

The U.S. Congress and its Mandate



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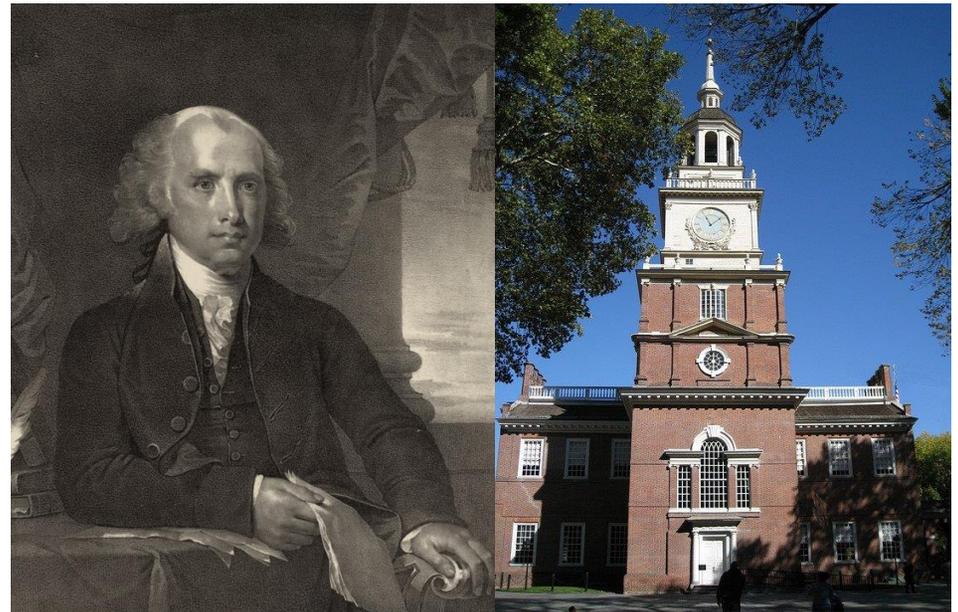


Outline

1. The Framers of the U.S. Constitution
2. The legislative process
3. The U.S. Congress today
4. The mandate of Congress

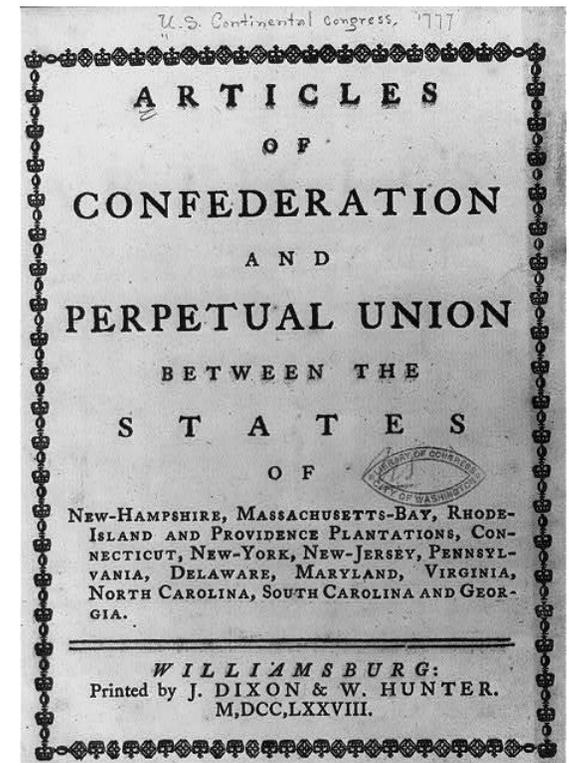
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...but first: Articles of Confederation

- Established unicameral legislature
- Largely built to protect states
- Weak central government



Constitutional Convention

- New Jersey Plan (small state plan)
 - Maintain one vote per state in a unicameral legislature
- Virginia Plan (large state plan)
 - Bicameral legislature with representation based on population
- Connecticut Compromise
 - Bicameral legislature:
 - House of Representatives apportioned by population
 - Senate has (2) equal votes per state

Article 1 of the Constitution

House of Representatives

- Elected every 2 years
- Requirements: 25 years old, 7 years citizen, reside in state
- Unique powers: impeachment, start bills to raise taxes, elect president in a tie vote

Senate

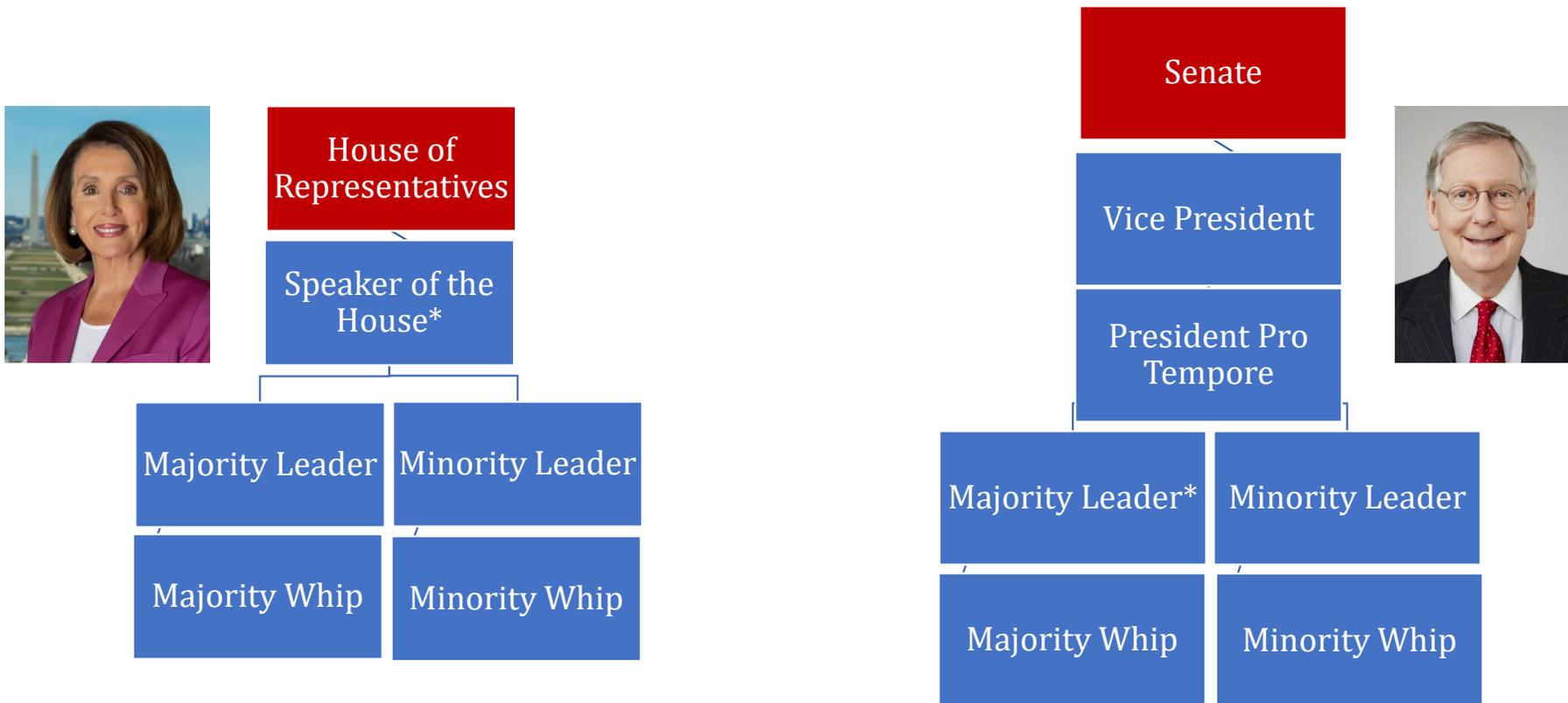
- Elected every 6 years
- Requirements: 30 years old, 9 years citizen, reside in state
- Unique powers: try impeachments, approve treaties and appointments, elect VP in tie vote

(Selected) Powers of Congress

- Raise and collect taxes
 - Impose standard currency
 - Regulate commerce
 - Declare war
 - Raise and support military
-
- Make all laws “necessary and proper” to carry out their designated powers (“Elastic Clause”)



Important Leadership Positions



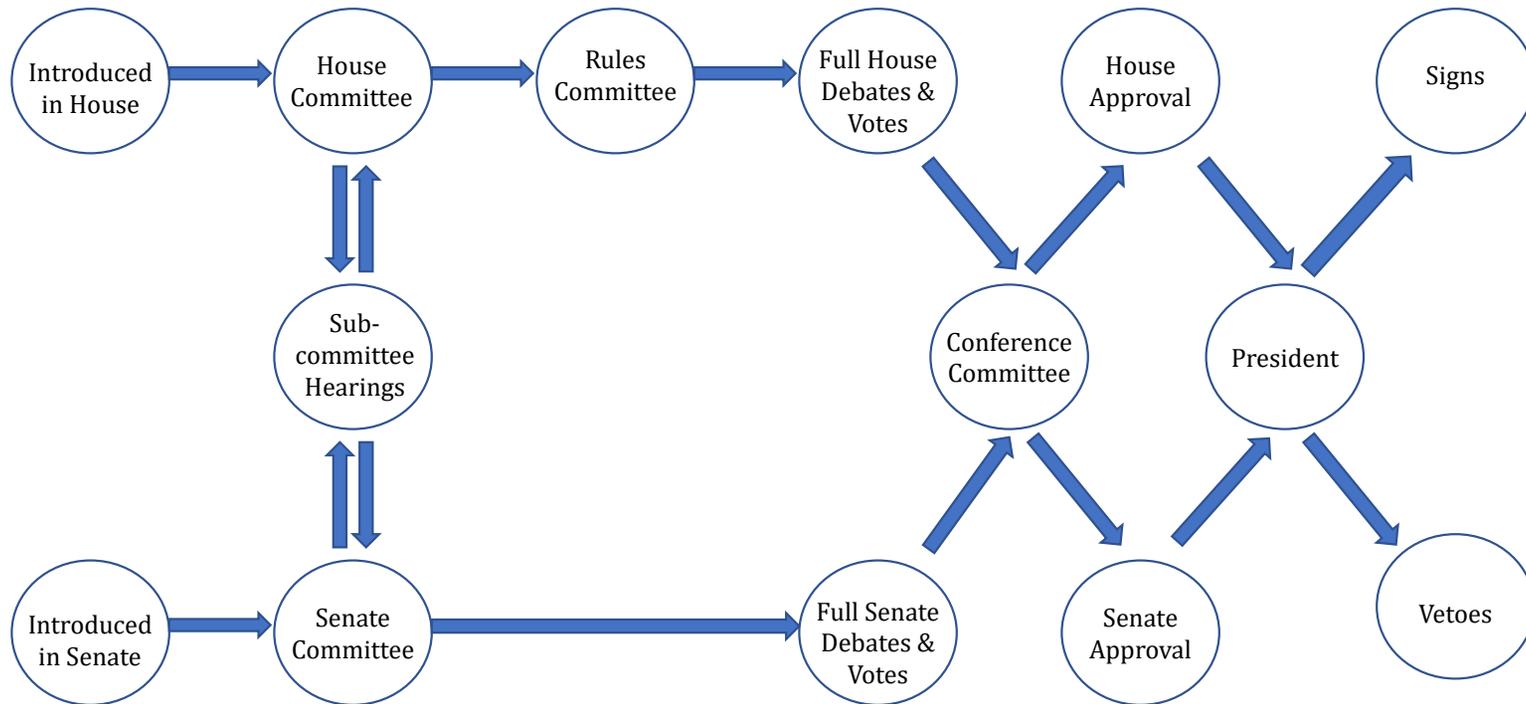
* Indicates person most powerful in day-to-day operations of chamber (pictured)

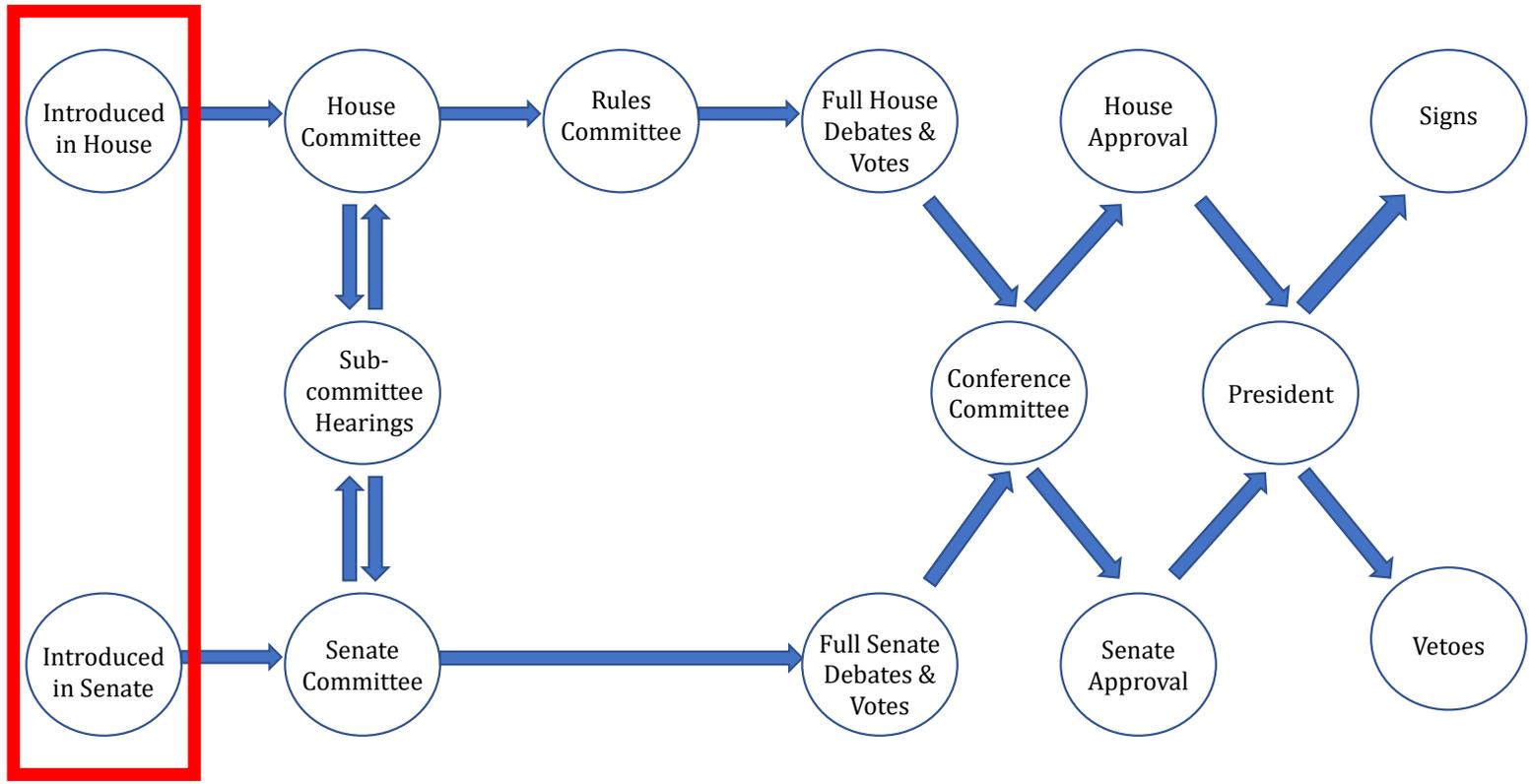
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The Legislative Process





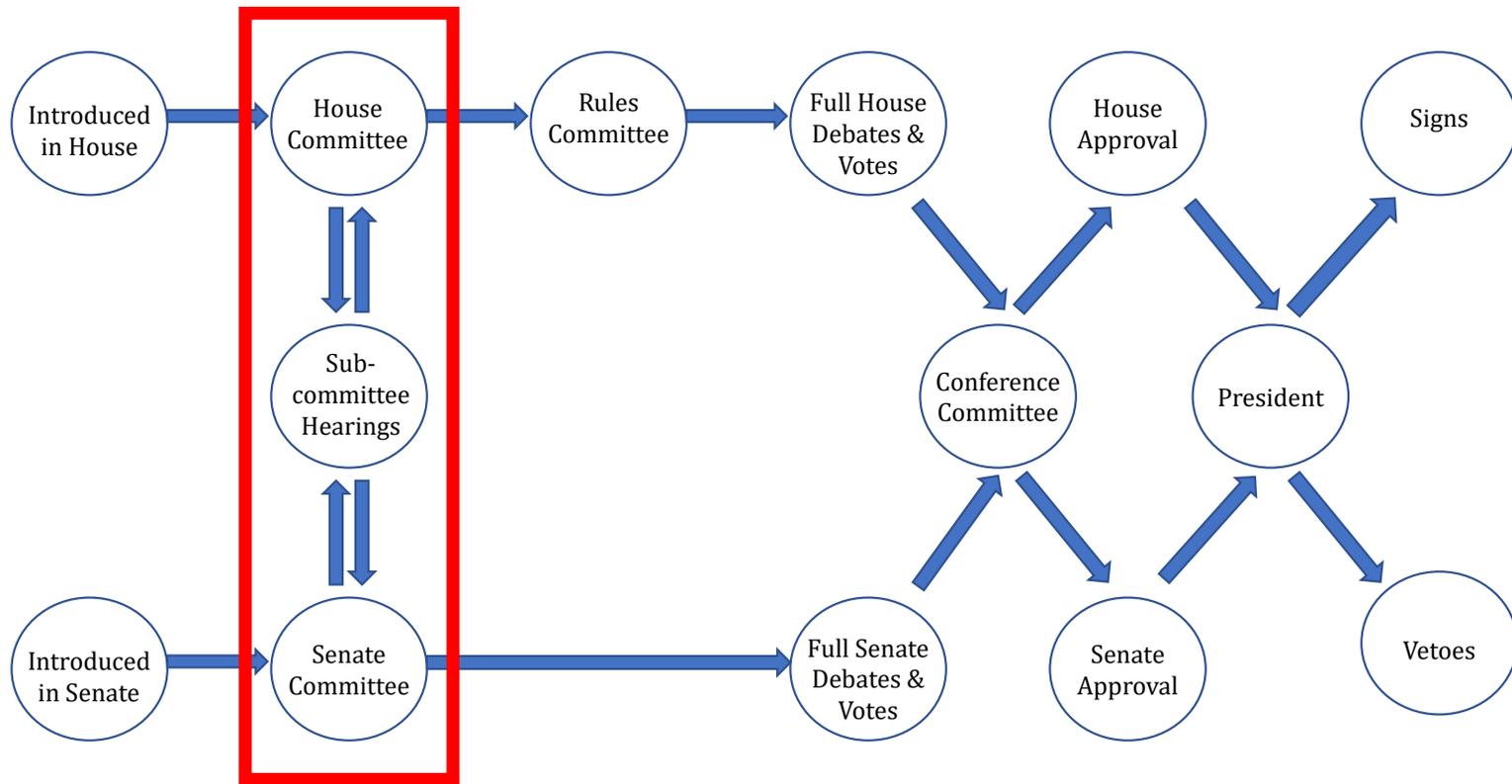
Stage 1: Introduction

- 115th Congress (2017-19):
 - 13,556 bills introduced in House or Senate
- Need to go through all stages in both chambers within 2 years



Two Chambers

- House (435 members)
 - Majoritarian
 - Strict rules
 - Political parties important
- Senate less majoritarian (100 members)
 - Less majoritarian
 - Rules less strict
 - Individual senators have more sway

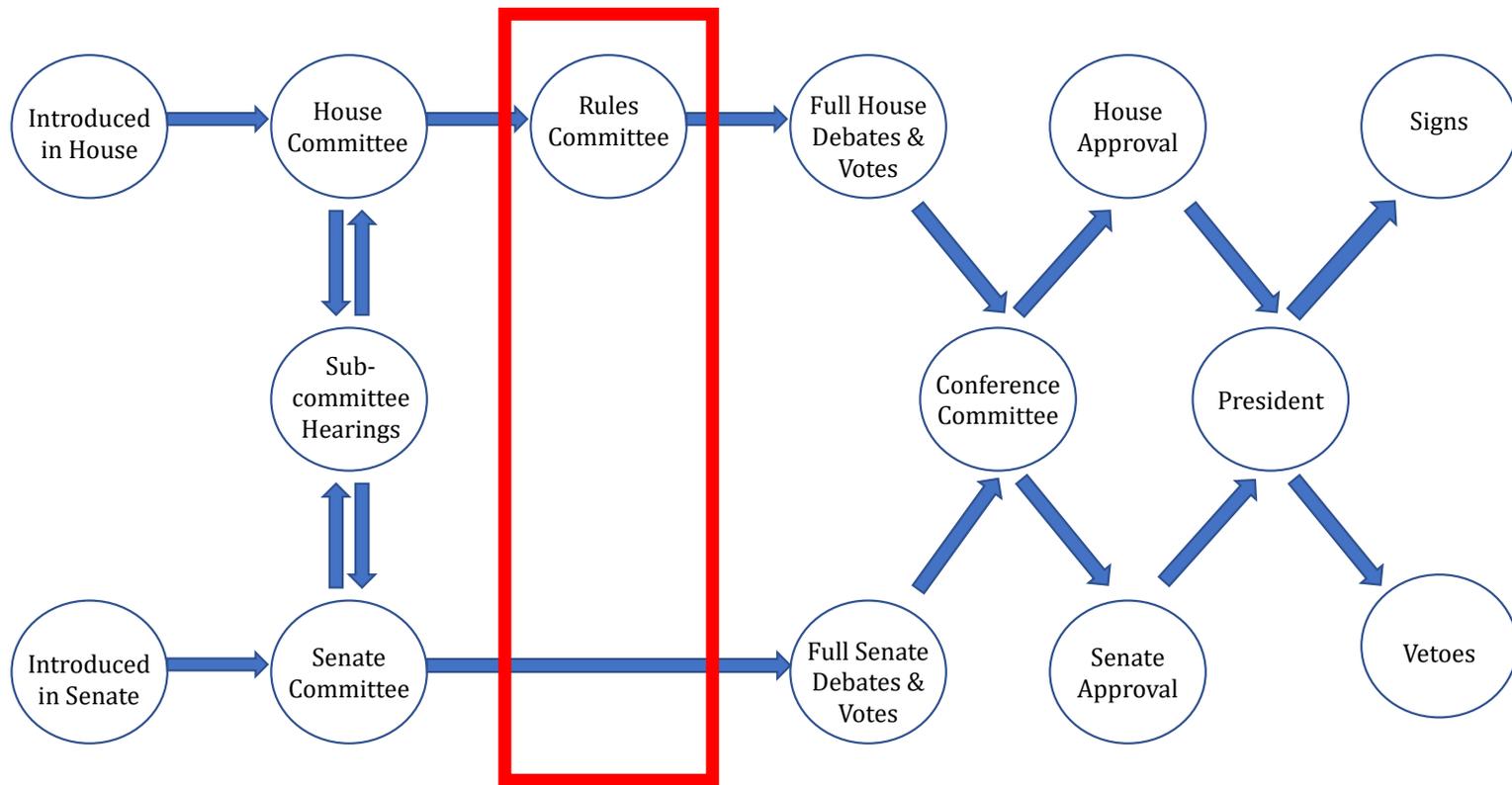


Stage 2: Committees



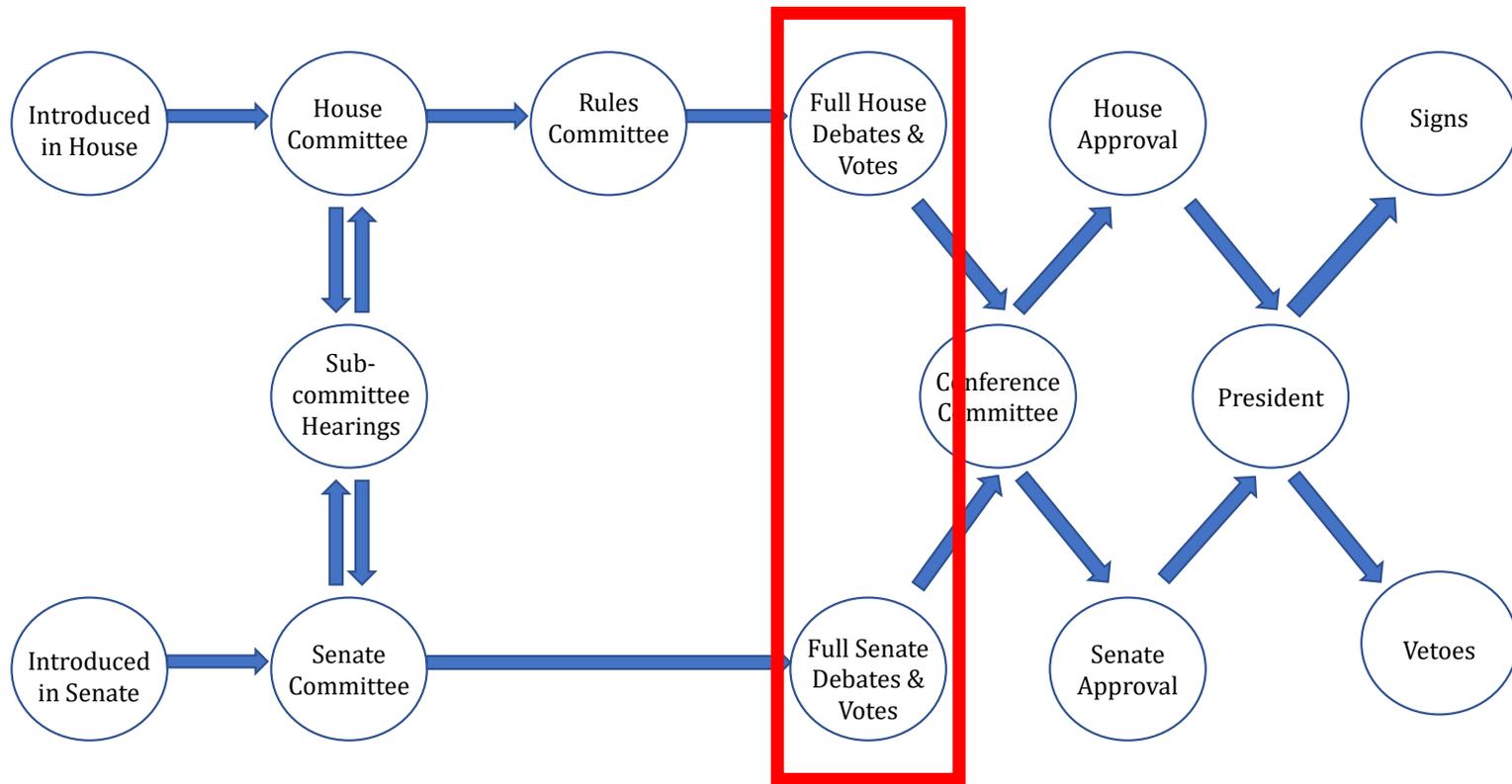
Stage 2: Committees

- 85% died in committee (2,082 bills remain)
- Hearings, investigations, markups
 - Legislation is assembled, modified, revised, killed
 - Specialized knowledge
- Stronger in the House



Stage 2.5: Rules Committee

- Only in House
- Tool of the majority
- Rules for debating bill
 - Debate length
 - Max # of amendments (if any)
 - Types of amendments



Stage 3: Floor Debate and Votes

- 6% were resolutions that do not have the full force of law

S.Res. 698 (115th): A resolution designating Nov. 3rd, 2018 as National Bison Day.

- 6% got a floor vote in one chamber (867 bills remain)

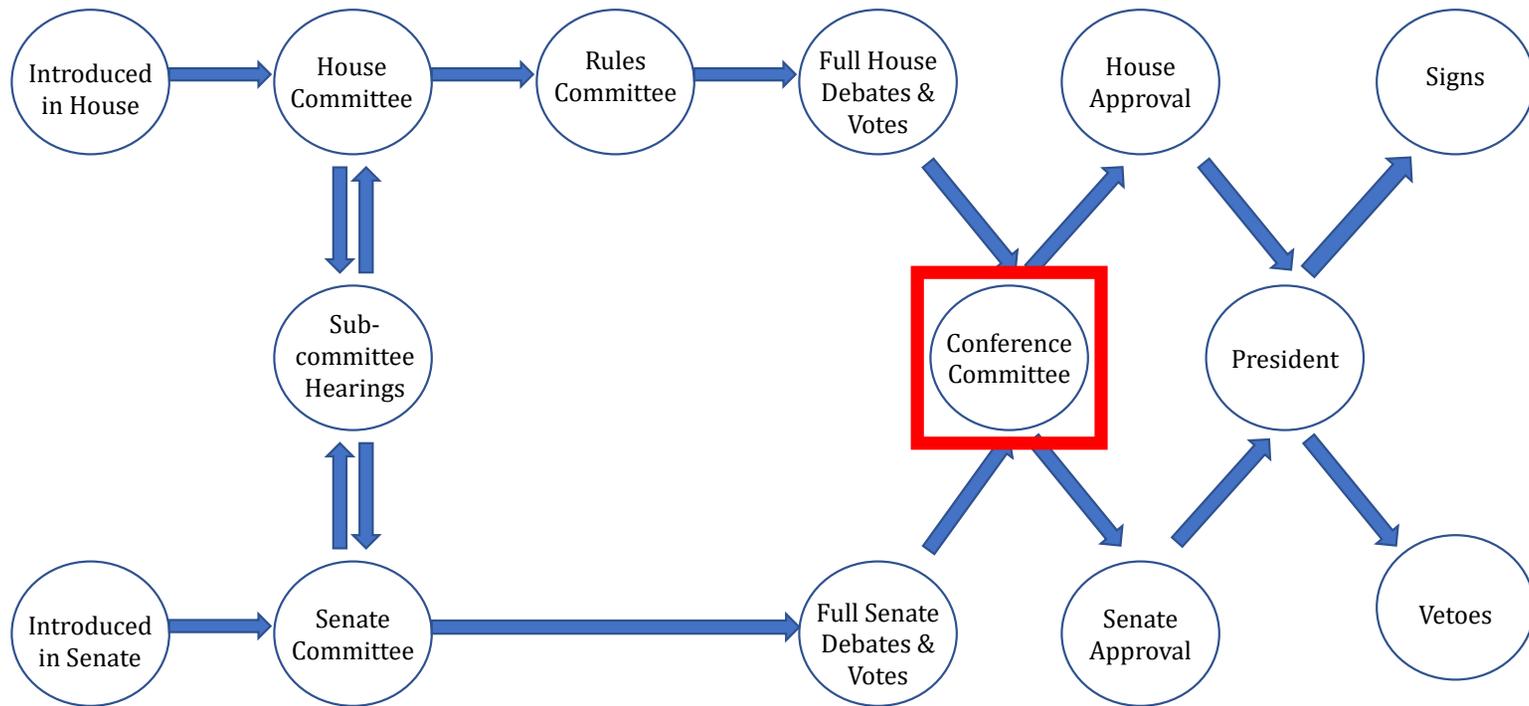
Stage 3: Floor Debate and Votes

- House follows rules set forth by Rules Committee
- Senate has looser rules
 - Unlimited debate
 - Single senators can block legislation through a filibuster
 - Requires supermajority (60/100) vote for cloture to end



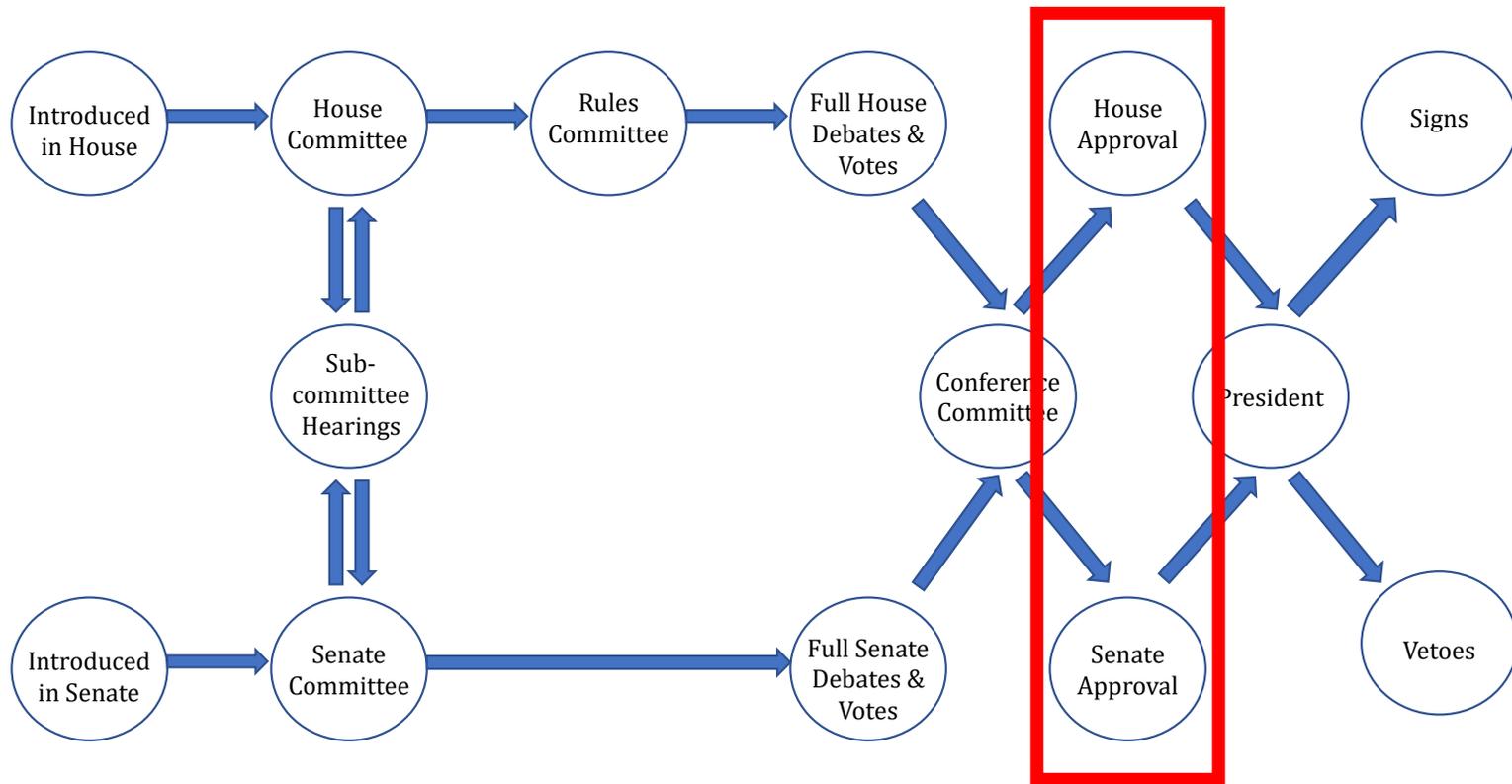
If it passes one chamber...

- 1) Passed by other chamber
- 2) Defeated in other chamber
 - Voted down or allowed to die
- 3) Passed by other chamber, but not in identical form



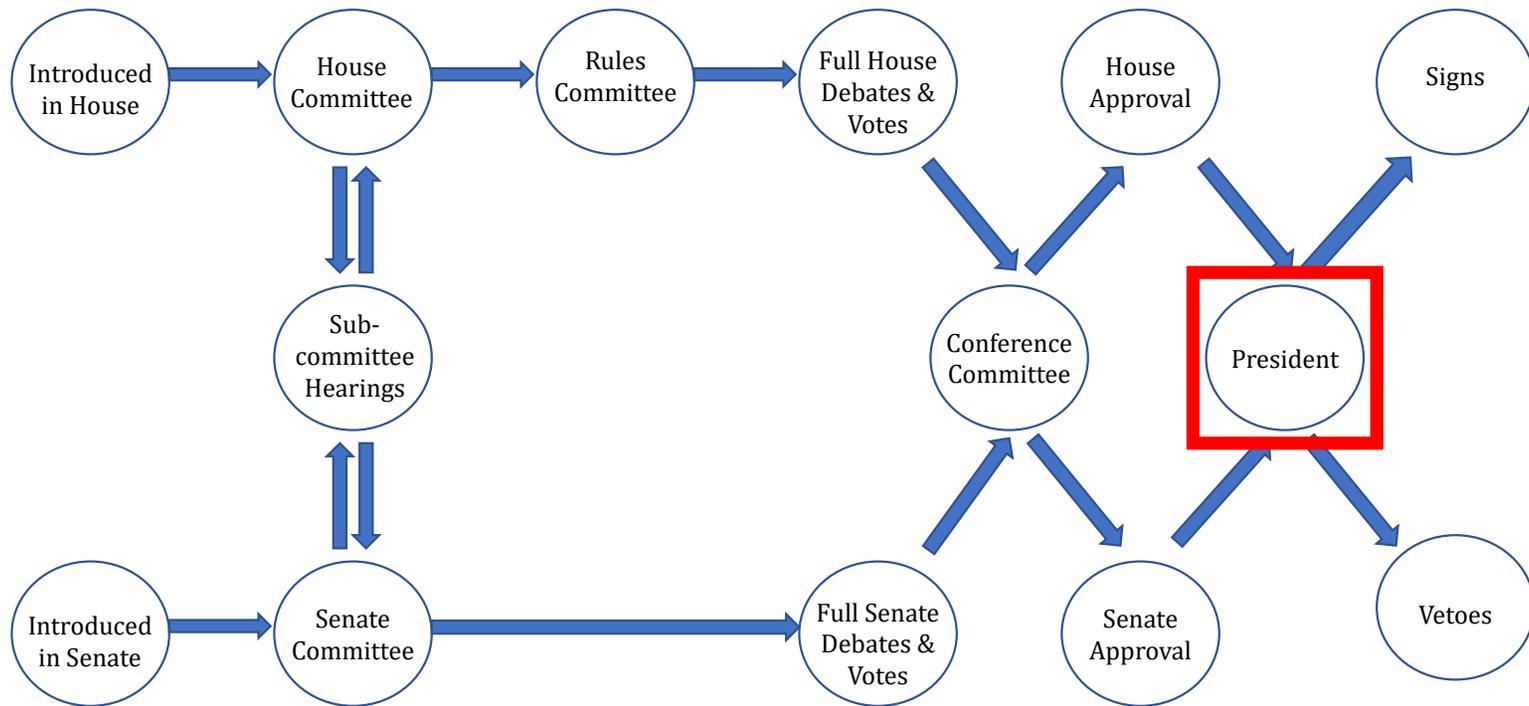
Stage 4: Conference Committee

- “Third house of Congress”
- Temporary committee to work out differences (if possible)
- Usually representatives from relevant committees, assigned by leadership



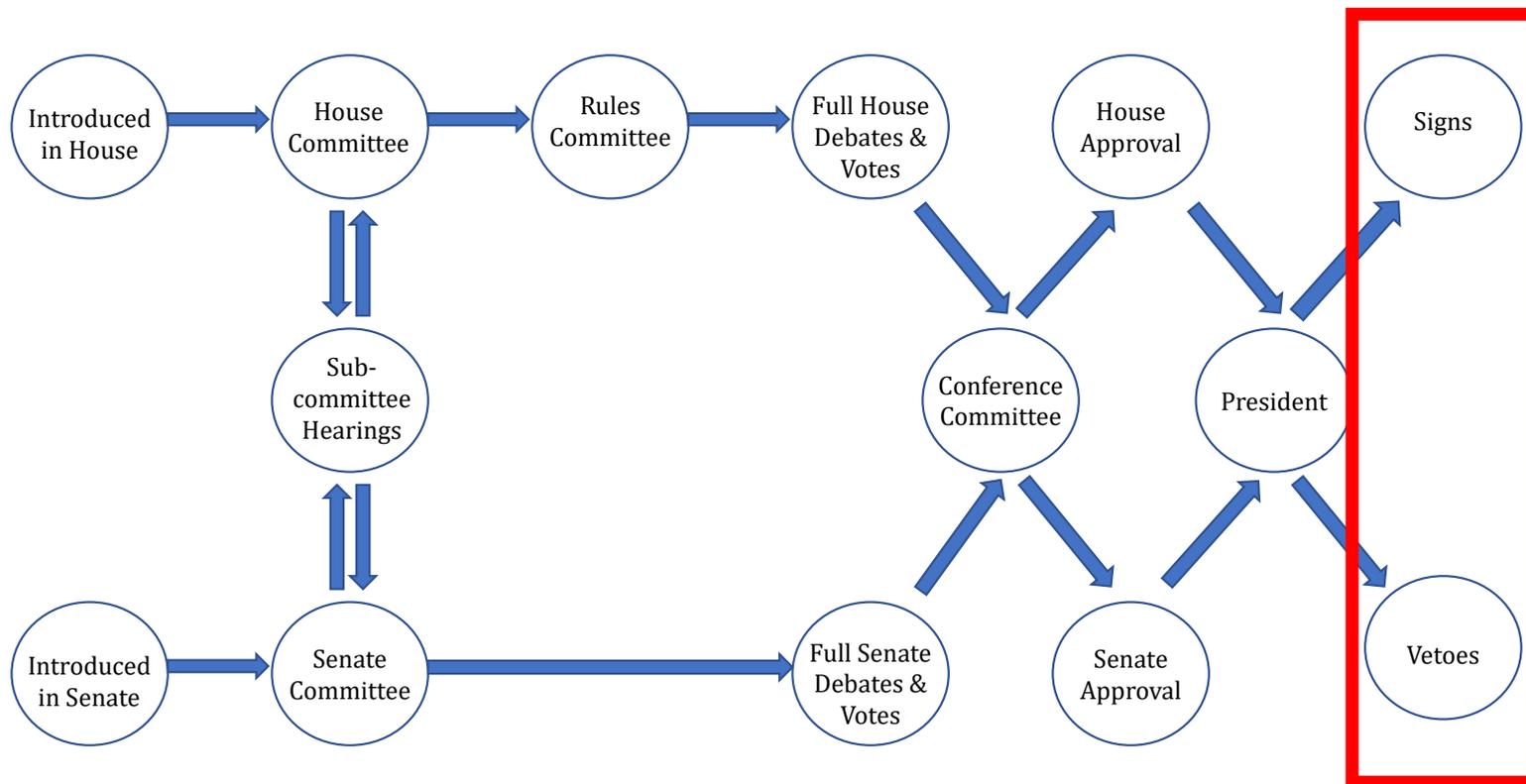
Stage 5: Leaving Congress

- Must pass bill in identical form before it can go to president
- 443 bills (3%) were passed identically by both chambers



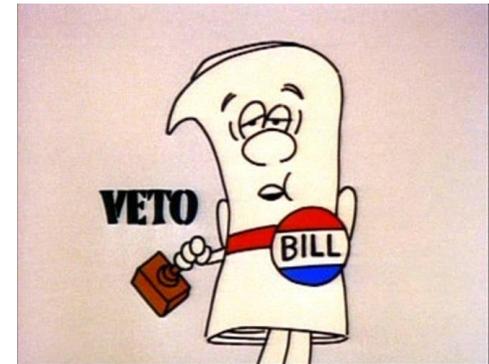
Stage 6: The President

- If Congress in session, has 10 days to sign or veto
- If not in session, can “pocket veto” bill by not signing it within 10 days
 - Congress would need to reintroduce it



Stage 7: Back to Congress?

- Can override a veto with 2/3 in both houses
- 115th Congress: 0 vetoes
 - A bit unusual! (but lately <10)



Enacted legislation

- 115th Congress: 443 laws enacted (3%)
 - 106 of those bills renamed post offices and other government facilities

Public Law 115-161: To deem the compliance date for amended energy conservation standards for ceiling fan light kits to be January 21, 2020

aka “The Ceiling Fan Energy Conservation Harmonization Act”

Effect on mandate

- Not very “productive”
 - Lots of veto points
 - Responsible; protects against majority (some say too much?)
 - Maintains status quo
- Lots of competing interests and access points for outside influence
 - Responsive to the public

“Unorthodox Lawmaking”

- Congress more frequently breaks its own procedures
 - Bypassing committees
 - Reworking bills outside of committees
 - Legislation “summits”
 - Omnibus legislation
 - Reconciliation process

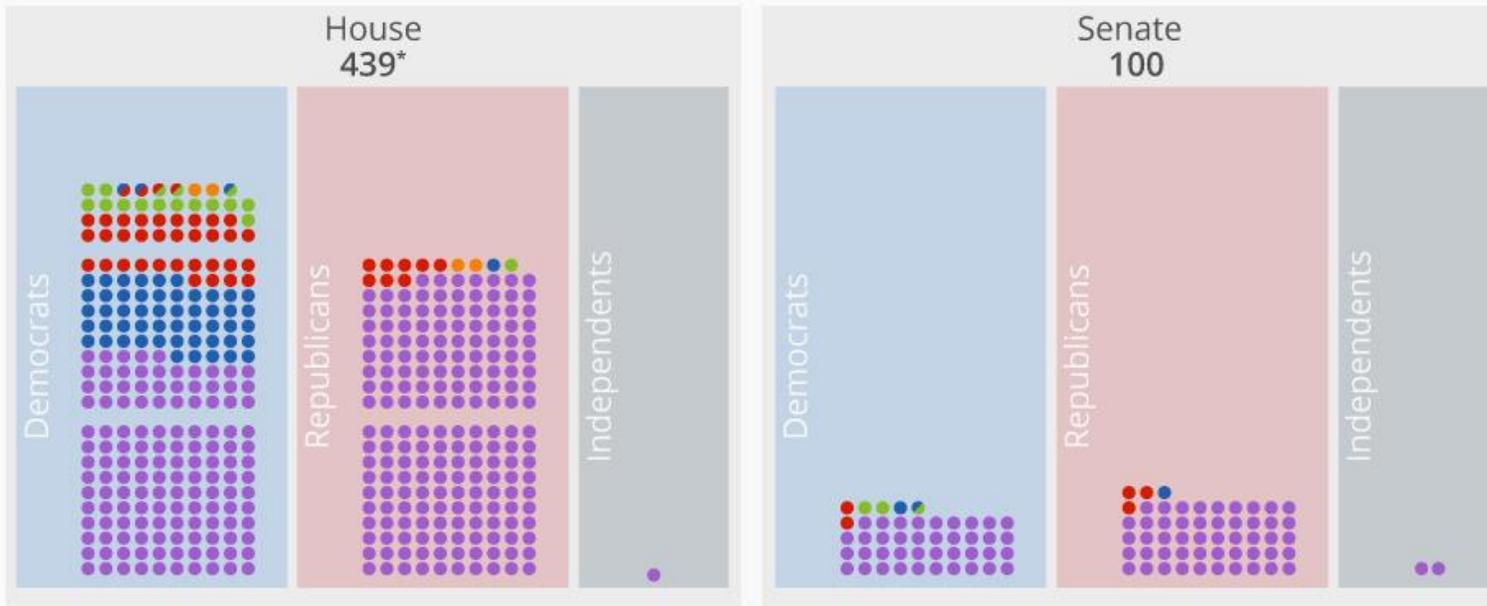


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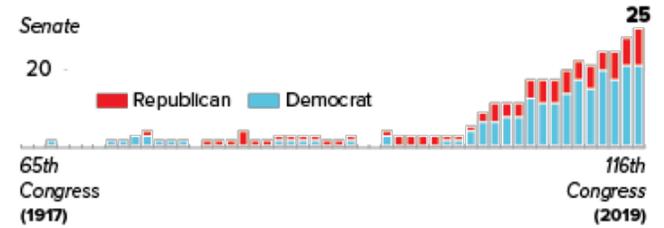
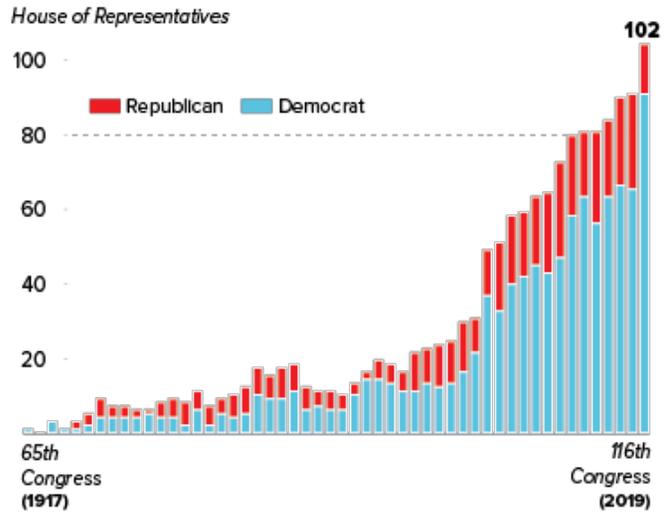
How Diverse is Congress?

Members of the 116th U.S. Congress by race/ethnicity



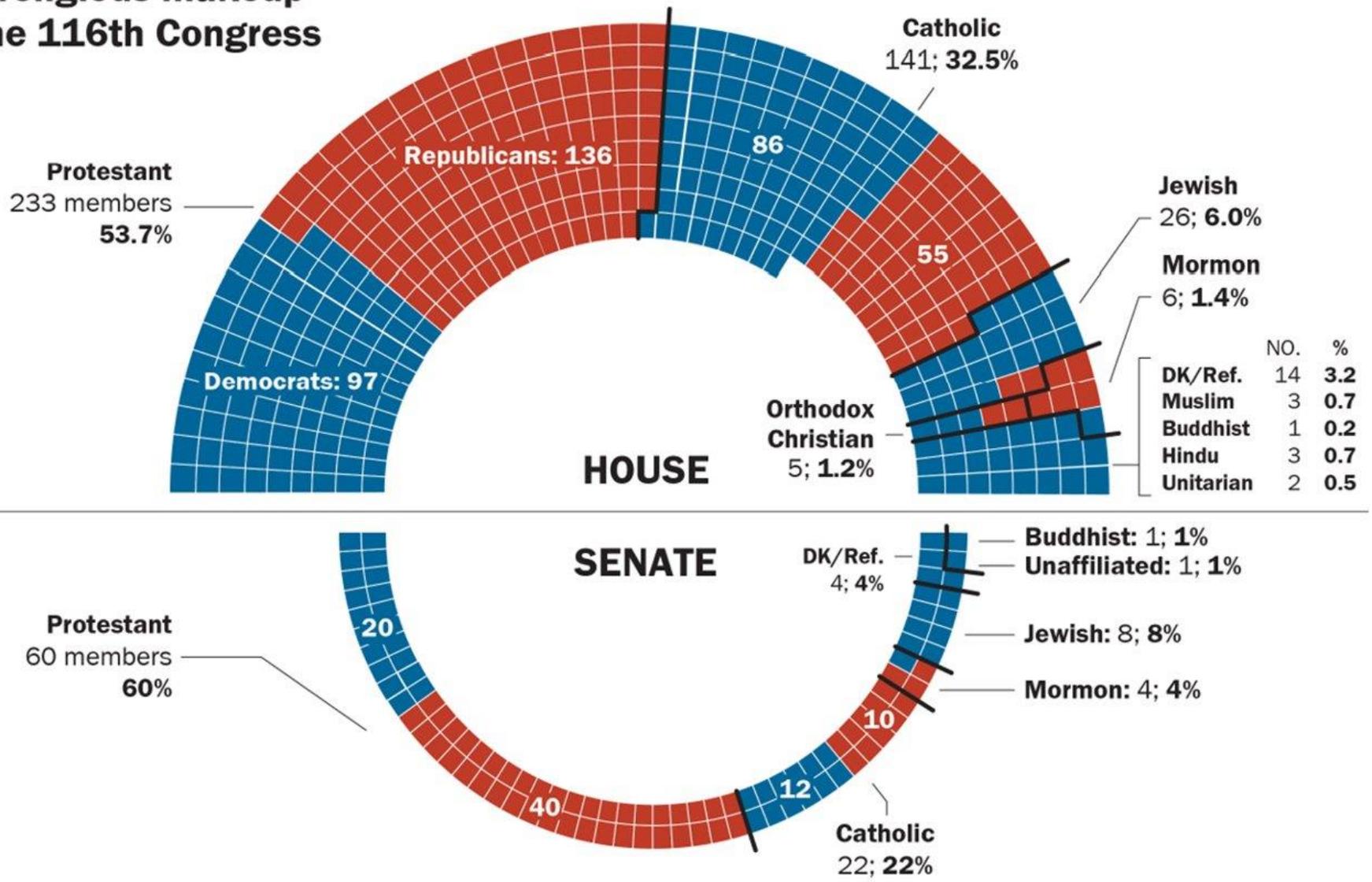
* Republican house members include one delegate and the commissioner of Puerto Rico, Democratic house members include 4 delegates
As of August 2, 2019

Number of women in Congress continues to grow



Source: PEW RESEARCH

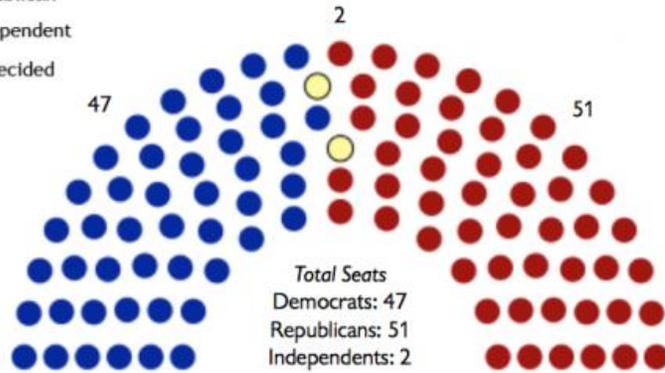
The religious makeup of the 116th Congress



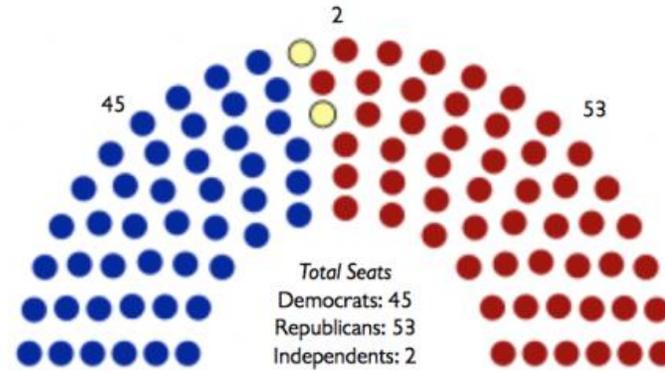
U.S. Senate

- Democratic
- Republican
- Independent
- Undecided

Control of the 115th Senate (2016-2018)



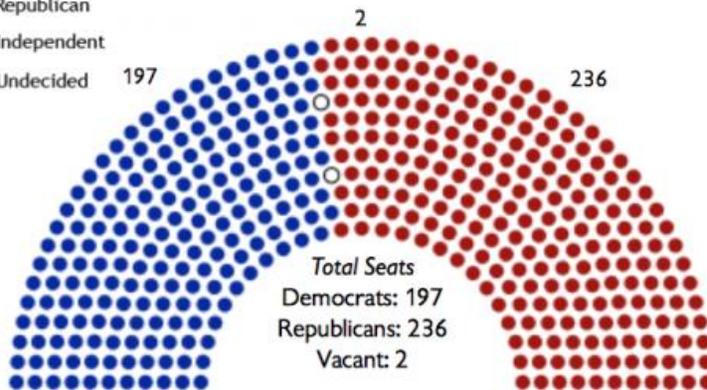
Control of the 116th Senate (2018-2020)



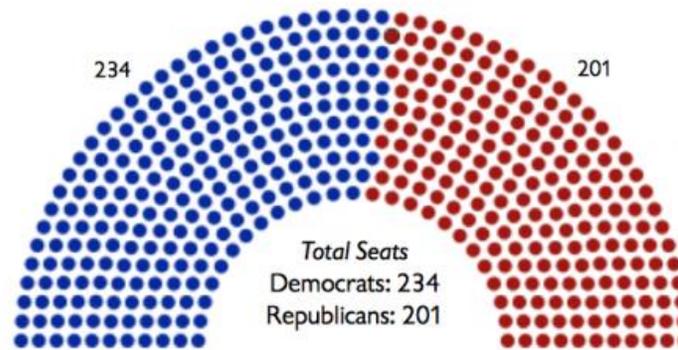
U.S. House of Representatives

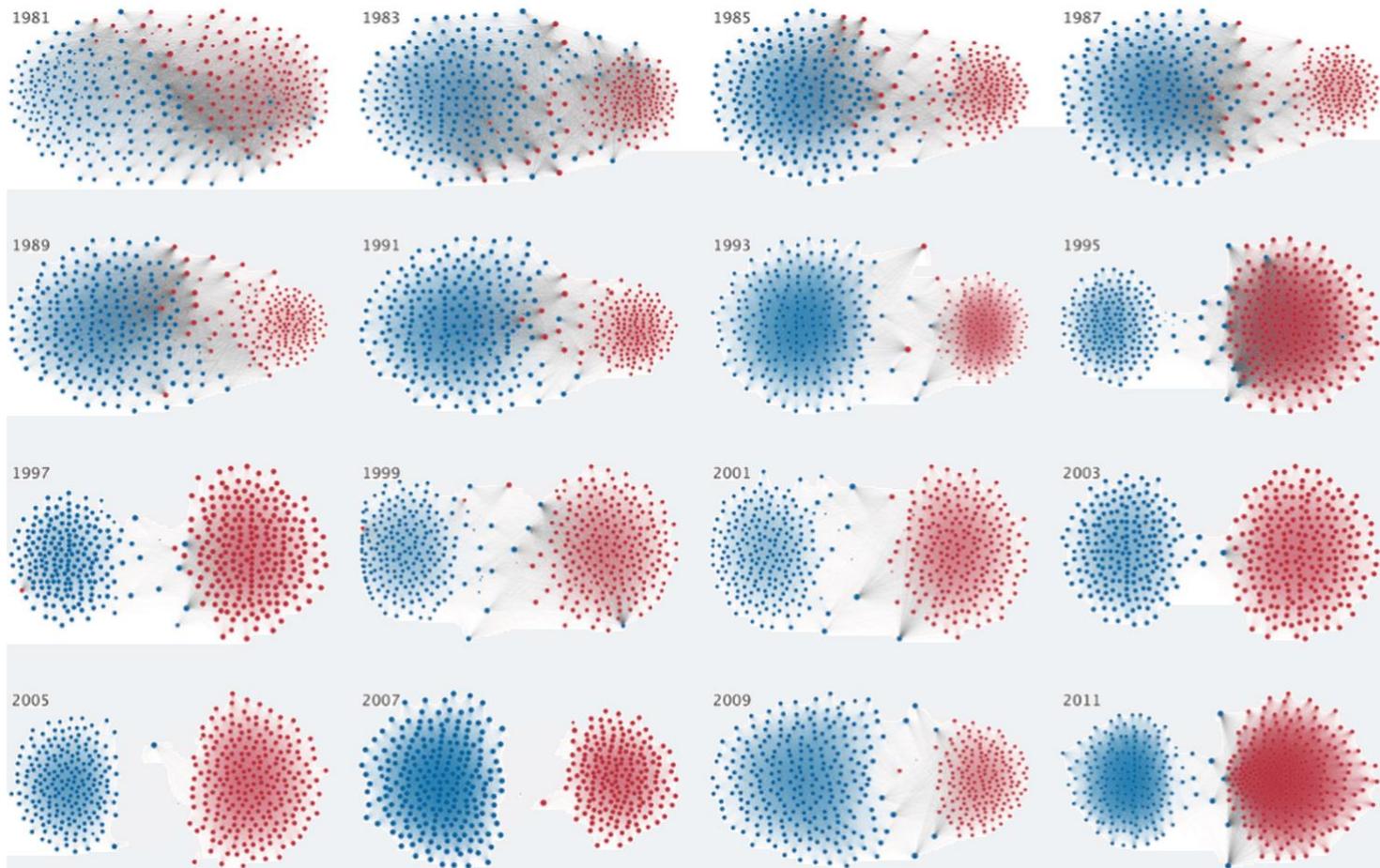
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Control of the 115th House (2016-2018)



Control of the 116th House (2018-2020)



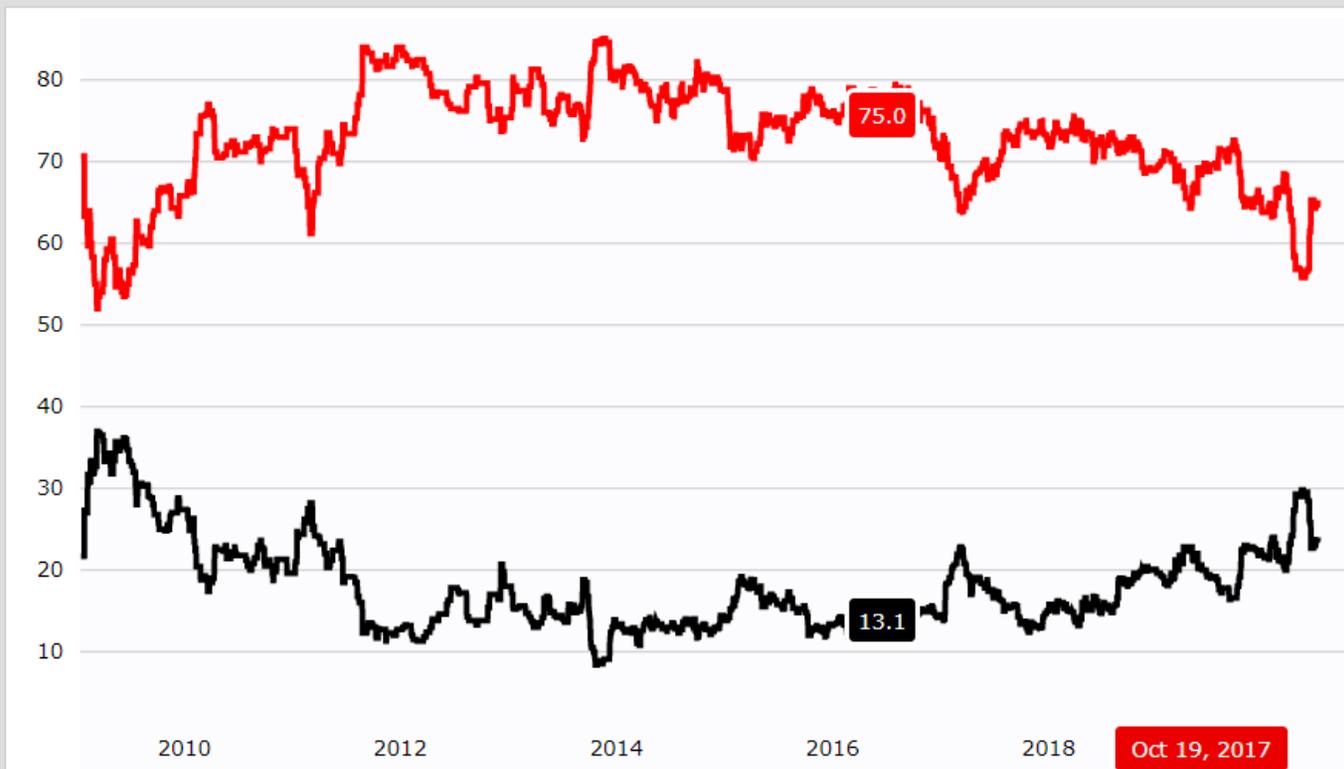


Source: Andris et al., “The Rise of Partisanship and Super-Cooperators in the U.S. House of Representatives”



RCP POLL AVERAGE
Congressional Job Approval

24.0 Approve 65.3 Disapprove



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What exactly is Congress's mandate?

- To be deliberative and investigatory
 - Legislative process is slow and cumbersome by design
- To make the laws
 - Must work with executive branch to enforce laws and judicial branch to interpret laws
- To represent the people
 - Must be both responsive and responsible
 - Reflects the same strengths and weaknesses as the American public

Questions?

Follow-up questions can be emailed to:

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