## Congress

Chapter 7

## TABLE 7.1 The Powers of Congress

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

- Lay and collect taxes and duties
- Borrow money
- Regulate commerce with foreign nations and among the states
- Establish rules for naturalization (that is, 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 (that is, below) the 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 the militia 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, dock-yards, 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.)


## Constitutional Powers of Congress

-The most important constitutional power of Congress is the power to make laws.
-This power is shared by the House and the Senate.

- In order to become a law, a bill must be passed by both the House and the Senate.


## Remember in the original design, the framers wanted the Senate to be more conservative



So Representatives in the House have always been directly elected

Senators since 1913 with the $17^{\text {th }}$ amendment

## Formal Requirements for membership

-House of Representatives- 25 years old, citizen of U.S. for 7 years, legal resident of state
-Senate- 30 years old, citizen of U.S. for 9 years, legal resident of state

## The House has 435 Reps

-Why such an odd number?
-Fixed by statute in 1929.
-Constitutional requirement that the House be based on population leads to reapportionment/redistricting every 10 years.

## Apportionment and Redistricting

-The Constitution requires that all Americans be counted every ten years by a census.
-The census determines the representation in the House of Representatives.
-Redistricting is done by state legislatures and, of course, always has political overtones.

## When the process is outrageously political, it is called gerrymandering and is often struck down by the courts.

Figure 13.4 Gerrymandering
Two drawings-one a mocking cartoon, the other all too real-show the bizarre geographical contortions involved in gerrymandering.



# Incumbents tend to be re elected $95 \%$ of 

 the timeBecause Incumbents enjoy:
1.Name recognition-free media access
2.Fundraising is easier as a current member
3.Franking privilege
4.Campaign experience
5.A support staff partially paid for by taxpayers

## Many political scientists also attribute the 95\% reelection rate to extremely gerrymandered districts

- Over the last 20 years districts have increasingly become either Republican or Democrat leaning.



## Both sides engage in this practice.



TABLE 7.2 Key Differences Between the House and Senate

| Constitutional Differences |  |
| :---: | :---: |
| House | Senate |
| Initiates all revenue bills | Offers "advice and consent" on many major presidential appointments |
| Initiates impeachment procedures and passes articles of impeachment | Tries impeached officials |
| Two-year terms | Six-year terms (one-third up for reelection every two years) |
| 435 members (apportioned by population) | 100 members (two from each state) |
|  | Approves treaties |
| Differences in Operation |  |
| House | Senate |
| More centralized, more formal; stronger leadership | Less centralized, less formal; weaker leadership |
| Rules Committee fairly powerful in controlling time and rules of debate (in conjunction with the speaker) | 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 |
| Changes in the Institution |  |
| House | Senate |
| Power centralized in the speaker's inner circle of advisers | Senate workload increasing and informality breaking down; threat of filibusters more frequent than in the past |
| House procedures are becoming more efficient | Becoming more difficult to pass legislation |
| Turnover is relatively high, although those seeking reelection almost always win | Turnover is moderate |

## Key Differences

## House

-Initiate revenue bills
-Two-year term
-435
-Formal

- Specialist
-Tax policy


## Senate

- Advise and consent
- Six-year term
- 100
- Relaxed
- Generalist
- Foreign policy


## Seats by party (113th Congress, 2012-2014)

-House of Representatives
Democrats: $\mathbf{2 0 0}$ Republicans: $\mathbf{2 3 3}$
+2 vacant
-Senate Democrats:53 Republicans: 45

+ 2 Independent who caucus with the Democrats
Joe Lieberman of CT and Bernie Sanders of VT.


## Minnesota's Congressional Districts



## Minnesota's Congressional Delegation

-U.S. Senate
AI Franken (D)
Amy Klobuchar (D)
-U.S. House of Representatives
Tim Walz (D-1st)
John Kline (R-2nd)
Erik Paulsen (R-3rd)
Betty McCollum (D-4th)
Keith Ellison (D-5th)
Michelle Bachman (R-6th)
Collin Peterson (D-7th)
Rick Nolan (D-8th)

## How Congress is Organized

-Every two years, a new Congress is seated.
-The first order of business is the election of leaders and adoption of new rules.
-Both houses of Congress are organized on the basis of party for both leadership and committee purposes.

## Congressional Leadership

-The officers in the House of Representatives and Senate vary in title and power.


Figure 7.3 Organizational Structure of the House of Representatives and the Senate during the 106th Congress (1999-2000)

HOUSE OF REPRESENTATIVES


SENATE


## In the House of Representatives


-The most important position is Speaker of the House. Currently held by Republican John Boehner of OH.

## Other officers of the House



- Majority Leader
-Eric Cantor VA (R)


Majority Whip
Kevin McCarthy CA (R)


Minority Leader Nancy Pelosi CA (D)


Minority Whip Steny Hoyer MD (D)

## Leader of the Senate


-VP Joe Biden
President Pro Temp
Patrick Leahy-VT (D)


Senate Majority Leader Harry Reid NV (D)


Majority Whip
Richard Durbin IL (D)


Minority Leader Mitch McConnell KY (R)


Minority Whip
John Kyl AZ (R)

Much of the day to day work in Congress is done in Committees
－The committees vary in power⿴囗口 $a n d$ prestige．


For members of Congress assignment to a preferred committee is an important incentive．
－Assignment to a less favored committee can be a punishment．

## Types of

## Congressional Committees

-Standing Committee: continues from one Congress to the next.
-Special or Select Committees: temporary committees designed for a specific purpose. May or may not become a standing committee.

## Some committees have members from both houses.

- Joint Committee: set up to expedite business between the two houses.
-Conference committee: special joint committees that resolve differences in bills passed by either house.


## TABLE 7.5 Committees of the 108th Congress (with a Subcommittee Example)a

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 |
| Financial Services | Energy and Natural Resources |
| Government Reform | Environment and Public works |
| House Administration | Finance |
| International Relations | Foreign Relations |
| Judiciary | Governmental Affairs |
| Judiciary Subcommittees: | Health, Education, Labor, and Pensions |
| Courts, the Internet, and Intellectual Property | Judiciary |
| Immigration, Border Security, and Claims | Judiciary Subcommittees: |
| Commercial and Administrative Law, | Administrative Oversight and the Courts |
| Crime, Terrorism, and Homeland Security | Immigration |
| Constitution | Antitrust, Competition, and Business |
| Resources | and Consumer Rights |
| Rules | Technology, Terrorism, and Government |
| Science | Information |
| Small Business | Crime and Drugs |
| Standards of Official Conduct | Constitution |
| Transportation and Infrastructure | Rules and Administration |
| Veterans Affairs | Small Business and Entrepreneurship |
| ways and Means | Veterans Affairs |

Select, Special, and Other Committees

| House | Senate | foint Committees |
| :--- | :--- | :--- |
| Select Intelligence | Special Aging | Economics |
| Select Homeland Security | Select Ethics | Select Intelligence |
|  | Indian Affairs | Printing |
|  |  |  |

- Additional committees may be added to parallel the new Departrnent of Horneland Security.


## The Law-Making Function of Congress

- Only a member of the House or Senate may introduce a bill but anyone can write a bill.
- Over 9,000 bills are proposed and fewer than 5 to $10 \%$ are enacted.
-Today, most bills originate in the Executive Branch.

A bill must survive three stages to become a law:

1. Committees and subcommittees
2. The floor vote
3. The conference committee.

A bill can die at any stage.

FIGURE 7.4 HOW A BILL BECOMES A LAW


Figure 11.4 Lobbying Expenditures



* National Commillee to Preserve Social Security \& Medicare

SOUACE: From Washington Post, May 11, 1999, p. A19.0 1899 The Washington Post. Reprinted with permission.

# Concerns a member of Congress must balance 

-Constituent Casework
-Party Commitments
-Policy work
-Re Election

Table 7.3 A Day in the Life of a Member of Congress

|  | Typical Member's At-Home Schedules |  | Typical Member's Washington Schedule |
| :--- | :--- | :--- | :--- | :--- |

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## Congress and the President

-Especially since the 1930s, the president has seemed to be more powerful than Congress.
-However, Congress retains several key powers vis-a-vis the president:
-funding powers
-oversight
-impeachment/removal


## Congressional Oversight of the Executive Branch

-Examples:
-Committee Hearings
-Congressional Investigations
-Annual Budget fight

- The War Powers Act of 1973


## TaBLE 7.6 Congressional Support Agencies

Congressional Research Service (CRS) General Accounting Office (GAO) Congressional Budget Office (CBO)

Created in 1914 as the Legislative Research Service (LRS), the CRS is administered by the Library of Congress and responds to more than a quarter of a million congressional requests for information each year. The service provides nonpartisan studies of public issues, compiling facts on both sides of issues, and it conducts major research projects for committees at the request of members. The CRS also prepares summaries of all bills introduced and tracks the progress of major bills.

## Current Trends

- Of concern to some political scientists is the decline in "crossing the aisle".
-Also, although approval ratings of Congress are low, individuals often support their local incumbent.


Representative Deserves Re-Election, Based on Party of Member of Congress Based on registered voters
\% Yes, deserves re-election \% No, does not


USA Today/Gallup poll, July 25-27, 2008
GALLUP POLL'


[^0]:    "Craig Shultz, ed., Setting Course: A Cangressional Management Guide (Washington, DC: American Uriversity, 1994), 335.
    http:/\#congress.indiana.edu/learn_about/schedule.htrn.

