

CHAPTER 12 - The Congress and Its Work

OVERVIEW

Americans tend to give Congress low ratings, yet they overwhelmingly reelect incumbents. The reason is Americans hold Congress and congressmen to two different standards. They want Congress to solve the nation's major problems, and they want congressmen to solve individual constituent problems. Congressmen are good at the latter (since it helps guarantee their reelection), but that leaves little time for the former.

The structure of Congress reflects this tension. It is a compromise between what is needed to get the job done and what is needed to get reelected.

OUTLINE

I. Congress – The First Branch

- Surveys consistently report that only a minority of Americans trust the Congress to do what is right or have confidence in Congress, and they view members (other than their own party) as having ethical standards only a bit higher than car salespersons.
- This view is puzzling given the fact that members of Congress work hard, don't get as much pay as those in the private sector, and are very powerful, and that Americans view their own party members positively.

II. The Organization of Congress

- Congress is composed of a House and Senate. The two chambers have developed a division of labor and a party leadership structure.

A. The Congressional Parties

- There are two major organizational features of the Congress: the party structure and the committee structure. Not mentioned in the Constitution, these structures have been developed by elected officials to meet their needs. Both are more important in the House than the Senate, which operates more informally.
- Parties are a principal organizing force in the Congress.

1. Speaker of the House

- The Constitution stipulates that the House shall elect a Speaker. In practice, the Speaker is always the leader of the majority party in the House. The Speaker ordinarily does not vote.
- From the end of Reconstruction to the turn of the century, the Speaker often rivaled the President as the most powerful public official in the United States. Their powers in the House were such that it could accurately be said that Speakers ruled.
- A revolt began in 1910, stripping the Speaker of several significant powers. The office of Speaker never regained the powers removed at this time.

2. Party Leadership: House

- The office of majority leader was created in 1899. The majority leader votes, and is responsible for the day-to-day leadership of the party.

- The minority leader (created in 1883) performs the functions of the majority leader but for the minority party.
- The majority and minority leaders are assisted by whips, whose job it is to link the leadership to the party rank and file.
- Some members serve on party committees that discuss issues, develop the party program, and sometimes endorse legislation. These committees are the Democratic Steering and Policy Committee, the Republican Policy Committee, and the Republican Steering Committee.
- Members in both parties participate in their respective party caucus. Republicans call theirs the Conference. These elect the party leadership and approve the slates of committees nominated by the Steering Committees.

3. Party Leadership: Senate

- Constitutionally, the vice president is the presiding officer of the Senate. He can only vote to break a tie.
- The Constitution also provides for a president pro tempore, who presides in the absence of the vice president.
- Senate leaders are not as powerful as their House counterparts. Since one member using a filibuster (which takes 60 members to stop) can delay action, party leaders work to hammer out unanimous consent agreements.

4. Ups and Downs of Congressional Parties

- While the congressional party leadership today is not as strong as it was in the period before the revolt against Cannon, it is stronger than it was for a half century after the revolt.
- Several reforms initiated in the mid-1970s strengthened the Speakership in particular and the party leadership in general. For example, who chaired a committee was no longer determined solely by seniority. When Republicans won the Congress in 1994, they united behind Speaker Gingrich in a strong show of party support.
- What explains these shifts? Careerism, beginning around the turn of the century, made members more independent of the leadership. Another reason put forth by one researcher is that the more homogeneous the parties are, the stronger the leadership.
- A strong party in Congress, in spite of the electoral independence of members, helps members in two ways: (1) coattails and (2) the low information of voters means they often rely on party performance for their voting cues. Some members also see the party apparatus as a way to accomplish things they feel strongly about.

B. The Committee System

- Congress does its business through committees. Only about 10 to 15 percent of the bills introduced in Congress pass because most never make it out of committee, even though there is a procedure - the discharge petition - for removing them from committee.

- Standing committees have fixed memberships and jurisdictions, and they continue from one Congress to another. The Appropriations, Commerce, and Foreign Relations Committees are examples.
- Select committees, by contrast, are temporary committees created to deal with specific issues.

1. House Committees

- Probably the three most important House committees are the Rules, Ways and Means, and Appropriations. Ordinarily, a member serving on one of these committees is not allowed to serve on other committees (an exception being the Budget Committee).
- Major policy committees deal with important policy areas such as agriculture, armed services, energy, and so forth. Usually, a member serves on only one, along with a less important committee. Democrats call them semi-exclusive; Republicans call them blue.
- Less important committees include housekeeping committees like Government Reform and Oversight and committees with narrow policy jurisdictions like Veterans' Affairs. Members may serve on two such committees. Democrats call these nonexclusive; Republicans call them white.

2. Senate Committees

- Appropriations, Finance, Budget, and Foreign Affairs are major Senate committees. Rules is a minor committee.
- Each Senator may serve on two major and one minor committee, and every senator gets to serve on one of the four major committees. Since senators serve on more committees than House members, they generally cannot be as specialized as House members.

3. How Committees Are Formed

- Each committee has a majority-minority ratio at least as favorable to the majority as the overall division of the chamber. More important committees are stacked in the majority party's favor.
- Committee chairs go almost always to the most senior members of the majority party. They exercise considerable independence.

4. Purpose of Committees

- Why has Congress delegated so much power to committees? There are two prevailing theories.
- The distributive theory has it that members give committees power so that they can better serve their constituents.
- The informational theory explains the transfer of power as necessary for reliance on experts in policy areas.
- Another theory holds that committees are the tools of political parties.
- The three theories are not incompatible.

C. Caucuses

- In recent years, voluntary groupings of members with shared interests have become increasingly common in the House of Representatives, adding a third level of congressional organization. Usually called caucuses, these groupings can cross party, committee and even chamber lines

III. How a Bill Becomes a Law

- First, a bill must be introduced by a congressional sponsor. It will be referred to a committee or committees and then to a subcommittee.
- The subcommittee may hold hearings on the bill. After this the subcommittee begins markup of the bill. The committee may repeat the hearing and markup process. If a majority of the committee votes for the bill, it is ready to be scheduled for floor debate.
- In the House, some measures will be brought to the floor under suspension of the rules. For most important bills, scheduling of a floor debate is done by the powerful Rules Committee, which issues a rule specifying the terms and conditions of debate (closed rule, open rule, or restrictive rule).
- In the Senate, there is a greater reliance on scheduling by using unanimous consent. For more important bills, intense negotiation is required among the committee and party leaders.
- Once passed by both chambers, the bill will be sent to a conference committee, made up of House and Senate members, to iron out any differences in the House and Senate versions of the bill. If ironed out, the bill is sent back to both houses for approval.
- The bill can now be sent to the president. But if this bill was for authorization of a program, another bill will have to go through the same process, appropriating money for the program.
- Of the approximately 12,000 bills introduced in Congress in recent years, only about 600 became law, around five percent.

There is a great web site that examines the process of how a bill becomes a law:

http://www.vote-smart.org/resource_govt101_02.php.

IV. Evaluating Congress

A. Criticisms of Congress

- The congressional process is lengthy and inefficient. Congress often produces a compromise that leaves no one satisfied.
- The congressional process works to the advantage of policy minorities, especially those who are content with the status quo.
- Members of Congress are constantly tempted to use their positions to extract constituency benefits, even when important national legislation is at stake.

- The congressional process is such that sometimes the very process of passing legislation ensures that it will not work. Why? Political scientists call it the distributive tendency. This means that every member of Congress wants a “fair share” of the federal pie for his or her district. The result is that tax money goes to areas that don’t really need it. Federal programs often fail because they are not focused on where they will do the most good, and resources are not sufficiently concentrated to have a major impact.

B. Why Americans Like Their Members of Congress So Much More Than Congress Itself

- Americans don’t like Congress because they don’t think Congress solves the major problems facing the nation. They also don’t like the way Congress operates.
- However, Americans overwhelmingly reelect members of Congress. The reason is that they hold individual members responsible for things other than solving the nation’s major problems. For members to be liked they must respond to specific demands of their constituents. Ironically, in meeting this responsibility, members are not able to address the nation’s major problems.