The US Congress
Keeping the Republic, Chapter 6

Let’s Ask...
• Why don’t things change?

Legislative Terms
• A “Legislature” is a lawmaking body of elected officials.
  – We use the term “Congress” to describe the US House and Senate.
  – We say “The Legislature” when describing the Texas House and Senate.
• Proposals officially being considered are called “bills” or legislation
Key Argument:

- Congress is
- Constitutionally
- dominant

Impeachment & Removal

- Article II Section 4
- “The President, Vice-President and all civil officers of the United states shall be removed from office on impeachment for, and on conviction of, treason, bribery, or other high crimes and misdemeanors.”

Impeachment

- Article I Section 2:
- “The House of Representatives... shall have the sole power of impeachment.”
Removal

- Article I Section 3: “The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.”

Standards for impeachment

- Voting on impeachment has generally been a partisan process with the standards having more to do with party than principle.
  - Clinton in 1998-1999
  - Andrew Johnson in 1868

Budgeting Power

- “The power of the purse”
- Article I Section 9:
  - “No money shall be drawn from the treasury, but in consequence of appropriations made by law…”
The Nuts & Bolts of Congress

Constitutional limits

• Quorum Restrictions
• Rules require 2/3 approval
• Journal Required
• Limit on Adjournment
• House electing speaker
  ➔ Congress makes its own rules

House Senate Differences

• Why are there two parts to Congress?
Qualifications

- House
  - 25 years old
  - citizen for 7 years

- Senate
  - 30 years old
  - citizen for 9 years

For both:
- citizen of the state they represent
- cannot hold another government position

Size of Membership

- House: 435
- Senate: 100
  - House more structured
  - Senate less formal

Length of Term

- House: 2 years
- Senate: 6 years
  - Originally, Senators were elected by state legislature rather than direct election by the people.
Size of Constituency

Each House member represent about 715,000 people
Senators represent entire states that are more populous and diverse

Presiding Officers

- The House elects their own Speaker at the beginning of each term
  “The House of Representatives shall chus their Speaker and other Officers…”
- Officially the presiding officer of the Senate is Vice President
  “The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Special Senate Roles

- Confirmation of Judicial Nominees
- Confirmation of executive appointees
- Ratification of Treaties
Special House Roles

- Article I, Section 7:
  "All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

How is Congress Organized?

Who Organizes Congress?

- Leadership
- Committees
- Support Organizations
- Party
Speaker of the House

- Elected at the beginning of each session
- Leader of the majority party in the House as well as presiding officer of House formal power to:
  - Assign bills to committee
  - Recognize members

House Majority Leader

Elected by majority party’s “caucus” (meeting) before Congress convenes. "Floor" leader for majority party.

Eric Cantor, Virginia

House Majority Whip

Mobilizes party votes
Distributes information
Coordinates strategy

Kevin McCarthy, California
House Minority Leader
Elected by minority party's caucus before Congress convenes
Leader of minority party

Nancy Pelosi, California

House Minority Whip

The "whipper in" is a British term for the person responsible for keeping the foxhounds from leaving the pack.
It was first used in the British House of Commons in the late 1700s

Steny Hoyer, Maryland

“President” of the Senate
• Officially presiding officer of US Senate
• Can cast tie-breaking vote
• Generally, not needed
President pro tempore

- Serves as presiding officer in the vice president’s absence.
- Most senior member of the majority party.
  - Daniel K. Inouye
  - (First elected in 1963)

Senate Majority Leader

Elected by majority party’s caucus before Congress convenes.

Harry Reid
Nevada

Majority Whip

Assists the majority leader

Dick Durbin
Illinois
Senate Minority Leader

• Important spokesperson for their party when the president is of the other party.

• Mitch McConnell
  Kentucky

Senate Minority Whip

• Elected by the majority party’s caucus before Congress convenes

• John Kyl
  Arizona

The Power of Party Leaders

• What kind of formal power do party leaders have?
  • Where would their power come from?
Committees

The Need for Committees
Division of labor

Specialization & Expertise

Functions of Committees

• Examine/draft bills
  – Committee Hearings
  – “Markup” Sessions
• Legislative Oversight
  – Is writing the law enough?

Joe Lerman, president of International Music Products Association, and Elmo of Sesame Street testify in favor of school music education during a House Labor, Health and Human Services, Education Appropriations Committee hearing on April 23, 2002.
Types of Committees

- Standing
- Special/Select
- Conference

Standing Committees
- Permanent committees with continuing staff and membership
- Separate for House and Senate
  - House: 20 Standing Committees
  - Senate: 20 Standing Committees

House Committees
- Agriculture
- Appropriations
- Armed Services
- the Budget
- Education and Labor
- Energy and Commerce
- Financial Services
- Foreign Affairs
- Homeland Security
- House Administration
- Judiciary
- Natural Resources
- Oversight and Government Reform
- Rules
- Science and Technology
- Small Business
- Standards of Official Conduct
- Transportation and Infrastructure
- Veterans' Affairs
- Ways and Means
Senate Committees
- Agriculture, Nutrition, and Forestry
- Appropriations
- Armed Services
- Banking, Housing, and Urban Affairs
- Budget
- Commerce, Science, and Transportation
- Energy and Natural Resources
- Environment and Public Works
- Finance
- Foreign Relations
- Health, Education, Labor, and Pensions
- Homeland Security and Governmental Affairs
- Judiciary
- Rules and Administration
- Small Business and Entrepreneurship
- Veterans Affairs

Select/Special Committees
- Temporary committees created to conduct studies or investigations
- No power to report legislation

Conference Committees
- Includes members from both the House and the Senate
- Members selected by presiding officers
- Created to resolve differences between House and Senate versions of bills.
Assigning Members to Committees

- The majority party decides how many seats each party will have on each committee
- Each party assigns members to its slots on committees

Selecting Committee Chairs

- Two key criteria:
  - Party membership
    - Always members of the majority party
  - Seniority
    - Usually the member who has served the longest on the committee

Support Organizations

Organizations staffed by non-members of Congress
Government Accountability Office
• Created in 1921
  – Oversees spending
  – Investigates programs
  – Oversees the performance of federal agencies

Library of Congress
• One of the world’s great libraries
• Congressional Research Service

Congressional Budget Office
• Created in 1974 to reduce dependence on the executive branch
• Analyzes the budget
• Provides economic forecasts
The Parties in Congress

- Select congressional leaders
- Select committee chairs and assign members to committees
- Write the rules, push legislation, and organize debate

What else does Congress do?

- What do legislators do other than write laws?
- Why is reform so hard?

Pork Barrel Spending

- Local projects designed to create jobs for constituents and gain favor in the district
Military Pork

• Pork comes in many forms.

Pork Barrel Spending

Citizens Against Government Waste identified $16.5 billion of pork in 9,125 projects in the 2010 budget.

Earmarks

“Earmarks” involve language in Congressional provisions that direct spending or tax breaks to a particular target.
Legislative Oversight
In some ways, Congress can exercise more control over the executive branch than the president by...
- Passing the laws that create executive branch agencies
- Setting their budgets
- Writing the laws the agencies enforce

Redistricting
- Every 10 year the U.S. does a census. This can be used by district boundaries are re-drawn by the states.
  - Gerrymandering

Gerrymandering
- When legislative districts are drawn to benefit one candidate or party
Racial Gerrymandering
• Sometimes legislative districts have been drawn to increase the representation of underrepresented groups.

Partisan Gerrymandering

Gerrymandering
The 10th district was redrawn to include areas stretching from West Austin to the suburbs of Houston.
Casework

• Providing assistance and services to constituents

Views of Representation

• Trustee
• Delegate
• “Real Time” representation