

# AP Government Legislative Branch



*US Capitol – Senate on north side,  
House of Representatives on south side*

# Houses of Congress

- Great Compromise –
  - Senate with 2 per state; House based on pop.
- House –
  - 2 year terms, minimum of 25 years old, 435 total seats
  - members directly elected by their districts, all seats up for reelection at the same time
- Senate –
  - 6 year terms, minimum of 30 years of age, 100 total seats
  - members originally selected by state legislatures, elections staggered so only about 1/3 up for election each national general election
- 17<sup>th</sup> Amendment (1913)
  - provided for the direct election of US Senators

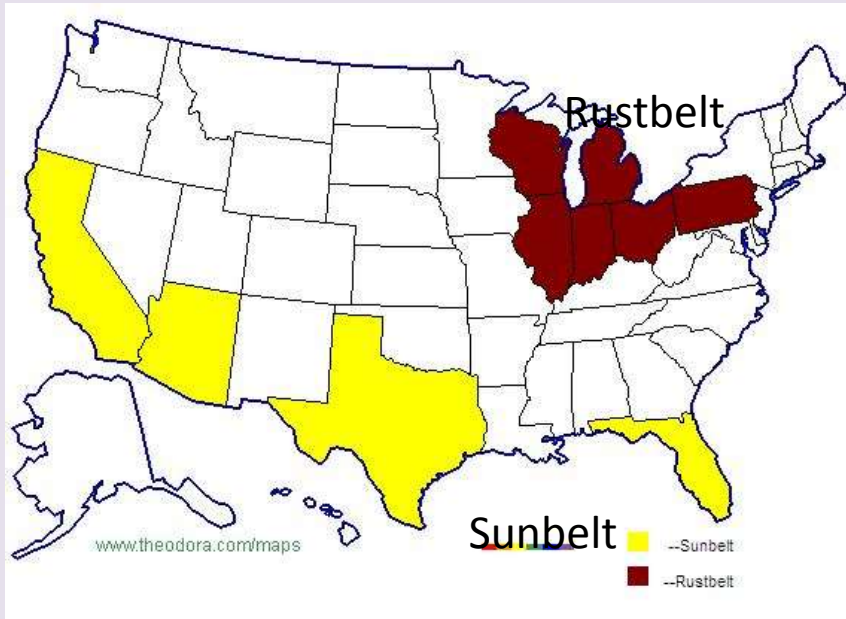
# Members

- Not a glamorous job, but there are perks
  - Power
  - \$174,000 annual salary
  - Generous retirement and health benefits
- Constitutional requirements
  - House: 25, citizen for 7 years
  - Senate: 30, citizen for 9 years
  - Reside in state
  - 435 Representatives; 100 senators

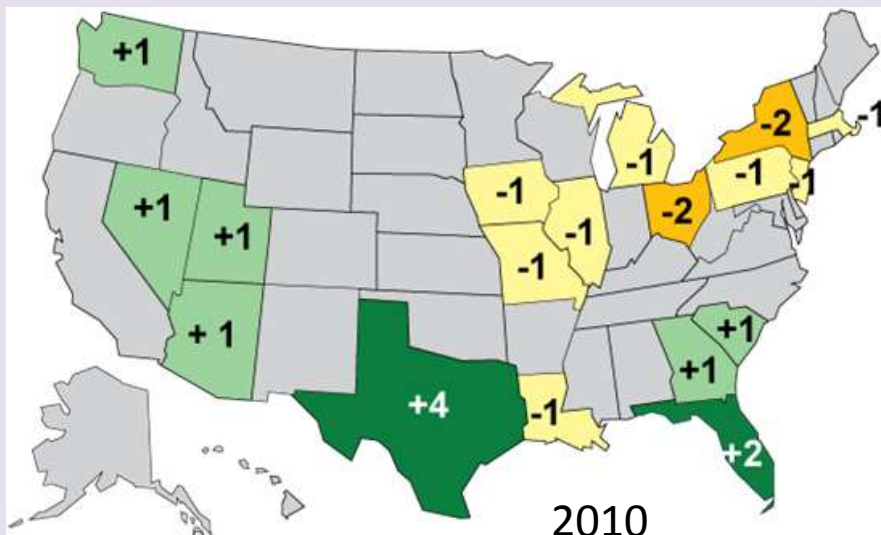
# Portrait of the 113th Congress: Some statistics

Characteristic	House (435 Total)	Senate (100 Total)
<b>Party</b>		
Democrat	201	53
Republican	234	45
Independent	–	2
<b>Gender</b>		
Men	357	80
Women	78	20
<b>Race/Ethnicity</b>		
Asian	9	2
African American	44	0
Hispanic	25	3
White and other	357	95
<b>Average age<sup>†</sup></b>		
	56	62
<b>Religion<sup>†</sup></b>		
	Percent	Percent
Protestant	53	62
Roman Catholic	31	22
Jewish	7	12
Other and unspecified	9	4
<b>Prior occupation<sup>*†</sup></b>		
	Percent	Percent
Public service/politics	40	36
Law	34	52
Business	42	28
Education	16	13
Other	41	35

# Reapportionment



- Reapportionment
  - redistribution of representatives among states based on population change, which is done for the House after each census



# Duties Assigned by the Constitution

- Shared powers between houses –
  - declare war
  - raise an army and navy
  - borrow and coin money
  - regulate interstate trade
  - create federal courts
  - establish rules for the naturalization of immigrants
  - make all laws “necessary and proper for carrying out the foregoing powers”



# Duties Assigned by the Constitution

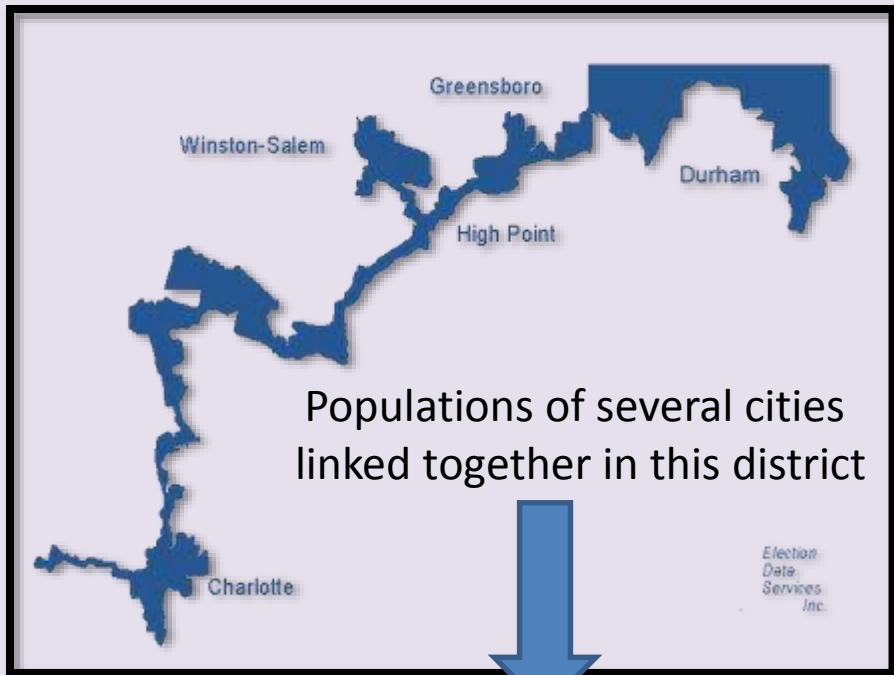
- **House duties**

- Originate revenue bills
  - though all bills must be approved in both houses
- Power of impeachment
  - power to charge the president, vice-president, federal judges, and other national officials with serious crimes

- **Senate duties**

- Senate acts as court in cases of impeachment (2/3 vote to convict)
- Approve presidential appointments
  - federal judges and justices, cabinet posts, ambassadors
- Approve treaties by a 2/3 vote





# Vocab Check

- Gerrymandering
- Franking privilege
- What is the difference between *redistricting* and *gerrymandering*?

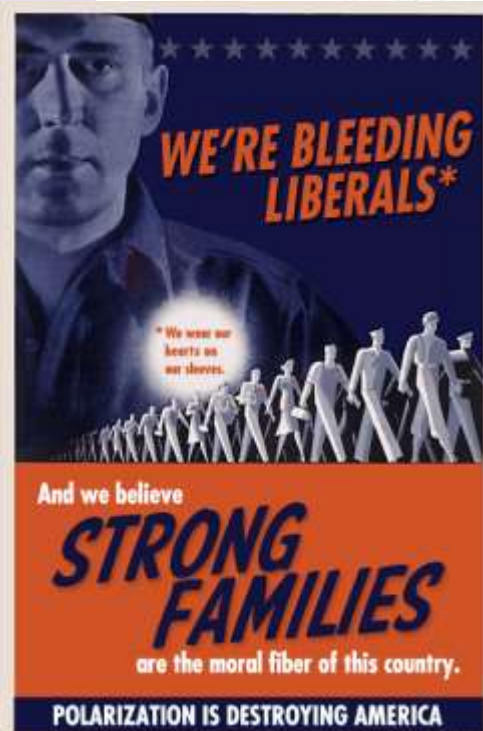
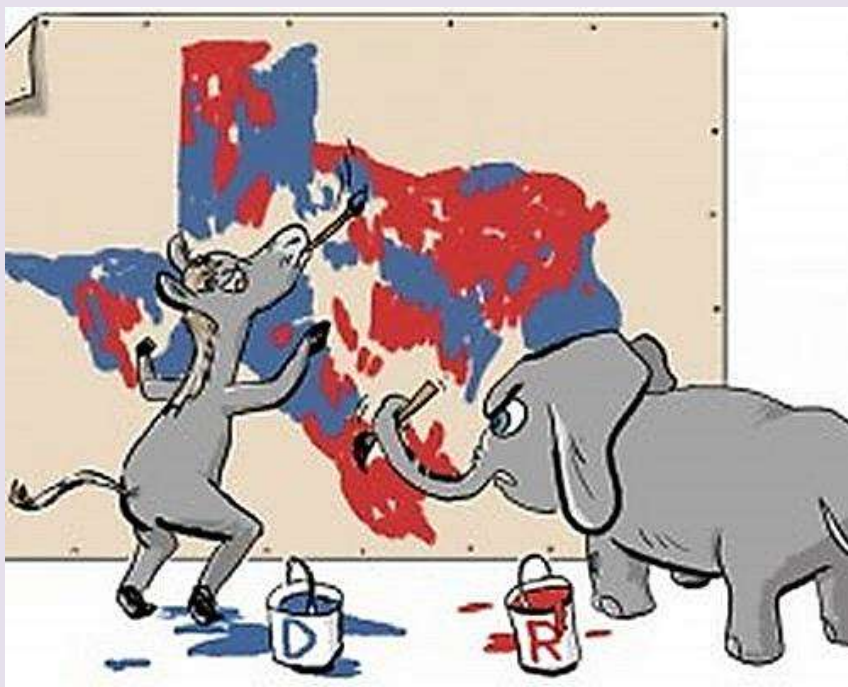
FOLLOWING A JUSTICE DEPARTMENT COMMAND TO CREATE ANOTHER MAJORITY-BLACK CONGRESSIONAL DISTRICT, NORTH CAROLINA CAME UP WITH THIS SNAKELIKE ABERRATION.





# Effects of Gerrymandering

- Adds to advantage of majority party and incumbents
- Decreases voter choices to influence make-up of the legislative branch
- Increases party polarization
- Reduces descriptive representation



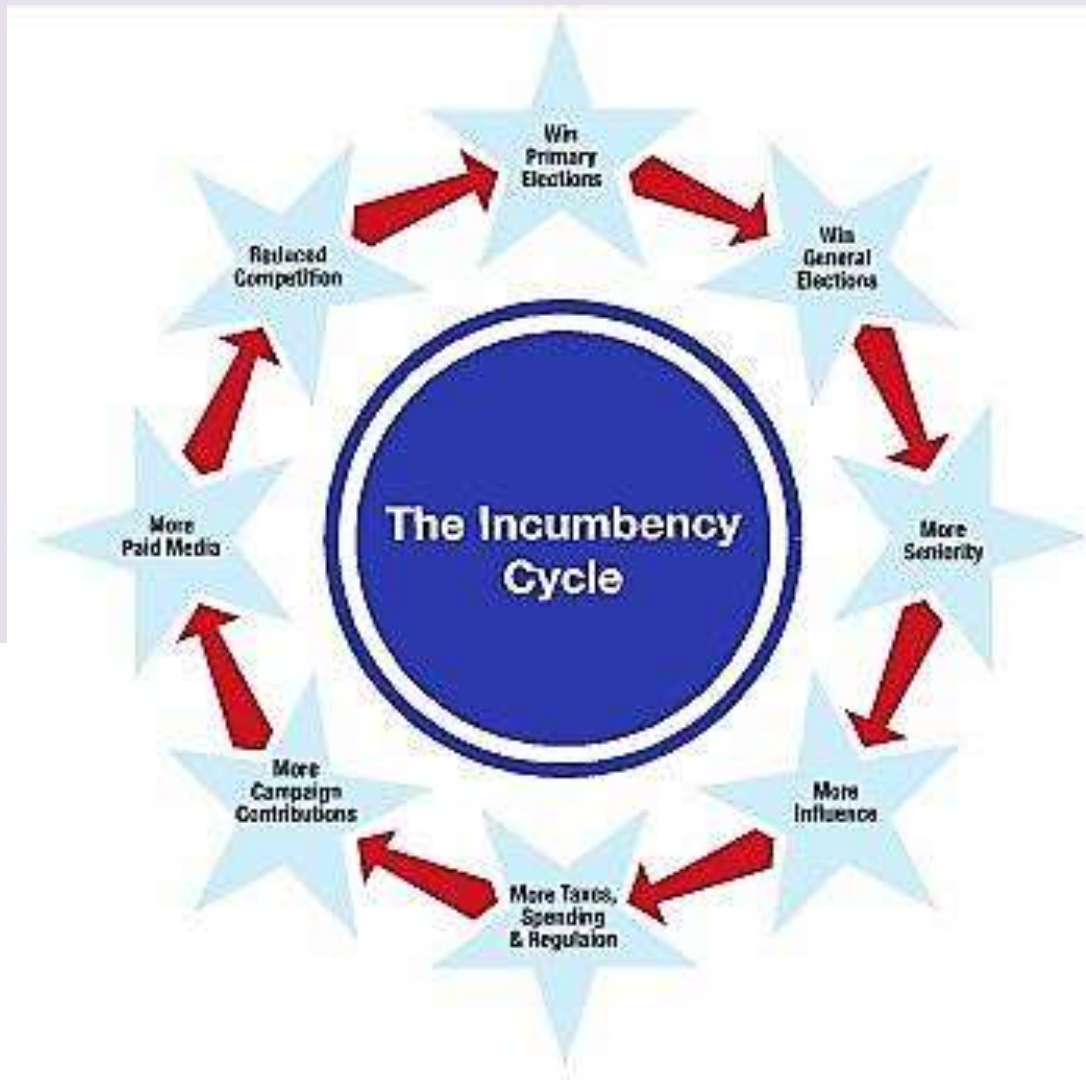
# Advantages of Incumbency

- “throw the rascals out” sentiment rarely leads to many losses for incumbents
- Over 90% of elections for the House since 1950 won by incumbents

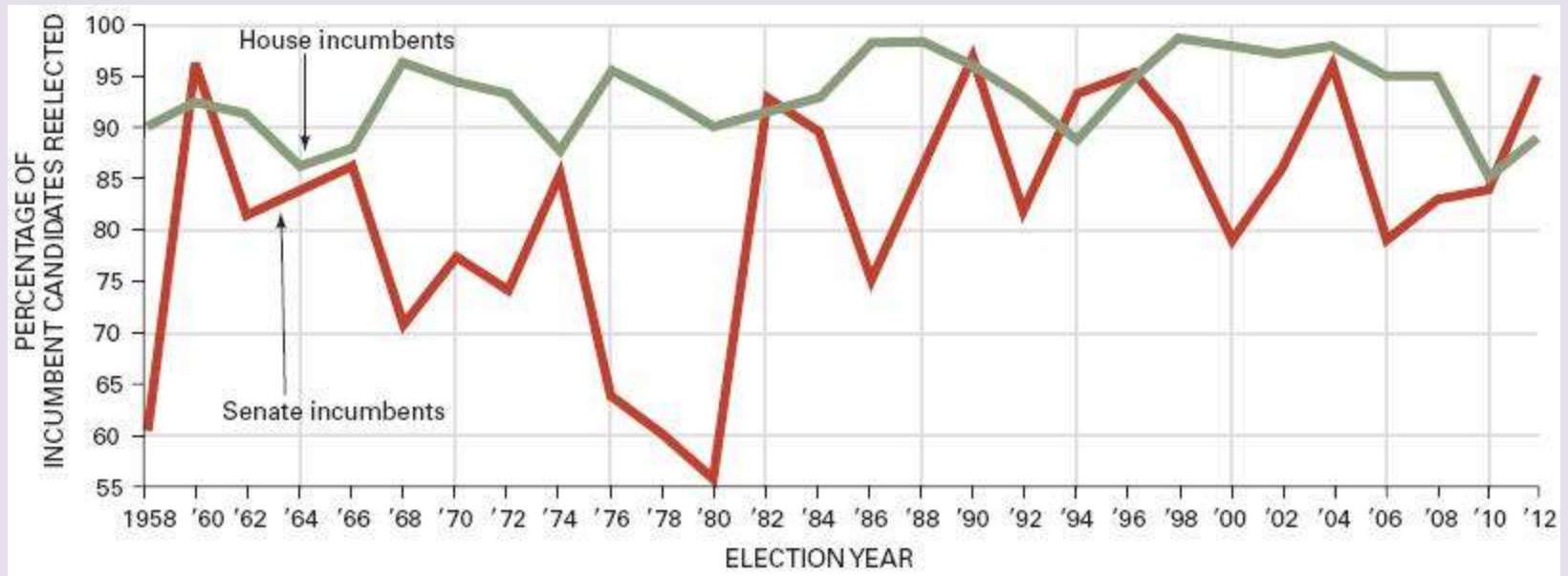


# Advantages of Incumbency

- Advantages:
  - Redistricting
  - Name recognition
  - Media attention
  - Fundraising
  - Casework
  - Earmarks



# Incumbent Factor



# How can I reach my Senator or Congressperson?

 **Emily Ellsworth**   
@editoremiye 

I worked for Congress for 6 years, and here's what I learned about how they listen to constituents.

7:03 PM - 11 Nov 2016




  13,974  17,811

 **Emily Ellsworth**   
@editoremiye 

First, tweeting or writing on Facebook is largely ineffective. I never looked at those comments except to remove the harassing ones.




7:04 PM - 11 Nov 2016

  1,579  3,060

 **Emily Ellsworth**   
@editoremiye 

Second, writing a letter to the district office (state) is better than sending an email or writing a letter to DC.

7:04 PM - 11 Nov 2016




  2,094  4,302

 **Emily Ellsworth**   
@editoremiye 

But, the most effective thing is to actually call them on the phone. At their district (state) office. They have to talk to you there.




7:05 PM - 11 Nov 2016

  3,545  5,826

 **Emily Ellsworth**   
@editoremiye 

We repped half a million people, it was impossible to read and respond personally to all letters. Impossible.

7:07 PM - 11 Nov 2016

  978  2,239

 **Emily Ellsworth**   
@editoremiye 

This was something in particular that I cared about as a staffer and worked very hard on, but the sheer volume of emails is overwhelming

7:08 PM - 11 Nov 2016

  804  2,020

 **Emily Ellsworth**   
@editoremiye 

So, we batched them with computer algorithms and sent out form letters based on topic and position. Regardless of method received.

7:08 PM - 11 Nov 2016

  730  1,685

# Continued...

 **Emily Ellsworth**   
@editoremiye

 Follow

But, phone calls! That was a thing that shook up our office from time. One time, a radio host gave out our district office phone # on air.

7:09 PM - 11 Nov 2016

  1,568  2,904

 **Emily Ellsworth**   
@editoremiye

 Follow

He was against our immigration policy and told our constituents to call. And they did. All. Day. Long. All I did all day was answer phones.

7:09 PM - 11 Nov 2016

  1,080  2,258

 **Emily Ellsworth**   
@editoremiye

 Follow

It was exhausting and you can bet my bosses heard about it. We had discussions because of that call to action.

7:10 PM - 11 Nov 2016

  952  2,171

 **Emily Ellsworth**   
@editoremiye

 Follow

If we started getting a pattern of calls, I called up our DC office and asked if they were getting the same calls and we talked.

7:10 PM - 11 Nov 2016

  908  1,933

 **Emily Ellsworth**   
@editoremiye

 Follow

If you want to talk to your rep, show up at town hall meetings. Get a huge group that they can't ignore. Pack that place and ask questions.

7:11 PM - 11 Nov 2016

  2,488  3,794

 **Emily Ellsworth**   
@editoremiye

 Follow

We held town halls consistently that fewer than 50 people showed up for. And it was always the same people. So, shake it up.

7:12 PM - 11 Nov 2016

  1,238  2,650

# Conclusion



**Emily Ellsworth** ✓

@editoremilye

Follow

If you run an advocacy group, invite local staffers to show up to your events. Let them talk to people you work with and set up meetings.

7:14 PM - 11 Nov 2016

↩️ ↻ 969 ❤️ 2,005



**Emily Ellsworth** ✓

@editoremilye

Follow

I loved getting out of my office and meeting with advocates in immigration, healthcare, education, science, and every type of work.

7:14 PM - 11 Nov 2016

↩️ ↻ 611 ❤️ 1,785



**Emily Ellsworth** ✓

@editoremilye

Follow

Invite staffers on "field trips" and show them what it's like in your communities. Show them the work you are doing. It works.

7:15 PM - 11 Nov 2016

↩️ ↻ 919 ❤️ 2,082



**Emily Ellsworth** ✓

@editoremilye

Follow

Invite staffers on "field trips" and show them what it's like in your communities. Show them the work you are doing. It works.

7:15 PM - 11 Nov 2016

↩️ ↻ 919 ❤️ 2,082



**Emily Ellsworth** ✓

@editoremilye

Follow

As always, please be kind but firm with those staffers. They will listen and talk to you. I always, always did.

7:13 PM - 11 Nov 2016

↩️ ↻ 938 ❤️ 2,610



**Emily Ellsworth** ✓

@editoremilye

Follow

Are you noticing a pattern here? The staff are the ones who run the ground game for Congress. Work on helping them understand and learn.

7:18 PM - 11 Nov 2016

↩️ ↻ 1,374 ❤️ 3,217



**Emily Ellsworth** ✓

@editoremilye

Follow

Because, if the staff knows you, when they have a question about a piece of legislation or amendment, they will be the one you call.

7:19 PM - 11 Nov 2016

↩️ ↻ 848 ❤️ 2,178





# Lawmaking and Committees



# Lawmaking Process Begins

- A bill must first be introduced into one of the houses of Congress
- In the House it is introduced by a member dropping it into the hopper (a mahogany box near the rostrum where the Speaker presides)
- In the Senate it is introduced by giving it to a Senate clerk, or by introducing it from the floor



# Congressional Agenda

- Issues can reach the congressional agenda through many ways
  - A highly visible event focuses national attention on it
  - Media attention or new technology can do it
  - Congressional leaders (party leaders or committee chairs) can move issues onto the agenda

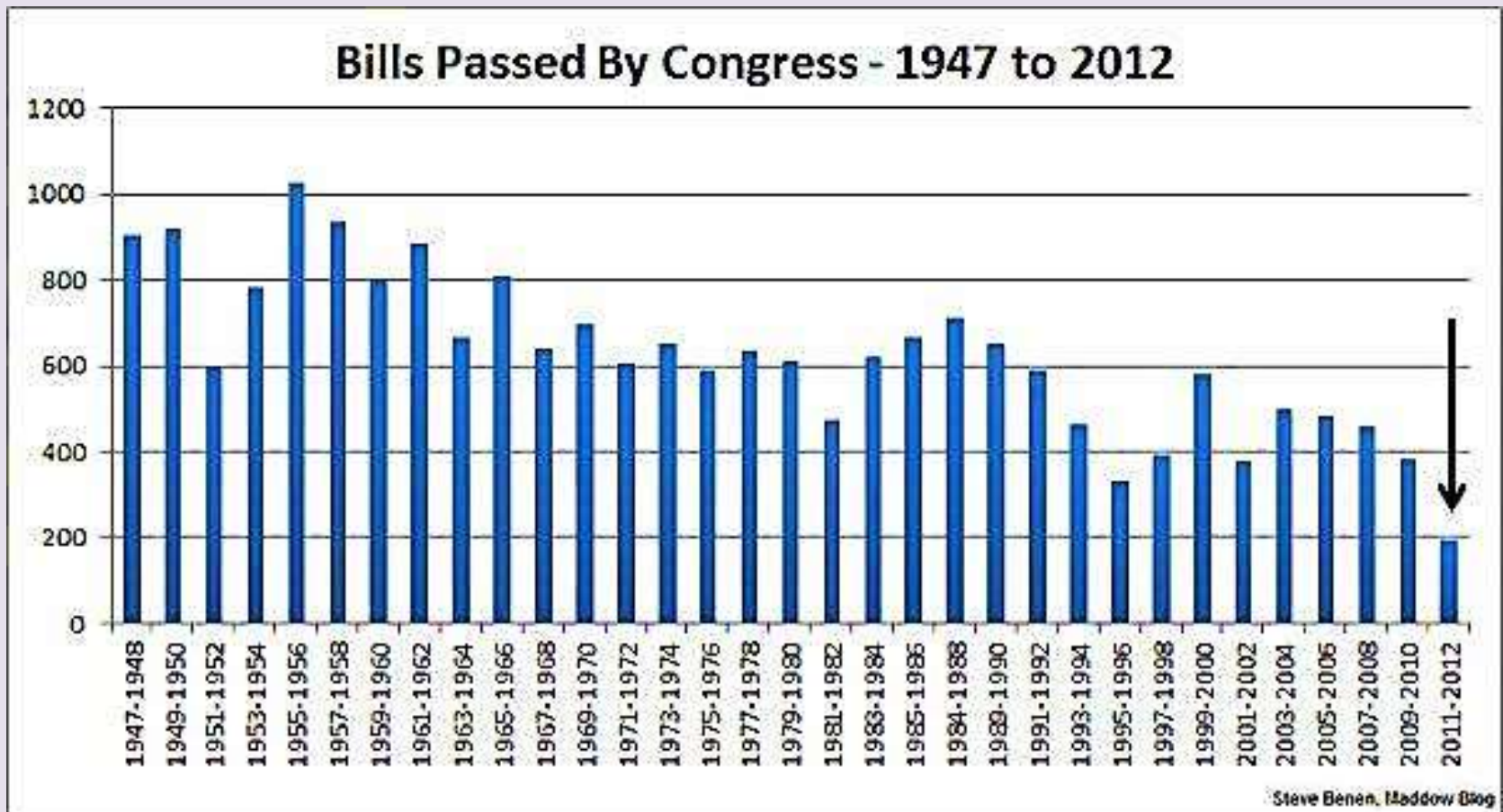


# Key Differences

Characteristic	House of Representatives	Senate
Constitutional powers	Must initiate all revenue bills Must pass all articles of impeachment	Must give "advice and consent" to many presidential nominations Must approve treaties Tries impeached officials
Membership	435 members	100 members
Term of office	2 years	6 years
Constituencies	Usually smaller	Usually larger
Centralization of power	More centralized; stronger leadership	Less centralized; weaker leadership
Political prestige	Less prestige	More prestige
Role in policymaking	More influential on budget; more specialized	More influential on foreign affairs; less specialized
Turnover	Small	Moderate
Role of seniority	More important in determining power	Less important in determining power
Procedures	Limited debate; limits on floor amendments allowed	Unlimited debate

# How does a bill become a law?

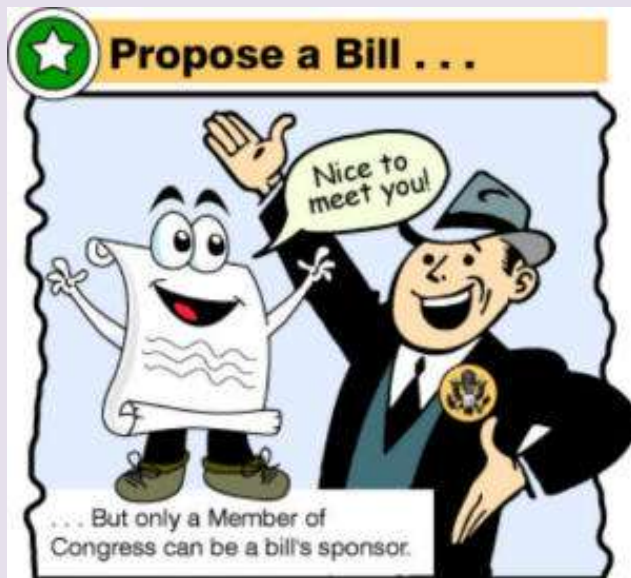
- Party polarization and divided gov't has led to fewer bills being passed by Congress
- [How bad has it gotten?](#)



# Step 1

## INTRODUCTION

- A bill needs to be introduced into both houses of Congress (the Senate and the House of Representatives)



# Step 2

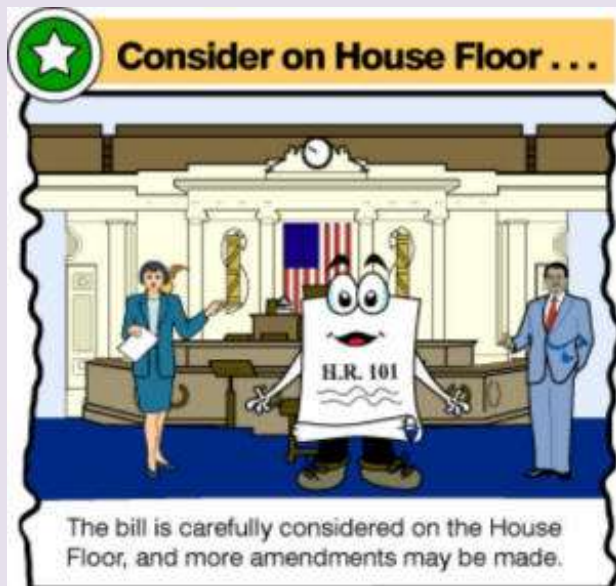
## COMMITTEE ACTION

- The introduced bill then is sent to the appropriate standing committee within the House and the Senate (a bill on education goes to the Education Committee)
- Before the whole committee works on it, the bill goes to the appropriate subcommittee within the standing committee
- If passed through the subcommittee, then the standing committee then debates on the bill, rewrites it and votes whether it approves it (if they don't approve it the bill "dies" in committee)



# Step 3

## FLOOR ACTION



- Once the bill is approved by the committee it is in it goes to the whole House and the whole Senate
- IN THE HOUSE ONLY: before it goes to the floor it has to go to the Rules Committee to set rules for debate on the floor
- The whole House and Senate then debate the bill and vote on whether they approve it



## Step 4

### CONFERENCE COMMITTEE



- Once the House and Senate approve their versions of the bill it is likely that the two versions are different.
- If they are different then a committee of members from both the House and the Senate come together and work out a single version of the bill that is a compromise between the original two versions

# Step 5

## FINAL APPROVAL

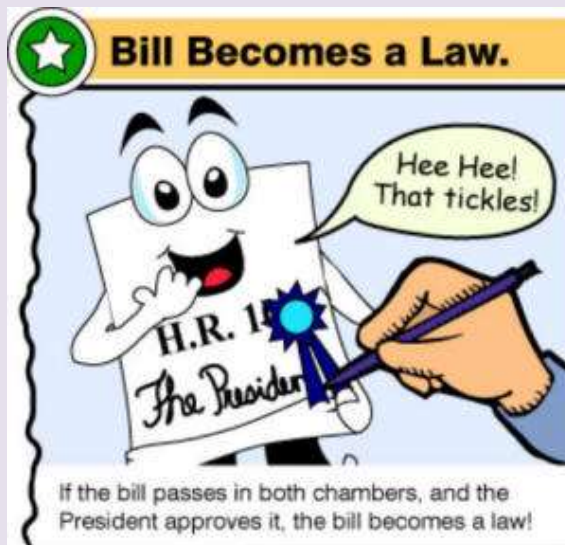
- The single version of the bill agreed upon by the joint committee then goes back to the whole House and the whole Senate for approval



# Step 6

## PRESIDENTIAL ACTION

- When the two houses of Congress pass a single version of a bill it goes to the President.
- The President can either sign the bill and it becomes law or he/she can veto it.



# Step 7

## OVERRIDE A VETO



- If the President vetoes a bill then Congress can override the veto so the bill so it can become a law.
- To do so requires a 2/3 vote in favor of the bill in both the Senate and the House.
- [Crash Course Video](#)

# Presidential Action

- When a bill passed by Congress reaches the President, the President has 4 possible options:
  - Sign the bill into law
  - Veto
  - Allows the bill to become law without his/her signature
  - Pocket veto



# Committees

- **standing committee**
  - a permanent congressional committee that specializes in a particular policy
  - most of the drafting of legislation takes place here
  - 16-20 Senators on each, and an average of 42 members on each in the House
  - majority party has a majority in each committee and has the chair
- **subcommittee**
  - formed from topics relating to standing committees

## Standing Committees of the House of Representatives

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

# Committees

- **Joint committee**
  - made up of members of both the House and Senate that is concerned with a specific policy area (Joint Economic Committee)
- **Select committee**
  - A temporary congressional committee created for a specific purpose and disbanded after purpose is fulfilled (investigations into Watergate, Benghazi)
- [Link to committee examples for the Senate](#)



# Conference Committees

- Conference committees
  - A temporary committee created to work out differences between the House and Senate versions of a bill
  - [Video](#) (preview, all videos are on our classroom website)





# Definitions

- seniority
  - years of consecutive service
  - important when it comes to committees (expertise on the ones you are on, and ability to move to more important ones)
- markup sessions
  - meetings in which committees and subcommittees actually debate and amend bills



# Definitions



- **oversight**
  - the process of reviewing the operations of an agency (within the executive branch) to determine whether it is carrying out policies as Congress intended

# Links to Examples of Testimony Before Congressional Committee Hearings

- [Mr. Rogers defends funding for educational programs for public television](#)
- [Stephen Colbert testifies before the Subcommittee on Immigration, Citizenship, and Border Security about immigrants farm workers](#)
- [Seth Rogan testifies before a Senate committee to discuss an organization he founded to raise awareness for Alzheimer's disease \(which his mother-in-law suffers from\)](#)

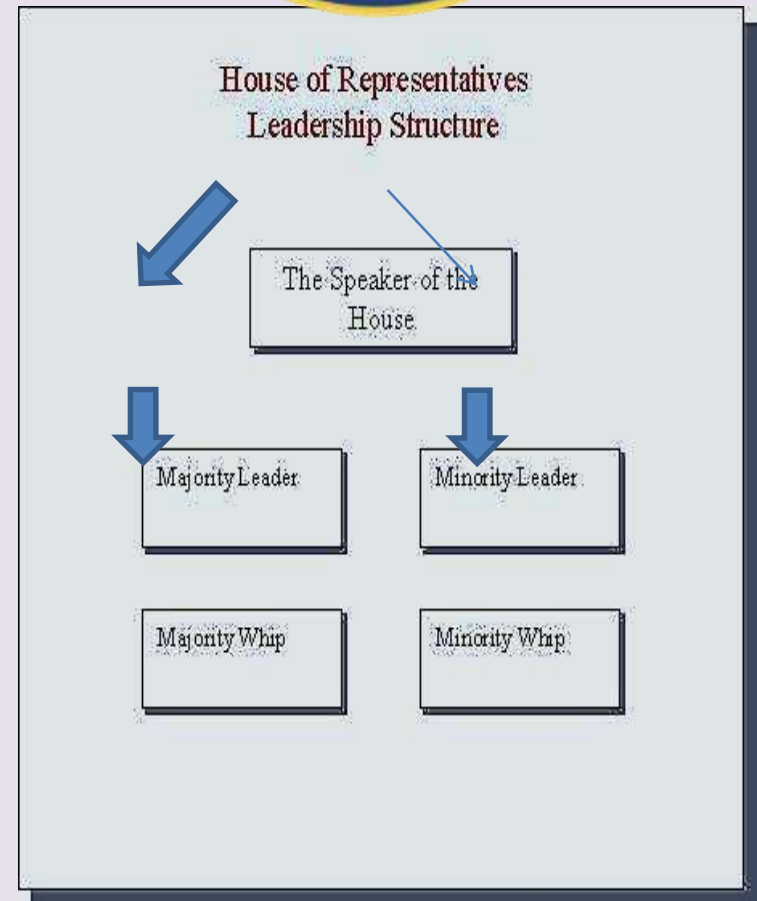


# AP Government Legislative Leadership



# Leadership Positions in the House

- **Speaker of the House** – presiding officer of the House of Reps. who is the leader of the majority party
- **Majority Leader** – helps the Speaker guide the party's policy program through the legislative process
- **Majority Whip** – keeps track of the vote count and rallies support for legislation on the floor
- **Minority Leader** – leads the minority party and champions its causes in the House
- **Minority Whip** – same role as that of the majority whip, but for the minority party



# House Leadership



Majority Leader  
Rep. Kevin McCarthy  
(R) California



Speaker of the House  
Rep. Paul Ryan  
(R) Wisconsin



Minority Leader  
Rep. Nancy Pelosi  
(D) California



Majority Whip  
Rep. Steve Scalise  
(R) Louisiana

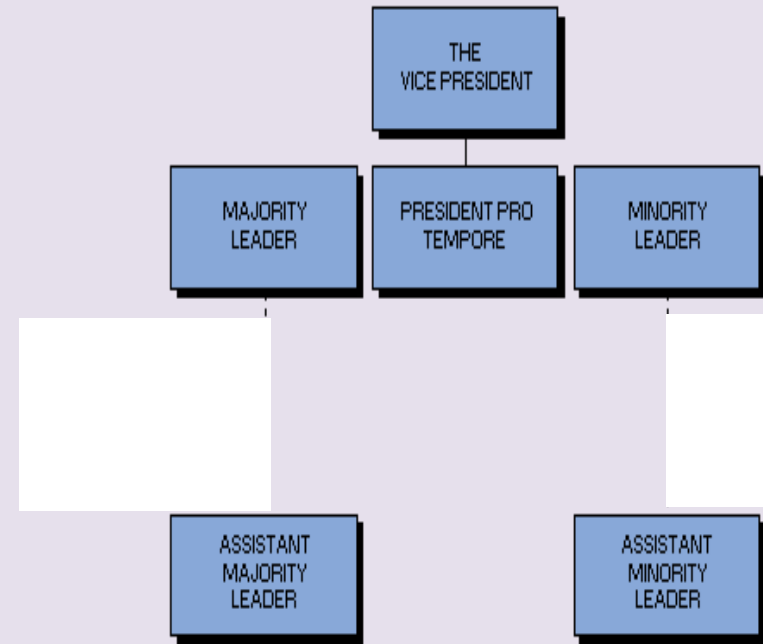


Minority Whip  
Rep. Steny Hoyer  
(D) Maryland

Best of ["Better know your district"](#)

# Leadership Positions in the Senate

- Senate has majority and minority leaders and whips, just like the House
- The presiding officer of the Senate is the Vice President who makes tie-breaking votes
- President pro tempore is generally the majority party Senator with the most seniority who presides over the Senate in the absence of the Vice President
- Majority Leader doesn't preside over the Senate, but does schedule legislation on the floor and steers negotiations with the minority party



**WHIP**

**Legend**

**WHIP**

— Direct Responsibility

---- Oversight Responsibility

# 2017 Senate Leadership



Majority Leader  
Sen. Mitch McConnell  
(R) Kentucky



Vice President  
Mike Pence  
(R) Indiana



Minority Leader  
Sen. Chuck Schumer  
(D) New York



Majority Whip  
Sen. John Cornyn  
(R) Texas



President pro tempore  
Sen. Orrin Hatch  
(R) Utah



Minority Whip  
Sen. Richard Durbin  
(D) Illinois



# House and Senate Rules



- House has a Rules Committee that sets rules for debate on a bill after it passes through the standing committee and before it reaches the floor



# Senate Debate

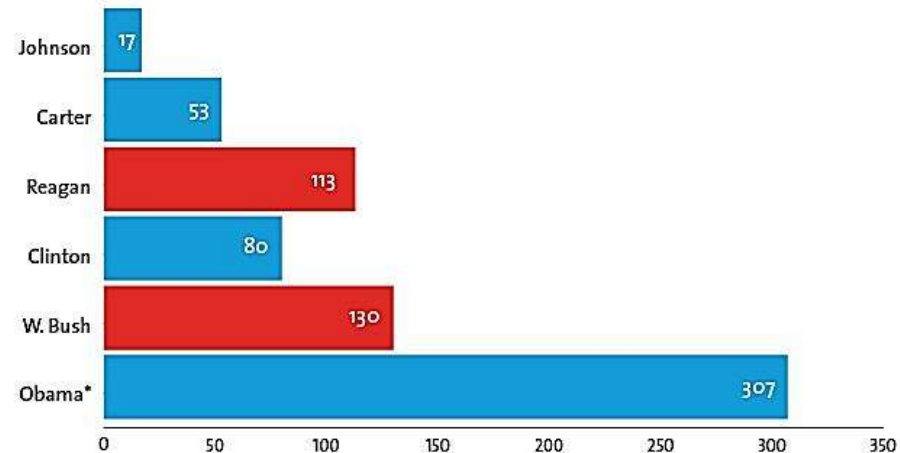
- **Filibuster** – a delaying tactic in the Senate only in which a minority party Senator uses the right of unlimited debate to hold the floor to prevent a vote on a bill the Senator objects to (but the majority supports)
- **Cloture** – means for ending a filibuster in the Senate (needs a petition by 16 Senators to get a vote, which needs 60 Senators to invoke cloture)



*Texas State Senator Wendy Davis used the filibuster in August of 2013 to stop a bill that would have essentially made abortion illegal*

## Seeking Cloture

Motions filed to end a filibuster when a single party controlled the White House and Senate



\*Does not account for the 3 years remaining in Obama's second term  
Source: US Senate

# Influences on Lawmaking Process



- **Political parties**
  - National political parties lost power to nominate candidates and candidates get more funding support from individuals than the party
  - Still, the leadership of the parties strongly control the votes of members of Congress
- **The President**
  - As a person elected by the whole nation the president can claim to represent the entire nation more than members of Congress do
  - Presidents campaign on what they will do when elected so they play an active role in lawmaking
  - White House writes bills and guides them through the law-making process in Congress

# Influences on Lawmaking Process



- **Constituents**
  - Law-makers are always influenced by their constituents as they are always worried about getting reelected
  - Members of Congress give higher priority to stances on issues that their constituents care strongly about (agricultural issues important for a Congressman from Iowa)
- **Interest groups**
  - Interest groups represent a vast array of groups in society and press members of Congress to take certain actions
  - Members of Congress listen as the interest groups represent segments of their constituents, and many provide campaign funding
  - Lobbyists also provide detailed information to members of Congress about issues

# Congress Representation of Constituents

- No rule governs what a representative must base their votes on in Congress
- Trustee
  - A representative who is obligated to consider the views of constituents but isn't obligated to vote according to those views
- Delegate
  - A legislator whose primary responsibility is to represent the majority view of constituents, regardless of his or her own view
- Often times political party considerations and national interests trump the views of constituents when a member of Congress decides on how to vote on a bill



*Rep. Paul Ryan and Sen. Tammy Baldwin talk to constituents*



# Parliamentary System



British House of Commons



Canada's Senate

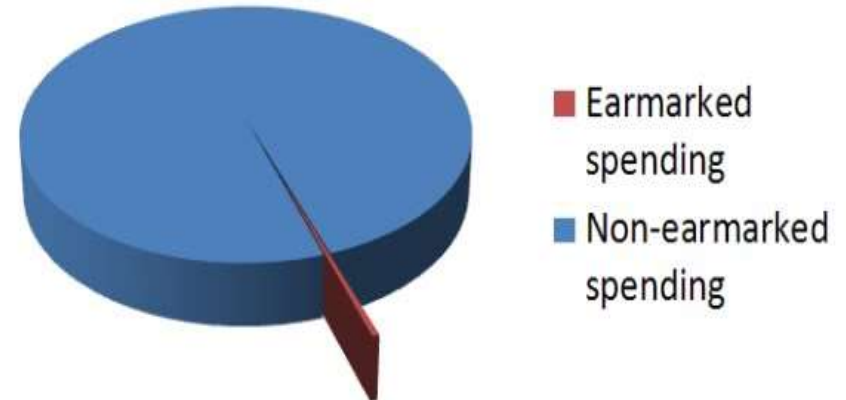
- Parliamentary system
  - system of gov't in which the chief executive is the leader of the party that holds the most seats in legislature or whose party forms a major part of a ruling coalition

# Earmarks

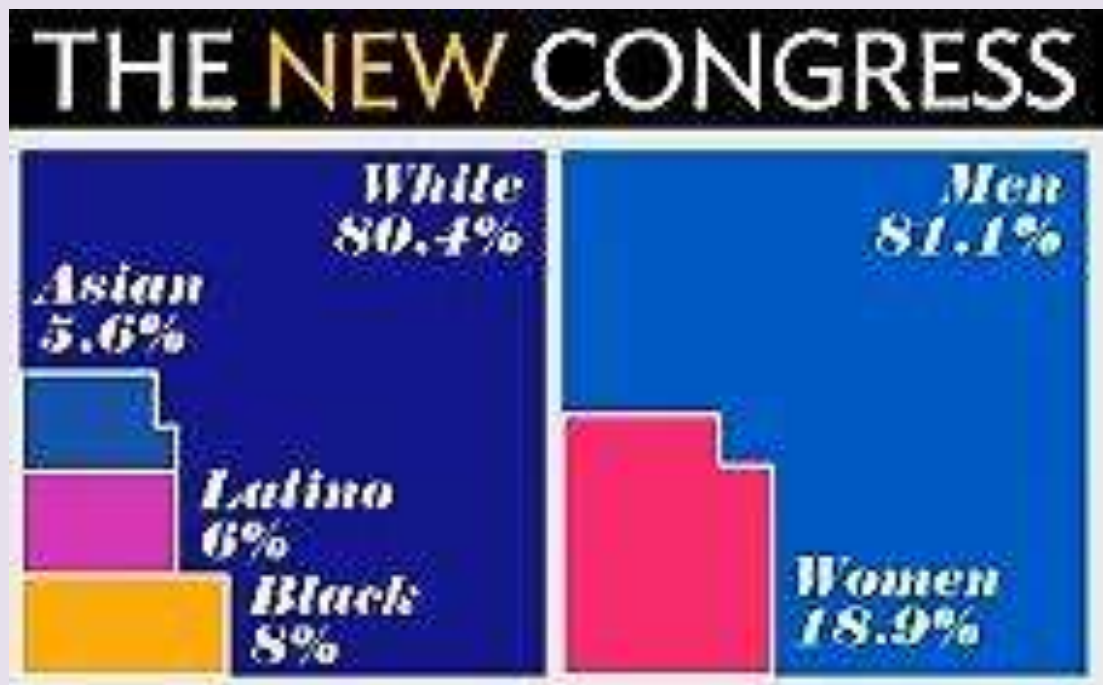
- Earmarks
  - Federal funds appropriated by Congress for use on local projects
  - They are often added to appropriations bills
  - They are designed to help the representative whose district will benefit from the project



## 2010 Federal Budget



# Pluralist Model and Legislative Process



- Earmarks promote pluralism as interests of smaller groups get met
- Does the make-up of Congress reflect the country as a whole? (some represent urban, rural, high-earners, low-earners, etc.)
- In recent years there have been more women and people of different races elected to Congress, but these numbers lag behind the nation as a whole