

## 2.2

### Congress/Powers and Functions

#### **Explain how the structure, powers, and functions of both houses of Congress affect the policy making process.**

Bicameralism best describes our legislative branch. The United States Congress is a two-house legislature. We have a House of Representatives, based upon population, and a Senate where every state has two members. Representatives in the House were the only elected office that the Founders put directly in the hands of the people. Other offices in government were either appointed or chosen by an elite few. Even to this day the House mirrors local interests far more than the Senate. The House is most responsive to the public's wishes. The Senate tends to focus more on broader national and state issues. Senators were not directly elected until the passage of the 17<sup>th</sup> Amendment (1913). Due to its more prestigious six-year terms the Senate is referred to as the Upper House.

Our bicameral legislature was divided for reasons other than compromising between big states and small states. Each house represents the people, yet they also possess remarkably different responsibilities. The House, modeled on the British House of Commons, represents the passions of the people. The Senate, modeled on the British House of Lords, responds to these passions with reason. James Madison saw the Senate as an "anchor," a "necessary fence" against the "fickleness and passion" of the people. The Senate is to "cool" House legislation just as a saucer was used to cool hot tea. Thomas Jefferson once expressed his doubts about the usefulness of the Senate. "Why did you pour that coffee into your saucer?" George Washington asked. "To cool it," Jefferson replied. "Even so," Washington declared, "we pour legislation into the senatorial saucer to cool it."

House members serve 2-year terms. The Senate enjoys 6-year terms. One third of the Senate is up for reelection every two years. These term differences affect the formation of coalitions in Congress. Ever changing, it helps to explain increased polarization and gridlock. Additionally, our Congress has come to reflect the diversity of America more than ever. The House of Representatives is much less male and much less white.

The American people have never held Congress in lower regard than today. Nevertheless, even though our Congress has never been more representative today's Congress looks more like America – it is less male and less white. At last our Congress mirrors our demographic diversity. Most Americans have grown cynical toward Congress. Many reformers have suggested term limits – limiting the length of time one can serve in Congress. Most believe Congress is self-serving and beholden to the special interests.

Ironically the more Congress looks like "one of us" the more we frown upon the way we look.

In many ways the House and Senate are very different. These differences impact the work of Congress. The policy process is often hindered by these differences. One can conclude that this was intentional. For instance, the House is made up of 435 members who serve two-year terms. The Senate is made up of 100 members who serve six-year terms. The leadership in the House plays a more important role. The House has less procedural flexibility than the Senate. Strict rules govern the legislative process in the House. This includes limited debate. The Senate is known for the filibuster, a rule that allows one member to stop all legislation by threatening an unlimited debate. Members of the House tend to become experts on certain issues. Senate members often are more generalists. House members appeal to a narrow constituency. Ironically House elections are less competitive. The Senate is also given certain unique constitutional duties like confirming presidential appointments and treaties.

The leadership of Congress is determined by strict party votes. The majority party holds all of the principal leadership positions.

The most important leadership positions in the House of Representatives are:

**SPEAKER OF THE HOUSE** – As presiding officer the Speaker controls the calendar. The Speaker determines the agenda of the House. The Speaker also makes committee assignments.

**MAJORITY LEADER** – The Majority Leader orchestrates the legislative process. When important bills are introduced by the Majority Leader is in charge of building a strategy to get it passed.

**MAJORITY WHIP** – The Majority Whip collects information and tries to induce members to vote in line with the party leadership. No vote in Congress is held before the Whip informs the leadership of the probable outcome. This allows the leadership to only hold a vote when they know they will win. WHIPs help build coalitions of voters and serve as Congressional headcounters.

The most important leadership positions in the Senate are:

**MAJORITY LEADER** – The Majority Leader in the Senate is the most important leader. The Majority Leader orchestrates the legislative process. When important bills are introduced by the Majority Leader is in charge of building a strategy to get it passed.

**MAJORITY WHIP** – The Majority Whip collects information and tries to induce members to vote in line with the party leadership. No vote in the Senate is held before the Whip informs the leadership of the probable outcome. This allows the leadership to only hold a vote when they know they will win.

**NOTE:** The presiding officer in the Senate is the Vice President but has virtually no power. The Vice President will appear in the Senate on the opening day and if a tie occurs in a vote. The VP breaks all tie votes. In his absence the presiding officer becomes the President Pro Tempore. This is more symbolic and typically goes to the oldest member of the majority party.

Congress at work, however, is Congress in committee. Though the leadership of Congress receives the lion share of the media attention – most of the power in Congress is found in the standing committees. Every member of Congress is assigned to at least one standing committee. Standing committees is where the real work of Congress gets done. The majority party holds a majority of the votes in every committee. The permanent committees study prospective laws. This allows members of Congress, over time, to become experts in one area over another. For instance, a Congressman from Minnesota when assigned to the House Agriculture Committee becomes an expert on agricultural issues. Of course, this helps him back home with his constituents. Another reason incumbency rates are so high. The distributive theory of legislative organization argues that committee views are respected over what the whole House wants.

Certain standing committees are more important than others. The House Ways and Means Committee handles all revenue bills. Tax proposals go through this committee first. The Appropriation Committee, in both the House and Senate, handles the way tax dollars are spent.

There are two other types of committees in Congress. Select committees work on a specific albeit temporary issue. Conference committees resolve differences between House and Senate versions of the same bill.

Beyond committees Congress also is organized around specialized caucuses. These would be members who organize around a particular interest or issue. Many are large and powerful like the Congressional Black Caucus. Others are silly like the Congressional Boating Caucus. Caucuses are just another means to organize like-minded members to influence public policy.

Members of Congress also possess a large staff that helps them perform their duties. As Congressional staff increases so too does the amount of work Congress performs. With help from staff more and more legislation is proposed every year. This has made Congress much more individualistic. This decentralized Congress now provides greater access points for corrupt behavior.

To review, the legislative process is cumbersome, complex and rife with built in obstacles. Party leaders can demand discipline from its members to block most policy proposals from the opposition. House rules favor the majority party while the in the Senate the filibuster advantages the minority party. Senate members can also put holds on action. For all practical purposes this is a parliamentary rule that hinders the policy making process. Public policy success depends upon either broad national consensus, a strong president or an overwhelming majority of one party.

Logrolling is as old as politics itself. Logrolling is vote trading. I will support your bill if you support mine. You scratch my back and I will scratch yours. One wonders if principle can be found anymore? Logrolling also provides cover for legislators to do an

interest groups' bidding. Yet many would argue that without logrolling even less would get done inside Congress. Logrolling serves as a practical lubricant to the legislative process.

With the "power of the purse" Congress is given the unique power to generate a budget. Governments are, after all, institutions that collect and spend money. Governments collect money through taxes and fees. They appropriate these monies through a complex budgetary process. Every penny spent goes through an excruciating political process. Certain federal budget line items receive mandatory funds each year. Mandatory spending makes up the vast majority of today's federal budget. These entitlement programs include Social Security and Medicaid. Our biggest political fights in Congress occur over the ever-decreasing discretionary monies. The biggest line item in this category is the military budget. Left over funds for education, environmental protection, foreign-aid and the arts are difficult to find. Subsequently our deficits continue to rise. Without new tax revenues there is little choice.

Our Constitution was a byproduct of great compromises. Our form of government persists because of even more great compromises. The public policy process, to be successful, requires our legislators to let the good times roll.