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

House of Representatives
- Speaker of the House*
  - Majority Leader
  - Minority Leader
  - Majority Whip
  - Minority Whip

Senate
- Vice President
- President Pro Tempore
  - Majority Leader*
  - Minority Leader
  - Majority Whip
  - Minority Whip

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

1. Introduced in House
2. House Committee
3. Rules Committee
4. Full House Debates & Votes
5. House Approval
6. Signs
7. Introduced in Senate
8. Senate Committee
9. Full Senate Debates & Votes
10. Senate Approval
11. Vetoes
12. Conference Committee
13. President
Stage 1: Introduction

• 115\textsuperscript{th} 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
Introduced in House

House Committee

Sub-committee Hearings

Senate Committee

Introduced in Senate

Rules Committee

Full House Debates & Votes

House Approval

Conference Committee

Full Senate Debates & Votes

Senate Approval

President

Signs

Vetoes
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
Introduced in House
House Committee
Rules Committee
Full House Debates & Votes
House Approval
Signs
President
Senate Approval
Vetoes
Introduced in Senate
Senate Committee
Subcommittee Hearings
Conference Committee
Full Senate Debates & Votes
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

• 115\textsuperscript{th} 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

- Blue: African-American
- Red: Hispanic
- Green: Asian/Pacific Islander
- Orange: American Indian
- Purple: White

House 439*
- Democrats
- Republicans
- Independents

Senate 100
- Democrats
- Republicans
- Independents

* Republican house members include one delegate and the commissioner of Puerto Rico. Democratic house members include 4 delegates.

As of August 2, 2019

Sources: Congressional Research Service, House.gov
Number of women in Congress continues to grow

House of Representatives

Senate

Source: PCW RESEARCH
The religious makeup of the 116th Congress

**HOUSE**
- Catholics: 141; 32.5%
- Republicans: 136
- Protestants: 233 members; 53.7%
- Democrats: 97
- Orthodox Christians: 5; 1.2%

**SENATE**
- Catholics: 22; 22%
- Protestants: 60 members; 60%
- Mormons: 4; 4%
- Buddhists: 1; 1%
- Jews: 8; 8%
- Unaffiliated: 1; 1%
- Muslims: 3; 0.7%
- Hindus: 3; 0.7
- Unitarians: 2; 0.5%
- DK/Ref.: 14; 3.2%
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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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