

WORKSHEET: THE LEGISLATIVE BRANCH

Structure of Congress This figure shows the structure of the two arms of Congress.

	House of Representatives	Senate
Membership	435 members (apportioned by population)	100 members (two from each state)
Term of office	2 years; entire House elected every 2 years	6 years; staggered terms with one-third of the Senate elected every 2 years
Qualifications	at least 25 years of age; citizen for 7 years; must live in state where district is located	at least 30 years of age; citizen for 9 years; must live in state
Constituencies	Smaller, by districts	Larger, entire state
Prestige	Less prestige	More prestige

Organization of Congress

- Two houses meet for terms of two years beginning on January 3 of odd-numbered years; each term is divided into two one-year sessions
- The president may call special sessions in cases of national emergency
- Each house of Congress chooses its own leadership and determines its own rules

The House of Representatives

Known as the "lower" house of Congress, the House of Representatives currently has 435 members. Each member gets one vote on all bills, amendments and other measures brought before the House. The number of representatives elected from each state is determined by the state's population through the process of "apportionment." Each state must have at least one representative. Apportionment is recalculated every ten years according to the results of the decennial U.S. census. Members of the House represent the citizens of their local congressional districts. Representatives serve two year terms, with elections held every two years.

Qualifications - As specified in Article I, Section 2 of the Constitution, representatives:

Must be least 25 years of age

Must have been a U.S. citizen for at least 7 years

Must be a legal resident of the state he or she is elected to represent

Powers Reserved to the House

To vote on charges of impeachment

To initiate bills involving the raising of revenue, such as tax bills and the annual appropriations bills of the annual federal budget

House Leadership

- Speaker of the House (only officer mentioned in the Constitution)
 - Majority Leader
 - Leads the majority party (the party with the majority of votes in the House)
 - Assists the Speaker of the House in making committee appointments
 - Schedules floor debate on bills
 - Creates and maintains the House agenda
- Minority Leader
 - Leads the opposition party (the party with the minority of votes in the House)
 - Confers with the Majority Leader
 - Formulates minority party response to the majority party policy and agenda

The Senate

Known as the "upper" house of Congress, the Senate is currently comprised of **100** senators. Each state is allowed to elect two senators. Senators represent all citizens of their states. Senators serve 6-year terms, with one-third of the senators elected every two years.

Qualifications - As specified in Article I, Section 3 of the Constitution, senators:

Must be at least **30** years of age

Must have been a U.S. citizen for at least **9** years at the time of their election to the Senate

Must be a legal resident of the state they are elected to represent

Powers Reserved to the Senate

To try officials impeached by the House

To confirm presidential nominations: Supreme Court justices, federal judges, ambassadors and cabinet secretaries

To ratify treaties

Senate Leadership

- **The Vice President of the United States**
 - Serves as president (presiding chairman) of the Senate
 - **President *pro tempore*** (pro tem)
 - Presides over the Senate in the absence of the vice president, Is selected by the majority party
 - **Majority and Minority Leaders**
 - Lead their respective party delegations, Maintain the Senate agenda
 - **Majority and Minority Whips**
 - Attempt to make sure party members vote for bills supported by their party

- **The Congressional Committee System**

Before any bill is even debated by the full membership of the House or Senate, it must first successfully make its way through the congressional committee system. Depending on its subject and content, each proposed bill is sent to one or more related committees. For example, a bill introduced in the House allocating federal funds for agricultural research might be sent to the Agriculture, Appropriations, Ways and Means and Budget Committees, plus others as deemed appropriate by the Speaker of the House. In addition, both the House and Senate may also appoint special select committees to consider bills relating to specific issues. Representatives and Senators often try to be assigned to committees they feel best serve the interests of their constituents. For example, a representative from a farming state like Iowa might seek assignment to the House Agriculture Committee. All representatives and senators are assigned to one or more committees and may serve on a variety of committees during their terms in office. The congressional committee system is the "burial ground" for many bills.

- **Leadership of Committees**

Committee chairpersons are members of the majority party in each house chosen by party caucus. They set agendas, assign members to subcommittees, and decide whether the committee will hold public hearings and which witnesses to call. They manage floor debate of the bill when it is presented to the full House or Senate. Traditionally chairpersons were chosen based on the **seniority system**, with the majority party member having the longest length of committee service chosen as chairperson. Today, reforms allow for the selection of chairpersons who are not the most senior majority-party member on the committee. However, most are long-standing members of the committee.

- **Membership on Committees**

The percentage of each committee's membership reflects the overall percentage of Democrats and Republicans in each house. Members try to serve on committees where they can influence public policy relating to their district or state (for example, a Kansas senator on the agriculture committee) or influence national public policy issues (an Iowa representative on the foreign relations committee).

Types of Committees

- A **standing committee** is a permanent committee that deals with specific policy matters (agriculture, energy and natural resources, veterans affairs).
- A **select committee** is a temporary committee appointed for a specific purpose. Most are formed to investigate a particular issue, such as the Senate Watergate Committee.
- A **joint committee** is made up of members of both houses of Congress. It may be a select committee (Iran-Contra Committee) or perform routine duties (Joint Committee on the Library of Congress).
- A **conference committee** is a temporary committee of members from both houses of Congress, created to resolve the differences in House and Senate versions of a bill. It is a compromise committee.

Caucuses

Informal groups formed by members of Congress who share a common purpose or set of goals (Congressional Black Caucus, Women's Caucus, Democratic or Republican Caucuses).

Congressional Staff and Support

- Personal staff work directly for members of Congress in Washington, D.C., and their district offices in their home states.
- Committee staff work for committees and subcommittees in Congress, researching problems and analyzing information.
- Support agencies provide services to members of Congress (Library of Congress, Government Printing Office).
- They are the people that actually do the bulk of the work necessary to make bills become laws.

Election to Congress**Getting Elected to the House of Representatives**

The Constitution guarantees each state at least one representative. Members are chosen from districts within each state. Some practices related to determining congressional representation are:

- **apportionment**— distribution among the states based on the population of each of the states
- **reapportionment**— the redistribution of Congressional seats after the census determines changes in population distribution among the states
- **congressional districting**— the drawing by state legislatures of congressional districts for those states with more than one representative
- **gerrymandering**— drawing congressional districts to favor one political party or group over another

Getting Elected to the Senate

The Constitution guarantees "no state, without its consent, shall be deprived of its equal suffrage in the Senate" (Article V).

- Members were originally chosen by the state legislatures in each state.
- Since 1913, the Seventeenth Amendment allows for the direct election of senators by the people of the state.

Incumbency Effect

The **incumbency effect** is the tendency of those already holding office to win reelection. The effect tends to be stronger for members of the House of Representatives and weaker for the Senate. Advantages may include:

- **name recognition**— Voters are more likely to recognize the officeholder than the challenger.
- **credit claiming**— The officeholder may have brought government projects and money into the state or district.
- **casework for constituents**— Officeholders may have helped constituents solve problems involving government and the bureaucracy.
- **more visible to constituents**— Members can use the "perks" of the office to communicate with constituents. Franking, the privilege of sending official mail using the incumbent's signature as postage, provides communication with constituents.
- **media exposure**— Incumbents are more likely to gain "free" publicity during a campaign through the media.
- **fundraising abilities**— It is generally greater for incumbents.
- **experience in campaigning**— Incumbents have already experienced the campaign process.
- **voting record**— Voters can evaluate their performance based on their record.

Term Limits

Although several states have passed legislation establishing term limits for members of Congress, the Supreme Court has ruled that neither the states nor Congress may impose term limits without a constitutional amendment. Therefore, today, there are no limitations on the number of terms a member of Congress may serve.

- **Roles of Members of Congress**

Members of Congress have several roles.

- **policymaker**— make public policy through the passage of legislation
- **representative**— represent constituents
 - delegate— members vote based on the wishes of constituents, regardless of their own opinions
 - trustee— after listening to constituents, members vote based on their own opinions
- **constituent servant**— help constituents with problems
- **committee member**— serve on committees
- **politician/party member**— work to support their political party platform and get reelected

- **Privileges of Members of Congress**

Members of Congress enjoy several privileges, including:

- allowances for offices in their district or home state
- travel allowances
- the **franking privilege** allows members of Congress to send mailings to constituents postage free
- immunity from arrest while conducting congressional business
- immunity from libel or slander suits for their speech or debate in Congress

- **Powers of Congress** - Congress has legislative and nonlegislative powers.

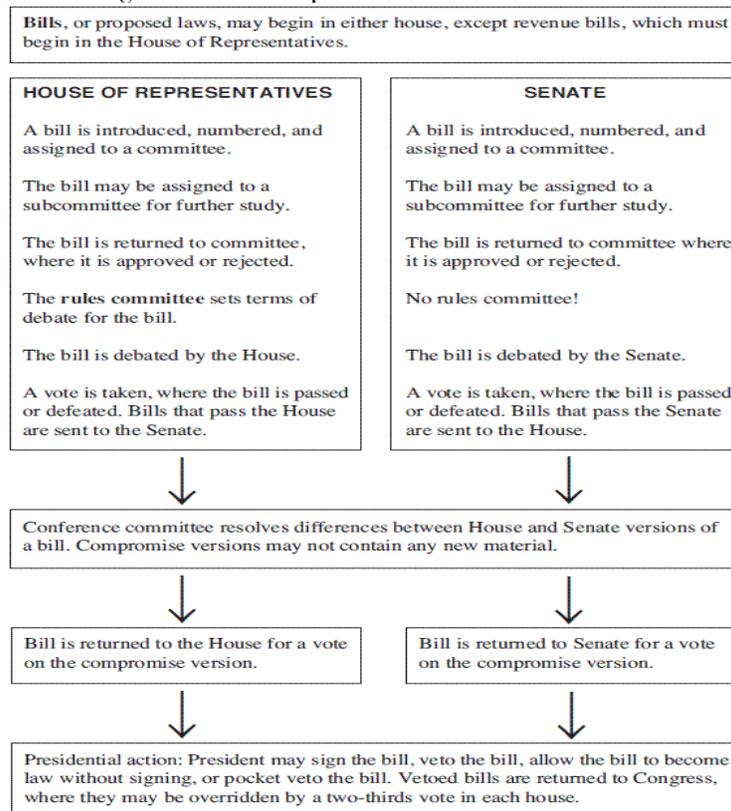
1. Legislative powers— power to make laws

- *expressed powers*— powers specifically granted to Congress, mostly found in Article I, Section 8 of the Constitution
- *implied powers*— powers that may be reasonably suggested to carry out the expressed powers; found in Article I, Section 8, Clause 18; "necessary and proper" or elastic clause; allows for the expansion of Congress' powers (expressed power to raise armies and navy implies the power to draft men into the military)
- *limitations on powers*— powers denied Congress by Article I, Section 9 and the Tenth Amendment

2. Nonlegislative powers— duties other than lawmaking

- *electoral powers*— selection of the president by the House of Representatives and/or vice president by the Senate upon the failure of the electoral college to achieve a majority vote
- *amendment powers*— Congress may propose amendments by a two-thirds vote of each house or by calling a national convention to propose amendments if requested by two-thirds of the state legislatures
- *impeachment*— the House may bring charges, or impeach, the president, vice president or any civil officer; case is tried in the Senate with the Senate acting as the jury (Andrew Johnson and Bill Clinton were both impeached by the House but not convicted by the Senate)
- *executive powers of Senate*— the Senate shares the appointment and treaty-making powers with the executive branch; the Senate must approve appointments by majority vote and treaties by two-thirds vote
- *investigative/oversight powers*— investigate matters falling within the range of its legislative authority; often involves the review of policies and programs of the executive branch

- **The Lawmaking Process** - This figure shows the steps involved for a bill to become a law.



Legislative Tactics - the strategies and devices used in an attempt to block legislation or to get legislation passed.

- *caucuses*— May form voting blocs.
- the *committee system*— Plays a major role in the passage of legislation; bills may die if committees fail to act upon them or reject them.
- *filibuster and cloture*— Filibuster is unlimited debate in an attempt to stall action on a bill. It occurs in the Senate only, and is possible because the Senate's rules for debate are almost unrestricted. Cloture is the method by which the Senate limits a filibuster. It involves a petition to end debate and requires the vote of at least 60 senators.
- *pork barrel legislation*— An attempt to provide funds and projects for a member's home district or state.
- *logrolling*— An attempt by members to gain the support of other members in return for their support on the member's legislation; "I'll support your bill, if you will support mine."
- *riders*— Additions to legislation which generally have no connection to the legislation; generally legislation that would not pass on its own merit; when a bill has lots of riders it becomes a "Christmas tree bill."
- *amendments*— Additions or changes to legislation that deal specifically with the legislation.
- *lobbying*— Trying to influence members of Congress to support or reject legislation.
- *conference committees*— May affect the wording and therefore the final intent of the legislation.
- *legislative veto*— The rejection of a presidential or executive branch action by a vote of one or both houses of Congress, used mostly between 1932 and 1980 but declared unconstitutional by the Supreme Court in 1983 (*Immigration and Naturalization Service v. Chadha*) stating that Congress cannot take any actions having the force of law unless the president agrees.

Influences on Congress - Various individuals and groups influence Congress members.

- *constituents*— Members, especially those who hope to win reelection, often take into consideration the opinions of their constituents and voters back home in their district or state.
- *other lawmakers and staff*— More senior members often influence newer members; committee members who worked on legislation often influence other members; and staff often research issues and advise members.
- *party influences*— Each party's platform takes a stand on major issues, and loyal members often adhere to the "party line." Members in the House are more likely to support the party position than are Senators.
- *president*— Presidents often lobby members to support legislation through phone calls, invitations to the White House, or even appeals to the public to gain support from voters to bring pressure on members.
- *lobbyists and interest groups*— often provide members with information on topics relating to their group's interest or possible financial support in future campaigns.

– PROBLEMS FACED BY CONGRESS –

The Challenge of Balancing Individual & Collective Goals

Collective goals: legislate, check power of other branches, increase own power, win majority status

Individual goals: reelection, making good public policy, reelection, achieving power and respect in Washington, reelection, higher office, reelection

- Elections force agents to worry about the reactions of principals to what they do

These are - as you might have guessed - sometimes in conflict

- Standard Prisoner's Dilemma
 - Politics of pork-barrel & tax breaks
 - Show horses vs. work horses
 - Party loyalty vs. voting the district

– **There are benefits to overcoming the problems**

BUT - Cooperate collective action is difficult

- Large workload: detail and volume of legislation.
 - Generates a need for information (political and technical)
 - Creates large coordination problems
- Disagreement: Intense conflicts over values and goals
 - Generates need to build majority coalitions
- Build coalitions across institutions: House, Senate, President

Delegation Solutions

- Logic of having Political Parties = stable legislative coalitions
 - Majority writes the rules
 - Majority controls positions of power and output of policy
 - Party leaders solve coordination and free rider problems
- Authority delegated varies over time dependent on:
 - » Unity of the parties
 - » Career incentives of members
 - » Magnitude of collective action problems

Party Leadership Tools

- **Scheduling**
 - Agenda control changes the outcome
 - Use closed rules to enforce choices
 - *Example* - the Clinton Impeachment

Liberal Democrats	Moderate Democrats	Moderate Republicans	Conservative Republicans (Leadership)
Nothing	Censure	Censure	Impeach
Censure	Nothing	Impeach	Censure
Impeach	Impeach	Nothing	Nothing
70	136	100	128

- **Committee assignments**
- **Campaign fundraising.**
- **Legislative deals**
- **Perks like appointments to international commissions; office space**
 - Potential for agency loss
 - Powerful speakers may mean high conformity costs

Logic of Committees

- **Provide individual incentives for collectively beneficial ends**
 - Collectively beneficial
 - Information processing centers
 - Fixed memberships with fixed jurisdictions = stability & specialization
 - Tools for building coalitions
 - Individually beneficial
 - Grant turf and authority
 - » Autonomy and Influence
 - » Hierarchy rewards diligent service
 - Electorally useful
 - Potential for agency loss
 - Self selection by interested members
 - Hidden action & information
 - Parties maintain control through appointment process

Committees vs. party leaders

- **Committees gain authority when parties divided**
 - Strong committees minimize conformity costs
- **Party leaders gain authority when parties united**
 - Strong leadership minimizes transaction costs
- **Old Days: Committee chairs as barons**
 - Seniority rule
 - Chairs unconstrained
- **Changes in 1970s -1990's**
 - Weakened chairs
 - Strengthened Speaker
- **Parties have become increasingly polarized**

Test Your Knowledge!

- 1) After a national census has been taken, changes in population distribution cause the changing of Congressional seats among the states. This effect is commonly called
 - a. congressional districting
 - b. gerrymandering
 - c. apportionment
 - d. reapportionment
 - e. census apportionment

- 2) Which of the following is NOT true of the Congress?
 - a. Each house determines its own leadership and rules.
 - b. A session of Congress begins on January 3 of odd-numbered years.
 - c. Only the president may call special sessions of Congress.
 - d. Terms of Congress last for two years.
 - e. Congress is unicameral in nature.

- 3) Which of the following is true about the officers of the House of Representatives?
 - a. It is the responsibility of the party whip to keep track of vote counts and pressure members to vote with the party.
 - b. The presiding officer is the majority leader.
 - c. Minority leaders direct floor debates.
 - d. The major duty of the majority leader is to assign bills to committee.
 - e. The whip serves as the major assistant to the speaker in determining the party's legislative program.

- 4) Temporary committees appointed for the specific purpose of investigating a particular issue are called
 - a. joint committees
 - b. investigating committees
 - c. select committees
 - d. compromise committees
 - e. standing committees

- 5) Which of the following is NOT true of members of Congress?
 - a. Members of Congress act as policymakers and make public policy through the passage of legislation.
 - b. Members of Congress are constituent servants.
 - c. Members of Congress work to support their political party platform.
 - d. After listening to constituents, members vote based on the opinions of those constituents, that is, they become the trustee of the constituent.
 - e. Members of Congress serve on committees.

- 6) Which of the following best describes a nonlegislative power of Congress?
 - a. power to make all laws which are necessary and proper
 - b. power to declare war
 - c. power to regulate commerce
 - d. power to tax
 - e. impeachment power

- 7) Which of the following would not be a step that a proposed bill would encounter on its journey through Congress?
 - a. The bill is debated.
 - b. The bill is voted on, at which time it may pass or be defeated.
 - c. The bill may be assigned to a subcommittee.
 - d. The bill is numbered.
 - e. The bill is introduced by a member of the Congress or by a member of the executive department.

- 8) After receiving a bill the president may
 - I. sign the bill
 - II. veto the bill
 - III. return it to Congress for clarification on some point within the bill
 - IV. allow the Congress to pocket veto the bill, thereby allowing the bill to become law without his signature
 - a. I only
 - b. II only
 - c. I and II only
 - d. I, II, III only
 - e. I, II, III, and IV

- 9) Which legislative tactic is most effectively used only in the Senate?
 - a. Filibustering
 - b. logrolling
 - c. caucuses
 - d. riders
 - e. pork barrel legislation

- 10) Which of the following is not considered to be a contributing factor to the incumbency effect?
 - a. name recognition
 - b. visibility to constituents
 - c. voting record
 - d. experience in campaigning
 - e. educational background

- 11) Which of these is NOT a source of conflict between the executive and legislative branches?
 - a. Different constituents
 - b. Different internal structures
 - c. Different levels of access to campaign funding
 - d. Different time schedules
 - e. Different ideologies

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- 12) The Speaker of the House can call a Special Session of Congress
A. True B. False
- 13) The President serves as the President of the Senate.
A. True B. False
- 14) The Vice President serves as the Speaker of the House.
A. True B. False
- 15) Supreme Court Justice appointments begin in the House of Representatives.
A. True B. False
- 16) To change the Constitution you must follow the Amendment process.
A. True B. False
- 17) The census is taken every other general election (8 years)
A. True B. False
- 18) To override a Presidential VETO, half of Congress must agree.
A. True B. False
- 19) Enumerated or expressed powers are those that are actually stated in the Constitution.
A. True B. False
- 20) Implied powers are those understood to be powers given to a branch of government.
A. True B. False
- 21) A quorum is proposed law.
A. True B. False
- 22) A quorum requires that a majority must be present for a vote in Congress.
A. True B. False
- 23) Elastic Clause gives Congress the power to make all laws that are necessary and proper.
A. True B. False
- 24) Writ of *Habeas Corpus* gives Congress the power to make all laws that are necessary and proper.
A. True B. False
- 25) *ExPost Facto* Law prohibits Congress from voting itself a pay raise during their term.
A. True B. False
- 26) The 27th Amendment prohibits Congress from voting itself a pay raise during their term.
A. True B. False
- 27) Impeachment is the power of the executive branch giving the president the choice of NOT signing a bill into law.
A. True B. False
- 28) Impeachment is the term for when a federal employee is charged with a crime.
A. True B. False