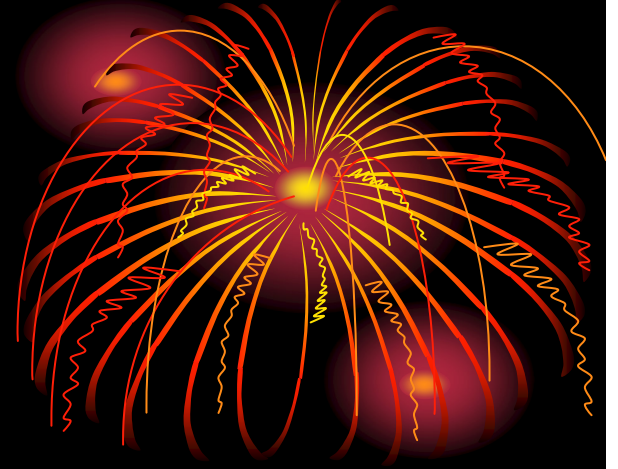


Chapter Seven



The United States Congress

- **What is Congress?** The Congress of the United States is the legislative (lawmaking) and oversight (Government policy review) body of US National Government, and consists of two Houses: the Senate and the House of Representatives.
- **What qualifications are prescribed for a Member of Congress?** The Constitution (Article 1, Section 2 for the House and Section 3 for the Senate) prescribes qualifications for Members of Congress.
 - ❑ A Member of the House of Representatives must be at least 25 years of age when entering office, must have been a U.S. citizen for at least seven years, and must be a resident of the State in which the election occurred.
 - ❑ A Member of the U.S. Senate must be at least 30 years of age to enter office, must have been a U.S. citizen for nine years, and must be a resident of the State in which the election occurred.

- **How many Members does each State have in the Senate and House of Representatives?** Each State, under the Constitution, is entitled to two Senators, each serving a six-year term, and at least one Representative, serving a two-year term. Additional House seats are apportioned on the basis of State population.
- **What is the size of the House of Representatives and how is it determined?** The membership of the House of Representatives is fixed in law at 435 Members representing the 50 States. In addition to the 435 Representatives, there is one Delegate for each of the following: the District of Columbia, the Virgin Islands, Guam, and American Samoa (each elected for a two-year term); as well as a Resident Commissioner from Puerto Rico (elected for a four-year term). The Delegates and the Resident Commissioner can sponsor legislation and vote in committees, but not in the House Chamber.

- **The Powers of Congress**
- **Party Organization Within Congress**
- **Organization and Leadership**
- **Committee Systems**
- **The United States Senate**
- **The House of Representatives**

The Powers of Congress

Article I, Section 1

(of the Constitution)

"All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives"

The Powers of Congress

These powers consist in:

- Assessing and collecting taxes
- Regulating commerce (both interstate and foreign)
- Coining money
- Establishing post offices and post roads
- Establishing courts inferior to the Supreme Court
- Declaring war
- Raising and maintaining an army and navy.

Congress is further empowered

- To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; and
- To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

The Powers of Congress

- Another power vested in the Congress is the right to propose **amendments** to the Constitution, whenever two-thirds of both Houses shall deem it necessary. Should two-thirds of the State legislatures demand changes in the Constitution, it is the duty of Congress to call a constitutional convention.
- Both Houses of Congress act in **impeachment** proceedings, which, according to the Constitution, may be instituted against the President, Vice President, and all civil officers of the United States. The House of Representatives has the sole power of impeachment, and the Senate has the sole power to try impeachments.

Party Organization Within Congress

- In the '*House of Representatives*', members elected as Democrats affiliate with the '*Democratic caucus*', and the Republicans join the '*Republican conference*';
- The caucus or conference is a meeting of all representatives elected to the House under the label of a particular party;
- The caucus or conference sets the party line; but no member is bound;
- In the Senate, they play less important roles.

Party Organization Within Congress

- The most sought-after post in the 'House' is that of '*Speaker of the House*';
- Second most desirable is the '*Majority Floor Leadership*';
- Both majority and minority floor leaders keep in touch with members of the floor through '*whips*';
- In the Senate, the Vice President of the United States is the presiding officer;
- The next highest officer is the '*President pro tempore of the Senate*';
- Majority and minority floor leaders are chosen by the respective caucuses.

Organization and Leadership

- **Speaker of the House**: The Speaker presides over the House, appoints chairmen to preside over the Committee of the Whole, appoints all special or select committees, appoints conference committees, has the power of recognition of Members to speak, and makes many important rulings and decisions in the House. The Speaker may vote, but usually does not, except in case of a tie. The Speaker determine the legislative agenda for the House (with the Majority Leader) and often confers with the President and with the Senate leadership.

Organization and Leadership

The key officers of the Senate are:

- *The President of the Senate*: The Constitution provides that "the Vice President of the United States shall be the President of the Senate" (Article 1, section 3). As President of the Senate, the Vice President presides over the Senate, makes parliamentary rulings and may cast tie-breaking votes.
- *The President Pro Tempore of the Senate*: In the absence of the Vice President, the Senate elects a President pro tempore (president "for the time being") to preside. In recent decades it has become traditional for this post to go to the senior Senator from the majority party. The President pro tempore assigns other Members of the majority party to preside by rotation during each day's proceedings. These Senators and the President pro tempore retain their rights to vote on all issues before the body and to debate when they are not presiding.

Organization and Leadership

- The House Floor Leaders: The majority and minority leaders are selected by their respective party caucuses;
- Each floor leader is manager of his party's program on the floor and has effective control, through cooperation with the Speaker, over important aspects of procedure

Committee Systems

What is a *conference committee*?

- From the earliest days, differences on legislation between the House and Senate have been committed to conference committees to work out a settlement.
- The most usual case is that in which a bill passes one Chamber with amendments unacceptable to the other. In such a case, the Chamber that disagrees to the amendments generally asks for a conference, and the Speaker of the House and the Presiding Officer of the Senate appoint the ``managers''
- Generally, they are selected from the committee or committees having charge of the bill.
- After attempting to resolve the points in disagreement, the conference committee issues a report to each Chamber. If the report is accepted by both Chambers, the bill is then enrolled and sent to the President. If the report is rejected by either Chamber, the matter in disagreement comes up for disposition anew as if there had been no conference. Unless all differences between the two Houses are resolved, the bill fails.

Committee Systems

What are congressional *standing committees*?

- Standing committees are permanent panels comprised of Members of a Chamber. Each panel has jurisdiction over measures and laws in certain areas of public policy, such as health, education, energy, the environment, foreign affairs, and agriculture.
- Each Chamber has its own standing committees to allow it to consider many issues at the same time.
- Each committee selects, from the measures it receives each Congress, a relatively small number (approximately 10 percent) that merit committee scrutiny and subsequent consideration by the full Chamber. Because of the small size of committees--and the often lengthy service of Members on the same panel--committees provide an effective means of managing Congress's enormous workload and gaining expertise over the range and complexity of subjects with which the Government deals.

Committee Systems

What is a *select committee*?

- In the contemporary era, select committees are established by the House and Senate usually for limited time periods and for strictly limited purposes.
- In most cases, they have not been accorded legislative power (the authority to consider and report legislation to the full Chamber).
- After completing their purpose, such as an investigation of a Government activity and making a report thereon, the select committee expires.
- Recently, however, the Chambers have permitted select committees to continue to exist over long periods; some, such as the House and Senate Select Committees on Intelligence, have been granted legislative authority.

Committee Systems

What are *joint committees*?

- Joint committees are those that have Members chosen from both the House and Senate, generally with the chairmanship rotating between the most senior majority-party Senator and Representative.
- In general, they do not have legislative power to consider and report legislation to the full Chambers.
- These committees can be created by statute, or by joint or concurrent resolution, although all existing ones have been established by statute.
- Congress now has four permanent or long-term joint committees, the oldest being the Joint Committee on the Library, which dates from 1800; the other three are the Joint Economic Committee, Joint Committee on Printing, and Joint Committee on Taxation.
- In addition, Congress sometimes establishes temporary joint committees for particular purposes, such as the Joint Congressional Committee on Inaugural Ceremonies, which is formed every four years to handle the organizational and financial responsibilities for the inauguration of the President and Vice President.

The United States Senate

- The Senate is composed of 100 Members (two from each state, regardless of population or area) elected by the people in accordance with the 17th Amendment to the Constitution.
- A Senator must be at least 30 years of age, have been a citizen of the United States for nine years, and, when elected, be a resident of the state for which the Senator is chosen.
- The term of office is six years and one-third of the total membership of the Senate is elected every second year.
- The terms of both Senators from a particular state are arranged so that they do not terminate at the same time. Of the two Senators from a state serving at the same time the one who was elected first (or if both were elected at the same time), the one elected for a full term is referred to as the "senior" Senator from that state. The other is referred to as the "junior" Senator.
- If a Senator dies or resigns during the term, the governor of the state must call a special election unless the state legislature has authorized the governor to appoint a successor until the next election, at which time a successor is elected for the balance of the term. Most of the state legislatures have granted their governors the power of appointment.
- Each Senator has one vote.

The House of Representatives

- The House of Representatives is composed of 435 Members elected every two years from among the 50 states, apportioned to their total populations.
- A law enacted in 1967 abolished all "at-large" elections except in those less populous states entitled to only one Representative. An "at-large" election is one in which a Representative is elected by the voters of the entire state rather than by the voters in a congressional district within the state.
- A Representative must be at least 25 years of age, have been a citizen of the United States for seven years, and, when elected, be a resident of the state in which the Representative is chosen. Unlike the Senate where a successor may be appointed by a governor when a vacancy occurs during a term, if a Representative dies or resigns during the term, the executive authority of the state must call a special election pursuant to state law for the choosing of a successor to serve for the unexpired portion of the term.
- Each Representative has one vote.

- Under the provisions of Section 2 of the 20th Amendment to the Constitution, Congress must assemble at least once every year, at noon on the third day of January, unless by law they appoint a different day.
- A Congress lasts for two years, commencing in January of the year following the biennial election of Members. A Congress is divided into two sessions.
- The Constitution authorizes each House to determine the rules of its proceedings. Pursuant to that authority, the House of Representatives adopts its rules on the opening day of each Congress. The Senate considers itself a continuing body and operates under continuous standing rules that it amends from time to time.

What are the stages of a bill in Congress?

- (1) Introduction by a Member, who places it in the "hopper," a box on the Clerk's desk in the House Chamber; the bill is given a number and printed by the Government Printing Office so that copies are available the next morning.
- (2) Referral to one or more standing committees of the House by the Speaker, at the advice of the Parliamentarian.
- (3) Report from the committee or committees, after public hearings and "markup" meetings by subcommittee, committee, or both.
- (4) House approval of a special rule, reported by the House Rules Committee, making it in order for the House to consider the bill, and setting the terms for its debate and amendment.
- (5) Consideration of the bill in Committee of the Whole, in two stages: first, a time for general debate on the bill; and second, a time for amending the bill, one part at a time, under a rule that limits speeches on amendments to five minutes each.
- (6) Passage by the House after votes to confirm the amendments that were adopted in Committee of the Whole.
- (7) Transmittal to the Senate, by message.
- (8) Consideration and passage by the Senate--usually after referral to and reporting from a Senate committee--and after debate and amendment on the Senate floor.
- (9) Transmission from the Senate back to the House, with or without Senate amendments to the bill.
- (10) Resolution of differences between the House and the Senate, either through additional amendments between the Houses, or the report of a conference committee.
- (11) Enrollment on parchment paper and then signing by the Speaker and by the President of the Senate.
- (12) Transmittal to the President of the United States.
- (13) Approval or disapproval by the President; if the President disapproves, the bill will be returned with a veto message that explains reasons for the disapproval. A two-thirds vote in each chamber is needed to override a veto.
- (14) Filing with the Archivist of the United States as a new public law after approval of the President, or after passage by Congress overriding a veto.

Bills may be introduced in the Senate, and they follow essentially the same course of passage as bills first introduced and considered in the House of Representatives.