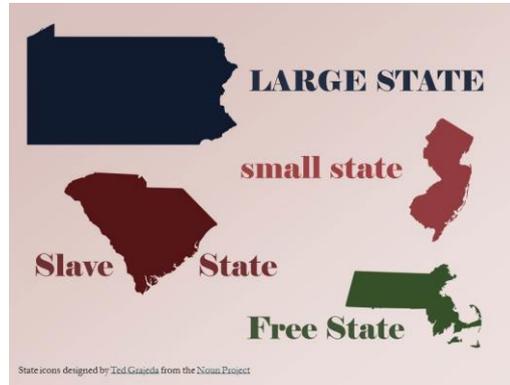


- First major argument between the delegates was over how many **representatives** each state would have in Congress.
- What type of **Congress** should we have?
  - **Large states** (Massachusetts and Virginia) believed the more population, the more representatives in Congress.
  - **Small states** (New Jersey and Connecticut) believed each state should have equal representation.

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Statistics From the 1790 Census						
State	Population	Percentage of Total	Regional Population	Number of Slaves	Percentage of Population	
New Hampshire	141,885	4%		158	0%	
Massachusetts	378,787	10%		0	0%	
Connecticut	237,946	7%		2,759	1%	
Rhode Island	68,825	2%		152	0%	
<b>NEW ENGLAND</b>						
New Jersey	184,139	5%		11,423	6%	
New York	340,120	9%		21,324	6%	
Pennsylvania	434,373	12%	827,443	3,737	1%	
<b>MIDDLE STATES</b>						
			958,632			
<b>NORTH OF MASON/DIXON</b>			49%	1,786,075	Slaves (North)	39,853
						6%
Delaware	59,096	2%		8,887	15%	
Maryland	319,728	9%		103,036	32%	
Virginia	747,610	20%		293,427	39%	
North Carolina	393,751	11%		100,572	26%	
South Carolina	249,073	7%		107,094	43%	
Georgia	87,548	2%		29,264	35%	
<b>SOUTHERN STATES</b>			51%	1,851,806	Slaves (South)	642,280
						94%
<b>TOTAL POPULATION</b>				3,637,881	<b>SLAVE POPULATION</b>	681,833
						15%

Sources: <http://www.infoplease.com/ce6/us/A004956.html>  
<http://www.census.gov/historical-data/1790/population-of-us-states-and>

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VIRGINIA PLAN	new jersey plan
 <b>JAMES MADISON</b>	 William paterson
<b>BICAMERAL</b> Legislature	unicameral legislature
Based on <b>POPULATION</b>	<b>one vote</b> per state
<a href="#">View Census Data</a>	

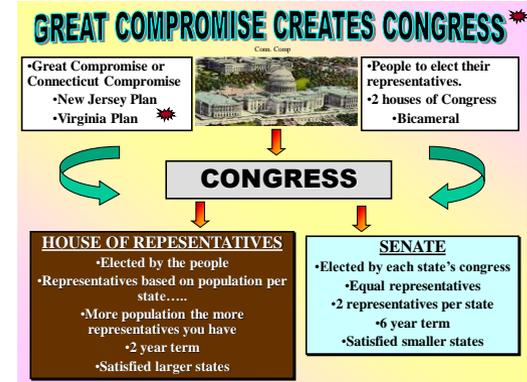
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### VIRGINIA PLAN VS. NEW JERSEY PLAN

Issues of representative government would be argued at Constitutional Convention

- Virginia Plan proposed by the larger states**
  - Establish a national government with 3 branches.
  - Establish a bicameral Congress.
    - People elect 1 house
    - That house elects 2<sup>nd</sup> house
  - Representation in both houses based on state population
- New Jersey plan proposed by small states**
  - Establish a unicameral Congress
    - Each state to have 1 vote
    - Equal representation
  - States equally represented similar to the Articles of Confederation

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## The Functions of the Congress

- The lawmaking function
- The representation function
  - The trustee view of representation
  - The instructed delegate view of representation
- Service to constituents



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## The Functions of the Congress (cont.)

- The oversight function: Reviewing actions of the Executive Branch
- The Public-Education Function
- The Conflict Resolution Function

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## The Powers of Congress

- Enumerated Powers. (Article I, Section 8 of the US Con)
- The Necessary and Proper Clause.

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## The Powers of Congress

- Enumerated Powers. (Article I, Section 8 of the US Con)
  - Include taxing, spending, borrowing, and coining; regulation of foreign trade and trade among states; regulation of the military (state militias, an army and navy, and to declare war); as well as the power to define the court structure.
    - Powers of the Senate
    - Constitutional Amendments
- The Necessary and Proper Clause.
  - Allows Congress to make laws that are deemed to be necessary to carry out the expressed powers

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**Table 7.1: 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 piracy, 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." (Note: This "necessary and proper," or "elastic," clause has been interpreted expansively by the Supreme Court, as explained in chapter 2 and in the Annotated Constitution.)

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## Congressional Elections

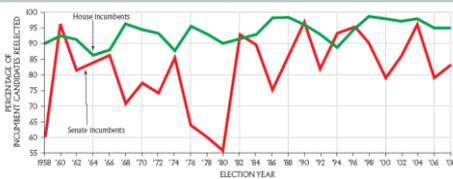
LO 12.2

- **Who Wins Elections?**
  - **Incumbents** – Those already holding office.
  - In congressional elections, incumbents usually win.
  - **House elections** – 90% of the incumbents seeking reelection win and most of them win with more than 60% of the vote.

To Learning Objectives

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FIGURE 12.1 The Incumbency Factor in Congressional Elections



Source: Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress, 1997-1998* (Washington, DC: Congressional Quarterly Press, 1998). Data for 1999-2008 compiled by the authors. Figures reflect incumbents running in both primary and general elections.

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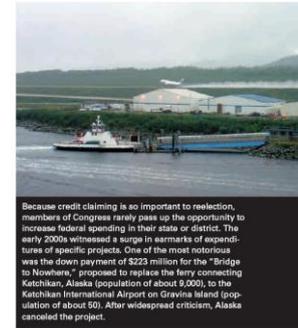
## Congressional Elections

- **The Advantages of Incumbency**
  - **Advertising** – Ads in newspapers and on television.
  - **Credit Claiming** – Servicing the constituency through casework and pork barrel.
  - **Position Taking** – Voting and responding to constituents' questions.

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Because credit claiming is so important to reelection, members of Congress rarely pass up the opportunity to increase federal spending in their state or district. The early 2000s witnessed a surge in earmarks of expenditures of specific projects. One of the most notorious was the down payment of \$223 million for the "Bridge to Nowhere," proposed to replace the ferry connecting Ketchikan, Alaska (population of about 5,200), to the Ketchikan International Airport on Gravina Island (population of about 60). After widespread criticism, Alaska cancelled the project.

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## Congressional Elections

- **The Advantages of Incumbency (cont.)**
  - **Weak Opponents** – Not well known or well qualified and lack experience and organizational and financial backing.
  - **Campaign Spending** – The typical incumbent outspent the typical challenger by a ratio of more than 3 to 1 in Congressional races in 2008.

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## Congressional Elections

- **Role of Party Identification**
  - Most Congress members represent constituencies in which their party is in the clear majority.
  - Most people identify with a party, and they reliably vote for their party's candidates.
  - About 90% of voters who identify with a party vote for the House candidates of their party.

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## Congressional Elections

- **Defeating Incumbents**
  - One tarnished by scandal or corruption becomes vulnerable to a challenger.
  - Redistricting may weaken the incumbency advantage.
  - Major political tidal wave may defeat incumbents.

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## Congressional Elections

LO 12.2

- **Open Seats**
  - Greater likelihood of competition.
  - Most turnover occurs in open seats.

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## Congressional Elections

LO 12.2

- **Stability and Change**
  - Incumbents provide stability in Congress.
  - Change in Congress occurs less frequently through elections.

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## The Members

- Not a glamorous job, but there are perks
  - Power
  - \$174,000 annual salary
  - Generous retirement and health benefits
- Constitutional requirements
  - House: 25, citizen for 7 years
  - Senate: 30, citizen for 9 years
  - Reside in state
  - 435 Representatives; 100 senators

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**Table 11.1 A Portrait of the 115th Congress (1 of 3)**

Characteristic	House (435 Total)	Senate (100 Total)
<b>Party</b>		
Democrat	195	48
Republican	240	52
<b>Gender</b>		
Men	352	79
Women	83	21
<b>Race/Ethnicity</b>		
Asian	10	2
African American	45	3
Hispanic	31	4
Native American	2	0
White and other	347	91

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**Table 11.1 A Portrait of the 115th Congress (2 of 3)**

Characteristic	House (435 Total)	Senate (100 Total)
<b>Average Age of Members</b>		
Average age <sup>1</sup>	57 years	61 years
<b>Religion<sup>1</sup></b>		
Protestant	56%	53%
Roman Catholic	31%	25%
Jewish	4%	9%
Other and unspecified	7%	10%

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**Table 11.1 A Portrait of the 115th Congress (3 of 3)**

Most Common Prior Occupation <sup>1</sup>	House	Senate
Public service/politics	62%	60%
Law	40%	60%
Business	53%	42%
Education	18%	25%

<sup>1</sup> Data for 114th Congress.

\* Some members specify more than one occupation.

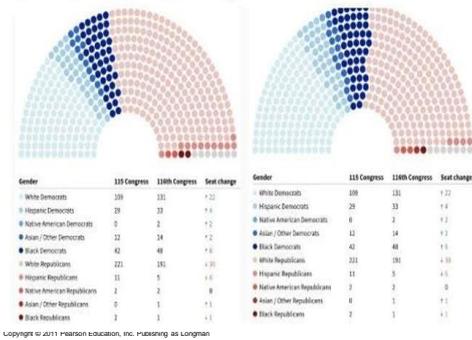
Source: 115th Congress data based on press reports available a week after the November 8, 2016 elections. 114th Congress data compiled from "Demographics," CO Weekly, November 6 2014, 58.

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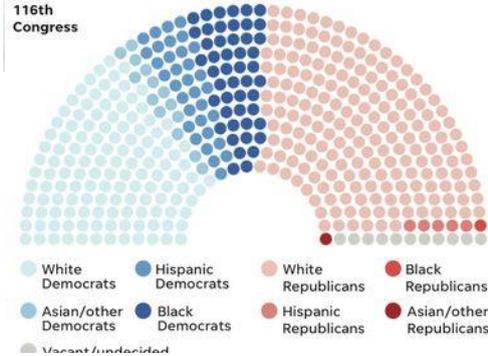
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### 115th and 116th Congress.

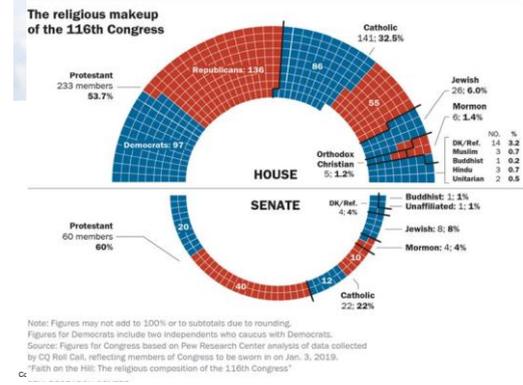


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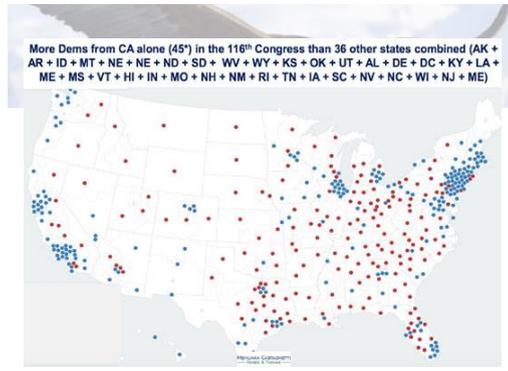
### The most diverse Congress in U.S. history



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116th Congress Member Demographics - U.S. House			
Category	Democrats	Republicans	Total
Party	235 (54%)	200 (46%)	435
Newly Elected Member	62 (26%)	31 (16%)	93 (21%)
Took Office Since 2014	101 (43%)	88 (44%)	189 (43%)
Split-Ticket District	31 (13%)	3 (2%)	34 (8%)
Women	89 (38%)	13 (7%)	102 (23%)
Black	51 (22%)	1 (1%)	52 (12%)
Hispanic or Latino	33 (14%)	6 (3%)	39 (9%)
Asian or Pacific Islander	14 (6%)	0 (0%)	14 (3%)
Native American	2 (1%)	2 (1%)	4 (1%)
White (Non-Hispanic)	136 (58%)	190 (95%)	326 (75%)
LGBTQ	8 (3%)	0 (0%)	8 (2%)
Women/Minorities/LGBTQ	150 (64%)	22 (11%)	172 (40%)
Median Age	59	57	58

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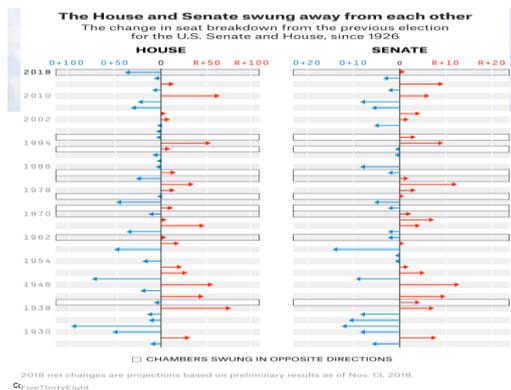
### Why Aren't There More Women in Congress?

- Fewer women running
  - Childcare
  - Risk averse
- Bias
  - Must be more qualified

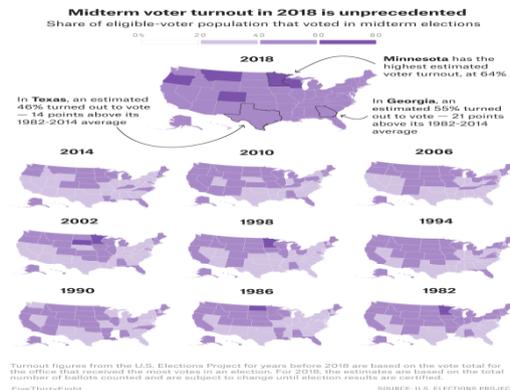
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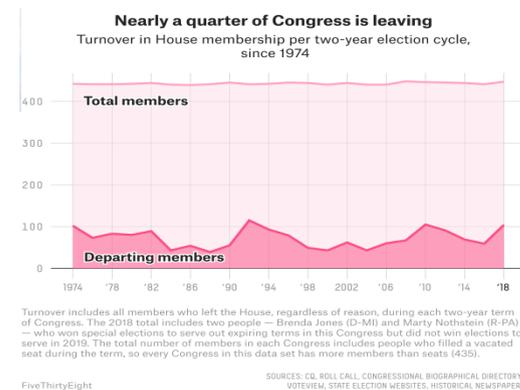
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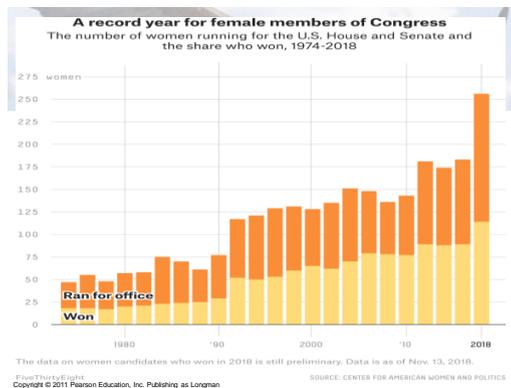
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### House-Senate Differences

- Size and rules
- Debate and filibustering
- Prestige

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### Qualifications

- HOUSE 25 years old; citizen for 7 years; live in the state you represent
- SENATE 30 years old; citizen for 9 years; live in the state you represent

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## American Bicameralism

- The House
  - 435 members, 2-year terms of office
  - Initiates all revenue bills, more influential on budget
  - House Rules Committee
  - Limited debates
- The Senate
  - 100 members, 6-year terms of office
  - Gives “advice & consent,” more influential on foreign affairs
  - Unlimited debates (filibuster)

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## Bicameral Legislature

- Two house Congress
  - House of Reps. = 435 members
  - 5 non-voting members = Puerto Rico, Virgin Islands, Guam, Washington D.C., American Samoa
  - Senate = 100 members
- Connecticut Compromise @ the Constitutional Convention



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## The Representatives and Senators

- The Job
  - Salary of \$168,500 with retirement benefits
  - Office space in D.C. and at home with staff
  - Travel allowances and franking privileges
  - Requires long hours, a lot of time away from family, and pressure from others to support their policies

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TABLE 11-1 | DIFFERENCES BETWEEN THE HOUSE AND THE SENATE

House*	Senate*
Members chosen from local districts	Members chosen from an entire state
Two-year term	Six-year term
Originally elected by voters	Originally (until 1913) elected by state legislatures
May impeach (indict) federal officials	May convict federal officials of impeachable offenses
Larger (435 voting members)	Smaller (100 members)
More formal rules	Fewer rules and restrictions
Debate limited	Debate extended
Less prestige and less individual notice	More prestige and more media attention
Originates bills for raising revenues	Has power to advise the president on, and to consent to, presidential appointments and treaties
Local or narrow leadership	National leadership
More partisan	Less party loyalty

\*Some of these differences, such as the term of office, are provided for in the Constitution. Others, such as debate rules, are not.

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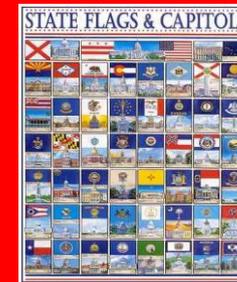
## Size and Rules

Because the House is so large, it operates under stricter rules for debate.

- The Rules Committee provides special rules under which specific bills can be debated, amended, and considered in the House.

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## House of Representatives



- More centralized, hierarchical, less anarchic
- Party loyalty to leadership and party-line voting more prevalent
- Leaders do more leading
- Speaker appoints committee members
- Five calendars based on kind of bill
- House can impeach officials (16 so far)

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## House Rules Committee



- Most important committee in the House
- Reviews most bills coming from a house committee before they go to the full House (traffic cop)
- Gives each bill a “rule”, which schedules the bill on the calendar, allots time for debate, and can even specify what kind of amendments to bill can be offered
- Initiates all revenue bills in House

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## Senate

- Less disciplined, less centralized
- Ratifies treaties
- Confirms important presidential nominations
- Tries impeached officials
- Party leaders schedule bills
- Pro Tempore seniority rule



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## Debate and Filibustering

- Filibuster: the Senate’s use of unlimited debate as a blocking tactic.
- Members of the Senate are generally able to achieve more prestige than members of the House because of the smaller number of members.

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## Congresspersons and the Citizenry: A Comparison

■ In comparison to the general population the members of Congress are significantly different both demographically and economically. The members of Congress are older, wealthier, and better educated than the general public. There are relatively few women and members of minority groups in Congress. Finally, there is a disproportionate number of lawyers in both houses of Congress. The current congressional salary is \$157,000.

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## Congressional Elections

- Candidates for Congressional Elections
  - Candidates for congressional seats can be self-selected or recruited by the local political party. Usually the party attempts to select a candidate that has many of the social characteristics of the population in the district.
- Congressional campaigns and elections
  - Campaign funding
  - Effects of Presidential elections
- The Power of Incumbency

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TABLE 11-3 | MIDTERM GAINS AND LOSSES BY THE PARTY OF THE PRESIDENT IN THE HOUSE OF REPRESENTATIVES, 1942 TO 2006

SEATS GAINED OR LOST BY THE PARTY OF THE PRESIDENT IN THE HOUSE OF REPRESENTATIVES	
1942	-45 (D.)
1946	-55 (D.)
1950	-29 (D.)
1954	-18 (R.)
1958	-47 (R.)
1962	-4 (D.)
1966	-47 (D.)
1970	-12 (R.)
1974	-48 (R.)
1978	-15 (D.)
1982	-26 (R.)
1986	-5 (R.)
1990	-8 (R.)
1994	-52 (D.)
1998	+5 (D.)
2002	+5 (R.)
2006	XXX

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## Congressional Elections

- Who Wins Elections?
- The Advantages of Incumbency
- Defeating Incumbents
- Open Seats
- Stability and Change

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## Who Wins Elections?

- Incumbents
  - Over 90% win reelection in House
  - Senators do not have it as easy
- Incumbents perceive themselves as vulnerable
  - Hence fundraising and campaigning

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## Figure 11.1 The Incumbency Factor in Congressional Elections

Source: Data compiled by the authors. Figure reflect incumbents running in both primary and general elections.

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## The Advantages of Incumbency

- Advertising
  - Constituent contact
- Credit claiming
  - Casework
  - Pork barrel projects
- Weak opponents
- Campaign spending
- Party identification

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## The Power of Incumbency

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## Congressional Apportionment

- House seats are apportioned among the states every ten years, following the census.
  - Reapportionment*—the allocation of seats in the House of Representatives to each state after each census
  - Redistricting*—The redrawing of the boundaries of the congressional districts within each state

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## Congressional Apportionment (cont.)

- Gerrymandering
- Redistricting after the 2000 Census
- Minority-majority districts

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## The Original Gerrymander

Source: Congressional Quarterly's Guide to Congress, 3rd ed. (Washington, D.C.: Congressional Quarterly Press, 1982), p. 695.

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## The Fourth Congressional District of Illinois

Source: The New York Times, July 13, 2001, p. 16.

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graphics from 1992, Systems Corp. Political Data Systems, Peter D. Weiler, www.usdoj.gov/dap/nc/cv/ncap/ncap01021.html

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# Gerrymandering

## Voting and Elections

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## Reapportionment

- Done every 10 years
- Based on the population count (census)
- Decided by the House of Reps
- Determines the number of House seats a state gets
- Number is frozen at 435 due to Congressional Act 1929

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## Redistricting

- Done every 10 years
- Done by the state legislatures, must be signed by the governor
- Determines the size and shape of the district

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## Gerrymandering

- Helps political parties gain seats in the House of Reps
- Definition: to draw a district's boundaries to gain an advantage in elections
- Named for Elbridge Gerry

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## Two Types

- Packing: Putting as many members of one party into one district to limit the amount of seats they win
- Cracking: Splitting voters of the opposing party into two different districts

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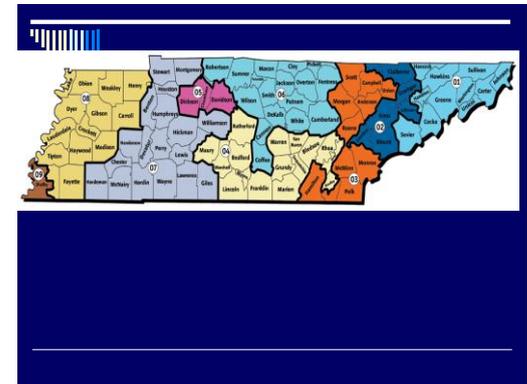


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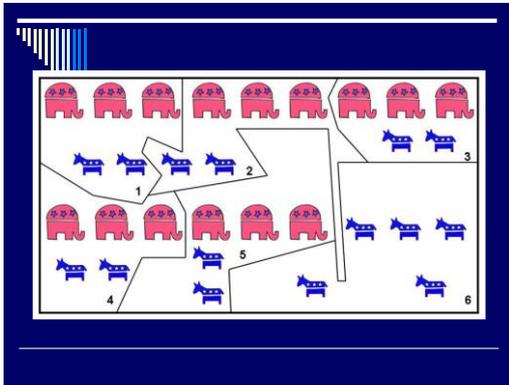
## Supreme Court Cases

- Baker v Carr
- Wesberry v Sanders
- Reynolds v Sims
- Shaw v Reno
- League of United Latin American Citizens v. Perry

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Judicial Branch



Marbury v Madison (1803)

- **Key Principle:** Article III- Judicial Review
- **Summary:** Established the principle of judicial review. Strengthened the power of the Judicial branch by giving the Supreme Court the authority to declare acts of Congress unconstitutional.
- **Holding:** The Supreme Court is allowed to nullify an act of the legislative or executive branch that violates the Constitution

American Government before Marbury case:



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Federalism



McCulloch v Maryland (1819)

- **Key Principle:** Supremacy Clause
- **Summary:** Confirmed the right of Congress to utilize implied powers to carry out its expressed powers. Validated the supremacy of the national government over the states by declaring that states cannot interfere with or tax the legitimate activities of the federal government.
- **Holding:** Established supremacy of the US Constitution and federal laws over state laws



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Legislative Branch/ Gerrymandering



Baker v Carr (1962)

- **Key Principle:** 14<sup>th</sup> Amendment - Equal Protection Clause
- **Summary:** Decided that **redistricting** (attempts to change the way voting districts are delineated) issues present **justiciable** questions, thus enabling federal courts to intervene in and to decide redistricting cases. Ordered state legislative districts to be as equal as possible.
- **Holding:** Established "one man, one vote" and opens door to courts to reviewing redistricting challenges



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**Table 11.2 House Versus Senate:  
Some Key Differences**

Characteristics	House of Representatives	Senate
Constitutional powers	Initiates all revenue bills Passes all articles of impeachment	Confirms many presidential nominations Tries impeached officials Approves treaties
Membership	435 members	100 members
Term of office	2 years	6 years
Constituencies	Usually smaller	Usually larger
Centralization of power	More centralized; stronger leadership	Less centralized; weaker leadership
Political prestige	Less prestige	More prestige
Role in policymaking	More influential on budget; more specialized	More influential on foreign affairs; less specialized
Turnover	Small	Moderate
Role of seniority	More important in determining power	Less important in determining power
Procedures	Limited debate; limits on floor amendments allowed	Unlimited debate

## Congressional Leadership (1 of 2)

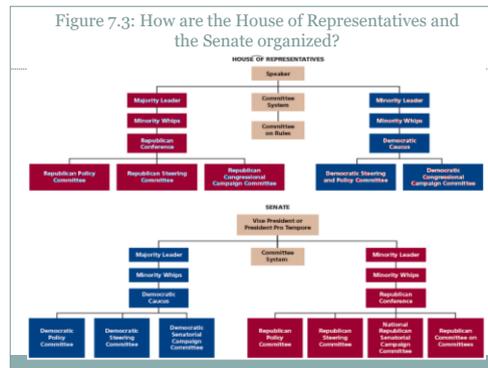
- Chosen by party
- The House
  - Speaker of the House
  - Majority and minority leaders
  - Whips
- The Senate
  - Vice president
  - Majority leader
- Congressional leadership in perspective

## Formal Leadership

- The majority party controls the legislative process, including the selection of Congressional leaders.
- Leadership in the House
  - The Speaker
  - The Majority Leader
  - The Minority Leader
  - Whips

## Leadership in the Senate

- Vice President
- Majority Leader



## The Committees and Subcommittees

- Four types of committees
  - Standing committees
  - Joint committees
  - Conference committees
  - Select committees
- Getting on a committee
  - Constituent needs
  - Appealing to leadership
- Committee chairs and the seniority system

TABLE 11-5 | STANDING COMMITTEES OF THE 110TH CONGRESS, 2007-2009

HOUSE COMMITTEES	SENATE COMMITTEES
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
Financial Services	Energy and Natural Resources
Government Reform	Environment and Public Works
Homeland Security	Finance
House Administration	Foreign Relations
International Relations	Governmental Affairs
Judiciary	Health, Education, Labor, and Pensions
Resources	Judiciary
Rules	Rules and Administration
Science	Small Business and Entrepreneurship
Small Business	Veterans Affairs
Standards of Official Conduct	
Transportation and Infrastructure	
Veterans Affairs	
Ways and Means	

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## Committees in Congress

- How do the standing committees function?
- What are the duties and responsibilities of the House Rules Committee?
- What are the functions of joint and conference committees?

Chapter 12, Section 2

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## Standing Committees

- **Standing committees** are permanent committees in Congress to which bills of similar nature could be sent.
- Most of the standing committees handle bills dealing with particular policy matters such as veterans' affairs or foreign relations.



Chapter 12, Section 2

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Permanent Committees of Congress

HOUSE STANDING COMMITTEES	JOINT COMMITTEES OF CONGRESS	SENATE STANDING COMMITTEES
Agriculture	Economic	Agriculture, Nutrition, and Forestry
Appropriations	The Library	Appropriations
Armed Services	Printing	Armed Services
Budget	Taxation	Banking, Housing, and Urban Affairs
Education and the Workforce		Budget
Energy and Commerce		Commerce, Science, and Transportation
Financial Services		Energy and Natural Resources
Government Reform		Environment and Public Works
House Administration		Finance
International Relations		Foreign Relations
Judiciary		Governmental Affairs
Resources		Indian Affairs
Rules		Judiciary
Science		Labor and Human Resources
Small Business		Rules and Administration
Standards of Official Conduct		Small Business
Transportation and Infrastructure		Veterans Affairs
Veterans Affairs		
Ways and Means		

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## The House Rules Committee and Select Committees

### The House Rules Committee

- The Rules Committee decides whether and under what conditions the full House will consider a measure.
- This places great power in the Rules Committee, as it can speed, delay, or even prevent House action on a measure.

### The Select Committees

- **Select committees** are panels established to handle a specific matter and usually exist for a limited time.
- Most select committees are formed to investigate a current matter.

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## Joint and Conference Committees

- A **joint committee** is one composed of members of both houses.
- Examples of joint committees include the Joint Economic Committee, the Joint Committee on Printing, and the Joint Committee on the Library of Congress
- A **conference committee**—a temporary, joint body—is created to iron out differences between bills passed by the House and Senate before they are sent to the President.

Chapter 12, Section 2

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## Congressional Decision-Making

- Party membership is a major determinant of how members vote, but it is not the only factor at work.
- The Conservative Coalition
- “Crossing over”

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## Perks and Privileges

- Permanent professional staffs
- Privileges and immunities under the law
- Congressional Caucuses: Another source of support

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## Caucuses: The Informal Organization of Congress

- As important as formal structure
- Dominated by caucuses
  - Nearly 500 caucuses today
  - Made representation more direct in Congress
  - Goal is to promote a variety of interests
  - Examples: Black Caucus, Hispanic Caucus, and Sunbelt Caucus

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## The Hispanic Caucus



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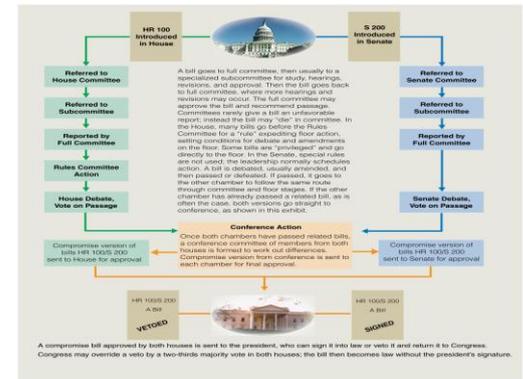
## Congressional Staff

- Personal staff
  - Casework
  - Legislative functions
- Committee staff
  - 2,000 staff members
  - Legislative oversight
- Staff agencies
  - Congressional Research Service (CRS)
  - Government Accountability Office (GAO)
  - Congressional Budget Office (CBO)

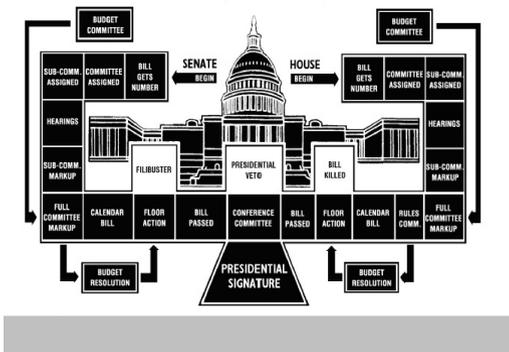
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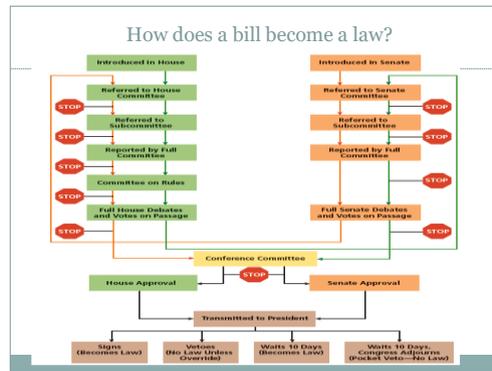


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### Agenda Setting

- House and Senate set their own agendas
- House Rules Committee
- Hastert Rule

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### The Committees at Work: Legislation

- The committees at work: legislation
  - Bills go first to standing committee
  - Bills referred to subcommittee
- Only bills with favorable reports get full consideration
- Floor managers

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## How a Bill Becomes a Law (cont.)

- Conference committee
  - If there are differences between the House version of the bill and the Senate version of the bill, the bill will be sent to a conference committee. Members of each chamber selected by the leaders will attempt to reach a compromise on the bill.
  - The House and Senate vote on the bill as reported by the conference committee

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### The Committees at Work: Oversight

- Legislative oversight
  - Grown in size and complexity
- Keeping tabs on the executive branch
  - Tracking the implementation of public policy
- Little incentive for members of Congress
- Majority party determines oversight agenda

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## House Oversight and Government Reform Committee



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## Floor Debate and the Filibuster

- The filibuster
  - Allows for unlimited debate
  - Talking a bill to death
- Cloture
  - Takes 60 votes to end debate
- Questions about democracy
  - Tool of the minority
  - Recent rule changes

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## Rand Paul Drone Filibuster



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## Unorthodox Legislating

- Legislating has become more difficult
- Methods of coping
  - Party leaders get involved earlier and more deeply
  - Multiple legislative referrals
  - Special rules from the House Rules Committee
  - Omnibus legislation
- House party leaders have more leverage

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### How Much Will the Government Spend?

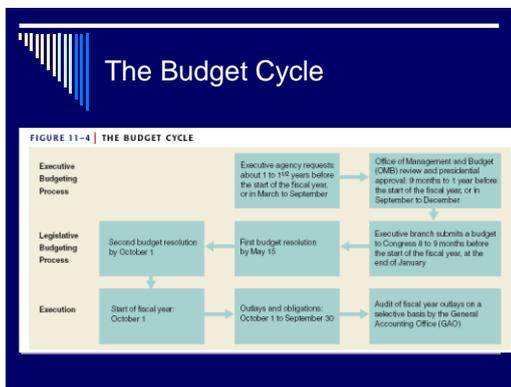
- Preparing the Budget
- Congress Faces the Budget
  - *Authorization*, a formal declaration by a legislative committee that a certain amount of funding may be available to an agency. Some authorizations terminate in a year; others are renewable automatically without further congressional action.

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### How Much Will the Government Spend (cont.)?

- *Appropriation*, the passage, by Congress, of a spending bill specifying the amount of authorized funds that actually will be allocated for an agency's use.
- Budget Resolutions

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### JOB OF THE ELECTED

- Pork (bill creating jobs or money for district)
- Logrolling (rep. votes in favor of colleague bill in exchange for return favor)
- Serving two distinct groups:
  - Party leaders, colleagues and lobbyists
  - Constituents (voters back home)
    - 1) **Trustee:** rep who votes best judgment
    - 2) **Delegate:** votes the way constituents want
    - 3) **Politico:** votes a combination of 1 and 2

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### Congressional Support Agencies

- 1. Congressional Budget Office (CBO)
- 2. Congressional Research Service (CRS)
- 3. General Accountability Office (GAO)

- More than 9000 bills are introduced each year but less than 10% of them will become law

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### THE SENATE

- **Hold :** Allows a senator to be notified before action is taken on a bill

**Filibuster:** Unlimited debate so nothing else can be taken up

Cloture vote: 60 members can stop a filibuster

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### THE SENATE CONT

- Must approve all high level executive appointments by a majority vote
- Must approve all federal judges by a majority vote
- Must approve all foreign treaties by a 2/3 vote
- Senatorial Courtesy: Senator gets to select judge to fill a seat in his/her state when vacancy occurs (if President goes along with it)

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### DECLARING WAR

- Only Congress can declare war
- War Powers Act passed to limit President's power to commit forces in foreign lands without Congressional approval
- Congress appropriates all funds and thus can also stop armed forces on foreign soil by not approving funds (not easy to do)

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The War Powers Act of 1973 has been considered by many to be what?

- A. Quite powerful
- B. A success
- C. Largely ineffective
- D. Unconstitutional
- E. Both C and D

129

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## PRESIDENTS POWER OVER A BILL

- 1. Sign it
- 2. Veto it
- 3. Do nothing and after 10 days it becomes law if Congress is still in session
- 4. Pocket Veto: Do nothing and Congress adjourns before 10 days elapse it will become a veto

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The Tenure of Office Act was passed to do what?

- A. Ensure tenure of members of Congress
- B. Prevent Franklin D. Roosevelt from removing Supreme Court justices he disagreed with
- C. Prevent President Andrew Johnson from removing Lincoln cabinet appointees
- D. Prevent President Bill Clinton from firing insubordinate bureaucrats
- E. Ensure that Supreme Court justices would have their positions for life

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## Questions for Critical Thinking

- Why did the framers of the Constitution create a bicameral legislature? Was part of the reason for a two-house legislature the idea that it would be more difficult to pass legislation, therefore, a check on a runaway legislature? What impact does this have today? Is it easy for Congress to agree on legislation?

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## Questions for Critical Thinking

- ❑ Do different rules for each chamber, like the filibuster in the Senate, help to balance power in the two Houses?
- ❑ Although the problems have changed since 1789, have the basic ideas of representation changed? If so, in what ways?