

Chapter 12: The Congress

Section 1: Congress Organizes

Key Terms: Speaker of the House, President of the Senate, president pro tempore, party caucus, floor leader, whip, committee chairman, seniority rule

A. Congress Convenes

1. Opening day in the House

- Congress convenes every January 3 of every odd numbered year
- All 435 members are up for reelection every 2 years, so technically the body has no members until they convene every second year
- Everyone is sworn in and then an election is held for the Speaker of the House. The Speaker is generally the longest serving member of the majority party in the House, so the election is a just a formality. The members of the majority party have already decided who will be the Speaker.
- The rules of the House are formally adopted.
- Members of the 19 permanent committees are appointed by floor vote.

2. Opening day in the Senate

- The Senate is considered a “continuous body”, because Senators are not all up for election at the same time. Only 1/3 of the seats are up for reelection every 2 years.
- Because of this, the procedures in the Senate are much less formal.
- New members and reelected Senators are sworn in, and then vacancies in leadership are filled.

3. State of the Union Message

- This is the only speech required by the Constitution. It says that the President must “report from time to time on the state of the Union”.
- The speech, which usually occurs just a couple of weeks after Congress convenes each year, is given before a joint session of Congress.

B. The Presiding Officers

1. Much of the leadership in Congress is really party leadership. Those who have the real power in the congressional hierarchy are those whose party put them there.

2. Power is no longer in the hands of a few key members of Congress who are insulated from the public. Instead, power is widely dispersed, requiring leaders to appeal broadly for support.

3. **Speaker of the House**

-The Speaker of the House is second (after the vice president) in the line to succeed a president who resigns, dies in office, or is impeached.

-At one time, the Speaker had almost autocratic powers. Many of the powers were removed from the Speaker's control in 1910 and given to committees. Some of these powers have since been restored.

-Formal powers of the Speaker today include:

-presides over the House when it is in session

-plays a major role in making committee assignments

-appoints or plays a key role in appointing the party's legislative leaders and the party leadership staff

-exercises substantial control over which bills get assigned to which committees

-The Speaker also has a great deal of informal power both inside and outside Congress.

4. **President of the Senate**

-The Constitution names the Vice President as President of the Senate.

-Vice Presidents typically have little power or influence in the Senate except in the rare case when their vote can break a tie. This is due to the fact that, unlike the Speaker of the House, they are not elected members of the House over which they preside.

-Since the Vice President is often called away to perform other duties, the Senate elected someone to preside over the Senate in the absence of the VP. This person, known as the President pro tempore, is always the leading Senator of the majority party-usually the longest serving member.

5. **Party Officers**

-Much of the work of Congress is done along party lines. Although the Constitution does not recognize parties, Congress and its rules solidify the role of the party in law-making.

-Party Caucus

- A closed meeting of the members of each party. It meets in January before Congress convenes and then periodically during each session.
- The caucus deals with matters of party organization within Congress and with committee assignments.

-Floor Leaders

- Each party has a floor leader in each house.
- They are called the majority leader (for the majority party) and the minority leader (for the minority party).
- Floor leaders are basically political strategists who work to get bills that their party supports through the House or the Senate. The majority leader is responsible for rounding up votes on party legislation and for scheduling bills in the House. In the Senate, the floor leader calls the bills to the floor following committee action.

-The Whip

- Party whips work with the majority leader to round up votes and to report the views and complaints of the party rank-and-file back to the leadership.
- Whips are legislative leaders of each party who are responsible for rounding up party members for votes on critical issues in either the House or the Senate.

6. Committee Chairman

- Most of the work in Congress takes place in the committees.
- The committee chairmen are powerful positions. They are always from the majority party and are chosen by the majority party caucus.

-Seniority Rule

- A long-standing, unwritten rule that says that the most influential positions in both houses go to those members who have the longest service in Congress.
- Committee chairmen are always the longest serving members of the majority party.

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Section 2: Committees in Congress

Key Terms: standing committee, select committee, joint committee, conference committee

A. Role of Committees

1. Standing committees: Permanent committees set up in each house to consider bills. Committees are set up to review bills of similar topics. Most of the significant decisions in the legislative process usually goes on in committees and subcommittees.
 - Committees dominate congressional policy-making.
 - They regularly hold hearings to investigate problems and possible wrongdoing, and to investigate the executive branch.
 - They control the congressional agenda and guide legislation from its introduction to its send-off for the president's signature.
2. Some committees are more important than others, for instance, the leading committees in the House are Rules, Ways and Means, Appropriations, Armed Services, Judiciary, and International Relations. In the Senate, they are Foreign Relations, Appropriations, Finance, Judiciary, Armed Services, and Banking.
3. There are 19 standing committees in the House, and 17 standing committees in the Senate. In the House, each Representative is assigned to 1-2 committees, while Senators are assigned on 3-4 committees.
4. When a bill is introduced in either house, the Speaker or the President of the Senate assigns the bill to the appropriate standing committee. The committee then investigates the bill, gathers information, holds hearings, and then makes a recommendation to the House or the Senate concerning the fate of the bill.
5. Each committee is further subdivided into subcommittees to allow the committee members to become experts on a narrow portion of the committee's range. For instance, the Armed Services Committee is divided into subcommittees that include Emerging Threats, Air-Land Forces, Personnel, and so on.
6. **House Rules Committee:** The Rules Committee serves a special function in the House only; there is no similar committee in the Senate. In the House, a "rule" is a date and time for a bill to go to the floor of the House for consideration. When a bill leaves the standing committee in the House, it goes to the Rules Committee. If the Rules Committee does not grant a rule, the bill will die in committee without ever reaching the floor.

B. Types of Committees

- Standing Committees** are permanent subject-matter committees, formed to handle bills in different policy areas. Each chamber has its own committees and subcommittees.
- Joint Committees** are study committees that exist in a few policy areas, with membership drawn from both the Senate and the House.
- Conference Committees**, which are composed of members of both the House and Senate, has only one function: Reconcile different versions of the same bill after it has been passed in both houses in different versions.
- Select Committees** are temporary committees appointed for a specific ("select") purpose, such as the Senate Select Committee that investigated Watergate.

C. How Committees Work: Legislation & Oversight

1. More than 11,000 bills are submitted by members each term (every two years), which must be sifted through and narrowed down by the committee process. Every bill goes to a standing committee; usually only bills receiving a favorable committee report are considered by the whole House or Senate. Only about 10% of the bills introduced ever become law.
2. New bills sent to a committee typically go directly to subcommittee, which can hold hearings on the bill. The most important output of committees and subcommittees is the "marked-up" (revised and rewritten) bill, submitted to the full House or Senate for consideration.
3. Members of the committee will usually serve as "floor managers" of the bill when the bill leaves committee, helping party leaders secure votes for the legislation. They will also be cue-givers to whom other members turn for advice.
4. When the two chambers pass different versions of the same bill, some committee members will be appointed to the Conference Committee. A Conference Committee is a committee composed of members of the House and Senate that tries to reconcile disagreements between the two branches of Congress over differing versions of a bill.
5. **Legislative oversight** — the process of holding executive branch agencies accountable its actions. It is one of the checks Congress can exercise on the executive branch.
 - Oversight is handled primarily through hearings. Members of committees constantly monitor how a bill is implemented. The process enables Congress to exert pressure on executive agencies, or even to cut their budgets in order to secure compliance with congressional wishes.
 - Congressional oversight occasionally captures public attention, such as congressional investigations into the Watergate scandal, the 1987 Iran-Contra affair, Whitewater, and other scandals during the Clinton Administration.

-Congress keeps tabs on more routine activities of the executive branch through its committee staff members, who have specialized expertise in the fields and agencies that their committees oversee (and who maintain an extensive network of formal and informal contacts with the bureaucracy).

6. Until the 1970s, committee chairs were always selected through the seniority system. Seniority system: A system, until modified and reformed in the 1970s, that resulted in those members of the majority party in a house of Congress with longest continuous service on a committee automatically becoming heads of committees. Consequently, up until 1975, most of the congressional power was held by the chairs of the standing committees. Example: Sen. Strom Thurmond.

-Chairs were so powerful that they could single-handedly "bottle up" legislation in committee.

-The system also gave a decisive edge to members from "safe" congressional districts, where members were seldom challenged for reelection. Consequently, "safe" seats are usually won by the incumbent by a very large margin.

7. In the 1970s, Congress faced a revolt of its younger members.

-Both parties in both houses permitted members to vote on committee chairs.

-Today, seniority remains the general rule for selecting chairs, but there have been notable exceptions.

-These and other reforms have somewhat reduced the clout of the chairs.

D. The Mushrooming Caucuses: The Informal Organization of Congress

1. The explosion of informal groups in Congress has made the representation of interests in Congress a more direct process (cutting out the middleman, the lobbyist).
2. A congressional caucus is a group of members of Congress sharing some interest or characteristic, such as the Black Caucus, the Hispanic Caucus, the Congresswomen's Caucus, and the Sunbelt Caucus. Caucuses include regional groupings, ideological groupings, and economic groupings. DO NOT confuse a congressional caucus with a political caucus!
3. The proliferation of congressional caucuses (about 130 as of late) gives members of Congress an informal, yet strong say in the policy agenda. Composed of three goals: reelection, influence in Congress, and the legislative insiders who share similar concerns, the caucuses exert a much greater influence on policymaking than most citizen-based interest groups can.

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Section 3: How a Bill Becomes a Law – The House

Key Terms: bill, joint resolution, concurrent resolution, resolution, rider, discharge petition, subcommittee, Committee of the Whole, quorum, engrossed

A. Enacting Laws: First Steps

1. Creating and Introducing Bills

-Most bills do not originate with individual members of Congress but rather, are suggested by the executive branch, after coordination by OMB. In addition, special interest groups often suggest ideas for bills as do private citizens.

-Presidents have their own legislative agenda, based in part on their party's platform and their electoral coalition. Political scientists sometimes call the president the chief legislator; the president's task is to persuade Congress that his agenda should also be Congress' agenda.

-Presidents have many resources with which to influence Congress. They may try to influence members directly, but more often will leave White House lobbying to the congressional liaison office and work primarily through regular meetings with the party's leaders in the House and Senate.

2. All revenue-raising bills must begin in the House; all other bills may be introduced in either chamber.

3. Types of Bills and Resolutions:

-**Bills** — These are proposed laws presented to Congress. Public bills apply to the entire nation; private bills pertain to certain persons or places.

-**Joint Resolutions** — These deal with temporary or unusual matters, have the possibility of gaining the force of law, must be passed by both houses, and must be signed by the President.

-**Concurrent Resolutions** — These deal with common concerns of both houses, have the force of law, and do not require the President's signature.

-**Resolutions** — Voted on by either house, but have no force of law; they usually are concerned with house rules and do not require the President's signature.

-**Riders:** A rider is a provision not likely to pass on its own merit that is attached to an important measure. If a rider can successfully be “tacked” onto an important bill, generally an appropriations bill, it will usually “ride” through the legislative process. The reason a rider works is that once a bill is through the committee process, Congress cannot remove a portion of the bill. It must either vote for the entire bill, including the rider, or turn down the bill. If the bill is important, Congress will not usually vote the bill down in order to kill a rider. This problem has grown rapidly and appropriations bills are often called

“Christmas Trees” due to the number of decorations that have been added. The President does not have the right to strike riders from a bill before signing. Bill Clinton was given the “Line Item Veto”, or the right to strike individual riders from a bill before signing, by Congress. The process was found to be unconstitutional by the Supreme Court and is no longer allowed.

3. The First Reading

- The first reading of a bill consists of the assignment of a house number, a short title, and entry into the House Journal and the Congressional Record for the day. Bills are generally referred to by their number rather than their name. Bills are given sequential numbers starting with the number 0001 at the start of each annual session. Numbers for bills that originate in the House are preceded by an “HR”, and an “S” if they originate in the Senate.
- After its first reading, the Speaker refers the bill to the appropriate standing committee for consideration.

B. The Bill in Committee

1. Most committee work is done by subcommittees which investigate, debate, and recommend the fate of particular bills.
2. After subcommittees complete their work, the measure returns to the full committee. The committee then has 5 options of what to do recommend for the bill:
 - The full committee may **report the bill favorably** to the full House with a "do pass" recommendation.
 - The full committee may **refuse to report the bill**, or **pigeonhole** it. This, in effect, kills the bill. It will never reach the floor of the House or Senate for consideration. There is one way to force a bill out of committee – using a **discharge petition**. This requires considerable support from the House or Senate. Most bills die due to pigeonholing.
 - The full committee may report an **amended bill**. In this option, the committee would simply change the portions that they feel need to be changed, and report an amended bill.
 - The full committee may **report the bill unfavorably**.
 - The full committee may report an entirely new bill. In this option, the committee likes the idea of the bill, but not the bill itself. The committee would simply rewrite the entire bill. This does not happen very often; it is too much work for the committee.

C. Scheduling Floor Debate

1. Calendars

- Before reaching the floor of the House, a bill must be placed on one of several

calendars, or schedules, for deliberation. Calendars: Lists of business eligible for consideration by legislative bodies.

-There are 5 separate calendars in the House.

2. In order to be debated on the floor, the House Rules Committee must give each bill a rule, or approval for its appearance on the floor (unless the bill is privileged or the rules are suspended), as well as the conditions under which a bill can be debated on the floor of the House of Representatives.. The House Rules Committee can kill a bill even after it has been recommended by a standing committee by refusing to perform any of the above.

D. The Bill on the Floor of the House

1. Most important bills are considered in the **Committee of the Whole**.
The Committee of the Whole is the House sitting as one large committee. This bypasses the normal committee phase of the process and saves a great deal of time.
2. Debate — Strict rules limit the length of each individual's debate.
3. Voting
 - A bill requires formal a House vote on it and its various amendments that might be attached to it.
 - A quorum is necessary. A quorum is the majority of the full membership of the House.
 - A floor vote may be taken in various ways:
 - Voice votes** are the most common. A voice vote in the House in which members shout "aye" or "no". The Speaker decides if it carries or not.
 - A **standing vote** may be demanded if any member thinks the Speaker has erred in judging a voice vote. A standing vote is known as "Dividing the House", where House-members who are in favor stand and are counted, followed by those against.
 - One-fifth of a quorum may demand a **teller vote**. In a teller vote, the "ayes" stand and walk past a person called a "teller" who counts them. The "noes" walk past another teller at the same time. Teller votes are rare today and have been replaced by electronic voting.
 - A **roll-call vote** may be demanded by one-fifth of the members. In a roll-call vote, each member's name is read, they stand, and verbally vote yes or no. This vote associates the member's name with their vote and it becomes a matter of public record. Roll-call vote: A vote in which each representative's position

becomes a matter of public record.

4. Final Steps in the House of Representatives

- An approved bill is engrossed (printed in its final form), read a third time, voted on again, and signed by the Speaker.
- A signed bill is then sent from the House to the president of the Senate.

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Section 4: The Bill in the Senate

Key Terms: filibuster, cloture, veto, pocket veto

A. Introducing the Bill

1. Creating and Introducing Bills

- Bills are introduced by senators, given a number and title, read twice, and referred to committee.
- Senate proceedings are less formal than those of the House, have only one calendar for bills, and are called to the floor by the majority floor leader.

B. The Senate's Rules for Debate

1. Floor debate is almost unlimited in the Senate.
2. The Filibuster — The filibuster, which permits unlimited debate on a bill, is a process by which a single senator, or a group of senators, can talk a bill to death, thus blocking votes on proposed legislation. It is a practice that **DOES NOT APPLY TO THE HOUSE OF REPRESENTATIVES**, but rather, is used **ONLY** in the Senate.
3. Cloture: Since 1917, Senators may stop a filibuster using the Cloture Rule. At the present time, sixty members present and voting can halt a filibuster by invoking cloture (closure) on debate. Cloture is a Senate procedure that allows a filibuster to be ended by a vote of three-fifths (sixty members) of the entire Senate.
 - Many senators hesitate to use the cloture rule for fear that it will limit free debate and it will undermine the effectiveness of the filibuster technique.

C. Conference Committees

1. If House and Senate versions of a bill differ, a conference committee (sometimes called a "joint" conference committee) is appointed to achieve a compromise bill acceptable to both houses. No new material can be included in the

compromise version.

2. The committee is made up of members appointed from both houses of Congress, usually the senior, most powerful members of each committee that examined the bill. The compromises they reach are usually acceptable to both houses.

D. The President Acts

1. The Constitution requires that all bills passed by both houses of Congress be sent to the President for his action. The President must be given 10 days to consider the bill.
2. The President has the following options:
 - Sign the bill
 - Veto the bill. In this case, the bill is sent back to Congress with the President's objections. Congress may override the veto with a 2/3 vote of each house.
 - Allow the bill to become law without signature. If the President does not sign the bill in 10 days, and Congress is in session, it becomes law without signature.
 - He may use a pocket veto. This is a special procedure that may only be used if Congress sends a bill to the President and they adjourn before the mandatory 10 day period. If the President simply sits on the bill, it dies at the end of 10 days. This procedure is only possible if Congress adjourns before the 10 day period required by the Constitution.