6. Congress: The People's Branch?

The United States Capitol building, the home of both the House of Representatives and the Senate.

The Congress makes laws.

Despite promises made by presidential candidates, the President has no direct power to pass any LEGISLATION. This very important power lies solely with the House of Representatives and the Senate.

The People's Influence

Americans elect their Senators and Representatives. One very important question posed by a democratic government involves how elected representatives should behave once sworn into office. Should members of Congress reflect the will of the people, or should they pay attention to their own points of view, even if they disagree with their constituents? Many considerations influence the voting patterns of members of Congress, including the following:

Congress is a symbol of the people's political power. Here, a Texas Congressman talks with students about violence in schools.

- **Constituents' Views.** Members of Congress often visit their home districts and states to keep in touch with their CONSTITUENTS' views. They also read their mail, keep in touch with local and state political leaders, and meet with their constituents in Washington. Some pay more attention than others, but they all have to consider the views...
of the folks back home. Completely ignoring one's **CONSTITUENCY** would be foolhardy if the politician hoped at all to be reelected.

- **Party Views.** Congress is organized primarily along party lines, so party membership is an important determinant of a member's vote. Each party develops its own version of many important bills, and party leaders actively pressure members to vote according to party views. It is not surprising that Representatives and Senators vote along **PARTY LINES** about three-fourths of the time.

- **Personal Views.** What if a Representative or Senator seriously disagrees with the views of his constituents on a particular issue? How should he or she vote? Those who believe that **PERSONAL VIEWS** are most important argue that the people vote for candidates whose judgment they trust. If the people disagree with their decisions, they can always vote them out of office.

## The Nature of Democratic Discourse

**GRIDLOCK** can occur when the legislative branch of Congress and the executive branch of the President are led by different political parties. Coming to agreement on new legislation during these periods of divided government can prove difficult. American voters can become frustrated by the inability of their leaders to move forward.

The Continental Congress (1774-1789) began as a tool to organize against Britain, but became the body that would discuss the responsibilities of independence.

Yet this expectation for a smoothly running government contradicts the very nature of democratic discourse. How can representatives resolve the differences if they do not discuss them, argue about them, and eventually take sides on a solution? The nature of democratic discourse is to hear from everyone, hammer out compromises, and make decisions based on the process.

Voters may think of their own Representatives or Senators as good people fighting the corruption and selfish greed of the others. Incumbent candidates often encourage this thinking like by claiming to have "saved" the district from disaster through their good works. It helps them win elections.

Despite all the complaints about divided government, Americans seem to prefer it based on their voting patterns. Since 1981, the same party has controlled the presidency, the House, and the Senate for only two years. Divided government prevents any one party from moving too quickly with their legislative agenda. Perhaps this cautious approach to new legislation is exactly what Americans want.

### 6a. The Powers of Congress

In 1789, Federal Hall in New York City became the home of the first U.S. Congress. By 1790,
Congress moved to the new capital of Philadelphia.

At its creation in 1789, the legislative branch was the most innovative.

Rule by kings and emperors was an old style of government, and the legislature in many ways represented the new. Almost certainly, the founders intended Congress to have more important powers than the President and the Supreme Court. However, they placed many checks and balances on the legislature that have prevented absolute power in the hands of one branch. Founders controlled power not only by checks from the other branches, but by creating a bicameral, or two house, Congress — the **SENATE** and the **HOUSE OF REPRESENTATIVES**. The powers of Congress, then, are both constitutional and evolutionary.

**Constitutional Powers**

Metallica drummer Lars Ulrich testified before the Senate Judiciary Committee investigation into Napster and other music "piracy" websites. Power over the copyrights he tried to protect are addressed in Article I of the Constitution.

The Constitution specifically grants Congress its most important power — the authority to make laws. A **BILL**, or proposed law, only becomes a law after both the House of Representatives and the Senate have approved it in the same form. The two houses share other powers, many of which are listed in Article I, Section 8. These include the power to declare war, coin money, raise an army and navy, regulate commerce, establish rules of immigration and naturalization, and establish the federal courts and their jurisdictions.

**Article I of the Constitution**

**Section 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Section. 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of freePersons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all otherPersons[Modified by Amendment XIV]. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty
Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof [Modified by Amendment XVII], for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies [Modified by Amendment XVII].

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on OATH OR AFFIRMATION. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

When the federal budget is not approved by Congress, employees don't get paid and many federal services stop. There have been multiple government shutdowns in the last 20 years.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment
and Punishment, according to Law.

**Section 4.** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December [Modified by Amendment XX], unless they shall by Law appoint a different Day.

**Section 5.** Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a JOURNAL OF ITS PROCEEDINGS, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

**Section 6.** The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except TREASON, FELONY and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

**Section 7.** All Bills for raising REVENUE shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it,
but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of ADJOURNMENT) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow Money on the credit of the United States;

To regulate COMMERCEx with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the **MILITIA** to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;

And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

**Section 9.** The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No **TAX** or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter,
clear, or pay Duties in another.

No Money shall be drawn from the TREASURY, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No TITLE OF NOBILITY shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

**Section 10.** No State shall enter into any TREATY, ALLIANCE, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts orDUTIES on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep TROOPS, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

The Constitution also gives each house of Congress some special, exclusive powers. Such powers given to the House of Representatives include the following:

- **REVENUE BILLS** must originate in the House of Representatives. Although this power is still honored today, it tends to have blurred over the years. Often budget bills are considered simultaneously in both houses. For example, current discussions of possible tax cuts are taking place not only in both houses, but in the executive branch as well.
- **Impeachment power**, the authority to charge the President and other "civil officers" with wrongdoing, is given to the House. A simple majority vote can impeach an elected official.

Special, exclusive powers given to the Senate include the following:

- **Major presidential appointments** must be confirmed by the Senate. The Senate offers
"ADVICE AND CONSENT" to the President by a majority vote on the appointments of federal judges, ambassadors, and Cabinet positions.

- **Treaties** with other nations entered into by the President must be approved by a **TWO-THIRDS VOTE** by the Senate. This provision is an illustration of checks and balances, and it has served as a very important restriction to foreign policy powers of the President.

- An **IMPEACHMENT TRIAL** occurs in the Senate. If the House votes to impeach an elected official, the accused party gets a hearing in the Senate. A two-thirds majority can convict the individual and remove him or her from office.

**Important Constitutional Differences**

**Between the House and the Senate**

<table>
<thead>
<tr>
<th>House</th>
<th>Senate</th>
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<tbody>
<tr>
<td>Initiates all revenue bills</td>
<td>Must confirm many major presidential</td>
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<tr>
<td></td>
<td>appointments</td>
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<tr>
<td>Initiates impeachment procedures and passes</td>
<td>Tries impeachment officials</td>
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<td>articles of impeachment</td>
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<tr>
<td>Two-year terms</td>
<td>Six-year terms (One-third up for reelection</td>
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<td>every two years)</td>
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<tr>
<td>435 members (apportioned by population)</td>
<td>100 members (two from each state)</td>
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<td>Approves treaties</td>
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**Evolutionary Powers**

The "elastic," or implied powers, clause gives Congress the authority to pass laws it deems "necessary and proper" to carry out its enumerated functions. Many Congressional powers that have evolved over the years are based on this important clause. Here are a couple.

- **Oversight of the budget.** Congress reviews and restricts the **ANNUAL BUDGET** prepared by the executive branch. When a law is passed setting up a government program, Congress must pass an authorization bill that states the maximum amount of money available. When the nation's budget is set, only Congress can set the appropriations — the actual amount available in a fiscal year — for each program that it has authorized.

- **INVESTIGATION.** Congress may investigate both issues that warrant study and wrongdoings by public officials. Through **COMMITTEE HEARINGS**, Congress has examined issues such as crime, consumer safety, health care, and foreign trade. Although Congress must abide by protected individual rights, their committees have examined many allegations against elected officials. Famous recent investigations include the **WHITESTONE**, and the Clinton-Lewinsky hearings.

The American Congress has more power than any legislature among the world's modern democracies. The parliaments of Europe are often "arena" legislatures that provide a forum for
debate on policies proposed by a powerful prime minister or president. Only the American democracy enables its legislature with the critical role of setting the lawmaking agenda.

6b. Leadership in Congress: It's a Party Matter

Republicans and Democrats in Congress continually battle each other on party lines, even though many claim that the parties are essentially the same.

Is walking the plank dangerous? Certainly, for a pirate. But for a politician, it may be prudent.

PARTISANSHIP — or fierce loyalty to one's political party — generally is not admired in the United States today. Many people today call themselves independent voters, and bickering between the parties in Congress is often condemned. But parties are very important in both the House of Representatives and the Senate today. Even though political parties do not play as big a role in elections as they once did, they still provide the basic organization of leadership in Congress.

After each legislative election the party that wins the most representatives is designated the "MAJORITY" in each house, and the other party is called the "MINORITY." These designations are significant because the majority party holds the most significant leadership positions, such as Speaker of the House. Usually, the same party holds both houses, but occasionally they are split. For example, from 1983-1985, the House majority was Democratic and the Senate majority was Republican.

Coalition groups like the Blue Dog Democrats are trying to bridge the party gap in Congress.

At the beginning of each new Congress, the members of each party gather in special meetings to talk party policy and themes and to select their leaders by majority vote. Democrats call their meeting a "CAUCUS," and the Republicans call theirs a "CONFERENCE." Next, when each house convenes in its first session, Congressional leaders, such as the SPEAKER OF THE HOUSE and the MAJORITY LEADER in the Senate, are selected. And even though the whole house votes for its leaders, the majority party makes the real selections ahead of time behind the scenes when they select party leaders.

House Leadership

Because the House has 435 members to the Senate's 100, House leaders tend to have more power over their membership than do Senate leaders. With 435 people trying to make decisions together, their sheer numbers require leaders to coordinate the lawmaking process. Political parties choose all top leadership positions.

Speaker of the House. The Speaker is the most powerful member of the House of Representatives, and arguably, the most influential legislator in both houses. Always a member of the majority party, the speaker's influence depends partly on strength of personality and
respect of colleagues, but also on several important powers.

Speaker of the House Dennis Hastert must address the media almost daily on issues discussed in the House of Representatives.

The Speaker:

- presides over proceedings on the House floor
- influences which bills go to which committees
- influences committee assignments for new members
- appoints the party's other leaders
- rules on questions of parliamentary procedure

**THE MAJORITY LEADER** usually the second ranking member of the majority party, is the party leader on the floor. Often hand-picked by the Speaker, the majority leader helps plan the party's legislative program. Many Speakers came to their positions by serving as majority leader first.

**THE MINORITY LEADER** heads and organizes the minority party. Because the party has less voting power than the majority party has, this person's influence is usually limited. If the minority party succeeds in the next congressional election, the minority leader could well be the next Speaker.

**Senate Leadership**

Elbridge Gerry was an early architect of partisanship. His election to the Massachusetts Senate was aided by redrawing district boundaries to include a majority of his own party members. This practice is called gerrymandering.

The Senate leadership is characterized by its highest positions actually having very little power. By Constitutional provision, the president of the Senate is the **VICE PRESIDENT** of the United States, who only can cast a vote in case of a tie. The Vice President rarely sits with the Senate, so a **PRESIDENT PRO TEMPORE** is selected to take his place. This role too is largely ceremonial, so the chair is often passed to a junior Senator.

The floor leaders are the real leaders in the Senate, although they generally have less power than do leaders in the House. The majority leader is usually the most influential person in the Senate. He has the privilege of beginning debates on legislation, and he usually influences choices for committee assignments. He shares his power with the minority leader, who leads the other party. Usually the two leaders cooperate to some extent, but the leader of the majority party always has the upper hand.

The major leadership positions — Speaker of the House, and majority and minority leaders in
both houses — are based almost exclusively on party membership. Does this system encourage party loyalty above all else in members of Congress who want to get ahead? If that is the case, the impatience that Americans have with "partisan politics" is understandable.

6c. The Importance of Committees

A special committee investigated the government's actions in the 1993 tragedy involving a religious cult in Waco, Texas.

Bills begin and end their lives in COMMITTEES, whether they are passed into law or not. Hearings from interest groups and agency bureaucrats are held at the committee and subcommittee level, and committee members play key roles in floor debate about the bills that they foster.

Committees help to organize the most important work of Congress — considering, shaping, and passing laws to govern the nation. 8,000 or so bills go to committee annually. Fewer than 10% of those bills make it out for consideration on the floor.

Types of Committees

There are four types of congressional committees:

1. STANDING COMMITTEES, which continue from one Congress to the next, are probably the most important type because they consider and shape the vast majority of proposed laws. Standing committees can be combined or discontinued but most of them have been around for many years. Standing committees also conduct investigations, such as the Senate Banking Committee's investigation of President Bill Clinton's Whitewater investments.

2. SELECT COMMITTEES are temporarily formed for specific purposes, often to study a particular issue. They usually do not draft legislation. Some, like the select committees to investigate the assassinations of John F. Kennedy and Martin Luther King, are obviously intended to have limited lives. Others, like the Select Committee on Aging and the Select Committee on Indian Affairs, have existed for a number of years actually produce legislation. Sometimes long-standing select committees eventually become standing committees.

Most standing committees, such as the House Committee on Small Business, have their own websites and monthly journals to disseminate information to the people.

3. JOINT COMMITTEES have similar purposes as select committees, but they are made up of members from both the House and the Senate. They are set up to conduct business between the houses and to help focus public attention on major issues. Some joint
committees handle routine matters, such as supervising the Library of Congress. A select committee of Congress was established to investigate the assassination of Reverend Dr. Martin Luther King, Jr.

4. **CONFERENCE COMMITTEES**

These are specially created when the House and the Senate need to reconcile different versions of the same bill. A conference committee is made up of members from the House and Senate committees that originally considered the bill. Once the committee agrees on a compromise, the revised bill is returned to both houses of Congress for their approval.

**Committee Assignments**

After each **CONGRESSIONAL ELECTION**, political parties assign newly elected Representatives and Senators to standing committees. They consider a member’s own wishes in making the assignments, but they also assess the needs of the committees, in terms of region of the country, personalities, and party connections. Since the House has 435 members, most Representatives only serve on one or two committees. Senators often serve on several committees and **SUBCOMMITTEES**.

**Personal Characteristics**

Senators and Representatives come from all parts of the United States, but they do not reflect a true cross section of America. Overall, members of Congress tend to be older, wealthier, and better educated than those they represent. Nearly half of them are lawyers, and a large number come from business, banking, and education. Most of them are married with children, and about 60% are Protestants. Nearly all went to college, and many have advanced degrees as well.

**Standing Committees of Congress**

**HOUSE COMMITTEES**

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<td>Appropriations</td>
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<td>Bank</td>
<td>Banking, Housing, and Urban Affairs</td>
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**SENATE COMMITTEES**

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<td>Appropriations</td>
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<td>Armed Services</td>
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**Incumbency**

This picture was taken on Pennsylvania Avenue in 1895, showing a gritty winter view of the nation’s capital.

For the first 50 years after the ratification of the Constitution, Representatives and Senators usually only served for short periods of time. Travel was difficult, and before air-conditioning, it was often uncomfortable.
and the massive swamp-draining that improved the comfort of Washington, D.C., the nation's capital was a pretty miserable town. Most served one or two terms and returned home to take local or state level office. Perhaps they had been rewarded with a federal judgeship. Today many Representatives and Senators are reelected as incumbents repeatedly.

As career politicians, members actually live in two worlds. They must work with party leaders, colleagues, and lobbyists in Washington, as well as maintaining contact with their constituents at home. Most travel back to their home districts many times during the year. They give speeches, have meetings, discuss problems, and observe with their own eyes the needs of their district or state. Most have staffs in both places, and no matter which place they are, they must keep up with what is going on in the other.

Pay and Perks

Legislators dictate congressional salaries, and authorize pay raises for the incoming Congress.

How well are members of Congress paid?. Of course, the best part is that they get to set their own salaries. In the year 2000, the basic yearly salary for members of Congress was $136,673. Congressional leaders, like the Speaker of the House and the Majority and Minority leaders, get more.

So members of Congress are among the top 1% of the nation's wage earners. However, they are prohibited by law from supplementing their income through honoraria or paid speaking engagements. Also, legislators have expenses that most people do not have — two homes, entertainment of constituents, and campaign debt. And then of course, they do have some pretty big responsibilities.

Members of Congress are sometimes criticized for the number of perquisites — or perks — that they receive. For example, each member has an office, a large expense account, generous travel allowances, pension plans, and low-cost health coverage. They even have free postal service, a perk known as the franking privilege.

They come from all over the country. They still tend to be older white males, and most of them have been in office for a number of years already. They are well paid, but they have a great many important responsibilities. The calling of public service certainly has its benefits, but political life generates headaches that many Americans would just as soon do without.

6e. How a Bill Becomes a Law

Congresswoman Barbara Lee speaks in favor of legislation for campaign finance reform. Speaking in the well of the House of Representatives is a typical part of the debate process on new bills.

Creating legislation is what the business of Congress is all about. Ideas for laws come from many
places — ordinary citizens, the president, offices of the executive branch, state legislatures and governors, congressional staff, and of course the members of Congress themselves.

**CONSTITUTIONAL PROVISIONS**, whose primary purposes are to create obstacles, govern the process that a bill goes through before it becomes law. The founders believed that efficiency was the hallmark of oppressive government, and they wanted to be sure that laws that actually passed all the hurdles were the well considered result of inspection by many eyes.

Former President Jimmy Carter is characterized here as a Santa Claus whose presents to the people are held up by Congress locking horns.

Before a bill becomes a law it must pass both houses of Congress and signed into law by the President. It may begin its journey at any time, but it must be passed during the same congressional session of its proposal, a period of one year. If it does not complete the process, it is dropped, and can only be revived through reintroduction and going through the whole process again. Not surprisingly, less that 10% of proposed bills actually become laws.

There are many opportunities to kill a bill before it becomes law. In each house, a bill must survive three stages:

When bills are marked up, in Congress, they may be changed to sneak in unapproved spending or overspending on programs. The spending is called "pork" and the tactic, "pork barreling."

1. **Committee consideration**— New bills are sent to standing committees by subject matter. For example, bills on **FARM SUBSIDIES** generally go to the Agriculture Committee. Bills that propose tax changes would go to the House Ways and Means Committee. Since the volume of bills is so large, most bills today are sent directly to subcommittee. Most bills — about 90% — die in committee or subcommittee, where they are pigeonholed, or simply forgotten and never discussed. If a bill survives, hearings are set up in which various experts, government officials, or lobbyists present their points of view to committee members. After the hearings, the bill is marked up, or revised, until the committee is ready to send it to the floor.

The filibuster king Strom Thurmond kept the Senate floor for over one day, with only one brief bathroom break.

2. **FLOOR DEBATE**— In the House only, a bill goes from committee to a special **RULES COMMITTEE** that sets time limits on debate and rules for adding amendments. If time limits are short and no amendments are allowed from the floor, the powerful rules committee is said to have imposed a "**GAG RULE**." Rules for debate on the Senate floor are much looser, with Senators being allowed to talk as much about each bill as they like. No restrictions on amendments are allowed in the Senate. This lack of rules has led to an occasional **FILIBUSTER** in which a senator literally talks a bill to death. Filibusters are prohibited in the House. Both houses require a **QUORUM** (majority) of its members to be present for a vote. **PASSAGE OF A BILL** generally requires a majority vote by the members present.
3. **Conference committees** — Most bills that pass the first two stages do not need to go to conference committee, but those that are controversial, particularly important, or complex often do. A conference committee is formed to merge two versions of a bill — one from the House and one from the Senate — when the two houses cannot readily agree on alterations. The members are chosen from the standing committees that sponsored the bill who come up with a compromise. The revised bill then must go back to the floors of each house and be passed by both houses before it can be sent to the President for signing.

Many people criticize Congress for its inefficiency and the length of time that it takes for laws to be passed and enacted. Although the process is long and difficult, the founders intentionally set it up that way. Some modern critics believe that the system is arcane and simply too slow for a fast-paced country like the United States. A process in which only a few people were responsible for making laws certainly would be more efficient. But of course it wouldn't be very democratic. The many hurdles that bills must face help to ensure that those that survive are not just passed on a whim, but are well considered and deliberate.