

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 17th 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.

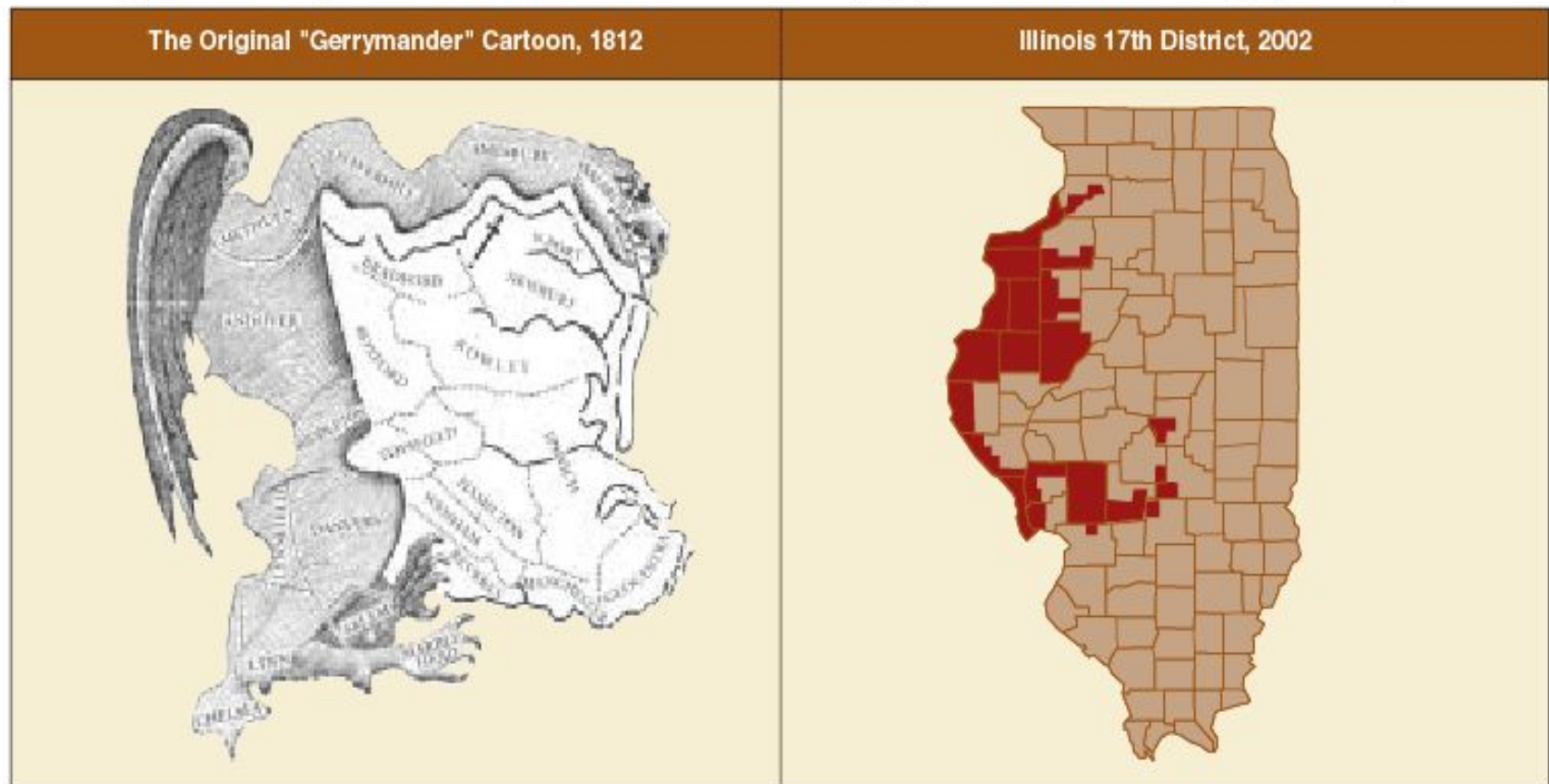
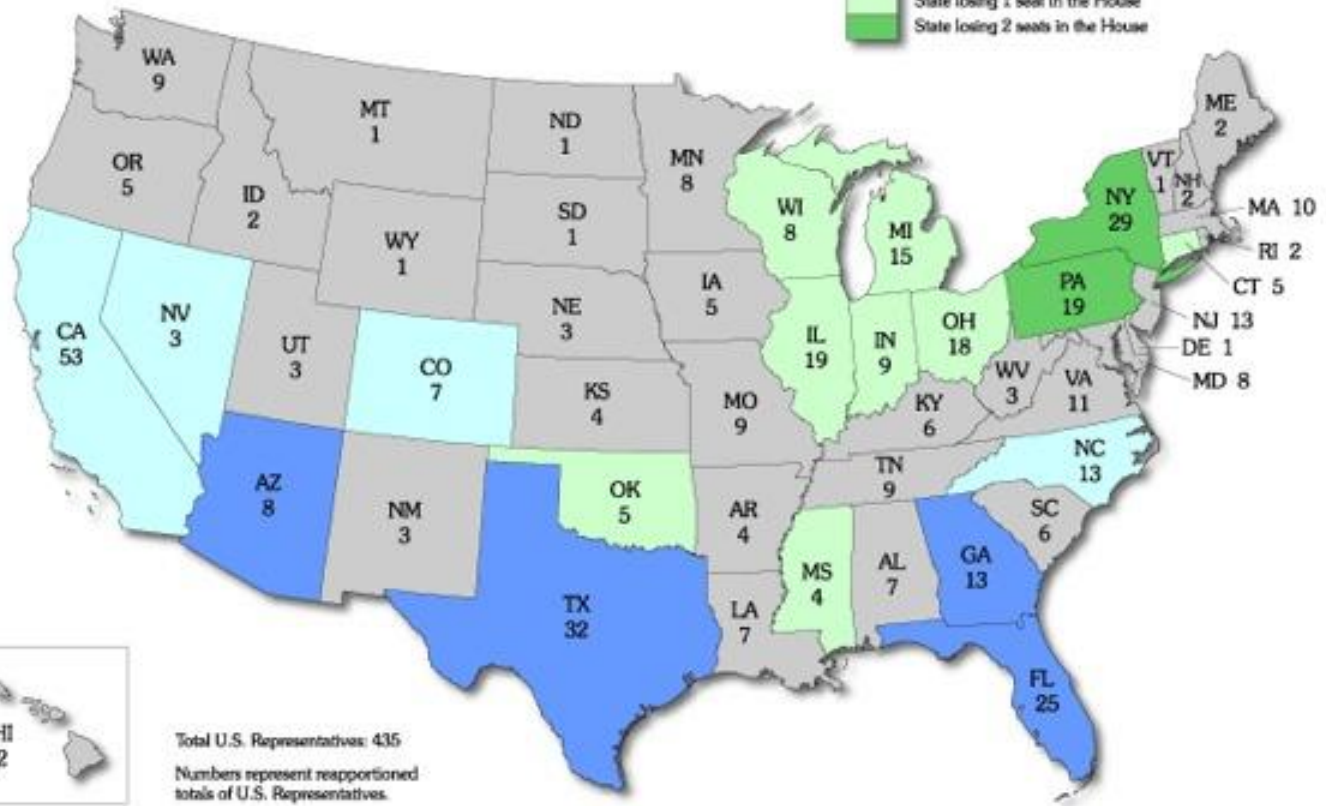




Figure 3. Apportionment of the U.S. House of Representatives for the 108th Congress

Change from 1990 to 2000

- State gaining 2 seats in the House
- State gaining 1 seat in the House
- No change
- State losing 1 seat in the House
- State losing 2 seats in the House



Total U.S. Representatives: 435
 Numbers represent reapportioned totals of U.S. Representatives.

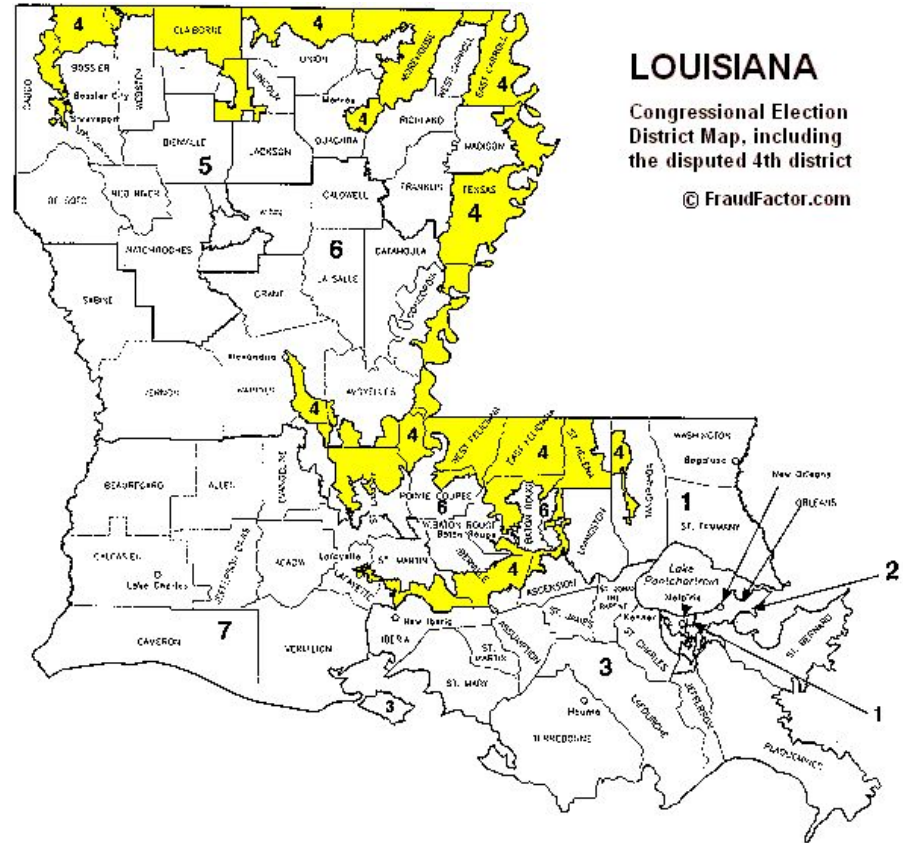
Incumbents tend to be re elected 95% of the time

Because 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.

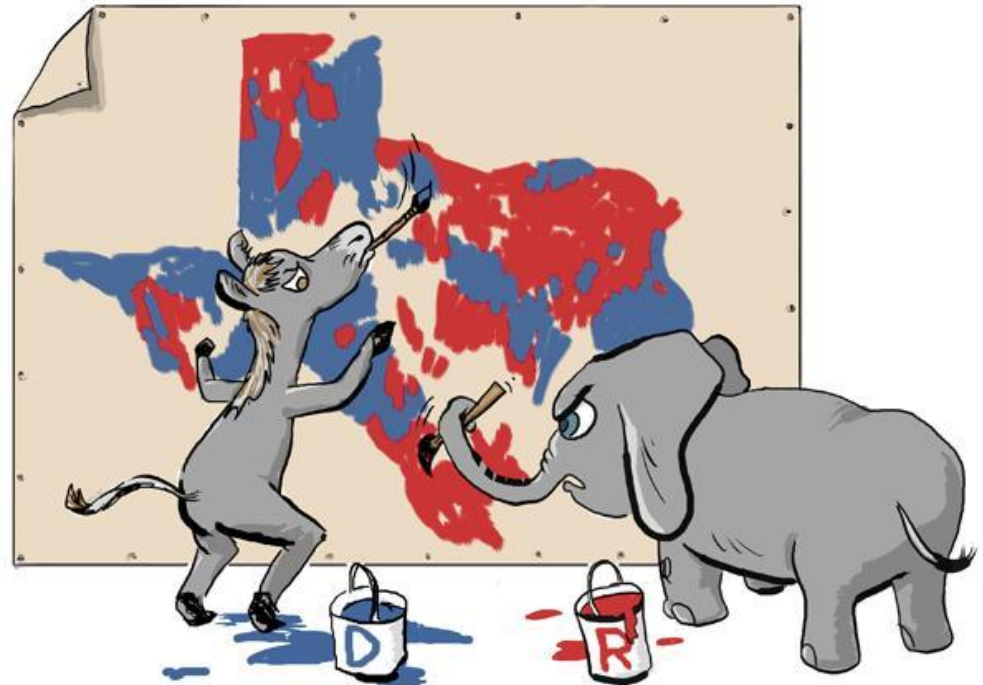
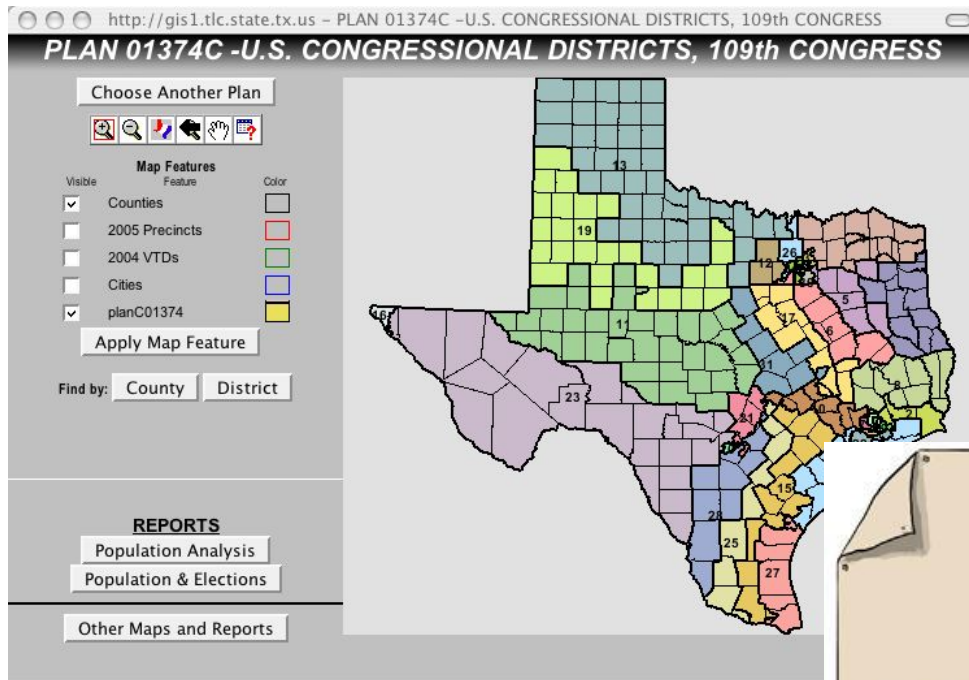


TABLE 7.2 Key Differences Between the House and Senate

<i>Constitutional Differences</i>	
<i>House</i>	<i>Senate</i>
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
<i>Differences in Operation</i>	
<i>House</i>	<i>Senate</i>
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
<i>Changes in the Institution</i>	
<i>House</i>	<i>Senate</i>
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: 200 [Republicans](#): 233

+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**

 - Al 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

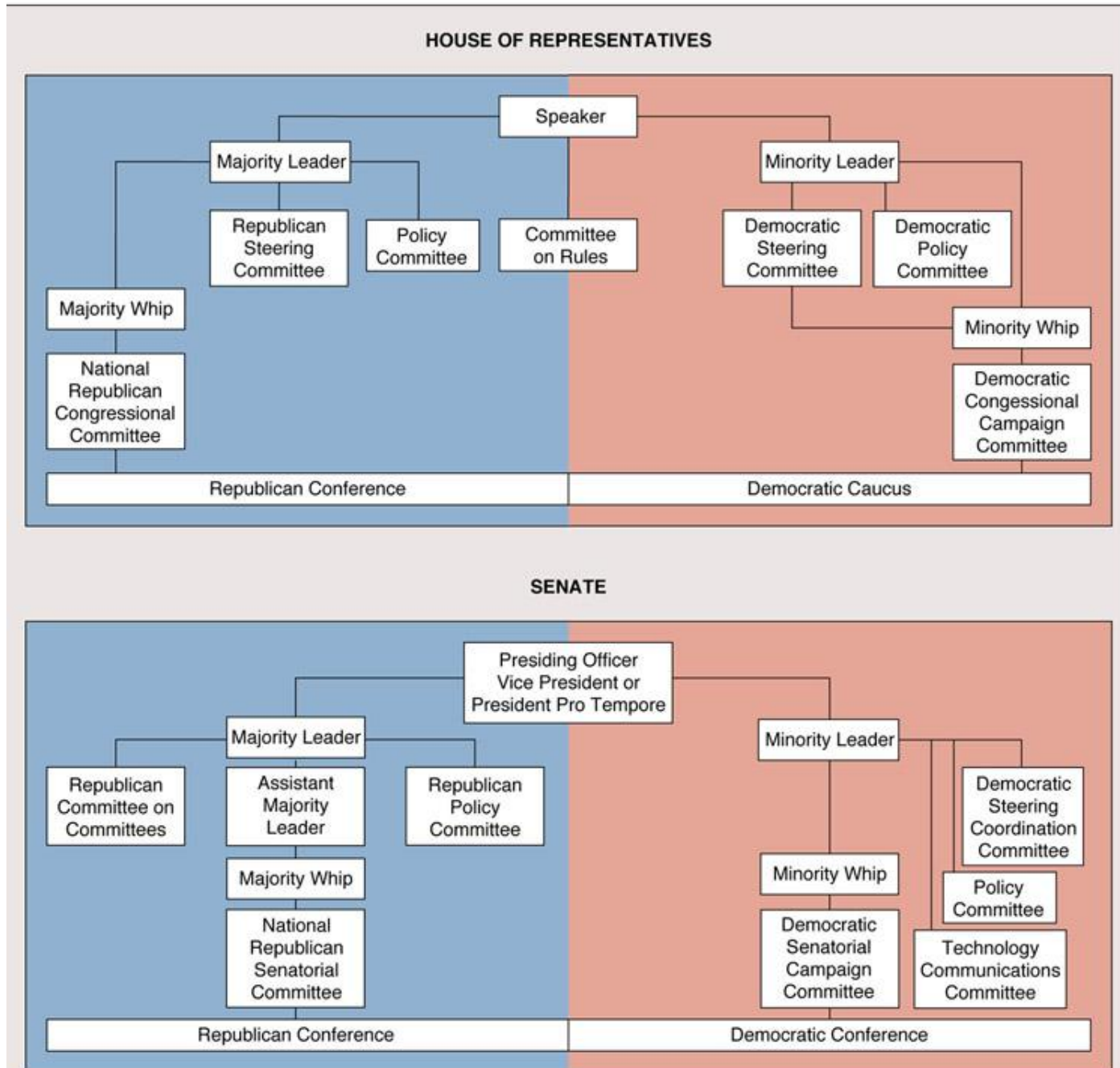
- Every two years, a new Congress is seated.
- The first order of business is the election of leaders and adoption of new rules.
- Both houses of Congress are organized on the basis of party for both leadership and committee purposes.

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)



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)

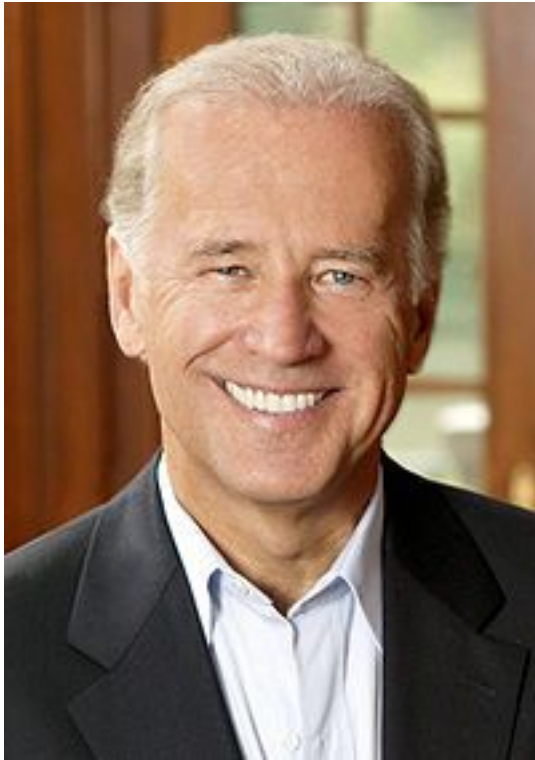


Minority Leader
Nancy Pelosi CA (D)

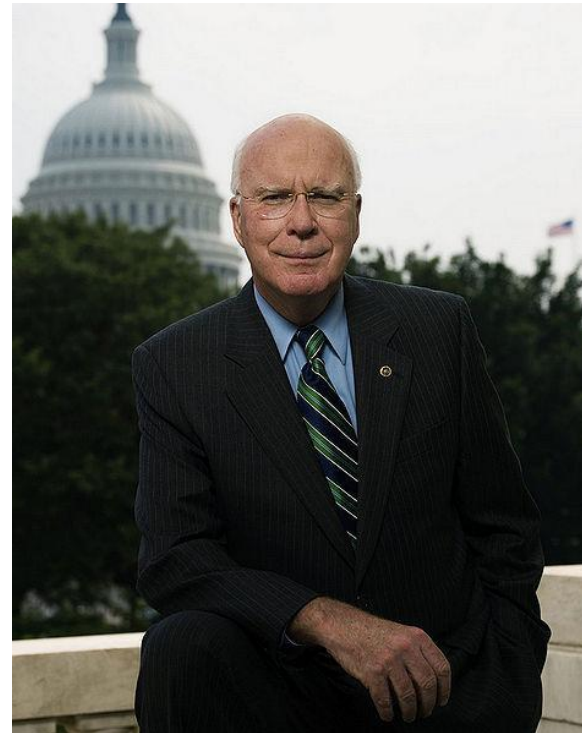


Minority Whip
Steny Hoyer MD (D)

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 and 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

<i>Standing Committees</i>		
<i>House</i>		<i>Senate</i>
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 and Consumer Rights
Resources		Technology, Terrorism, and Government Information
Rules		Crime and Drugs
Science		Constitution
Small Business		Rules and Administration
Standards of Official Conduct		Small Business and Entrepreneurship
Transportation and Infrastructure		Veterans Affairs
Veterans Affairs		
Ways and Means		
<i>Select, Special, and Other Committees</i>		
<i>House</i>	<i>Senate</i>	<i>Joint Committees</i>
Select Intelligence	Special Aging	Economics
Select Homeland Security	Select Ethics	Printing
	Select Intelligence	Taxation
	Indian Affairs	

^a Additional committees may be added to parallel the new Department of Homeland 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

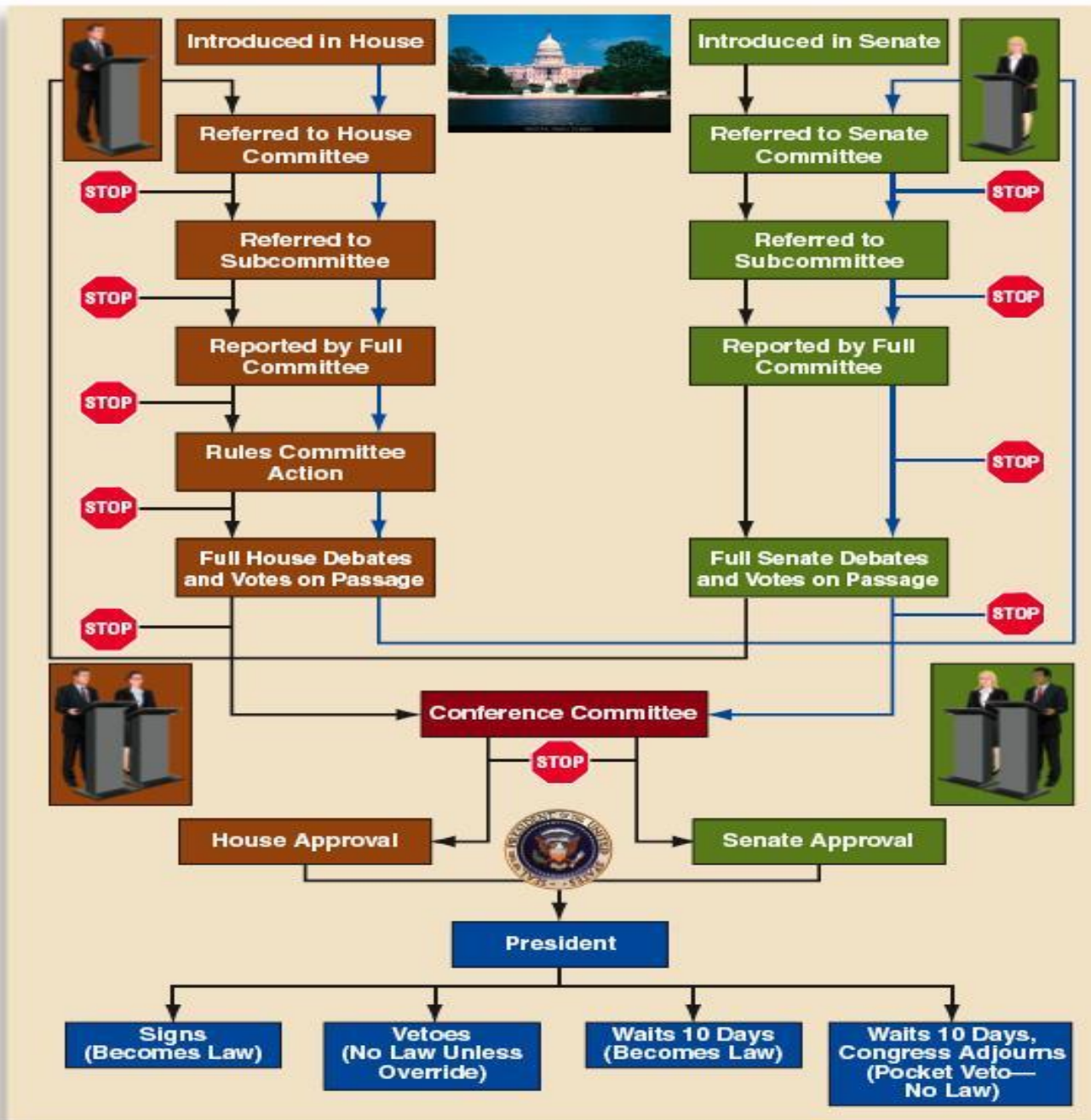
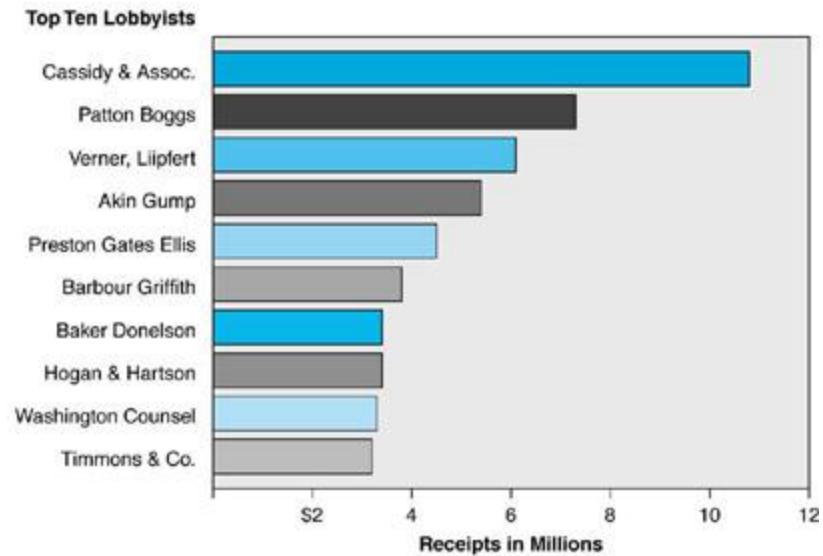
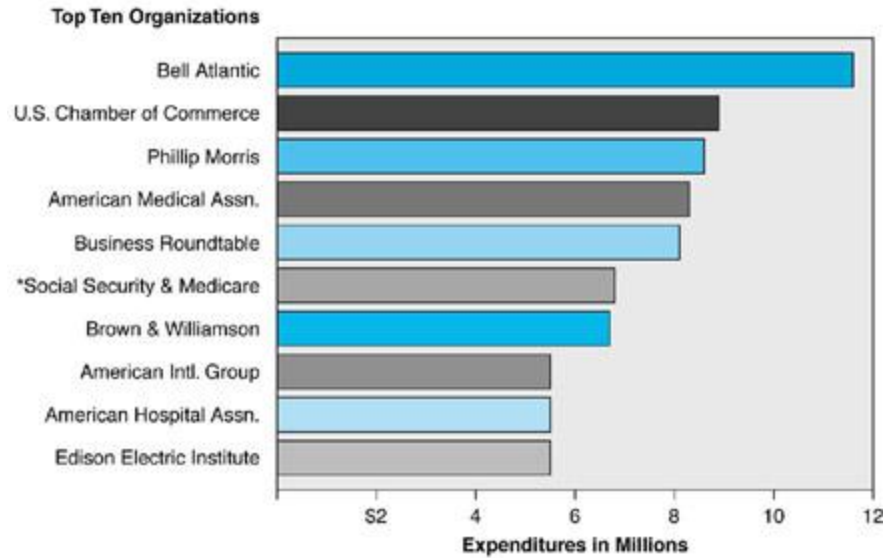


Figure 11.4 Lobbying Expenditures



* National Committee to Preserve Social Security & Medicare

SOURCE: From *Washington Post*, May 11, 1999, p. A19. © 1999, 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

<i>Typical Member's At-Home Schedule^a</i>			<i>Typical Member's Washington Schedule^b</i>	
Monday			Tuesday	
7:30 A.M.	Business group breakfast, 20 leaders of the business community leaders	(1 hour)	8:30 A.M.	Breakfast with former member
8:45 A.M.	Hoover Elementary School, 6th grade class assembly	(45 min)	9:30 A.M.	Committee on Science, Space, and Technology hearing on research and development in the 1990s
9:45 A.M.	National Agriculture Day speech, Holiday Inn South	(45 min)	10:00 A.M.	Briefing by FAA officials for members of Congress who represent families of victims of Pan Am Flight #103
10:45 A.M.	Supplemental Food Shelf, pass foodstuffs to needy families	(1 hour)	10:00 A.M.	Energy and Commerce Committee mark-up session on Fairness in Broadcasting
12:00 noon	Community College, student/faculty lunch, speech and Q & A	(45 min)	12:00 noon	Reception/photo opportunity with telecommunications officials
1:00 P.M.	Sunset Terrace Elementary School, assembly 4 th , 5 th , 6 th graders, remarks/Q & A	(45 min)	12:00 noon	House convenes
(Travel Time: 1:45 P.M.–2:45 P.M.)			12:00 noon	Lunch with personal friend at Watergate Hotel
2:45 P.M.	Plainview Day Care facility owner wishes to discuss changes in federal law	(1 hour)	1:30 P.M.	Subcommittee on Science Space Applications hearing
4:00 P.M.	Town Hall Meeting, American Legion	(1 hour)	1:30 P.M.	Subcommittee on Health and Environment mark-up session on Trauma Care Systems Planning Act
(Travel Time: 5:00 P.M.–5:45 P.M.)			3:00 P.M.	Meeting with officials of the National Alliance for Animal Legislation
5:45 P.M.	PTA meeting, speech, education issues before Congress (also citizen involvement with national associations)	(45 min)	4:30 P.M.	Meeting with delegates from American Jewish Congress on foreign aid bill
6:30 P.M.	Annual Dinner, St. John's Lutheran Church Developmental Activity Center	(30 min)	5:00 P.M.	New York University reception
7:15 P.M.	Association for Children for Enforcement of Support meeting to discuss problems of enforcing child support payments	(45 min)	5:00 P.M.	Briefing by the commissioner of the Bureau of Labor (statistics on the uninsured)
(Travel Time: 8:00 P.M.–8:30 P.M.)			5:30 P.M.	Reception/fund-raiser for party whip
8:30 P.M.	Students Against Drunk Driving (SADD) meeting, speech, address; drinking age, drunk driving, uniform federal penalties	(45 min)	6:00 P.M.	Reception/fund-raiser for fellow member
9:30 P.M.	State University class, discuss business issues before Congress	(1 hour)	6:00 P.M.	"Cajun" reception/fund-raiser for Louisiana member
			6:00 P.M.	Winetasting reception by New York wine industry

^aCraig Shultz, ed., *Setting Course: A Congressional Management Guide* (Washington, DC: American University, 1994), 335.^bhttp://congress.indiana.edu/learn_about/schedule.htm.

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)

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.

General Accounting Office (GAO)

The GAO was established in 1921 as an independent regulatory agency for the purpose of auditing the financial expenditures of the executive branch and federal agencies. Today, the GAO performs four additional functions: It sets government standards for accounting, it provides a variety of legal opinions, it settles claims against the government, and it conducts studies upon congressional request.

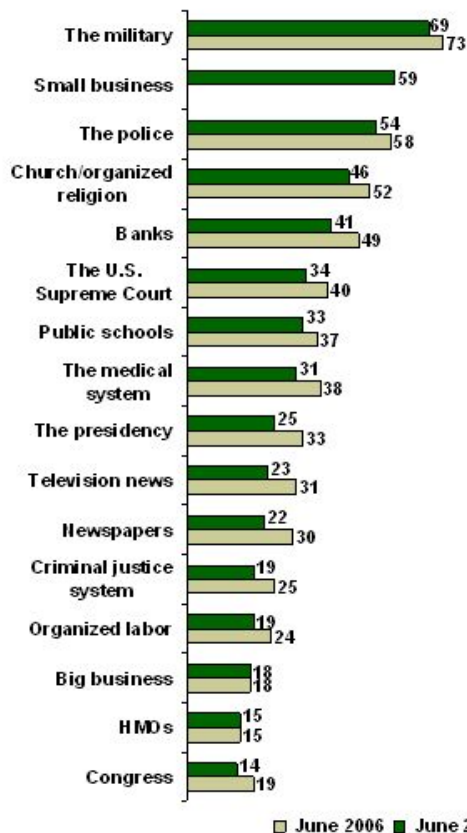
Congressional Budget Office (CBO)

The CBO was created in 1974 to evaluate the economic effect of different spending programs and to provide information on the cost of proposed policies. It is responsible for analyzing the president's budget and economic projections. The CBO provides Congress and individual members with a valuable second opinion to use in budget debates.

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.

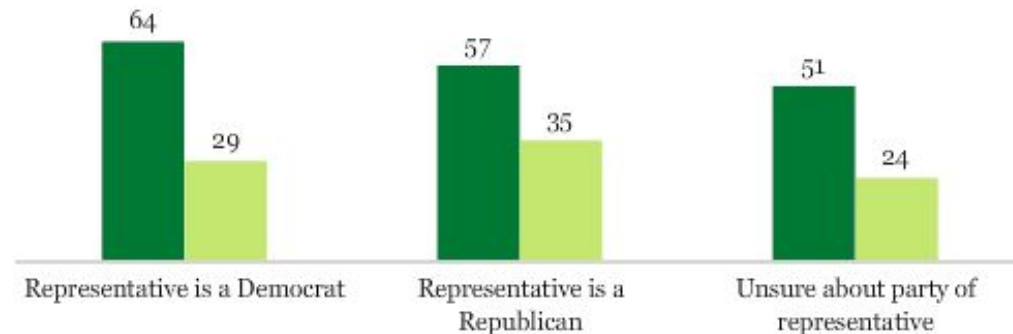
Confidence in Institutions
(percentage saying “Great deal” or “Quite a lot”)



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