

Congress

Dr. Christopher N. Lawrence

MIDDLE GEORGIA STATE UNIVERSITY

POLS 1101: AMERICAN GOVERNMENT

Congress: The Legislative Branch

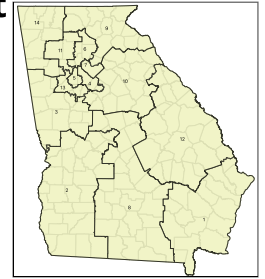
- In comparative perspective, Congress is unusual.
- Most legislatures, particularly in *parliamentary* systems, are relatively weak.
- Congress exhibits *symmetric bicameralism*: both chambers roughly equal in power.

Exceptions to Symmetry

Area	House	Senate
Term of office	Two years	Six years (staggered)
Revenue and spending bills	Can introduce or amend	Can amend <i>only</i>
Removal of officials	Votes on <i>impeachment</i>	Votes on <i>removal</i> and <i>disqualification</i>
Presidential appointments	No role	Confirms by majority vote
International treaties	No role	Ratifies by $\frac{2}{3}$ vote

Reapportionment and Redistricting

- Every ten years, **reapportionment** of House districts between states takes place after the Census.
- State legislatures then engage in **redistricting** to assign district boundaries.
- **Gerrymandering** is often used to create districts that favor a particular party or bloc of voters.



Elections to Congress

Representatives and senators can face the voters in varying circumstances:

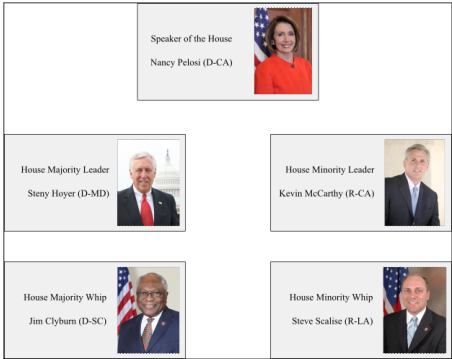
- In *presidential* election years, members of the winning candidate's party can ride the *coattails* of their presidential nominee.
- In *midterm* election years, voters who oppose the incumbent president tend to be more motivated to vote; president's party tends to lose seats in Congress (*midterm loss*).
- Death or resignation of a representative triggers a *special election*.
- Most states allow senators to be replaced by a gubernatorial appointee until the next federal general election; person elected completes remainder of the original six-year term.

Models of Representation

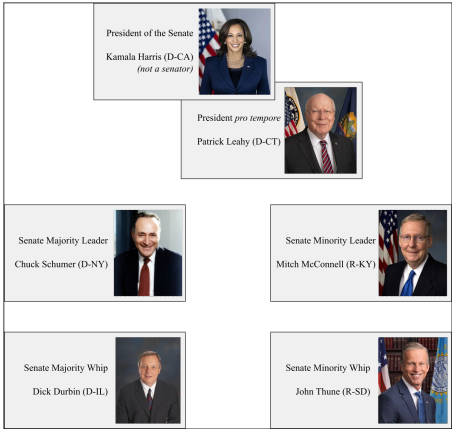
Contrast made by British-Irish philosopher and politician Edmund Burke in 1774, who feared *tyranny of the majority* as did many of the American founders.

- **Delegate**: a representative should act according to the views of a majority of his or her constituents.
- **Trustee**: representatives should act based on their best judgment, regardless of popularity. Most modern politicians follow the **politico** model, combining elements of both.

House Party Organization



Senate Party Organization



Power of parties in the House

- Committee chairs historically powerful until 1970s.
- Power of committees diminished since:
 - 1974 “Watergate class” reforms increased power of subcommittees; *seniority system* was weakened.
 - 1994 GOP reforms: more power given to speaker; term limits for Republican committee chairs.
- When parties are unified or have small majorities, members more willing to cede power to speaker – *conditional party government*.

Power of parties in the Senate

- Parties are *always* weak in the Senate.
- Party leaders in the Senate are more like administrators than bosses.
- Committees are also weak in the Senate.
- Individual senators have much more independent authority than members of the House.

The Committee System

- Most work in Congress is done in **committees**.
- Key responsibilities: *lawmaking* and *oversight*.
- Types of committee:
 - Standing
 - Select or special
 - Joint
 - Conference
- Most standing committees have multiple *subcommittees* that specialize even more.

More on Committees

- The majority party holds a majority of seats on all committees except the Ethics committees.
- Most senior majority party member is *chair*; minority party has *ranking member*.
- Why committees?
 - **Distributive theory**: members serve on committees relevant to their districts and use positions to trade favors with other lawmakers.
 - **Informational theory**: committees help divide the workload of Congress and allow gains to the whole from *division of labor*.

Support Staff

- Congress employs about 24,000 people:
 - Members, their personal staff, and committee staff.
 - The Library of Congress, including the Congressional Research Service.
 - The Government Accountability Office (GAO).
 - The Congressional Budget Office (CBO).



The Lawmaking Process

- Bills are *introduced* by a *sponsor*.
- Bill then *referred* to relevant committee; usually referred to a particular subcommittee.
- Subcommittee may hold *hearings* on the bill, then *mark up* the bill (propose amendments).
- Full committee then may also have hearings and mark up.
- If the bill passes, then it will be *reported* to floor.

On the floor in the House

- Trivial bills may be considered as part of the **consent agenda** and will be approved unanimously along with other bills.
- Bills may also be considered under **suspension of the rules** – 40 minute debate; no amendments; bill must get $\frac{2}{3}$ vote to pass.
- Controversial bills will be considered using a **rule** issued by the **Rules Committee**; sets length of debate and specifies what amendments allowed.

On the floor in the Senate

- Noncontroversial bills may be approved by *unanimous consent*.
- Other bills require senators to work out a *unanimous consent agreement* (similar to a rule in the House) to limit debate and amendments.
- If no UCA, Senate rules allow unlimited debate and unlimited amendments on most measures.

Unlimited debate in the Senate

- Unlike the House, the Senate has no general limit on how long debate can continue.
- Any senator who wants to block a bill or motion can **filibuster** – continue debate as long as he/she physically can (record is over 24 hours!).
- 60 senators can vote to end debate (**cloture**).
- Even the *threat* of a filibuster – called a *hold* – will usually stop a bill from being considered.

Let's do it again!

- Once either the House or Senate has approved a bill, the other chamber must also approve it – going through the complete process again.
- To send a bill to the president, the House and Senate must agree on the *exact same bill*.
 - One chamber can amend its bill to be the same as the other's.
 - The chambers can appoint a *conference committee* to work out a common bill.

Upon receiving a bill...

- President can *sign* the bill into law.
- President can *veto* the bill.
 - House and Senate can **override** with a $\frac{2}{3}$ vote in each chamber.
- After ten days (excluding Sundays):
 - If Congress *is* in session, the bill becomes law without the president's signature.
 - If Congress *is not* in session, the bill does not become law (**pocket veto**) – Congress cannot override.



Authorization and appropriations

- Most bills are *authorization bills* allowing the government to carry out certain policies for several years.
- Any law that requires money to implement its provisions also requires a matching *appropriation* to be passed by Congress every year.

Congressional Careers

- Serving in Congress is now seen as a long-term job rather than short-term service.
- Members more in contact with their districts than historically was the case:
 - Better communications technology.
 - More accountability (recorded roll-calls, campaign finance information).
 - More frequent travel to districts.
 - **Franking** privilege borders on campaign activity.

More on Congressional Careers

- Members today focus more on pleasing *constituents* than their parties.
 - Staff focus on *ombudsman role* and **casework**.
 - **Pork-barrel spending** (although opportunities declining).
 - Casework and pork are popular with constituents, even those inclined to support other parties.
- **Fenno's Paradox**: citizens dislike Congress but like their representatives and senators.

Critiques of Congress

- A *highly inefficient* institution – by design!
- Process favors the *status quo*; allows determined minorities to block majority will.
- Diversion of government resources to provide “pork” for home districts rather than nationally beneficial policies.