The US Congress is one of the world’s most representative and democratic institutions, admired for its openness and deliberateness.

On the other hand, it is criticized relentlessly for its inefficiency and unresponsiveness.

62% of people in one national survey complained that “Congress creates more problems than it solves.”

In 2001- the Republicans held a slim majority in the House and the two parties tied in the Senate. The prospect for making laws worsened when Senator James Jeffords (R-VT) left the Republican Party in May, becoming an Independent and giving the Democrats a 50-49 majority in the Senate.

2001 was one of the least active legislative years in modern congressional history.

The framers understood that Congress could sometimes be quite successful by NOT passing any laws- they expected that the odds against action would be high.

USA Patriot Act- passed in 2001 in response to the 9/11 attacks- gave the President the new power to detain immigrants indefinitely without charging them with a crime while providing $75 billion for homeland security initiatives.

Between 9/11 and 10/31 of the same year, Congress enacted 40 bills that were signed into law by the President- double what it had accomplished the prior 9 months.

Congress and the President often agree to disagree

Something Congress “does nothing” but that fits perfectly with the frames’ intention to protect the nation from the passions of the moment.

**CONGRESSIONAL ELECTIONS**

- 435 members of the House are elected to 2 year terms in even-numbered years.
- 1/3 of the Senate’s 100 members are chosen for six-year terms every 2 years.
- **House requirements:** minimum of 25 years old, and be a US citizen for 7 years.
- **Senate Requirements:** minimum of 30 years old and citizen for 9 years.
- Senate requirements set higher by the framers in the hope the Senate would act as a check against what they saw as the less predictable House.
- The framers did not limit the number of terms a Senator or House member could serve because they were angry that it was in the original Articles of Confederation.
- “Members of Congress run FOR congress by running AGAINST Congress- they don’t want to come off as a professional politician out of touch with the people

**Where Representatives and Senators are elected**

- There are 435 House districts, each composed of about 650,000 people. No matter how small its population, each state it guaranteed at least ONE House member.
- **Reapportionment-** every 10 years after the Census is taken, Congress reallocates the House seats based on the state’s population gain or loss.
- Each state determines where this districts lie within its own boundaries.
Redistricting - the drawing of congressional and other legislative district lines following the census to accommodate population shifts and to keep districts as equal as possible in representation.

Districts are controlled by state legislatures.

Gerrymandering - the drawing of legislative district boundaries to benefit a party, group, or incumbent.

Partisan gerrymandering, except in extreme cases, is entirely legal. Only a plan that eliminates the minority party’s influence statewide is unconstitutional.

State legislatures may also draw districts in which a majority of voters are members of minority groups.

The principle of equal representation does not apply to the Senate, because each state has two senators, regardless of population.

The senate is thus the most malapportioned elected legislature in the democratic world, giving the advantage to residents of the smaller states.

Predicting Congressional Elections

Safe Seat - one that is predictably won by one party or the other.

Senate elections tend to be highly competitive and better financed than House elections - they also turn on national, not ocal issues.

House elections tend to be local affairs and issues.

The 2002 Congressional Elections

Republicans held 51% of the House at the start of the campaign, and 53% after. With a Republican President it gave them much power to pass their agenda.

The Campaigns: to the extent that Democrats cold make the election a referendum on the economy, they had the upper hand.

With the Election now focused on a possible war in Ira, the economy dimmed as an issue.

Election Day: running on local issues was fine for most incumbents, 98% of incumbent House candidates were reelected, as were 85% of all incumbent Senators.

Explaining the Results: Republicans did well in the midterm elections for 3 basic reasons:

1. They had more money to spend on advertisements and get out the vote campaigns.
2. Republicans clearly did a better job motivating their supporters to vote.
3. Most important: the President was Republican and had campaigned for many of the congress members.

THE STRUCTURE AND POWER OF CONGRESS

Framers made 2 critical early decisions:

1. They agreed to create a legislature s the first branch of government
2. They divided the legislature in to 2 chambers: The House of Representatives and the Senate.
3. They diluted the power of Congress by creating 2 chambers
Not only would Congress be balanced by the Presidency and Judiciary, but it would also be balanced against itself.

A Divided Branch
- Bicameralism: principle of a two-house legislature - the most important organizational feature of the US Congress
- Framers believed that the arrangement was essential for preventing strong-willed majorities from oppressing individuals and minorities.
- James Madison said, “In order to control the legislative authority, you must divide it.”

CHART PG. 276 - DIFFERENCES BTWN HOUSE AND SENATE
CHART PG. 276 - Congress performs 7 Important Functions:
- 1. Representation
- 2. Lawmaking
- 3. Consensus Building
- 4. Overseeing the bureaucracy
- 5. Policy Clarification
- 6. Investigation
- 7. Approval
- This constitutionally mandated structure also guarantees that many votes will be taken before a policy is finally approved.

Powers of Congress
- Enumerated Powers - powers specifically granted to Congress in the Constitution
- Framers gave Congress the power “to lay and collect taxes” as its first duty.
- Power to: borrow and coin money, regulate citizenship, build post offices and postal roads, and establish the lower courts of the federal judiciary. protect the nation against foreign threats by declaring war, raising armies, building navies, and protect the nation from domestic threats by regulating commerce and immigration.
- Elastic Clause - Congress has the power to “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 US.”
- They also have non-legislative functions such as participating in the process of constitutional amendment and impeachment and trying an impeached federal officer.
- Grounds for impeachment are “High Crimes and Misdemeanors”
- The House sits to determine whether or not an official’s actions reach the level of impeachable offenses, and if so, it can impeach by a majority vote.
- The Senate sits as a court to decide I the impeached official should be convicted and whether the nature of the offense warrants removal from office.
- The Senate has the power to confirm many presidential nominations.
- The House has its own responsibilities, though not important - although all revenue bills must originate in the House.

MANAGING CONGRESS
- The Senate prides itself on begin an incubator of ideas, a place in which individual members can take the floor to defend an intense minority and delay action until at
least 60 senators vote to end the debate; the House prides itself on being the voice of the people.

- A larger membership requires more rules, which means that HOW things are done affects WHAT is done.
- The House assigns different types of bills to different calendars.
- The House is the first to use electronic voting.
- Immediate action may be taken by unanimous consent of the members of the floor.
- Committee as a Whole- by acting as such, allows the House to operate more in formally and more quickly than under its regular rules.
- A quorum requires only 100 members, which is quicker and simpler.
- Speaker of the House-the presiding officer in the House of Representatives- formally elected by the House, but actually selected by the majority party. Speaker represents the legislative branch on ceremonial occasions, and is second in line in presidential succession.
- Powers of the speaker include recognizing members who wish to speak, ruling on questions of parliamentary procedure, and appointing members to temporary committees. In general, they totally direct the business on the floor of the House.

**Other House Officers:**

- **Majority Leader**-legislative leader selected by the majority party who helps plan party strategy, confers with other party leaders, and tries to keep members of the party in line.
- **Minority Leader**- legislative leader selected by the minority party as spokesperson for the opposition- becomes speaker when their party gains control.
- **Whips**- party leader who is the liaison between the leadership and the rank-and-file in the legislature. They inform members when important bills will come up for a vote, prepare summaries of the bills, do nose counts or the leadership, exert pressure on members to support leadership.
- **Party caucus**- a meeting of the members of a party in a legislative chamber to select party leaders and to develop party policy.

**House Rules Committee:**

- Powerful committee that regulates the time of floor debate for each bill and sets limitation on floor amendments.
- **Closed Rule**- a procedural rule in the House that prohibits any amendments to bills provides that only members of the committee reporting the bill may offer amendments.
- **Open Rule**- permits floor amendments with in the overall time allocated to the bill.
- The Rules committee is often used to block significant legislation.

**Leading the Senate**

- The Senate is a smaller body, its procedures are more informal, and it permits more time for debate.
- Senate is led by the **Senate Majority Leader**- who is elected by the majority party in the Senate. He is his party’s national spokesperson, and has the right to be the first
senator heard on the floor. He also controls the Senate’s agenda and recommends committee assignments for members of the majority party. They have substantial influence over the legislative agenda of the Senate.

- **Policy Committee** - each party has one, composed of party leaders, which is theoretically responsible for the party’s overall legislative program - they are formally provided for by law and each has a regular staff and budget.
- **Vice President** rules over the Senate, and can only vote if there is a tie.
- **President Pro Tempore** - rules over the Senate if Vice-President is gone, and is the most senior member from the majority party.
- Senate is far less structured than the House
- Extended debate allows senators to hold the floor as long as they wish unless a supermajority of 60 colleagues vote to end a debate
- Senate’s rules allow an individual Senator to offer amendments on virtually any topic, amending a bill literally to death.
- **Hold** - a procedure allowing any senator to block temporarily the consideration of either a legislative bill or a presidential nomination.
- **Filibuster** - a procedural practice in the Senate whereby a senator refuses to relinquish the floor and delays proceedings and prevents a vote on a controversial issue.
- A filibuster can be defeated
- **Cloture** - a procedure or terminating debate in the Senate - you must get 16 senators to sign a petition asking for cloture within 2 days, if 3/5 of the total number of the senate (60) vote in favor of cloture, no senator may speak on the measure under consideration for more than one hour.

**Power to Confirm**
- Constitution leaves the precise practices of the confirmation process somewhat ambiguous.
- Framers regarded the confirmation process as an important check on executive power.
- Confirmation process begins in committees - nominees appear before them to answer questions, and they typically meet individually with key senators before the hearing.
- Senate’s advise and consent powers sometimes force presidents to make compromises plainly constraining their ability to use the presidential appointment power.
- **Senatorial Courtesy** - presidential custom of submitting the names of prospective appointees for approval to senators from the states in which the appointees are to work.

**Congressional Committees**
- The struggle over legislation begins in subcommittees.

**Types of Committees:**
- **Standing Committees** - the most durable and are the source of most bills - they are committees established in a legislature permanently, focusing on a specific policy area.
- **Select/Special Committees** - congressional committees created for a specific purpose, sometimes to conduct an investigation.
♦ **Joint Committee**- members of both the House and the Senate; oversee the Library of Congress and conduct investigations.

♦ Standing committees are the most important for making laws and representing constituents. There are 4 types:

  1. **Authorizing Cmtes**- pass the laws that tell government what to do, example is rules governing the Pell Grant program. Also responsible for oversight of the federal bureaucracy.
  2. **Appropriations Cmtes**- make decisions about how much money government will spend on its programs and operations. Each appropriations committee has one subcommittee for each of the 13 appropriations bills that must be enacted each year to keep government running. They have the great power to undo limit decisions made by the authorizing committees.
  3. **Rules & Administration Cmtes**- determine the basic operations of the two houses- for example, how many staffers individual members get.
  4. **Revenue & Budget Cmtes**- deal with raising the money that appropriating committees spend awhile setting the broad targets that shape the federal budget.

### Choosing Committee Members

♦ control and staffing of standing committees are partisan matters. The chair and majority of each standing committee come from the majority party. The minority party is represented on each committee roughly in proportion to its membership in the entire chamber.

♦ Members usually stay on the same committees from one congress to the next.

♦ The House and Senate choose committee members in different ways- Republicans in the House choose committee members through their Committee on Committees, which is composed of one member from each state that has Republican representation in the House.

♦ Democrats in the House choose committee members through the Steering and Policy Committee of the Democratic caucus in negotiation with senior Democrats from the state delegations.

♦ In making assignments, leaders are guided by various considerations; how talented and cooperative a member is, whether his or her region is already well represented on a committee, and whether the assignment will aid in reelecting the member.

♦ One way Congress copes with its legislative workload is to organize its committees and subcommittees by subject matter.

♦ The connections among a committee, an interest group, and an executive branch agency can be so strong that it is sometimes referred to as an IRON TRIANGLE.

### The Role of Seniority

♦ **Seniority Rule**- a legislative practice that assigns the chair of a committee or subcommittee to the member of the majority party with the longest continuous service on the committee.

♦ Seniority has long been respected in Congress for several reasons: it encourages members to stay on a committee, it encourages specialization and expertise, and it reduces the interpersonal politics that would arise if several members of a committee sought to become chair.
Investigations and Oversight

♦ Committees also do 2 things:
  ♦ 1. Investigate- Congress conducts investigations to determine if legislation is needed, to gather facts relevant to legislation, to assess the efficiency of executive agencies, to build public support, to expose corruption, and to enhance the image or reputation of its members.
  ♦ 2. Oversight- the responsibility to question executive branch officials to see whether their agencies are complying with the wishes of the Congress and conducting their programs efficiently.

The Special Role of Conference Committees

♦ Only if both houses pass an absolutely identical measure can it become law.
♦ Conference committee- a special committee of members from each chamber that settles the differences between versions. Both parties are represented, but the majority party has more members.
♦ When the revised bill is brought back to the two chambers, the conference report can be accepted or rejected, but it cannot be amended.
♦ Caucuses- informal committees that allow individual members to promote shared legislative interests. There are caucuses for House members only, for Senators only, for members of both chambers together.

THE JOB OF THE LEGISLATOR

♦ Franking Privilege- free mailings back home for Congressman- In 1954, Congress members sent 44 million pieces of mail back home, in 1992, the number was 460 million.
♦ In 1998- most members reported they worked more than 70 hours a week.
♦ 96% of members reported they were very or mostly satisfied with their jobs.
♦ The old norms were simple- members were supposed to specialize in small numbers of issues( norm of specialization), defer to members with longer tenure in office (norm of seniority) never criticize anyone personally (norm of courtesy) and wait their turn to speak and introduce legislation (norm of apprenticeship)
♦ New norms are equally simple: new members are no longer willing to wait their turn to speak or introduce legislation and now have enough staff to make their opinions known on just about any issue at just about any point in the legislative process.

Legislators as Representatives

♦ Lawmaking Institution- that writes laws and makes policy for the entire nation, in this capacity all the members are expected to set aside their personal ambitions and perhaps even the concerns of their own constituencies.
♦ ALSO: Representative Assembly- made up of 535 elected officials who serve as links between their constituents and the national government.
♦ Some believe they should serve as DELEGATES from their district, and see it as their duty to find out what “folks back home” want and act accordingly.
Others see themselves as **TRUSTEE** who contend that constituents did not send them to Congress to serve as mere robots or errand runners, but to act and vote according to their own view of what is best for their district or state as well as the nation.

**Legislators as Lawmakers**
- 5,000 bills are introduced in the House every two years and as many as 3,000 in the Senate.
- When they vote, members of Congress are influenced by their own philosophy and values, their perceptions of their constituents’ interests, the views of their trusted colleagues and staff, their partisan ties, and party leaders, lobbyists, and the president.
- Members are influenced by their ideological beliefs most of the time.
- Their experiences and attitudes about the role of government shape their convictions and help explain a lot of the differences in voting patterns.
- **Attentive public**—those citizens who follow public affairs carefully, and are most likely to let legislators know about it.
- **Colleagues**—Legislators are often influenced by the advice of their close friends in Congress and depend on the advice of like-minded colleagues.
- **Log rolling**—a member may vote with a colleague in the expectation that the colleague will later vote for a measure about which that member is concerned.

**Congressional Staff**
- Senate members and committees have much larger staffs than their House counterparts.
- 1/3 of the House of Reps and 1/4 of the Senate staff are based back home, where they help their bosses communicate with voters and provide constituency services and casework.
- Work done in district offices is akin to a continuous campaign effort.
- Staff members draft bills, do research, and are often involved in negotiating and coalition building.

**Party**
- Members generally vote with their party.
- Partisan voting has increased in the House since the early 1970s.
- Party differences are stronger over domestic, regulator, and welfare reform measures than over foreign policy or civil liberties issues.
- Congressional redistricting has helped increase partisanship in congressional voting.
- Redistricting efforts in many states have ensured more safe seats, the House of Reps has more members who are not inclined to compromise or be moderate.

**Interest Groups**
- Interest groups, acting through their lobbyists and PACs make substantial contributions to congressional elections.
- At least 70% of PAC contributions have gone to incumbents in recent years.
- They provide important information for making laws.
- They also serve to monitor one another.
Interest groups can also be effective when they mobilize grassroots activists and rally various constituencies to lobby their home state members of Congress.

The President
- Presidents are usually partners with Congress in the legislative process.
- The president is often the single most important force in determining the course of legislation.
- On domestic issues, legislators generally say they are more likely to be influenced by their own convictions or by their constituents than by what the White House wants.
- Presidents have more influence on how members of congress vote on foreign policy or national security issues than on domestic policy.
- CHART PG. 294- COMPARING HOUSE AND SENATE

THE LEGISLATIVE OBSTACLE COURSE

How Bills Become Laws
- In 2001, a typical year, Congress introduced 5,500 bills, of those, committees in one or another of the chambers sent nearly 400 to the floor for further consideration, of which the Senate passed 115 and the House passed 390, of those, 136 were approved by both chambers and signed into law.
- Four steps from beginning to end:
  1. Introduction, which involves putting a formal proposal before the House or Senate
  2. Committee Review- which involves holding a hearing and marking up the bill.
  3. Floor Debate & Passage- which means getting on the legislative calendar, passing once in each chamber, surviving a conference to iron out any differences between the House and Senate versions, and passing once again in each chamber.
  4. Presidential approval or veto.

Introducing a bill- House members introduce a bill by placing in into a mahogany box (called the hopper) on a desk at the front of the House chamber; senators introduce a bill by either handing it to the clerk of the Senate or by presenting it to their colleagues in a floor speech. A bill that comes from the house is designated H.R. and from the Senate is designated S.

Committee Review
- Once it is read into the record as a formal proposal it is referred to the appropriate committee.
- Referral Decision- complex bills may be referred simultaneously or sequentially to multiple committees.
- Committees and their subcommittees re responsible for building a legislative record in support of a given bill. This legislative record also helps the president and federal courts interpret what Congress wants.
- Markup- once a committee decides to pass a bill, it marks it up to clean up the wording or amend its version of the bill. If it is passed by a subcommittee, it is
 forwarded to the full committee, and if passed by a full committee, it is forwarded to the full chamber.

- **Discharge petition** - a petition, that, if signed by a majority of the members of the House, will pry a bill from committee and bring it to the floor for immediate consideration.

**Floor Debate and Passage**
- A bill will either be scheduled for floor action or dropped entirely, depending on the party leadership and the amount of time left in the session.
- Most bills occur just before the end of session, in late September or early October.
- **Riders** - a provision attached to a bill to which it may or may not be related in order to secure its passage. Senators use riders to force the president to accept legislation attached to a bill that was otherwise popular, because the president has to accept the entire bill or veto it.
- Except for tax bills, the House and Senate discuss bills simultaneously rather than waiting for one to act first.
- If a bill does not make it through both chambers in identical form in the same two-year Congress, it must begin the entire process again in the next Congress.
- If Congress is in session and the president waits 10 days (not counting Sundays) the bill automatically becomes law without his signature.
- If Congress has adjourned and the president waits 10 days without signing the bill, it is defeated by a **POCKET VETO**, and the bill is dead.

**Importance of Compromise**
- One tactical decision at the start is whether to push for action in the Senate first, in the House first, or in both simultaneously.
- A bill that involves more than one jurisdiction can be written in such a way that it may go to a committee that will look on it more kindly.

**CONGRESS: AN ASSESSMENT AND A VIEW ON REFORM**
- Members’ concern with reelection fosters accountability and the desire to please the voters.
- The permanent campaign clearly hinders legislative progress.
- The congressional system acts only when majorities can be achieved.

**Criticisms of Congress**
- Congress in inefficient
- Groups have urged Congress to urge the chambers to reduce the number of committee assignments, establish better information systems, centralize more power in leadership positions, and strengthen majority rule.
- Congress is unrepresentative - it represents constituents’ interests over the national interests.
- Congress is supposed to reflect geographical and narrow interests, to register the diversity of the US
Congress is Unethical- both houses have had many scandals recently, and have passed ethics codes and created ethics subcommittees which require public disclosure of income and property holdings by legislators, key aides, and spouses- they also ban most gifts of over $100.

Congress lacks collective responsibility.