Chapter Ten: The Congress
Learning Outcomes

1. Describe the various roles played by Congress and the constitutional basis of its powers.

2. Explain some of the differences between the House and the Senate and some of the privileges enjoyed by members of Congress.

3. Examine the implications of apportioning House seats.
Learning Outcomes

4. Describe the committee structure of the House and the Senate.

5. Specify the key leadership positions in each chamber.

6. Discuss the process by which a bill becomes law and how the federal government establishes its budget.
Founders gave most power to Congress

Bicameralism

- Connecticut Compromise
  - Favors large states’ population (House)
  - Equality for small states (Senate)
The Nature and Functions of Congress

- Functions
  - Lawmaking
    - Compromise and logrolling
    - Earmarks
  - Representation
    - Trustee view
    - Instructed delegate view
The Nature and Functions of Congress

- Functions
  - Service to constituents
    - Casework
    - Ombudsperson
  - Oversight
  - Public education
  - Conflict-resolution
The Nature and Functions of Congress

The Powers of Congress

- Enumerated
  - Article 1, Section 8
  - Includes rights to collect taxes, spend and regulate commerce

- Necessary and Proper Clause

- Senate must also ratify treaties and accept/reject nominations
House-Senate Differences and Congressional Perks

- **Size and Rules**
  - House = 435 representatives & delegates
  - Senate = 100 senators
  - More formal rules in House
    - Rules Committee
  - Extended debate in Senate
House-Senate Differences and Congressional Perks

- Debate and Filibustering
  - Senate filibuster dates to 1790
    - Cloture
    - Increased usage
    - Reconciliation
### Differences between the House and the Senate

<table>
<thead>
<tr>
<th></th>
<th>House*</th>
<th>Senate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members chosen from local districts</td>
<td>Members chosen from an entire state</td>
<td></td>
</tr>
<tr>
<td>Two-year term</td>
<td>Six-year term</td>
<td></td>
</tr>
<tr>
<td>Originally elected by voters</td>
<td>Originally (until 1913) elected by state legislatures</td>
<td></td>
</tr>
<tr>
<td>May impeach (indict) federal officials</td>
<td>May convict federal officials of impeachable offenses</td>
<td></td>
</tr>
<tr>
<td>Larger (435 voting members)</td>
<td>Smaller (100 members)</td>
<td></td>
</tr>
<tr>
<td>More formal rules</td>
<td>Fewer rules and restrictions</td>
<td></td>
</tr>
<tr>
<td>Debate limited</td>
<td>Debate extended</td>
<td></td>
</tr>
<tr>
<td>Less prestige and less individual notice</td>
<td>More prestige and more media attention</td>
<td></td>
</tr>
<tr>
<td>Originates bills for raising revenues</td>
<td>Has power to advise the president on, and to consent to, presidential appointments and treaties</td>
<td></td>
</tr>
<tr>
<td>Local or narrow leadership</td>
<td>National leadership</td>
<td></td>
</tr>
<tr>
<td>More partisan</td>
<td>Somewhat less party loyalty</td>
<td></td>
</tr>
</tbody>
</table>

*Some of these differences, such as the term of office, are provided for in the Constitution. Others, such as debate rules, are not.
House-Senate Differences and Congressional Perks

- Compared to average citizens, congresspersons are:
  - Older
  - Disproportionately white, male and with high-status occupations
  - Large proportion of lawyers
  - High salaries ($174,000 annually)
  - Wealthy (almost half are millionaires)
### Table 10-2  Characteristics of the 113th Congress, 2013–2015

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>U.S. Population</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age (median)</strong></td>
<td>36.8</td>
<td>56.2</td>
<td>61.5</td>
</tr>
<tr>
<td><strong>Percentage minority</strong></td>
<td>34.9</td>
<td>18.2</td>
<td>5</td>
</tr>
<tr>
<td><strong>Religion</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage church or synagogue members</td>
<td>66.4</td>
<td>84.8</td>
<td>90</td>
</tr>
<tr>
<td>Percentage Roman Catholic</td>
<td>23.9</td>
<td>30.3</td>
<td>28</td>
</tr>
<tr>
<td>Percentage Protestant</td>
<td>51.3</td>
<td>50.1</td>
<td>51</td>
</tr>
<tr>
<td>Percentage Jewish</td>
<td>1.7</td>
<td>5.1</td>
<td>10</td>
</tr>
<tr>
<td><strong>Percentage female</strong></td>
<td>50.7</td>
<td>18.2</td>
<td>17</td>
</tr>
<tr>
<td><strong>Percentage with advanced degrees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Persons age 25 or above only</td>
<td>10.1</td>
<td>64.6</td>
<td>75</td>
</tr>
<tr>
<td><strong>Occupation</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage lawyers of those employed</td>
<td>0.8</td>
<td>36.8</td>
<td>56</td>
</tr>
<tr>
<td>Percentage blue-collar workers of those employed</td>
<td>23.0</td>
<td>1.1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Family income</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage of families earning over $50,000 annually</td>
<td>44.9</td>
<td>100.0</td>
<td>100</td>
</tr>
<tr>
<td><strong>Personal wealth</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage with assets over $1 million</td>
<td>4.7</td>
<td>53.3</td>
<td>80</td>
</tr>
</tbody>
</table>

*112th Congress.
Sources: CIA Factbook, 2010; Census Bureau; Association of Religion Data Archives; and authors’ updates.

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House-Senate Differences and Congressional Perks

- Perks and Privileges
  - Franking
  - Permanent professional staffs
    - 30 on average
  - Professional research agencies
  - Immunities under the law
Congressional Elections and Apportionment

- Decentralized elections conducted by state governments
  - Representatives elected every 2 years
    - Numbers determined by Census
    - Each district about 700,000 people
  - Senators elected every 6 years
    - Popular statewide vote
    - One-third chosen every two years
Congressional Elections and Apportionment

- Candidates for congressional elections
  - Expensive campaigns
  - Most win nomination through direct primary
  - Presidential effects (coattails)
  - Power of incumbency
Congressional Elections and Apportionment

- Apportionment of the House
  - Reapportionment (after each census)
  - Redistricting
  - Gerrymandering
  - Minority-Majority districts

Examples of Districting

**Example 1.** A “bipartisan gerrymander” aimed at protecting incumbents in both the O Party and the X Party.

**Example 2.** An unstable system. All districts have the same number of supporters in each party.

**Example 3.** A classic partisan gerrymander. The X Party is almost guaranteed to carry three districts.
The Committee Structure

- The power of committees
  - Performs most of work of Congress
  - Allows for specialization
  - Controls flow of legislation
    - Can also kill proposed legislation
    - Discharge petition
The Committee Structure

- Types of Congressional Committees
  - Standing
  - Select
  - Joint
  - Conference
  - House Rules Committee
    - Gatekeeper
    - Uniquely powerful
### Table 10-5  Standing Committees of the 113th Congress, 2013–2015

<table>
<thead>
<tr>
<th>House Committees</th>
<th>Senate Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Agriculture, Nutrition, and Forestry</td>
</tr>
<tr>
<td>Appropriations</td>
<td>Appropriations</td>
</tr>
<tr>
<td>Armed Services</td>
<td>Armed Services</td>
</tr>
<tr>
<td>Budget</td>
<td>Banking, Housing, and Urban Affairs</td>
</tr>
<tr>
<td>Education and the Workforce</td>
<td>Budget</td>
</tr>
<tr>
<td>Energy and Commerce</td>
<td>Commerce, Science, and Transportation</td>
</tr>
<tr>
<td>Ethics</td>
<td>Energy and Natural Resources</td>
</tr>
<tr>
<td>Financial Services</td>
<td>Environment and Public Works</td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td>Finance</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>Foreign Relations</td>
</tr>
<tr>
<td>House Administration</td>
<td>Health, Education, Labor, and Pensions</td>
</tr>
<tr>
<td>Judiciary</td>
<td>Homeland Security and Governmental Affairs</td>
</tr>
<tr>
<td>Natural Resources</td>
<td>Judiciary</td>
</tr>
<tr>
<td>Oversight and Government Reform</td>
<td>Rules and Administration</td>
</tr>
<tr>
<td>Rules</td>
<td>Small Business and Entrepreneurship</td>
</tr>
<tr>
<td>Science, Space, and Technology</td>
<td>Veterans’ Affairs</td>
</tr>
<tr>
<td>Small Business</td>
<td></td>
</tr>
<tr>
<td>Transportation and Infrastructure</td>
<td></td>
</tr>
<tr>
<td>Veterans’ Affairs</td>
<td></td>
</tr>
<tr>
<td>Ways and Means</td>
<td></td>
</tr>
</tbody>
</table>
The Committee Structure

- Selection of Committee Members
  - Appointed
  - Seniority system
The Formal Leadership

Leadership in House
- Speaker (powerful)
- Majority Leader
- Minority Leader
- Whips

Leadership in Senate
- President Pro Tempore (ceremonial)
- Majority Leader
- Minority Leader
- Whips
Lawmaking and Budgeting

- Each law begins as a bill
  - “Money bills” must start in House
  - Follows similar path in both chambers
  - Conference committee writes compromise bill if passed in both chambers
How a Bill Becomes Law

A bill goes to full committee, then usually to a specialized subcommittee for study, hearings, revisions, and approval. Then the bill goes back to full committee, where more hearings and revisions may occur. The full committee may approve the bill and recommend passage. Committees rarely give a bill an unfavorable report; instead, the bill may "die" in committee.

In the House, many bills go before the Rules Committee for a "rule" expediting floor action, setting conditions for debate and amendments on the floor. Some bills are "privileged" and go directly to the floor. In the Senate, special "rules" are not used; leadership normally schedules action. A bill is debated, usually amended, and then passed or defeated. If passed, it goes to the other chamber to follow the same route through committee and floor stages. If the other chamber has already passed a related bill, as is often the case, both versions go straight to conference, as shown in this figure.

Conference Action
Once both chambers have passed related bills, a conference committee of members from both houses is formed to work out differences. The compromise version from conference is sent to each chamber for final approval.

Compromise version of bills HR 100/S 200 sent to House for approval

Compromise version of bills HR 100/S 200 sent to Senate for approval

A bill approved by both houses is sent to the president, who can sign it into law or veto it and return it to Congress. Congress may override a presidential veto by a two-thirds majority in both chambers; the bill then becomes law without the president’s signature.
Lawmaking and Budgeting

- How much will the government spend?

The Budget Cycle

Executive Budgeting Process

- Executive agency requests: about one to one-and-a-half years before the start of the fiscal year, or in March to September

Legislative Budgeting Process

- Second budget resolution by October 1
- First budget resolution by May 15

Execution

- Start of fiscal year: October 1
- Outlays and obligations: October 1 to September 30

Office of Management and Budget (OMB) review and presidential approval: nine months to one year before the start of the fiscal year, or in September to December

Executive branch submits a budget to Congress eight to nine months before the start of the fiscal year, at the end of January

Audit of fiscal year outlays on a selective basis by the Government Accountability Office (GAO)
Lawmaking and Budgeting

- Preparing the budget
  - Fiscal year cycle (October-September)
  - Spring review and fall review
  - Authorization
  - Appropriation

- Budget resolutions
  - First budget resolution
  - Second budget resolution
  - Continuing resolution
If filibusters are legitimate and overused, should the Senate pass more stringent restrictions on terms of use, especially when voting on taxation, spending and finance legislation?
Questions for Critical Thinking

Should the party leadership both in the House and Senate be held accountable when the public is unhappy with the job performance of Congress?
What are the advantages and disadvantages of a divided government when it comes to passing legislation?
Questions for Critical Thinking

★ Is the advantage of incumbency in elections changing? Why or why not?
Questions for Critical Thinking

Should independent commissions be responsible for redistricting states in order to prevent gerrymandering? Is the solution to gerrymandering having non-elected officials draw the lines?
The Committee structure forces individuals who do not agree with any party to vote with them in caucus to retain seniority. Do you agree with the system that favors seniority over qualifications in determining chairpersonships?