

UNIT FIVE

THE UNITED STATES CONGRESS

AP AMERICAN GOVERNMENT STUDY GUIDE
GOVERNMENT INSTITUTIONS
CONGRESS

CONGRESSIONAL POWERS

	EXPRESSED (ENUMERATED) POWERS	IMPLIED POWERS	NON--LEGISLATIVE POWERS
Description:	Powers that are actually written out in Article I of the Constitution.	Powers that congress is implied to have to help them carry out expressed powers.	Powers that are found in the Constitution which give Congress powers that do not relate to making laws.
Reasoning:	Stated in Constitution	Supreme Court declared in <i>McCullough v Maryland</i> that the necessary and proper clause (Elastic Clause) gave Congress the right to have implied powers if they helped carry out expressed powers.	Stated in Constitution
Examples:	<ul style="list-style-type: none"> • Tax • Spend • Coin Money • Borrow Money • Set Bankruptcy Laws • Regulate Interstate Commerce • Regulate International Trade • Declare War • Raise & Support Armed Forces • Make Naturalization Laws • Establish a Postal System • Protect against copyright infringement • Fix weights & measures • acquire, manage, and sell federal lands 	<ul style="list-style-type: none"> • Create tax laws & punish evaders • Use tax revenues to fund welfare, public schools, health and housing programs • Establish the Federal Reserve System of banks • Regulate & limit immigration • Draft Americans into military • Establish a minimum wage • To ban discrimination • To pass laws protecting the disabled. • To regulate banking • To prohibit mail fraud & obstruction of the mails) • To bar shipping of certain items through mail 	<ul style="list-style-type: none"> • Investigative information to become informed (House & Senate) • Propose Amendments ($\frac{2}{3}$ House and Senate) • If no one wins 270 of electoral votes, pick the President (House) and Vice President (Senate) • Impeachment (bring charges) (House) & convict (Senate) • Confirm appointments & treaties (Senate)
<p>--Most implied powers are justified (according to Supreme Court) as needed to carry out the expressed Commerce Power of Congress.</p>			

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KEY DIFFERENCES BETWEEN THE HOUSE AND SENATE

	HOUSE OF REPRESENTATIVES	SENATE
Total Members	435	100
State Representation	Based on population (census determines apportionment)	Equality (2 per State)
Membership Qualifications	<ul style="list-style-type: none"> ● Must be at least 25 ● Citizen for 7 years ● Resident of the State 	<ul style="list-style-type: none"> ● Must be at least 30 ● Citizen for 9 years ● Resident of the State
Terms (Unlimited)	2 Years	6 Years (Continuous Body: 1/3 up for reelection every two years)
Elected	<ul style="list-style-type: none"> ● Always directly elected. 	<ul style="list-style-type: none"> ● Originally selected by State Legislature ● 17th Amendment (1913) changed it to direct elections.
Exclusive Power	<ul style="list-style-type: none"> ● Initiate revenue bills 	<ul style="list-style-type: none"> ● Consent on presidential appointments ● Approve treaties
Firing Public Officials	<ul style="list-style-type: none"> ● Impeachment (indict or charge someone with a crime) 	<ul style="list-style-type: none"> ● Tries impeached officials (choose to convict or fire)
Differences in Operation	<ul style="list-style-type: none"> ● More centralized ● Stronger leadership ● More rules (Rules Committee: determines amendments & debate limits on floor for each bill) ● More impersonal ● Power distributed less evenly ● Members are highly specialized ● Emphasizes tax and revenue policy 	<ul style="list-style-type: none"> ● Less centralized ● Weaker leadership ● Less Rules (debate ends with unanimous consent or cloture ending a filibuster) ● More personal ● Power distributed more evenly ● Members are generalists ● Emphasizes foreign policy
Changes in the Institution	<ul style="list-style-type: none"> ● Power centralized in the Speaker's inner circle of advisers ● House procedures becoming more efficient ● Turnover is relatively high (although those seeking reelection almost always win) 	<ul style="list-style-type: none"> ● Senate workload increasing and institution becoming more formal;; threat of filibusters more frequent than in past ● Becoming more difficult to pass legislation ● Turnover is moderate

Bicameral: Two house legislature. In order for a bill to become law it must be passed by a majority of both houses.

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CONGRESSIONAL MEMBERS' DEMOGRAPHICS

CATEGORY	HOUSE OF REP	SENATE	CONGRESS IN GENERAL
Overall Trend in Demographics	Quicker to Change	Slower to Change	Less Male & Less White over time. (Most Common is still: White Male, Middle Aged, Protestant, Lawyer)
Median Net Worth (2008)	\$75,000	\$1.7 million	Richer than average Americans
Average Age (111th Congress)	56 years-old	62 years-old	Older than average Americans
Women (114th Congress)	80% Men 20% Women (20 Women: 14D 6R)	80% Men 20% Women (84 Women: 62D 22R)	Most diverse thus far. Membership of women doubled by 95 and again by 05.
Race (114th Congress)	79.1% White 10.1% Black 7.8% Hispanic 2.3% Asian	94% White 2% Black 3% Hispanic 1% Asian	House is more diverse than the Senate.
Religion (114th Congress)	57.7% Protestant (251) 31.7% Catholic (138) 4.4% Jewish (19) 2.1% Mormon (9) 1.1% Orthodox--Christian (5)	55% Protestant (55) 26% Catholic (26) 9% Jewish (9) 7% Mormon (7) 2% Non-Religious (2)	Generally become less Protestant over time.
Education (2008)	399 of 435 (92%) are college graduates.	97 out of 100 (97%) are college graduates.	Much more education than the general public (over 2/3 of both houses hold advanced degrees)
Political Party (114th Congress)	188 Democrat 246 Republican 1 Vacant	44 Democrat 54 Republican 2 Other	--Congress is more polarized than American public. (Majority party shifts frequently since WW2)

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ADVANTAGES OF INCUMBENCY

ADVANTAGE	DESCRIPTION
Name Recognition	After years of media exposure, undecided voters often select a candidate whose name is familiar to them.
Campaign Costs	Members of Congress have access to many groups that fund races, and senators are often privately wealthy enough to finance their campaigns.
Franking	Free communication with the home constituents throughout a term helps with name recognition and sharing about pork. (Legally, they could mail you every day for free)
Pork Projects & Claims of Credit	Local jobs and contracts help build local support, and members of Congress are not shy about reminding their constituents about the source of benefits.
Seniority Powers	As leaders get more influential position, voters feel that they gain power in Congress as well. They hesitate to start over with a new face.
Party Support	Party organizations are reluctant to turn on loyal members, who are also proven winners.
Lobby Support	Groups that give money to exert influence are reluctant to gamble on lesser--known outsiders.

-**Incumbents:** A person seeking reelection for office. (They already have the job, just want another term)
 -**Marginal District:** Close election, generally win by less than 55%.
 -**Safe District:** Incumbents win by 55% or more.
 --Political Parties often focus time and resources trying to win marginal districts.
 --**Pork--barrel legislation** (makes up 2.5% of national spending) give tangible benefits (highways, post office) to constituents in hope of gaining votes.
 -**Pork:** nickname for those tangible benefits
 --Side note on Pork: Impossible to remove from Congress because you cannot tell if a member is getting a bridge for a district because they need pork or maybe that district or State really needs that bridge. Also some feel they need to be able to deal like this so they do not resort to bribery.
 -**Earmarks:** money that appropriation bill designates for specific projects in certain districts or States.

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CONGRESSIONAL LEADERSHIP

		HOUSE OF REPRESENTATIVES		SENATE			
		ROLE	DESCRIPTION	ROLE	DESCRIPTION		
P R E S I D I N G O F F I C E R		Speaker of the House	The presiding officer of the House. (Most powerful position in the House)	President of the Senate	The Vice President of the United States. (Only votes to break a tie so they are never really there)	P R E S I D I N G O F F I C E R S	
				President Pro Tempore	Presiding Officer if VP is not there. (They are not as powerful as Speakers so they often allow junior members to preside for them)		
P A R T Y O F F I C E R S		Majority Leader	The leader of the party controlling the most seats. Tries to advance party goals. (2nd most powerful position in the House)	Majority Leader	The leader of the party controlling the most seats. Tries to advance party goals (Most powerful position in Senate)	P A R T Y O F F I C E R S	
		Majority Whip	Serves as a liaison between the party's leadership and rank-and-file members. (Assist party leaders by staying in contact with party members to see how they plan to vote)	Majority Whip	Serves as a liaison between the party's leadership and rank-and-file members. (Assist party leaders by staying in contact with party members to see how they plan to vote)		
		Minority Leader	The leader of the party controlling the 2nd most seats. Tries to advance party goals.	Minority Leader	The leader of the party controlling the 2nd most seats. Tries to advance party goals.		
		Minority Whip	Serves as a liaison between the party's leadership and rank-and-file members. (Assist party leaders by staying in contact with party members to see how they plan to vote)	Minority Whip	Serves as a liaison between the party's leadership and rank-and-file members. (Assist party leaders by staying in contact with party members to see how they plan to vote)		

-Congressional leaders are elected by **Party Caucuses (or Party Conference)**: A formal gathering of all party members.
 -**Majority party**: The political party in each house of Congress with the most members.
 -**Minority party**: The political party in each house of Congress with the second most members.
 --Overall trend of decentralization of congressional leadership since mid-20th century. Thus individual members are seen as more powerful.

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THEORIES ON CONGRESSIONAL VOTING

THEORY	DESCRIPTION
REPRESENTATIONAL (DELEGATE)	They vote to please their constituents. - Constituents : people who voted the member into office
ORGANIZATIONAL (PARTISAN)	They vote to please their party leaders and colleagues. - Logrolling : vote trading
ATTITUDINAL (TRUSTEE)	They vote based on their own judgement.
<p>-Politico: When a congress member regularly alternates between all three theories due to circumstance. --Most members vote attitudinally or organizationally unless a majority of constituent's opinions are known and they are paying attention.</p>	

INFLUENCING CONGRESS

INFLUENCED BY	DESCRIPTION
Political Party	Overall priorities for legislation are created, and committee memberships are determined.
Constituents	People back home may not vote their members back for another term if they disagree with Congress's output.
Colleagues & Caucuses	These can be critical sources of media or campaign support. Pressure is applied for loyal votes and the advancement of their group's goals.
Interest Groups use of Lobbyists	Access to information, staff members, and campaign contributions helps influence bills and their content.
Interest Groups use of Political Action Committees (PAC's)	They control votes through pressure and campaign fund access.
Staff Members	The level of expertise from staff members on issues can guided Congress's votes.
Congressional Agencies	Their reports and recommendations could alter opinions of Congressional members.
The President	Media access, public support, leadership, and the setting of national priorities affects Congress's work.
Independent Agencies & Executive Agencies	Vast bureaucracies control the way issues are addressed, the way rules are administered, and the way laws are enforced.

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CONGRESSIONAL COMMITTEES

TYPE OF COMMITTEE	DESCRIPTION	EXAMPLE
STANDING	Permanent: (A committee that is there from one congress to another)	Senate Finance Committee
SELECT (SPECIAL)	Temporary: (Appointed for a specific purpose)	Senate Select Committee of Presidential Campaign Activities
JOINT	Members are from both the House and the Senate. (To stop duplication of work)	Joint Committee on Taxation
CONFERENCE	A joint committee that creates compromise bills (reconcile differences)	

IMPORTANT CONGRESSIONAL COMMITTEES

HOUSE OF REPRESENTATIVES		SENATE	
NAME	FUNCTION	NAME	FUNCTION
Appropriations	Federal expenditures are controlled here.	Appropriations	Federal discretionary spending programs are set.
Budget	Oversight of government spending.	Budget	Oversight of government agencies and spending is done.
Rules	Debate rules, bill sequence, and rules of amendments for floor action are set.	Finance	Taxation legislation, social security.
Ways & Means	Taxation legislation, social security.	Foreign Relations	Policy debates and treaty votes are main duties.
Judiciary	Look into impeachment resolutions and make recommendation to entire House.	Judiciary	Judges and justices are questioned and possibly confirmed.

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HOUSE RULES COMMITTEE

RULE	DESCRIPTION
CLOSED RULE	<ul style="list-style-type: none"> • Strict time limit for debate. • Does not allow amendments.
MODIFIED CLOSED RULE (RESTRICTIVE RULE)	<ul style="list-style-type: none"> • Allows Some Amendments (Usually can only add amendments to certain portions of the bill)
SPECIAL RULE	<ul style="list-style-type: none"> • Sets guidelines time for debate and for amendments process.
OPEN RULE	<ul style="list-style-type: none"> • Allows more time for Debate • Allows Amendments
MODIFIED OPEN RULE	<ul style="list-style-type: none"> • Stricter time for Debate (than open rule permits) • Allows Amendments
<p>BYPASSING THE RULES COMMITTEE:</p> <ol style="list-style-type: none"> 1) A member can move that the rules be suspended, which requires two-thirds vote 2) A discharge petition can be filed 3) The House can use the "Calendar Wednesday" procedure (committee can bring up any bill, but must be done in one day) 	

LEGISLATIVE COMMITTEE OPTIONS ON BILLS

COMMITTEE ACTION	DESCRIPTION
RECOMMENDATION	Recommend the bill is passed by the entire house of Congress.
AMEND	Amend or change the bill to their liking before recommending it to Congress. --Also known as during markup : They are rewriting the bill
REJECTION	Vote to kill the bill.
SUBSTITUTION	Substitute an entirely new bill. (Like if they received a pro-abortion bill, the committee could report to Congress a bill that was anti-abortion)
PIGEONHOLE	The bill is ignored and never acted on. (Happens to majority of bills)
<p>--Multiple Referral: bill goes to several committees simultaneously. Sequential referral: Send bill to second committee after first is done.</p> <p>--Most bills deserve their fate of dying in committee. However, if people in Congress are upset that a bill is stalled in committee for 30 days (or 7 days in the Rule Committee) a discharge petition to blast the bill onto the floor.</p> <p>--Discharge petition procedure: Majority (218) members sign a discharge petition, the committee has 7 days to report the bill, if not any member (on 2nd & 4th Monday of each month) can call for motion to be brought to the floor, if majority agrees the bill is immediately brought to the floor.</p> <p>--Discharge petitions overall are rarely tried and usually fail. Also it is really only used in the House of Representatives due to Senate procedures for adding amendments to bills easily.</p> <p>--Subcommittees (there is like 150 between the 2 houses): Is a division of existing committee that is formed to address specific issues. They usually hold informational--gathering activities like public hearings or trips out of Washington to witness areas effected by legislation.</p> <p>--Rider: a bill that has amendments that do not directly relate to the main bill. Christmas Tree: a bill that has a lot of riders</p>	

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VOTING METHODS (DONE ON HOUSE & SENATE FLOOR)

VOTING METHOD	DESCRIPTION
VOICE VOTE	Members shout “yea” in approval or “nay” in disapproval, permitting members to vote unanimously on bills. (They do not keep track of who voted for what)
DIVISION VOTE (STANDING VOTE)	Members stand and are counted. (They do not keep track of who voted for what)
TELLER VOTE	Members pass between two tellers, the “yeas” first and the “nays” second. (Since 1971, the clerk will write down how members voted if 20 member request them to keep track)
ROLL-CALL VOTE	Members answer “yea” or “nay” (Can be down if $\frac{1}{5}$ request) (Electronic voting system installed in 1973)
<p>-Quorum: minimum number of members must be present for business to be conducted. (218 for the House & 51 in Senate) --Committee of the Whole: In the House only, they need 100 members to form this super committee which debates & amends the bill. Then the entire House is called back to vote on yes or no on this newly changed bill.</p>	

STAFF MEMBERS

STAFF MEMBERS ROLE	DESCRIPTION
Serve the Constituents	Each Congress member has 17--40 staffers to help them of which $\frac{1}{3}$ of them stay in local office to help their constituents answering mail, handling problems, sending out newsletters, and meeting with voters.
Assist in Creating Legislation	Most Congress members serve on 2 committees and 7 subcommittees need help researching and writing legislation.
Complete Routine Tasks	Some staffers are more like secretaries or personal assistants in that they answer phones and pick up dry cleaning.
Attempt to Influence Media	They give information to reporters and act as sources to help their boss take credit for this new and important legislation.
Communicate with Lobbyists	Meeting with Lobbyist to hear opinions and become informed takes a lot of time so staffers assist by taking meetings.
Communicate with other Staffers	Deals made regarding voting can be made by two staffers who do not actually get to vote.
<p>--Staffers have a lot of influence in how Congress members vote. They also have made Congress less collegial and more individual. A Congress member is surrounded by their staff and so they discuss business with other congress members less.</p>	

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STAFF AGENCIES

STAFF AGENCY	DESCRIPTION
CONGRESSIONAL RESEARCH SERVICE (CRS) (Administered by Library of Congress)	<ul style="list-style-type: none"> ● Created in 1914. ● Responds to a quarter of a million requests from Congress members for information. ● Conducts non-partisan studies of public issues and conducts major research projects for committees at the request of members. ● Prepares summaries and tracks progress of all bills introduced.
GOVERNMENT ACCOUNTABILITY OFFICE (GAO)	<ul style="list-style-type: none"> ● Created in 1921. ● Independent Agency that audits financial expenditures of the executive branch and federal agencies. ● Set government standards for accounting. ● It provides a variety of legal opinions. ● It settles claims against the government. ● It conducts studies upon congressional request.
CONGRESSIONAL BUDGET OFFICE (GBO)	<ul style="list-style-type: none"> ● Created in 1974. ● Evaluates the economic effect of different spending programs and to provide information on the cost of proposed policies. ● It is responsible for analyzing the president's budget and economic projections. ● Provides members with a valuable second opinion to use in budget debates.
<p>--Between congressional staffers and staff agencies Congress was actually the most rapidly growing bureaucracy in Washington until the 1990's.</p>	

BILLS & RESOLUTIONS

ITEM	DESCRIPTION
BILL	A proposed Law. (Public bills: deals with everyone) (Private bills: deals with specific, private, personal, or local matters)
JOINT RESOLUTION	Requires approval of both houses & president (Except constitutional amendments which needs no presidential approval.
CONCURRENT RESOLUTION	Both houses express an opinion. (Freedom Fries) (Not Law)
SIMPLE RESOLUTION	This deals with procedure in the one house which passed it.

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HOW A BILL BECOMES A LAW



LEGISLATIVE ACTION

● **INTRODUCE BILL**

Only a Senator can propose in the Senate.
Only a House member can propose in the House of Representatives.

● **COMMITTEE ACTION**

They can pass, slightly change, substitute entirely or ignore.

● **FLOOR ACTION**

Debate and Vote (MAYBE Amend, depends on Rules Committee rules in the House)

● **BILL GOES TO OTHER HOUSE**

If it started in House then it must go to Senate or vice versa.

● **COMMITTEE ACTION**

They can pass, slightly change, substitute entirely or ignore.

● **FLOOR ACTION**

Debate and Vote (MAYBE Amend, depends on Rules Committee rules in the House)

● **CONFERENCE COMMITTEE**

A type of Joint Committee that produces 1 compromise bill (when House & Senate produce 2 bills that are different from one another)

● **BOTH HOUSES VOTE**

Conference committee changed bill again, but no bill goes to the President until a majority of both houses approve.

● **APPROVED BILL GOES TO THE PRESIDENT**

PRESIDENTIAL ACTION

TWO WAYS FOR PRESIDENT TO PASS IT

- Sign the bill into law
- If Congress is in session, wait 10 days and do nothing and the bill will pass.

TWO WAYS FOR PRESIDENT TO STOP IT

- Veto bill (Attach a veto message saying why it was denied) ($\frac{2}{3}$ of Congress could override veto)
- **Pocket Veto:** If Congress is out of session, wait 10 days and do nothing and the bill will die.

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CONGRESSIONAL CHECKS

IF THIS BRANCH	DID THIS	THEN CONGRESS COULD
EXECUTIVE (President)	Veto a bill	override veto with $\frac{2}{3}$ vote of both houses
EXECUTIVE (President)	appoint a judge or department head	approve or deny
EXECUTIVE (Department of State)	set up a treaty	ratify or deny
EXECUTIVE (Department of Health & Human Services)	interpret or enforce a law in a way other than Congress intended	<p>Oversight: They hold investigative hearings and have a program review to possibly:</p> <ul style="list-style-type: none"> • pass new legislation that alters activities or discretion • refuse to appropriate funds • abolish existing programs or agencies
EXECUTIVE (Federal Communication Commission)	Implements a major rule or regulation that Congress does not agree with	Congressional review: Congress has 60 days to disapprove (with presidential consent)
EXECUTIVE (President)	commits treason, bribery, or other high crimes	impeach (House) and convict (Senate)
EXECUTIVE (President)	Send troops to France	<p>War Powers Act 1973:</p> <ul style="list-style-type: none"> • President must notify Congress within 48 hours if our troops are sent to foreign soil. • President must withdraw troops within 60 days unless Congress approves.
SUPREME COURT	Repeatedly throws out laws as unconstitutional	<ul style="list-style-type: none"> • Change the size of the Supreme Court • Change the appellate jurisdiction • Change the structure of the federal court system • Change the judiciary budgets