



US Politics and Government – Congress

Politics Edexcel and AQA – revision notes – based on Hodder Education revision guides

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The structure of Congress

Bicameral with two chambers

1 – House of Representatives = lower house

- 435 representatives.
- Each member represents an area known as a district.
- The number of districts allocated to each state depends on its population.
- Unequal representation regarding the powers of the House.
- Elected every two years in all districts.
- Serves 2 years term.
- Eligible candidates must be at least 25 years old, have 7 years minimum US citizenship, and must be a resident of the state they represent.

2 – Senate = upper house

- 100 representatives.
- 2 senators per state.
- Each state is equally represented regarding powers that are exclusive to the Senate.
- One third of the Senate is elected every 2 years, each senator thus has a 6-year term.
- Eligible candidates must be at least 30 years old, have a minimum of 9 years of US citizenship, and must be a resident of the state they represent.
- Was unelected until 1013, then the 17th amendment.

Congressional elections take place every two years: one-third of the Senate and every seat in the House of Representatives is standing up for election.

Mid-term elections = elections for the whole House of Representative and a third of the Senate that take place in the middle of the four-year presidency term.

Incumbency = holding an office.

Concurrent powers of both chambers

1 – Passing legislation = all legislation must be passed through both chambers, and they have equal legislative power. Both chambers have to be in total agreement before the law is sent to the president.

2 – Amending the constitution = proposals for amendments require two-third, a super-majority, in both chambers.

3 – Declaring war = in theory, both chambers must agree, but this had not happened since the Second World War; the president acts as Commander-in-Chief without a formal declaration of war, thus, de-facto.

4 – Approval of the vice-president = between presidential elections, and when the VP resigns/becomes a president.

Exclusive powers = House

1 – Impeachment = can conduct cases of impeachment of the president: Andrew Johnson in 1868, Bill Clinton in 1998, and Donald Trump in 2019.

2 – Initiate money bills = all tax bills must begin in the House although all legislation must eventually pass through both chambers. This is a remnant of the past arrangement when the Senate was unelected, thus the House represented tax-paying citizens.

3 – Electing the president = in the event of a deadlock at the electoral college. Happened only in 1800 and 1824 and unlikely to happen nowadays.

Exclusive powers = Senate

1 – Confirmation of appointments = of various over 1000 presidential appointments such as judges, cabinet members, ambassadors, etc.

2 – Try impeachment cases = if the House impeaches a president, the case moves to the Senate; a two-third majority is required to remove and convict the president – and this has never happened.

3 – Treaties = a two-third majority is required to approve international treaties. This super-majority is at least partly responsible for the US not being a signatory to several international treaties such as the International Criminal Court.

Impeachment is the process by which the legislature can raise charges against an office holder. That means to conduct a formal accusation against an incumbent; it does not necessarily mean that the incumbent is being removed from office.

- Johnson 1868
- Clinton
- Trump

Functions of Congress

1 – Representation

Congressional elections every 2 year with a higher turnout during presidential election year compared with mid-term.

Republicans and Democrats conduct primaries to choose their candidates and the elections are First-Past-The-Post. Thus, the person with the most votes, with the majority.

Because it is every 2-year, the views of the constituents are significant. Other factors influencing the elections are party discipline, ideology, campaign funding, lobbyists, etc.

Congressional representation can be examined by whether legislators are representatives according to:

- Gender.
- Race and ethnicity.
- Age.
- Socioeconomic class.
- Previous occupation.
- Education.
- **Poor descriptive representation:** more male, white, wealthy, educated and older.
- **Less so in the Senate,** because of the fixed 2 representatives, see for example, 2 senators represent California with nearly 40 million people.
- Relatively strong party discipline in the House; thus, members are more likely to put the party interests before their state.
- **Party discipline is likely to be weaker in the Senate;** thus, members are more likely to represent their state over the party.
- The 2-year term in the House means that members may be more responsive to **concerns of their state**, yet, see issue of party discipline.

2 – Legislation

Legislation is, by definition, the primary function of the Congress.

It creates bills and also puts them under scrutiny and possible amendment. It can also delay legislation.

The legislative process involves different stages and interactions with the other branches.

The basic 6 stages

- (1) Introduction.
 - (2) Committee stage.
 - (3) Timetabling.
 - (4) Floor debate and vote.
 - (5) Conference committee.
 - (6) Presidential action.
- Any member of Congress can introduce a bill; legislation is passing through both chambers at the same time, or consecutively first in one, then in the other.
 - Legislation is scrutinised by debates and committees in both chambers.
 - Can be amended through committees and at second reading.
 - Can be delayed at various points of the stages.
 - On average, only about 3% to 4% of bills that are introduced in Congress are passed and become laws.
 - The process is aimed to be challenging.
 - Bipartisanship = the use of unanimous consent in the Senate and other elements of the legislative process; focus on cooperation and bipartisanship.
 - Minimising tyranny of the majority by checks and balances between both chambers.
 - The concern for re-election, especially at the House keeps members engaged in issues that concern their re-election rather than necessary long processes of legislation.
 - Because of the long process, with its potential delays and gridlocks, presidents are increasingly issuing executive orders, bypassing other branches.

3 – Oversight of the executive = by an implied power of the constitution; by controlling the budget of the executive departments and agencies, and through select committees.

Oversight = congressional review and investigation of all activities of all executive departments and agencies, to a lesser extent of the judiciary.

Subpoena = a summoning of something or someone.

Oversight is being conducted by:

- Congress can impeach and remove members of the executive and federal judges, including Supreme Court justices. However, no president or a Supreme Court justice has been successfully removed even when impeached.
- Standing committee hearings and investigations.
- Subpoena of documents and testimonies.
- The Senate's power to confirm various executive and judicial appointments.
- The Senate's power to ratify international treaties.

- War = Congress has the power to declare war, in practice, to approve military action that was ordered by the president.
- When the Congress is controlled by a party that is different to the presidency it increases its oversight power, and can make life very difficult for the executive, and vice versa.

4 – Confirming appointments = Appointments are confirmed by the Senate only.

The Senate confirms the president's appointments to the federal judiciary and executive.

The most significant appointments are to the Supreme Court and the president's cabinet.

A simple majority is required.

Appointments are seldom opposed.

A second tier of powers includes:

- **Overriding the president's veto** = it requires a 2/3 majority in both houses; difficult to achieve.
Obama vetoed 12 bills in eight years and only one of them was overridden.
Trump vetoed 10 bills in his four years and only his last one was overridden.
- **Ratifying treaties** = ratification is done by the Senate only; it requires a 2/3 majority and treaties are rarely rejected.

There are two contemporary key debates

1 – How powerful Congress is today; linked with what are the factors influencing voting in both chambers.

2 – How important are parties in Congress.

(Not included = comparison between the Congress with the UK Parliament)

Voting in Congress

Five main factors affect voting at Congress

- (1) **Parties and caucuses.**
- (2) **The administration** = with its entire personnel.

The administration ability to influence the Congress is shaped by: the size of the president's mandate at the last election, the president's popularity at any given time, first term influence tends to be more effective than the second term, and the president's influence within its own party.

(3) Interest groups

Interest groups can exercise their influence on voting in the Congress through direct contact with key members especially in committees' hearings, shaping public opinion, organising support or protest and of course funding and campaigning.

(4) Lobbyists

Similar to lobbyists' channels but it can be more personal by its nature and based on close contacts.

(5) Constituents

The campaign especially for members of the House is almost always ongoing because of the 2-year term in office.

How important are parties in Congress?

Factors influencing the relationship between the Congress and the Presidency

- (1) Party control.
 - (2) Party polarisation.
 - (3) Policy area.
 - (4) Election cycle.
 - (5) Presidential poll rating.
 - (6) Congressional approval rate.
 - (7) National events.
- The two major parties dominate the Congress; almost all members are either Democrats or Republicans.
 - These two parties inevitably control various leadership positions.
 - Partisanship = when members of one party regularly come together to oppose members of another party, strong party discipline with poor cooperation between the parties.
 - Gridlock = when an action on policy/legislation proposals cannot materialise because the process is protracted, especially because of partisanship and reduced bipartisanship.
 - In the past, parties in the Congress were not that different because different ideological views were represented in each party, thus voting tended to be conducted by members from both parties, and the same for those opposing.
 - Party unity used to be much lower than today.
 - In contemporary US politics, parties play a significant role in relation to key appointments especially in the House, such as the Speaker, majority and minority leaders, committee appointments, etc.

- The importance of parties is increased in gridlock situations when the Congress is controlled by a different party to the presidency.
- Increased partisanship has led to less legislations and more federal shutdowns than in the past.
- On the other hand, there is an ongoing pressure on members that are anchored in their specific state rather than their party.
- In the Senate, individual members are more powerful and less restricted by loyalty to party affiliation (unanimous consent and the filibuster).

Filibuster = obstruction of progress; the Senate tradition for unlimited debating with a tactic designed to prolong or prevent a vote on a bill, amendment, etc.