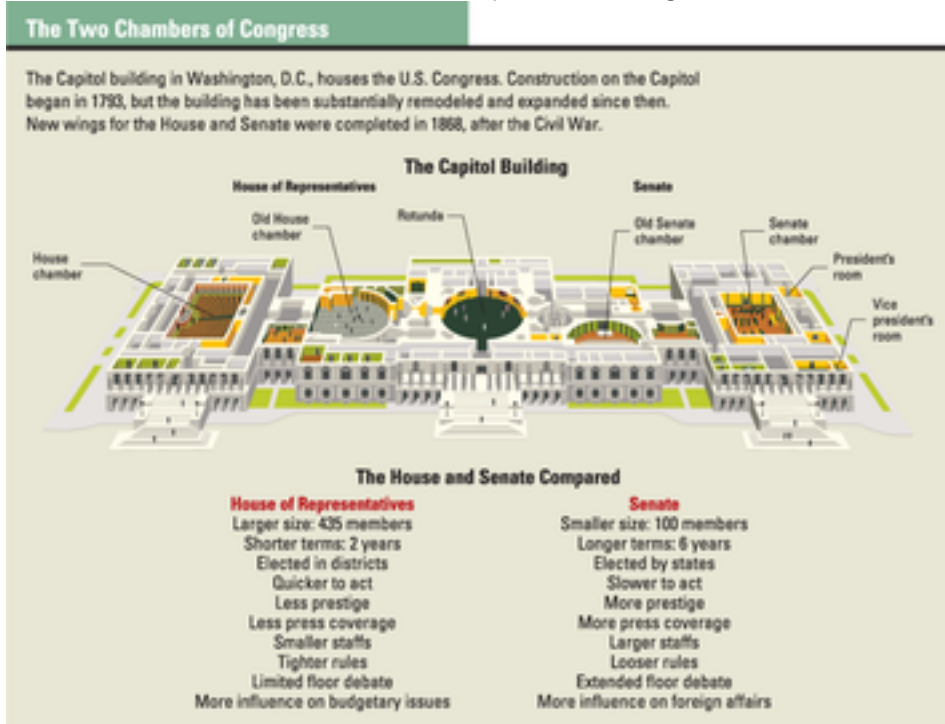


Law Makers and Legislatures Section 3 and 4

3. The Organization of Congress

The framers of the Constitution viewed Congress as “the first branch of government.” In *The Federalist* No. 51, James Madison wrote, “In republican government, the legislative authority necessarily predominates.” For that reason, the Constitution addresses the structure and powers of Congress first, ahead of the other two branches.



A Bicameral Legislature: The House and Senate

The Constitution establishes Congress as a bicameral legislature, consisting of the House of Representatives and the Senate. Although both chambers serve as lawmaking bodies, they are different in many respects. The lists at the bottom of this diagram highlight some of those differences.

The framers expected the House, with its larger size and more frequent elections, to act as the “people’s body.” It was meant to reflect the more volatile, democratic tendencies in American society. The Senate, whose members serve longer terms and were originally chosen by state legislatures, was meant to be a more elite chamber that would act as a steadying influence on Congress.

George Washington aptly described the Senate’s role while dining with Thomas Jefferson. Jefferson wondered why the framers had added a second house. Washington asked him, “Why did you pour that coffee into your saucer?”

“To cool it,” Jefferson replied.

“Even so,” Washington said, “we pour legislation into the senatorial saucer to cool it.”

In 1913, with the ratification of the Seventeenth Amendment, the Senate became elected directly by voters instead of by state legislatures. Today, unlike the bicameral legislatures in most countries, the two houses of Congress are equal in power. Even so, the houses are clearly different, and the Senate still serves to “cool” legislation coming from the House.



Leadership Roles in the House

Since the mid-1800s, Congress has based its organization on the two major political parties. In each house, the majority party—the one with the most seats—controls the agenda. Its members take the top leadership positions. The minority party, however, can have a significant impact in Congress, in part by choosing able leaders.

There are three leadership roles in the House: the speaker, the majority and minority leaders, and the whips.

Speaker of the House. The House speaker has more power and prestige than any other leader in Congress. The speaker is nominated by the majority party but wins the position through a vote of the entire House. The speaker presides over the House, assigns bills to committees, and appoints members to special committees and commissions. The speaker's most important function, however, may be deciding what bills will be debated by the full House and when. As former speaker Thomas P. (Tip) O'Neill said, "The power of the speaker of the House is the power of scheduling."

Majority and minority leaders. In the House, the majority and minority leaders are elected by their respective parties. Their duty is to manage legislation on the House floor, the large chamber in the Capitol where House members debate and vote on bills. The majority leader is the majority party's second in command. The minority leader is the minority party's overall leader and main strategist.

Majority and minority whips. These assistant floor leaders are responsible for keeping the leadership informed and persuading party members to vote along party lines. The term *whip* was first used in the British Parliament. In England, a whip is the person who keeps the dogs under control during a fox hunt.

Leadership Roles in the Senate

Leaders in the Senate have similar roles to those in the House. They are responsible for the functioning of their chamber. They also work to build support for legislation that advances their party's core policies. The leadership positions in the Senate are the president, majority and minority leaders, and whips.

President of the Senate. The president of the Senate is the official presiding officer of this body. The Constitution assigns this position to the vice president of the United States. In general, however, the vice president appears on the Senate floor only for ceremonies or to break a tie vote.

President of the Senate pro tempore. The president of the Senate pro tempore is the senior senator of the majority party and may preside over Senate sessions when the vice president is not there. The term *pro tempore* means "for the time being." Normally, however, neither the vice president nor the president pro tempore presides. Most often, other members of the majority party take turns presiding as the Senate conducts its day-to-day business.

Majority leader. The majority leader serves as the spokesperson for the party that holds the most seats in the Senate. This leader, however, lacks the speaker of the House's ability to single-handedly make things happen on the floor. The Senate majority leader must work with party members and the minority leader to move legislation to a vote.

Minority leader. This leader helps shape minority party policy and devise strategies for stopping majority-sponsored bills opposed by the minority party. The minority leader also works with the Senate majority leader to schedule business on the Senate floor.

Majority and minority whips. The main duty of these assistant floor leaders is to stand in for the majority and minority leaders. Their other duties vary, depending on the needs of their party leaders.

Permanent Congressional Committees

Standing committees and their subcommittees do much of the legislative work of Congress. Joint committees oversee the operations of the Library of Congress and the Government Printing Office, as well as researching economic and tax policies.

House Standing Committees

- Agriculture
- Appropriations
- Armed Services
- Budget
- Education and the Workforce
- Energy and Commerce
- Ethics
- Financial Services
- Foreign Affairs
- Homeland Security
- House Administration
- Judiciary
- Natural Resources
- Oversight and Government Reform
- Rules
- Science, Space, and Technology
- Small Business
- Transportation and Infrastructure
- Veterans' Affairs
- Ways and Means

Joint Committees

- Joint Economic Committee
- Joint Committee on the Library
- Joint Committee on Printing
- Joint Committee on Taxation



Senator Jeff Sessions (R-AL), shown right, talks with Senate Judiciary Committee chair Patrick Leahy (D-VT), shown left, during a committee hearing.

Senate Standing Committees

- Agriculture, Nutrition, and Forestry
- Appropriations
- Armed Services
- Banking, Housing, and Urban Affairs
- Budget
- Commerce, Science, and Transportation
- Energy and Natural Resources
- Environment and Public Works
- Finance
- Foreign Relations
- Health, Education, Labor, and Pensions
- Homeland Security and Governmental Affairs
- Judiciary
- Rules and Administration
- Small Business and Entrepreneurship
- Veterans' Affairs

Sources: www.senate.gov and www.house.gov.

The Congressional Committee System

Individual legislators do not have the time or expertise to thoroughly understand all the bills that come before Congress. Instead, they rely on a division of labor, entrusting most of the work of lawmaking to various committees. Congress has five kinds of committees, some permanent and others temporary.

Standing committees. House and Senate **standing committees** are permanent committees that handle most legislative business. Each standing committee has its own broad area of responsibility, such as homeland security or foreign affairs. In addition to studying legislation, standing committees have another key duty: they gather information through hearings and investigations. Committee hearings are one way for Congress to monitor the policies of government agencies. Committee members can ask officials, face to face, to explain their agency's actions.

Subcommittees. Most standing committees also have several smaller **subcommittees**. The subcommittees do most of the work of reviewing proposed legislation. The vast majority of bills introduced in Congress each year “die” in committee.

Select or special committees. Both the House and the Senate sometimes form a **select committee** or **special committee** to investigate specific problems. These committees are usually temporary. Although they do not review legislation, special and select committees may make recommendations to Congress based on their investigations.

Joint committees. Congress has a small number of permanent **joint committees** made up of members of both the House and the Senate. Joint committees deal with issues of interest to both chambers. The Joint Committee on the Library, for example, oversees the operations of the Library of Congress. The Library of Congress is the research arm of Congress and is home to the world's largest library. Its collections include millions of books, photographs, documents, recordings, maps, and manuscripts.

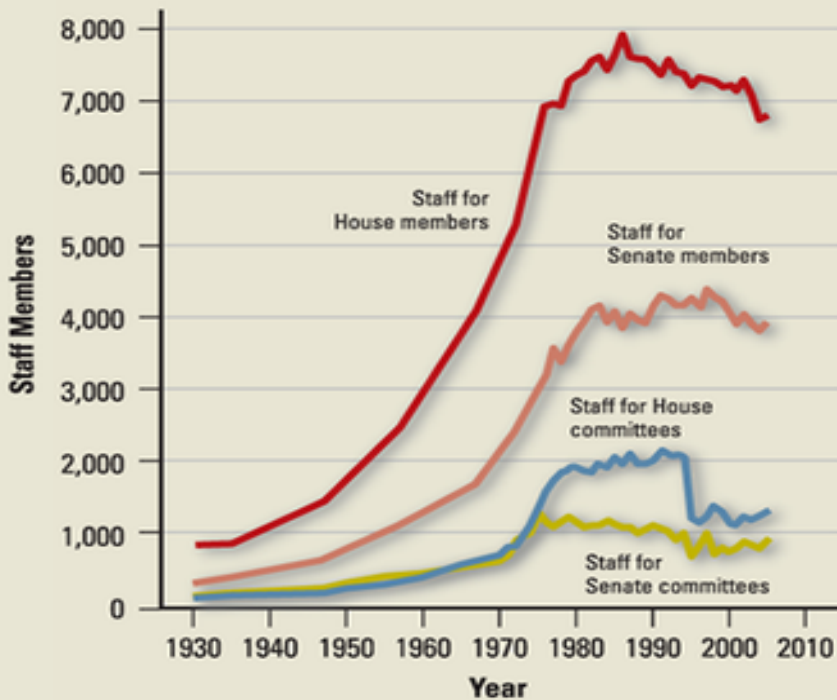
The Growth of Congressional Staffs

The number of people working on personal and committee staffs has grown over time. Members of Congress rely on staffers to help them do their jobs. But as the cartoon suggests, some critics believe that staffs have grown too large.



©TCI/Scott Willis

House and Senate Staff, 1930–2005



Source: Norman J. Orstein, Thomas E. Mann, and Michael J. Malbin, *Vital Statistics on Congress, 2008*, Washington, D.C.: Brookings Institution, 2008.

Conference committees. A **conference committee** is a temporary kind of joint committee. It is formed to iron out differences between two versions of a bill passed by the House and Senate. Both chambers must pass identical versions of a bill for it to become law.

Staff and Support Agencies

Members of Congress do not face the rigors of committee work alone. If you have ever seen a congressional committee in action, you may have noticed the people sitting behind the committee members. You may have seen them hand a document to a member or whisper in a member's ear. These people are employed as congressional staffers, or staff members. Some work for the committee at large. Others belong to a member's personal staff.

The House and Senate each employ around 1,000 committee staffers to support the work of their various committees. This staff includes clerical workers as well as experts in the subject area of a particular committee. The number of personal staff a Congress member has varies. Representatives average about 16 staffers apiece, while senators average about 40 staff members each. Personal staff members perform a variety of tasks, from answering constituents' questions to writing speeches and drafting bills.

In addition to staff, several support agencies provide Congress with the information it needs to do its job. The Congressional Research Service helps by researching policy questions. The General Accountability Office checks the financial accounts of government programs. The Congressional Budget Office provides House and Senate budget committees with data and analyses that aid the budget process. It also provides other committees with cost estimates related to proposed legislation.



Caucuses and Coalitions

Members of Congress have also formed a number of unofficial groups to pursue particular goals and interests. For example, there are more than 300 informal caucuses in Congress. Often, members of a caucus need not belong to the same party or even the same chamber. The National Women's Political Caucus, for example, is a bipartisan group of women in Congress. Likewise, the Congressional Black Caucus is open to all African American members of Congress. Groups like the Climate Change Caucus and the Congressional Nanotechnology Caucus attract lawmakers who have an interest in specific subjects.

Other unofficial groups have formed within one political party or chamber of Congress. The Blue Dog Coalition, for example, is a group of conservative and moderate House Democrats. The House Tea Party Caucus brings together House Republicans dedicated to advancing a conservative agenda.

4. The Work of Congress

Members of Congress have two distinct but interrelated jobs. They must represent their constituents in their districts or states, and they must perform their constitutional duties as national legislators. In other words, they must try to serve the voters back home while making laws for the nation as a whole.

The Powers of Congress

Article I of the Constitution states that Congress shall have "all legislative Powers." The specific powers given to Congress include the authority to

- levy and collect taxes.
- borrow money.
- regulate interstate and foreign commerce.
- coin money.
- declare war.

The Constitution also authorizes Congress to “make all Laws which shall be necessary and proper” for carrying out those powers. Through this open-ended Elastic Clause, the framers gave Congress the ability to stretch its listed powers to deal with future needs that could not be anticipated when the Constitution was written.

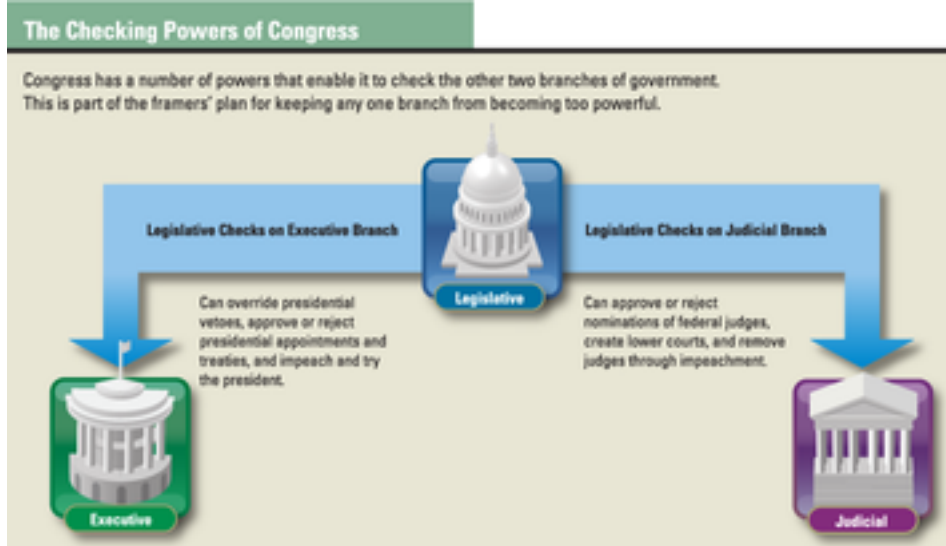
The only catch is that these implied powers must be linked to enumerated powers. Sometimes that link is weak. For example, Congress has enacted laws designed to limit air and water pollution based on its power to regulate interstate commerce.

Occasionally, the Supreme Court has held that Congress has stretched the Elastic Clause beyond the breaking point. This happened in the 2000 case *United States v. Morrison*. At issue was whether Congress had exceeded its authority to control interstate commerce when it passed the Violence Against Women Act in 1994. The act gave women who had been abused the right to sue their attackers in federal court.

The Court struck down the act as unconstitutional. Writing for the majority, Chief Justice William Rehnquist argued, “Every law enacted by Congress must be based on one or more of its powers enumerated in the Constitution.” In this case, he continued,

Gender-motivated crimes of violence are not, in any sense of the phrase, economic activity . . . Indeed, if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence . . . We accordingly reject the argument that Congress may regulate noneconomic, violent criminal conduct based solely on that conduct's . . . effect on interstate commerce.

—William Rehnquist, *United States v. Morrison*, 2000



How Congress Checks the Other Branches

Congress was also given powers to check the other two branches of government. These checking powers include the following:

Oversight. Congress oversees executive agencies to make sure they carry out the laws it has passed.

Confirmation. The Senate must confirm, or approve, key officials appointed to office by the president.

Impeachment. The House of Representatives can impeach a federal official, including the president, by voting to accept a formal accusation of wrongdoing against that person. The Senate then conducts a trial of the impeached official and votes on whether to remove him or her from office.

Ratification. The Senate must ratify, or approve, all treaties negotiated by the president before they can become law.

Override. Congress can vote to override, or reverse, a president's veto of legislation.

Amendment. Congress, through a vote of both houses, can propose an amendment to the Constitution. It can use this power to change the Constitution, even if this means reversing a ruling of the Supreme Court.



Enacting Laws

The checking powers of Congress also apply within the legislative branch. Both houses of Congress must agree on a bill before it can become law. That means that either house can amend or reject a bill offered by the other house.

The process of crafting bills that both chambers can agree on is complex and time-consuming. The diagram “How a Bill Becomes a Law” shows the basic steps involved in turning a bill into law.

Bills may be introduced in either house of Congress. Upon introduction, they are labeled with initials: H.R. for the House or S. for the Senate. They also receive a number, which represents the order in which the bill was introduced in that chamber. So, for example, the first bill introduced in the House during the 113th Congress in early 2013 was labeled H.R.1. The first bill in the Senate for that year was S.1.

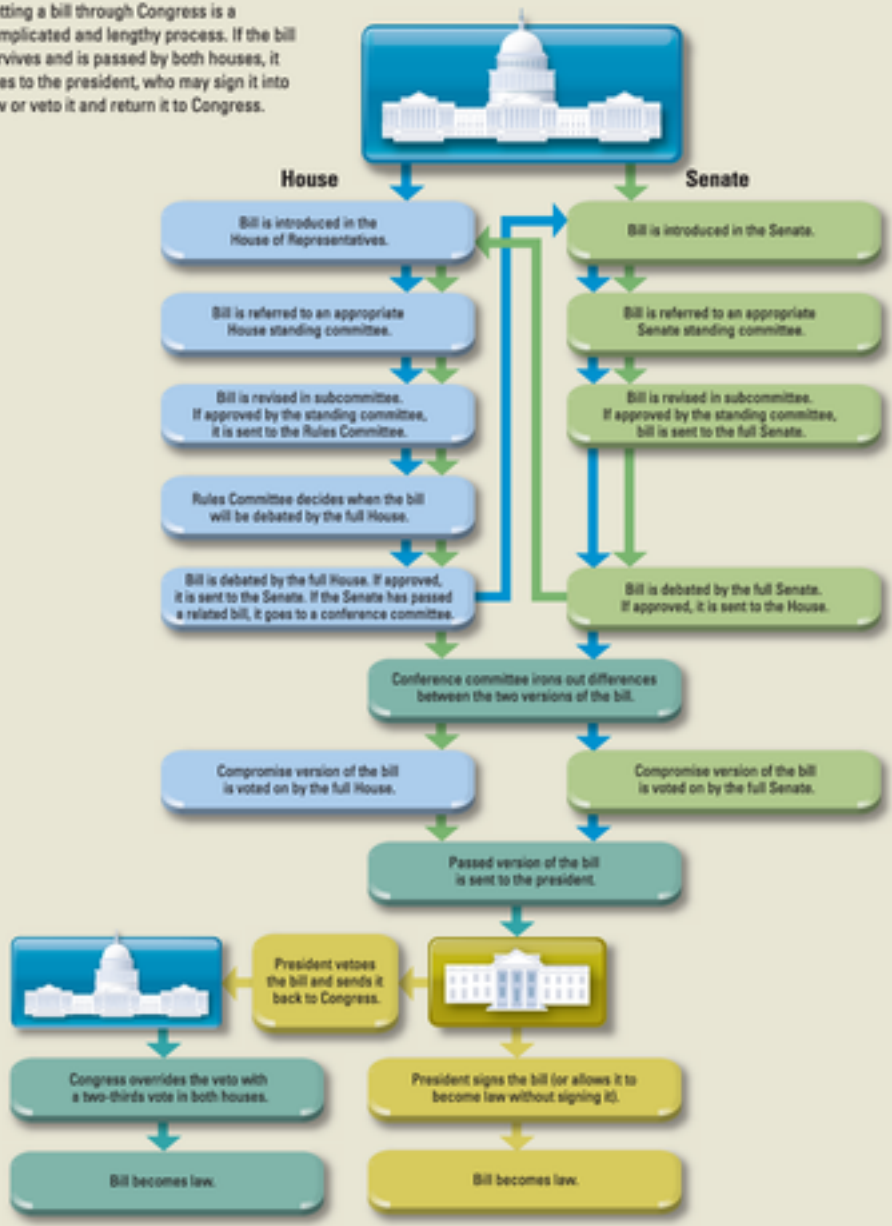
Most new bills are sent to a committee, where they are studied and revised. If the bill survives in committee, it is sent back to the House or Senate floor for debate and a vote. Bills that pass one chamber are sent to the other house to go through the process again.

Often a bill gets amended further when it passes through the other chamber. In that case, the two versions of the bill—the House version and the Senate version—may go to a conference committee to have their differences reconciled. The House and Senate then vote on the final version of the bill. If it passes, it goes to the president for approval. If the president signs the bill, it becomes law.

This process may seem relatively simple and straightforward, but it is not. Turning a bill into law requires hard work, patience, and compromise. Most bills do not survive. For example, in 2011, more than 5,700 bills were introduced in Congress. Only 90 went on to become law.

How a Bill Becomes Law

Getting a bill through Congress is a complicated and lengthy process. If the bill survives and is passed by both houses, it goes to the president, who may sign it into law or veto it and return it to Congress.



Levying Taxes

Some of the bills that go through Congress are tax bills. The power to tax is one of the most important powers of Congress. Unlike other legislation, however, tax bills can only originate in the House. Article I, Section 7 of the Constitution says that “all Bills for raising Revenue shall originate in the House of Representatives.”

Originally, government revenue—the money coming into the treasury—came mainly from taxes on goods, such as imported products. Today, the federal government relies largely on income taxes, which are collected by the Internal Revenue Service. Congress makes tax policy and oversees the work of the IRS.

Although taxes may seem a burden, they finance many of the government programs and services that Americans depend on. For example, without federal taxes, there would be no national highway system, no national system of law enforcement, no national funding for public education, and no national defense system.

The Power of the Purse

In addition to taxation, Congress has another important financial power: the power to spend. Article 1, Section 9 of the Constitution says, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”

Appropriations are public funds allocated for a particular purpose by a legislature. To fund any federal project, the government needs money, and Congress must appropriate this money. Acting in this capacity, Congress is said to have the “power of the purse.” Chapter 14 outlines the budget process in greater detail.

Declaring War

Another key power of Congress granted under the Constitution is the power to declare war. But as commander in chief of the armed forces, the president also has constitutional duties related to military conflict. Congress and the president thus share war-making powers.

This power sharing has sometimes caused tension between the legislative and executive branches. Historically, the president has not hesitated to send troops into combat before obtaining the permission of Congress. U.S. soldiers have been sent into action abroad more than 200 times. Yet Congress has formally declared war only five times. The last such declaration, in 1941, brought the United States into World War II. Since then, Americans have fought in lengthy, undeclared wars in Korea, Vietnam, and, most recently, Iraq.

Congress has sometimes resisted the president's war-making efforts. In 1973, during the Vietnam War, Congress passed the War Powers Act to reassert its authority. This law requires the approval of Congress for any overseas troop deployment lasting longer than 90 days.

In such cases, Congress can stop short of issuing a formal declaration of war. Instead, it can authorize military action by passing a [joint resolution](#), an official statement from both houses of Congress. Like a regular bill, a joint resolution has the power of law once the president signs it. In October 2002, Congress used a joint resolution to authorize the use of military force against Iraq.



Casework: The Care and Feeding of Constituents

In addition to their legislative duties, members of Congress must find time for [casework](#), or helping their constituents solve problems that involve the federal government.

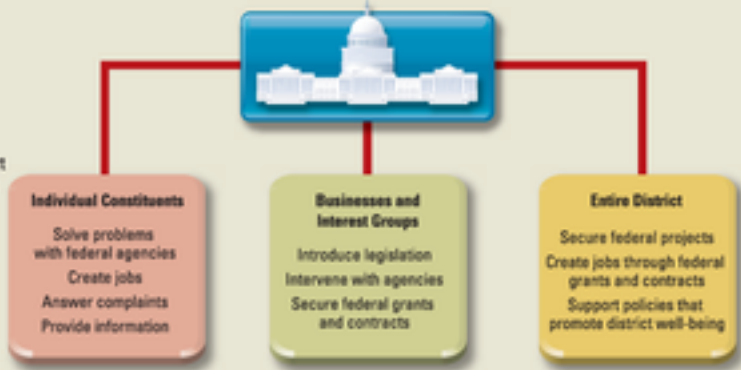
Citizens often need assistance in dealing with the complexities of federal agencies. For example, they may not have received their Social Security checks, or they may be having problems getting a passport in time for foreign travel. Often, legislators are able to use their authority to connect constituents to someone in government who can solve their problems.

Casework involves a great variety of problems. In one example, California congressman David Dreier was asked to help a constituent with a difficult adoption case. The woman had flown to Taiwan to adopt a baby. Once there, she became tangled in bureaucratic red tape and was unable to bring the child home. She contacted Dreier, who then worked with immigration officials to help solve the problem. After nearly two years of hard work by Dreier and his staff, his constituent was able to finalize her adoption. "If it weren't for Congressman Dreier," the woman later said, "I wouldn't be a mother today."

Congressional Casework

In addition to their legislative duties, members of Congress must also perform casework. They try to use their positions as legislators to help their constituents solve problems. The flow-chart shows the various ways in which members of Congress work to help people in their districts.

How Members of Congress Serve Their Districts



Casework is a burden for many legislators, but it is a key part of representative government. Helping constituents is also good politics. Voters often reelect legislators who have paid attention to their needs. Members of Congress know this and have found ways to do casework while fulfilling their legislative duties. They open offices in their districts, for example, and hire staff to answer constituents' questions. They also work on other levels to help their districts. The flowchart above shows some of the ways members of Congress try to serve their districts.