
Congress

V. A BICAMERAL CONGRESS

A. INTRODUCTION

1. The Framers of the United States Constitution created a bicameral Congress consisting of a House of Representatives and a Senate.
2. The two houses of Congress have different characters.

B. REASONS WHY THE FRAMERS CREATED A BICAMERAL LEGISLATURE

1. Drawing on historical experience
 - ▶ *The Framers were intimately familiar with the British system of government.*
 - ▶ *The British system featured a bicameral system with a House of Lords and a House of Commons.*
 - ▶ *Most of the colonial legislatures and state legislatures were bicameral.*
2. Fulfilling the Connecticut Compromise
 - ▶ *Led by Virginia, the large states wanted a bicameral legislature based on population. Led by New Jersey, the small states wanted a unicameral Congress with equal representation for each state.*
 - ▶ *The Framers resolved the dispute by agreeing to a compromise calling for a bicameral Congress with representation in a House of Representatives based on population and a Senate in which the states would have equal representation.*

3. Implementing federalism

- ▶ *A bicameral legislature provided for two types of representation. The House represented the interests of the people, while the Senate represented the interests of the states.*
- ▶ *A bicameral legislature fragmented power, thus checking majority interests while protecting minority interests.*
- ▶ *A bicameral legislature slowed the legislative process, thus encouraging careful deliberation and compromise.*

V. DIFFERENCES BETWEEN THE HOUSE AND THE SENATE

A. SIZE, TERMS, AND QUALIFICATIONS

1. House of Representatives

- ▶ *435 members*
- ▶ *Two-year terms*
- ▶ *A representative must be at least 25 years old, an American citizen for 7 years, and a resident of the state from which he or she is elected.*

2. Senate

- ▶ *100 members*
- ▶ *Six-year terms*
- ▶ *A senator must be at least 30 years old, an American citizen for 9 years, and a resident of the state from which he or she is elected.*

B. ELECTION

1. Members of the House of Representatives have always been elected by eligible voters. When the Constitution was ratified, the House of Representatives was the new government's only body directly elected by the people.
2. Senators were originally chosen by state legislatures. The Seventeenth Amendment (1913) mandated that senators be elected by voters in each state.

C. SPECIAL POWERS

1. House of Representatives

- ▶ *Initiates revenue bills*

- ▶ *Brings charges of impeachment against the president, vice president, and all civil officers of the United States*
- ▶ *Chooses the president when the electoral college is deadlocked*

2. Senate

- ▶ *Ratifies treaties negotiated by the president*
- ▶ *Possesses the sole power to try or judge impeachment cases*
- ▶ *Confirms judicial appointments, including United States attorneys, federal judges, and United States Supreme Court justices*
- ▶ *Confirms executive appointments, including cabinet heads, the director of the FBI, and the U.S. attorney general*

III. THE HOUSE OF REPRESENTATIVES

A. SIZE AND APPORTIONMENT

1. The Constitution does not set the exact size of the House of Representatives. It does stipulate that its size shall be apportioned or distributed among the states based on their respective populations.
2. The Constitution guarantees that each state will have at least one representative, regardless of its population. Seven states currently have one seat in the House of Representatives.

B. REAPPORTIONMENT

1. The Constitution directs Congress to reapportion (reallocate) House seats after a census taken at ten-year intervals.
2. As the population of the United States increased, so did the number of representatives in the House. By 1929, the House had grown to 435 seats.
3. The Reapportionment Act of 1929 set the permanent size of the House at 435 members. As a result, each seat now represents an average of 700,000 people.
4. Reapportionment is important because it increases or decreases both the number of seats a state has in the House

of Representatives and the number of electoral votes a state has in the electoral college.

5. As a state's representation increases, so does its potential influence. Conversely, as a state's representation decreases, so does its potential influence.

C. DISTRICTS

1. The Constitution does not define or discuss congressional districts.
2. In 1842, Congress stipulated that all seats in the House of Representatives would be filled from single-member districts.
3. The 1842 law assigned each state legislature the responsibility of drawing the boundary lines of its congressional districts.

D. GERRYMANDERING

1. Gerrymandering is the legislative process by which the majority party in each state legislature redraws congressional districts to ensure the maximum number of seats for its candidates.
2. Gerrymandering has the following consequences:
 - ▶ *It protects incumbents and discourages challengers.*
 - ▶ *It strengthens the majority party while weakening the opposition party.*
 - ▶ *It increases or decreases minority representation.*

E. SUPREME COURT LIMITATIONS ON CONGRESSIONAL REDISTRICTING

1. Because rural areas dominated many state legislatures, congressional districts often favored less-populous rural areas of a state.
2. *Wesberry v. Sanders* (1964) set forth the principle of "one person, one vote" in drawing congressional districts. The case triggered widespread redistricting that gave cities and suburbs greater representation in Congress.
3. Supreme Court decisions have placed the following limitations on congressional redistricting:
 - ▶ *Districts must be equally populated.*

- ▶ *Districts must be compact. Lines must be contiguous or connected.*
 - ▶ *Redistricting cannot dilute minority voting strength.*
 - ▶ *District lines cannot be drawn based solely on race. However, race can be one of a variety of factors that are considered.*
4. It is important to note that Supreme Court decisions have not eliminated gerrymandering for partisan political purposes.

IV. CONGRESSIONAL ELECTIONS

A. INCUMBENTS USUALLY WIN

1. During the last 50 years, incumbency has been the single most important factor in determining the outcome of congressional elections.
2. Over 90 percent of House incumbents seeking reelection win.
3. Over 75 percent of Senate incumbents seeking reelection win.

B. REASONS WHY INCUMBENTS WIN

1. Money
 - ▶ *Incumbents are usually able to raise more campaign contributions than their challengers.*
 - ▶ *PACs contribute more money to incumbents than to their challengers.*
 - ▶ *Incumbents outspend challengers by a ratio of more than 2 to 1.*
2. Visibility
 - ▶ *Incumbents are usually better known to the voters than are their challengers.*
 - ▶ *Incumbents have opportunities to participate in highly visible activities that are covered by local newspapers and local television stations.*
3. Constituent service
 - ▶ *There is a close link between constituent service and reelection.*

- ▶ *Members of Congress are able to win supporters by performing casework for their constituents and by bringing home money and jobs (“pork”) for their district.*
- ▶ *Casework consists of helping individual constituents, often by cutting through bureaucratic red tape.*
- ▶ *Pork is legislation that allows representatives to bring money and jobs to their district. Incumbents often sit on committees that enable them to earmark or designate specific projects for their district. Pork helps representatives earn a reputation for service to their district.*

4. The franking privilege

- ▶ *The franking privilege refers to the right of members of Congress to mail newsletters to their constituents at the government’s expense.*
- ▶ *Within recent years, members of Congress have extended the franking privilege to include e-mails and recorded phone calls.*

5. Gerrymandering

- ▶ *Members of the House often represent districts that have been deliberately gerrymandered to include voting blocs that support incumbents.*
- ▶ *Gerrymandered districts discourage strong challengers from trying to compete with incumbents.*

C. CONSEQUENCES OF THE INCUMBENCY ADVANTAGE

1. Congress contains a large number of experienced leaders, thus enabling it to maintain continuity of leadership and policy.
2. The continuity discourages radical change while encouraging close relations with interest groups.
3. Because incumbents benefit the most from existing campaign finance laws, they have no incentive to reform them.



Polls repeatedly report that a majority of Americans disapprove of the job Congress is doing. Yet the same polls also report that a majority of Americans believe that their own representative deserves to be reelected. The AP U.S. Government and Politics Development Committee has devoted more multiple-choice questions to this paradox than to any other topic. Be sure that you carefully study the reasons why incumbents are usually reelected.

V. HOW CONGRESS IS ORGANIZED

A. THE ROLE OF POLITICAL PARTIES

1. Political parties play a key role in the organization of both houses of Congress.
2. The majority party is the party in each chamber with the most votes.
3. The minority party is the party in each chamber with the second most votes.
4. The majority party enjoys the following advantages:
 - ▶ *It holds committee chairs.*
 - ▶ *It chooses the Speaker of the House.*
 - ▶ *It assigns bills to committees.*
 - ▶ *It holds the majority on each committee.*
 - ▶ *It controls the House Rules Committee.*
 - ▶ *It sets the legislative agenda.*

B. THE HOUSE OF REPRESENTATIVES

1. The House of Representatives has always been much larger than the Senate. As a result, it has a more formal structure and is governed by stricter rules. For example, debate is much more restricted in the House than in the Senate.
2. The Speaker of the House
 - ▶ *Presides over the House of Representatives*
 - ▶ *Oversees House business*
 - ▶ *Stands second in line for presidential succession*
3. Other House leaders
 - ▶ *The majority leader is the elected leader of the party that controls the House of Representatives.*
 - ▶ *The minority leader is the elected leader of the party with the second-highest number of elected representatives in the House of Representatives.*
 - ▶ *Both parties have elected whips who maintain close contact with their members and try to ensure party unity on important votes.*

C. THE SENATE

1. The Senate is smaller and thus less formally organized than the House of Representatives. In contrast to the House, the Senate operates more on informal understandings.
2. The Vice President
 - ▶ *The Constitution makes the vice president the president of the Senate.*
 - ▶ *The vice president may vote only to break a tie.*
3. Other Senate leaders
 - ▶ *The president pro tempore presides over the Senate in the absence of the vice president. The position is held by a member of the majority party with the longest service in the Senate.*
 - ▶ *The majority leader is the elected leader of the party that controls the Senate. The majority leader is the true leader of the Senate.*
 - ▶ *The minority leader is the elected leader of the party with the second-highest number of members in the Senate.*

D. THE COMMITTEE SYSTEM

1. The importance of committees
 - ▶ *Both the House and the Senate are divided into committees.*
 - ▶ *Committees play a dominant role in congressional policymaking.*
 - ▶ *The committee system is particularly important in the House of Representatives.*
2. Standing committees
 - ▶ *Standing committees are permanent bodies that continue from one Congress to the next.*
 - ▶ *They focus on legislation in a particular area, such as foreign relations or agriculture.*
 - ▶ *All bills are referred to standing committees, where they can be amended, passed, or killed.*
 - ▶ *Standing committees foster the development of expertise by their members.*
 - ▶ *Standing committees are divided into subcommittees, where the details of legislation are worked out.*

3. Other types of committees

- ▶ *Select committees are special panels formed for a specific purpose and for a limited time. Select committees are usually formed to conduct an investigation into a current matter of great public concern.*
- ▶ *Joint committees include members of both houses. They are similar in function to select committees and often focus public attention on a major issue.*
- ▶ *Conference committees are temporary bodies that are formed to resolve differences between House and Senate versions of a bill. Members are appointed by the party leadership and are drawn from the House and Senate committees that originally considered the bill.*

E. THE HOUSE RULES COMMITTEE

1. The Rules Committee is controlled by the Speaker. It is often called the “traffic cop” or the Speaker’s “right arm.”
2. The Rules Committee sets the guidelines for floor debate. It gives each bill a rule that places the bill on the legislative calendar, limits time for debate, and determines the type of amendments that will be allowed.
3. A closed rule sets strict time limits on debates and forbids amendments from the floor.
4. An open rule sets less strict time limits on debate and permits amendments from the floor.

F. THE HOUSE COMMITTEE ON WAYS AND MEANS

1. The committee has jurisdiction on all taxation, tariffs, and other revenue-raising measures.
2. Members of the Ways and Means Committee cannot serve on other House committees.

G. COMMITTEE CHAIRS AND THE SENIORITY SYSTEM

1. Committee chairs exercise great power and enjoy considerable prestige.
 - ▶ *They call meetings, schedule hearings, hire staff, recommend majority members to sit on conference committees, and select all subcommittee chairs.*

- ▶ *They often receive favors from lobbyists and contributions from PACs.*
- 2. Historically, committee chairs were chosen by a seniority system in which the majority party member with the most continuous service on the committee automatically became the chair.
- 3. Chairs in both the House and Senate are now elected positions. However, seniority is still the norm for selecting chairs in both chambers.

IV. THE LEGISLATIVE PROCESS

A. INTRODUCTION

1. Approximately 5,000 bills are introduced each year.
2. Only about 125, or about 2.5 percent, of these bills are made into law.
3. The bicameral Congress and its complex committee system present a formidable series of legislative obstacles that defeat most bills.
4. The legislative process is lengthy, deliberate, fragmented, and characterized by negotiation and compromise.

B. CREATING BILLS

1. Anyone can write a bill.
2. Most bills are not written by members of Congress.
3. Most bills originate in the executive branch.
4. Business, labor, agriculture, and other interest groups often draft bills.
5. Only members of Congress can introduce bills. They do so, by dropping a bill into the “hopper,” a box hanging on the edge of the clerk’s desk.

C. COMMITTEE ACTION

1. The House and the Senate have parallel processes.
2. Bills are assigned a number and then sent to an appropriate committee. The bill is usually referred by the committee

- chair to a subcommittee for study, hearings, revisions, and approval.
3. Most bills die in committees, where they are pigeonholed or buried.
 4. If a majority of the House wishes to consider a bill that has been pigeonholed, the bill can be blasted out of the committee with a discharge petition signed by a majority of the House members.
 5. Bills approved by a subcommittee are then returned to the full committee, where members can mark up or add items to the bill.
 6. Committees can reject the bill or send it to the House or Senate floor with a positive recommendation.

D. FLOOR ACTION

1. HOUSE OF REPRESENTATIVES

- ▶ *The House Rules Committee gives the bill a rule, placing it on the legislative calendar, allowing a specified time for debate, and determining if any amendments will be allowed.*
- ▶ *The bill is debated and a vote is ultimately taken by the full House.*

2. SENATE

- ▶ *Unlike the House, Senate procedures permit members to speak on the floor as long as they wish.*
- ▶ *A filibuster is a way of delaying or preventing action on a bill by using long speeches and unlimited debate to “talk a bill to death.”*
- ▶ *Filibusters can be stopped only if 60 senators vote for cloture to cut off debate.*
- ▶ *Filibusters are so successful that important bills no longer require a simple majority of 51 votes to pass. Instead, supporters need a 60-vote majority so that they can invoke cloture to end a filibuster and then pass their bill.*
- ▶ *In addition to threatening to filibuster, a senator can ask to be informed before a particular bill is brought to the floor. Known as a hold, this parliamentary procedure stops a bill from coming to the floor until the hold is removed.*

- ▶ *If a bill overcomes these obstacles, it will ultimately be voted up or down by the full Senate.*

E. CONFERENCE ACTION

1. If a bill is passed in different versions by the House and the Senate, a conference committee will be formed to work out the differences. The conference committee is comprised of members from the original House and Senate committees.
2. The conference committee bill is then returned to each chamber for a vote.

F. HOW MEMBERS VOTE

1. In the instructed delegate model, members of Congress cast votes that reflect the preferences of the majority of their constituents.
2. In the trustee model, members of Congress use their best judgment to make policy in the interests of the people.
3. In the politico model, members of Congress act as delegates or trustees depending on the issue.

VII. CONGRESS AND THE EXECUTIVE BRANCH

A. OVERSIGHT

1. Oversight refers to congressional review of the activities of an executive agency, department, or office.
2. The Senate exercises a special oversight function by confirming cabinet heads and presidential appointments to the federal courts.
3. Methods of congressional oversight include:
 - ▶ *Setting guidelines for new agencies*
 - ▶ *Holding hearings and conducting investigations*
 - ▶ *Using budget control*
 - ▶ *Reorganizing an agency*
 - ▶ *Evaluating an agency's programs*

B. FOREIGN POLICY

1. The constitutional division of power
 - ▶ *Congress has the power to declare war. The Senate has the power to ratify treaties.*
 - ▶ *The president is the commander-in-chief and has the power to wage war. In addition, the president has the power to negotiate treaties.*
2. The War Powers Resolution
 - ▶ *Passed by Congress in 1973, the War Powers Resolution was a response to presidential actions during the Vietnam War. The resolution was designed to ensure that Congress had a greater voice in presidential decisions committing military forces to hostile situations overseas.*
 - ▶ *The War Powers Resolution requires the president to notify Congress within 48 hours of deploying troops. The president must bring troops home from hostilities within 60 to 90 days unless Congress extends the time.*



Do not overlook the War Powers Resolution. Most released exams have had a multiple-choice question on this topic. In addition, the War Powers Resolution was featured in a free-response question asked in 2007.

