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

<table>
<thead>
<tr>
<th>Area</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Term of office</td>
<td>Two years</td>
<td>Six years (staggered)</td>
</tr>
<tr>
<td>Revenue and spending bills</td>
<td>Can introduce or amend</td>
<td>Can amend only</td>
</tr>
<tr>
<td>Removal of officials</td>
<td>Votes on impeachment</td>
<td>Votes on removal and disqualification</td>
</tr>
<tr>
<td>Presidential appointments</td>
<td>No role</td>
<td>Confirms by majority vote</td>
</tr>
<tr>
<td>International treaties</td>
<td>No role</td>
<td>Ratifies by ( \frac{3}{5} ) vote</td>
</tr>
</tbody>
</table>
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

[Image of House Party Organization]

- Speaker of the House: Paul Ryan (R-WI)
- House Majority Leader: Kevin McCarthy (R-CA)
- House Minority Leader: Nancy Pelosi (D-CA)
- House Majority Whip: Steve Scalise (R-LA)
- House Minority Whip: Steve Hoyer (D-MD)
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 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 ⅔ 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 ⅔ 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.