

The background of the slide is a solid light blue. It is decorated with various abstract geometric shapes, including rectangles, squares, and L-shapes, in dark blue, white, and red. Some shapes are solid, while others are just outlines. A red L-shape is in the top right. A grey rectangle is on the left. A red square with '8th EDITION' is in the bottom center. A small logo is in the bottom right.

THE **LOGIC** OF **AMERICAN** **POLITICS**

Chapter 6: Congress

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8th
EDITION



Congress

- Evaluating Congress -

- What impressions of Congress have you gained from the media? Are your impressions generally positive or negative?
- Exploiting negative national image in “running against Washington”

Congress

- Evaluating Congress -

- Perception paradox: Local versus national media coverage
 - Local coverage: more coverage of local representative and events that benefit locally; take stories straight from members; VNR, columns by the member; rarely including opposing views
 - National Coverage: does not mention average member; focus on the institution (frequently negatively); tends to get statement from both parties

Congress

- Evaluating Congress -

- Press bias towards simple narrative: Congress much more complex with multiplicity of actors and complexity of legislative procedures and interests
- Press bias towards conflict / negativity

Congress

- Evaluating Congress -

- Lead to distortion by overemphasizing break downs of cooperation and neglecting the importance of successful negotiations
- Focus thus not process-oriented (substance of legislation and complexity of the Congress's operation) but on winners and losers

Congress

- Evaluating Congress -

- Moreover, Congress's difficulty in deciding on a budget, reforming health care, etc., reflects the absence of any public consensus on what should be done on these issues.

Congress

- Reminder: Congress in the Constitution -

- The basic structure of Congress is the product of the Great Compromise at the Constitutional Convention.

Congress

- Reminder: Congress in the Constitution -

- The Framers created a bicameral legislature with distinct features of each chamber being designed to resolve the conflict.
 - A House of Representatives, with seats allocated by population and members elected by the citizenry, and
 - A Senate composed of two members from each state chosen by the state legislature.

Congress

- Reminder: Congress in the Constitution -

- The institutional structure resolved the conflict of large versus small states.
 - Also solved the debate over the appropriate degree of popular influence on government.

Congress

- Reminder: Congress in the Constitution -

- A two-year term for the House was a compromise between the annual elections advocated by many delegates and the three-year term proposed by James Madison.
 - A short tenure would keep this chamber close to the people.

Congress

- Reminder: Congress in the Constitution -

- The Senate would be more insulated from transient shifts in the public mood by virtue of a longer term of six years (in addition to their selection by state legislatures until the 17th amendment in 1913).
 - Continuity: ensured by the requirement that only one-third of the Senate's membership stand for election every two years.

Congress

- Reminder: Powers of Congress -

- The Constitution established a truly national government by giving Congress broad power over crucial economic matters.
 - Article I, Section 8, sets out the enumerated powers of Congress
 - Necessary and proper clause
 - Revenue bills originate in the House, Senate has unrestricted right to amend them.

Congress

- Reminder: Powers of Congress -

- Congress was given significant authority in foreign affairs as well.
 - Declare war, raise and finance an army and navy, and call out the state militias.
 - Advice and consent.
 - Framers believed that the more “aristocratic” and insulated of the two houses would keep a steadier eye on the nation’s long-term interests.

Congress

- Electoral Qualifications -

- Qualifications for office also reflected the Framers' concept of the Senate as the more “mature” of the two chambers.
 - The minimum age for the House members was set at 25 years, whereas it was set at 30 years for the Senate.
 - House members were required to be citizens for at least seven years, whereas for senators it was nine years.

Congress

- Electoral Qualifications -

- Both were required to reside in the state they represented.
 - Representatives do not have to reside in the districts they serve, but in practice they almost always do.

Congress

- Electoral Qualifications -

- These are the only qualifications for office specified in the Constitution.
 - The property-holding and religious qualifications included in many state constitutions were explicitly rejected.
 - Also rejected a proposal to forbid a member's reelection to office after serving a term.

Congress

- Electoral System -

- Two choices made by the Framers of the Constitution have profoundly affected the electoral politics of Congress:
 - Members of Congress and presidents are elected separately.

Congress

- Electoral System -

- Members of Congress are elected from states and congressional districts by plurality vote—that is, whoever gets the most votes wins (NOT the same as receiving a majority of votes).
 - Some parliamentary systems use a proportional representation.

Congress

- Electoral System -

- After the first census in 1790, each state was allotted one House seat for every 33,000 inhabitants for a total of 105 seats.
- Membership was fixed at 435 in 1911.

Congress

- Electoral System -

- Size of each state's delegation may change after each decennial census as state/region populations shift.
- But each state draws the lines that divide its territory into the requisite number of districts.

Congress

- Redistricting and the Law -

- In 1964 the Supreme Court ruled in *Wesberry v. Sanders* that districts must have equal populations.

Congress

- Redistricting and the Law -

- In *Thornburg v. Gingles* (1986) the Court ruled that district lines may not dilute minority representation, but neither may they be drawn with race as the predominant consideration => issue of majority-minority districts
- Within these limits states can draw districts pretty much as they please.

Congress

- Redistricting and the Law -

- If one party controls the legislature and the governorship, it may attempt to draw lines to favor its own candidates.
 - This is called gerrymandering.
 - The constitutionality of this practice has been challenged in court, but without great success.

Congress

- Redistricting and the Law -

- In *Davis v. Bandemer* (1986), the Court held that a gerrymander would be unconstitutional if it were too unfair to one of the parties.
 - As yet no districting scheme has run afoul of this vague standard.

Congress

- Unequal Representation in the Senate -

- The 50 Senate constituencies—entire states—may not change boundaries with each census, though they vary greatly in size of population.
 - Sen. Feinstein of CA—37 million people.
 - Sen. Enzi of WY—564,000 people.

Congress

- Unequal Representation in the Senate -

- Average U.S. House member represents 714,000 people.
- Nine largest states are home to 51 percent of total U.S. population.
- Leads to unequal representation. Does this matter?

Congress

- Electoral Politics -

- The modern Congress is organized to serve the goals of its members.
 - Primary goal: Keep their jobs!
 - Thus a career in Congress depends on getting elected and reelected again and again.
 - Therefore, electoral imperatives shape all important aspects of congressional life.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Nineteenth and first half of the twentieth century dominance of party-centered electoral politics
- Post–World War II era of Democratic majorities in Congress coincided with the emergence of a candidate-centered pattern of electoral politics.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Similarly the Republican takeover of Congress in 1994 coincided with some resurgence of party-centered electoral politics.
- Neither was accidental.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Party-Centered Electoral Politics:
- Ultimately parties in charge.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Nominations: Parties controlled who was nominated.
- Political Organization: Parties monopolized political organization through a system of precinct and block captains held together with the rewards of patronage.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Mass Media: And parties controlled the flow of information to the voter through daily and weekly newspapers with clear party affiliation.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Results: The old system was truly party centered. Parties chose the candidates, determined the issues, disseminated the information, and organized and ran the campaigns.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Candidate: To be successful a candidate had to bend his will to that of the party—typically serving a long apprenticeship, working one's way up in the party apparatus.

Congress

- Candidate-Centered vs.

Party-Centered Elections -

- Shift from party-based to candidate-based campaigns since the 1968 Democratic National Convention

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Candidate-centered politics:
 - An encouragement of electoral politics in which candidates operated largely as independent political entrepreneurs (favored by Democrats throughout the second half of the 20th century).

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Ultimately candidates in charge.
- Nominations: We see a party that has lost its power to control who is nominated to primary election voters.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Political Organization: We see a party whose monopoly of political organization has been destroyed by the rise of countless special interest groups and mass media.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Mass Media: We see a party whose control of the media has vanished under a blizzard of competition. We see voters who get most of their information from the electronic mass media in 8-second sound bites on the network news and in 30-second spot commercials during campaigns.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Results:
- Today parties appear to be at the mercy of candidates rather than candidates being at the mercy of parties.
- The candidate's views are what counts, and they may change from day to day in response to the perceived needs of the campaign.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Modern campaigns are candidate centered, and each candidate must rely on her own resources.
 - Assemble organization
 - Craft platform
 - Produce media
 - Raise money
 - Hires experts

Congress

- Candidate-Centered vs.

Party-Centered Elections -

- Candidate: To be successful today, a candidate must have the abilities and demeanor of a game-show host, and he or she must either be wealthy or be on very good terms with those who are.

Congress

- Candidate-Centered vs. Party-Centered Elections -

- The root causes of this critical shift are technological change and reform politics, particularly the Progressive Movement of the early twentieth century.
 - But also some return to a kind of party-centered politics in the 1990s:

Congress

- Candidate-Centered vs. Party-Centered Elections -

- An encouragement of electoral politics where the candidates run more as a party team, emphasizing national issues and a common program of action (Republicans liked this because under the other model they did not win often).

Congress

- Candidate-Centered vs. Party-Centered Elections -

- During the long period of Democratic majorities, members of both parties won election to Congress and stayed there due to their own efforts.
 - “Recruited themselves”
 - Organized their own campaigns
 - Raised their own money
 - Party organizations and PACs

Congress

- Candidate-Centered vs. Party-Centered Elections -

- Ran under party label but campaigns were personal and centered on local interests and values
- Local component not always dominant
 - Party-line voting during much of the nineteenth century
 - When parties weakened: ticket-splitting (voting for candidates of different parties for different offices)

Congress

- The Advantages of Incumbency -

- The decline in party loyalty among voters offered incumbents a chance to win votes that once would have gone routinely to the other party's candidate.
 - When they realized their advantage, they sought to increase it by voting to give themselves greater resources for servicing their districts.

Congress

- The Advantages of Incumbency -

- More money for staff, travel, local offices, and communications.
 - Constituent services; e.g. mix-up with Veteran's benefits, change your PoliSci course grade (!), etc.

Congress

- The Advantages of Incumbency -

- Important question: if incumbency is so advantageous and if members of Congress win reelection so consistently, usually by comfortable margins...
 - Why do electoral worries do so much to shape congressional life?

Congress

- The Advantages of Incumbency -

- Answer: The incumbency advantage does not accrue automatically; it stems from diligent use of the many resources that come with holding office.

Congress

- The Advantages of Incumbency -

- Despite engaging the same constituency-building activities, Senators are three times more likely to lose their seats than House incumbents (reelection “only” 79% since 1946) and win by much narrower margins.
 - Why?

Congress

- The Advantages of Incumbency -

- States more populous and diverse than congressional districts—most senators unable to develop the personal ties to constituents that House members do.
- States more than districts have balanced party competition.

Congress

- The Advantages of Incumbency -

- Senate races attract more experienced, politically talented, well-financed challengers.

Congress

- The Advantages of Incumbency -

- States have media markets that make it easier for challengers to get their message out.
- Senators more readily associated with controversial and divisive issues.

Congress

- Representation vs. Responsibility -

- Different electoral processes produce different forms of representation:
 - Party-centered—here legislators represent citizens by carrying out the policies promised by the party and are held responsible for their party's performance in governing.
 - They work to ensure the success of the party in government.

Congress

- Representation vs.

Responsibility -

- Candidate-centered—here there is more incentive to be individually responsive rather than collectively responsible.

Congress

- Representation vs. Responsibility -

- Electoral logic induces members to promote narrowly targeted programs, projects, or tax breaks for constituents without worrying about the impacts of such measures on spending or revenues.
 - Pork barrel legislation

- # Congress
- **Representation vs. Responsibility** -
 - Gratitude is seen at election time
 - » Logrolling (members of Congress agree to reciprocally support each other's vote-gaining projects or tax breaks) can lead to prisoner's dilemma situation

Congress

- Representation vs. Responsibility -

- Electoral incentives make legislators hesitant to impose direct costs on identifiable groups in order to produce greater but more diffuse benefits to all citizens (e.g., pollution regulation, free trade => costs concentrated, benefits diffused).

Congress

- Representation vs. Responsibility -

- At times congressional majorities have been able to solve this dilemma by
 - Delegating authority to the bureaucratic agencies or state governments

Congress

- Representation vs. Responsibility -

- Framing their choice in a way that highlights credit for the general benefits while minimizing individual responsibility for the specific costs
- More broadly, the trick is to make the electoral payoffs from disregarding special interests to benefit a broader public outweigh the costs (and maybe to buy off most vocal potential opponents)

Congress

- Legislative Organization -

- Basic problem: To exercise the powers conferred on them by the Constitution, the House and Senate had to solve some basic problems:
 - how to acquire information,
 - how to coordinate action,
 - how to resolve conflicts, and
 - how to get members to work for common as well as personal goals.

Congress

- Legislative Organization -

- Coordination problem: Coordination (trying to act in concert) becomes more difficult (and necessary) the greater the group's workload and the more elaborate its division of labor.

Congress

- Legislative Organization -

- Congress has used its party leaders to act as the “traffic cops” giving them power to manage the business of legislating and control over the agenda
- Members thus sacrifice a measure of their autonomy for gains in efficiency that come from delegating agenda control to party leaders.

Congress

- Legislative Organization -

- Resolving conflict: Legislation is not passed until the majorities in both houses agree to its passage.
- Agreeing requires successful politicking: getting people who are pursuing divergent, even conflicting ends to take a common course of action.

Congress

- Legislative Organization -

- Many of Congress's rules, customs, and procedures are aimed at resolving or deflecting conflicts so it can get on with the business of legislating.
 - Addressing all remarks to the Speaker (less confrontational)

Congress

- Legislative Organization -

- Delegate task of building legislative coalitions to party leaders
- Parties themselves are ready-made coalitions;
Resolves many conflicts in advance
 - But, of course, high conformity costs for the individual members!

Congress

- Legislative Organization -

- Collective action problem: what members do to pursue individual goals may undermine the reputation of their party or of Congress as a whole.

Congress

- Legislative Organization -

- The tension between individual and collective political welfare—the standard prisoner’s dilemma—pervades congressional life.

Congress

- Legislative Organization -

- The committee system, however, gives members individual incentives to work for collectively beneficial ends. How?
 - Members who contribute to Congress's performance by becoming well informed about issues in their subcommittee's jurisdiction are rewarded with preeminent influence over policy in that area.

Congress

- Legislative Organization -

- In trying to meet its many challenges, Congress must cope with another pressing problem: high transaction costs.
 - The price of doing politics
- Congress has organized itself to reduce those costs that can be reduced => keep time pressures in mind, too!

Congress

- Legislative Organization -

- One way is the use of fixed rules to automate decisions:
 - Seniority rule
 - Follow precedent

Congress

- Legislative Organization -

- Also: House is larger and thus experiences organizational problems more acutely than the Senate.
 - Must solve coordination problems by following stricter rules of procedure and tolerate greater control by leaders

Congress

- Legislative Organization -

- The two most crucial institutional structures created to exercise Congress's constitutional powers are:
 - The parties
 - The committee system
- Without them it would be difficult to overcome the barriers to effective collective action.

Congress

- Party Organization -

- The majority party in the House is led by the Speaker of the House, whose chief assistants are the majority leader and the majority whip.
- The minority party has a minority leader and party whips to lead them.

Congress

- Party Organization -

- Party members give House party leaders resources for inducing members to cooperate when they are tempted to go their own way as free riders.

Congress

- Party Organization -

- These resources take the form of favors they may grant or withhold (committee assignments, direction of the legislative agenda, help with election campaign, particularly fundraising).

Congress

- Party Organization -

- House party leaders are members' agents, however, not their bosses.
 - Members choose the style of leadership they believe will best serve their goals.
 - Party leaders are elected at the beginning of every Congress, and are thoroughly, if informally, screened.
 - These leaders used to be the experts on procedure and coalition builders, but today the leadership is more policy and ideologically focused.

Congress

- Party Organization -

- For the minority party in the House, legislative leadership is less important because the party's legislative role is modest.
- When the party balance is very close, minority leaders can sometimes influence legislation by forming alliances with more moderate members of the majority party. Rare in recent Congresses.

Congress

- Party Organization -

- When it is not, minority leaders have two options:
 - Cooperate with the majority, exert some influence, and get little credit
 - Oppose and attack and position party for future elections

Congress

- Party Organization -

- Senators have never delegated as much authority to their leaders as have representatives.
- The norm of equality (ambassadors from their states to the national government) led them to retain wider freedoms of individual action.

Congress

- Party Organization -

- Under the Constitution, the vice president is the presiding officer of the Senate.
 - The designated president pro tempore presides when the vice president is absent.
 - Neither office is a real leadership role in the Senate.

Congress

- Party Organization -

- It was not until the nineteenth century that senators delegated some authority to party leaders. The positions of majority leader and minority leader were not formalized until 1913.
- Power and influence exerted by Senate leaders depended largely on their political skills and the extent of intraparty divisions.

Congress

- Party Organization -

- Party leadership in the Senate is more collegial and less formal than in the House.
- The minority party has greater influence in the Senate because so much of that body's business is conducted under unanimous consent agreements negotiated by party leaders.
 - These agreements, which can be killed by a single objection, might govern the order in which bills are considered and the length of debate allotted to them.

Congress

- Committee System: Evolution -

- The first Congresses delegated authority to committees sparingly.
- Instead, to do their work the first Congresses would turn into a Committee of the Whole.
 - Here the entire body would act as a committee with more flexible rules.
 - They would frame a piece of legislation, elect a temporary committee to draft the bill, then debate and amend the bill line by line

Congress

- Committee System: Evolution -

- After that they would rise as the House and vote on the bill.
- This was a very cumbersome process.

Congress

- Committee System: Evolution -

- For this reason by 1809 the House created ten permanent committees to which it delegated more work. By 1825, 28 were in place.

Congress

- Committee System: Evolution -

- Transaction costs were further reduced by having committees appointed by the Speaker rather than elected.

Congress

- Committee System: Evolution -

- As the Speaker emerged as leader of the majority party, appointments to committees became partisan with the best positions becoming rewards for party loyalty and bargaining chips for those pursuing the office of Speaker.

Congress

- Committee System: Evolution -

- The Senate was slower to set up permanent committees. But despite their small numbers and lighter workload, senators eventually turned to standing committees.
 - Twelve were established in 1816. By 1841 there were 22.

Congress

- Committee System: Evolution -

- In the Senate, the seniority rule became the criterion for selecting committee chairs.
 - the office was rewarded to the majority party member with the longest tenure in the committee.
 - This avoided intra-party squabbles and kept power out of the hands of party leaders.

Congress

- Committee System: Types of Committees -

- The standing committees of the House and Senate—those that exist from one Congress to the next unless disbanded—embody Congress's division of legislative labor.
 - They have fixed jurisdictions and stable memberships, which facilitates specialization.

Congress

- Committee System: Types of Committees -

- A member in good standing cannot be forced off a standing committee unless his or her party suffers large electoral losses; party ratio determines the partisan makeup of committees.

Congress

- Committee System: Types of Committees -

- Members, however, can leave committees—generally for a position on a committee considered more important and influential such as the money committees (e.g., Ways & Means).

Congress

- Committee System: Types of Committees -

- Least desirable committee assignment: any dealing with the internal administration of Congress—particularly members' ethics.

Congress

- Committee System: Types of Committees -

- Most committees are divided into subcommittees.
 - Many have fixed jurisdictions and stable memberships as well.
 - Encourage specialization and reward members who develop expertise with special influence over their own small pieces of legislative turf.
 - Have staffs of experts to help them.
- Congress also forms special, select, joint, ad hoc, and conference committees.

Congress

- Committee System: Types of Committees -

- In theory most special and select committees are appointed to deal with a specific problem and then disappear.
- Joint committees are permanent committees composed of members from both chambers; the leadership positions rotate between the chambers at the beginning of each Congress.

Congress

- Committee System: Types of Committees -

- Examples: Library (oversees the Library of Congress), Printing (oversees the Government Printing Office)
 - These committees gather information and oversee the executive but do not report legislation.

Congress

- Committee System:

Jurisdiction -

- In the House, does international trade policy fall within the jurisdiction of the Commerce Committee or International Relations Committee?
 - Committees and subcommittees compete for jurisdiction over important policy areas.

Congress

- Committee System:

Jurisdiction -

- Multiple referrals—sending bills, in whole or piece by piece, to several committees at the same time or in a sequence.
 - Used to cope with problem of multiple jurisdictions

Congress

- Committee System:

Jurisdiction -

- For example, a banking reform bill introduced in the House might first go to Banking, Finance, and Urban Affairs, then to Energy and Commerce, then to Agriculture, then to Judiciary, and finally to Ways and Means.
- In recent congresses, about 20 percent of all bills and 34 percent of major bills have been subject to multiple referrals.

Congress

- Passing Legislation -

- Draft Proposal: Only members may submit legislation to the House or Senate.

Congress

- Passing Legislation -

- Proponents of bills often try to line up cosponsors both to build support (by sharing credit) and to display it (increasing the chances for legislative action).

Congress

- Passing Legislation -

- The parties and the president (with the cooperation of congressional friends) also use legislative proposals to stake out political positions / make political statements.

Congress

- Passing Legislation -

- Bias Against Action:
 - Easier to kill a bill than to pass one.
 - Passage requires a sustained sequence of victories while opponents need only win once
 - The process imposes high transaction costs, conferring a strong bias in favor of the status quo.

Congress

- Passing Legislation -

- Assignment to Committee: After a bill is introduced, it is assigned a number and referred to a committee, HR in the House and S in the Senate.

Congress

- Passing Legislation -

- Once a bill has been referred by the Speaker to a committee (complex bills often get referred to several committees), the most common thing that happens next is NOTHING.
 - Most bills die of neglect.

Congress

- Passing Legislation -

- If a committee decides on further action, the bill may be taken up directly by the full committee, but more commonly it is referred to the appropriate subcommittee.

Congress

- Passing Legislation -

- Hearings: Once the subcommittee decides to act, it (or the full committee) may hold hearings, inviting interested people to testify in person or in writing about the issue at stake and proposals to deal with it.

Congress

- Passing Legislation -

- Hearings also provide a formal occasion for Congress to monitor the administration of the laws and programs it enacts.
 - Heaviest duty falls on the Appropriations subcommittees in the House.
 - Government agencies have to justify their budget requests to these panels every year.

Congress

- Passing Legislation -

- Reporting a bill: If the subcommittee decides to act on a bill, it marks it up—drafts it line by line—and reports it to the full committee.
- The full committee then accepts, rejects, or amends the bill (usually in deference to the subcommittee).

Congress

- Passing Legislation -

- If accepted, it is reported out of committee. The written report that accompanies it is the most important source of information on legislation for members of Congress not on the committee as well as other people interested in the legislation.

Congress

- Passing Legislation -

- These reports summarize the bill's purposes, major provisions, and changes from existing law.
 - Arguments for and against the law.

Congress

- Passing Legislation -

- Scheduling debate: When a committee agrees to report a bill to the floor, the bill is put on the House or Senate calendar.
 - In the House controversial or important bills are placed on the Union Calendar (money bills) or the House Calendar (other public bills).
 - Noncontroversial bills go on the Consent Calendar (public bills) or Private Calendar (bills concerning individuals).

Congress

- Passing Legislation -

- Then the bill goes to the Rules Committee to receive a resolution that specifies when and how long a bill will be debated and under what procedures.
 - The Rules Committee may require some revision of the legislation before allowing it to proceed.
 - Rule: a resolution that specifies when and how long a bill will be debated and under what procedures.

Congress

- Passing Legislation -

- Open, restricted, and closed rules.
- Once the Rules Committee grants a rule, it must be adopted by a majority on the House floor.

Congress

- Passing Legislation -

- Exemption: Discharge petitions
 - Brings a bill directly to the floor without committee approval when signed by a majority of House members (218)
 - Rare success; since 1967 only 12 such petitions have received the votes needed.

Congress

- Passing Legislation -

- The Senate does not have a Rules Committee.
- Thus, the leaders of both parties routinely negotiate unanimous consent agreements (UCAs) to arrange for the orderly consideration of legislation.
 - UCAs are similar to rules in that they
 - limit time for debate,
 - determine which amendments are allowable,
 - and provide waivers of Senate rules.
- In the absence of a UCA, anything goes.

Congress

- Passing Legislation -

- There is no limit on how long senators can talk or how many amendments they can offer.

Congress

- Passing Legislation -

- Individuals or small groups can even filibuster.
 - Here they hold the floor making endless speeches so that no action can be taken on a bill or anything else. These are difficult to break.

Congress

- Passing Legislation -

- The Senate requires 3/5s of the Senate (60 votes) to invoke cloture, which allows an additional 30 hours of debate on a bill before a vote is finally taken.
 - Even the threat of a filibuster can be a potent tool.
 - More routine today.

Congress

- Passing Legislation: Debate and Amendment -

- In the House the time for debate is divided equally between the proponents and opponents of a bill.
- Each side's time is controlled by a floor manager.

Congress

- Passing Legislation: Debate and Amendment -

- If amendments to a bill are allowed under the rule, they must be germane (pertinent) to the bill.
 - Riders (extraneous matters) are not allowed.

Congress

- Passing Legislation: Debate and Amendment -

- Floor debates do not change many minds because politicians are rarely swayed by words.
 - These activities are for the public. Why?

Congress

- Passing Legislation: Debate and Amendment -

- In the Senate, floor action does more to shape legislation. And bills can change on the Senate floor more than they can in the House.
 - Here amendments need not be germane.

Congress

- Passing Legislation: The Vote -

- The fate of legislation is decided by a series of votes rather than a single one.
- The process is complex, as strategic members attempt to introduce “killer” amendments or move to recommit before the final vote.

Congress

- Passing Legislation: The Vote -

- Members have reason to listen to anyone who can supply them with essential information:
 - political information about how constituents and other supports will view their actions and technical information about what the legislation will do.

Congress

- Passing Legislation: The Vote -

- Constituents, trusted colleagues, party leaders, even the president may influence a member's vote.
- In the House unrecorded voice votes may be cast, but at the request of at least twenty members a recorded roll-call vote is taken.

Congress

- Passing Legislation: In Conference -

- Once passed, a bill is sent to the other chamber for consideration (if some version has not already been passed there).
- Often, the chambers pass differing versions of a bill.
- Sometimes one chamber will drop its own and accept the other chamber's version.

Congress

- Passing Legislation: In Conference -

- But if neither chamber is willing, then reconciliation of these differing bills is the job of the conference committee.
 - Each chamber appoints a conference delegation that includes members of both parties, usually from among the standing committee members most actively involved for and against the legislation.

Congress

- Passing Legislation: In Conference -

- The size of the delegation depends on the complexity of the legislation.
- They are supposed to reconcile differences in the two versions of the bill without adding or subtracting from the legislation. In practice they sometimes do both.

Congress

- Passing Legislation: In Conference -

- Once conferees reach agreement on a bill, they report the details to each chamber.
- If both chambers approve the report, the bill is sent to the president.

Congress

- Passing Legislation: In Conference -

- Sometimes one or more chambers balks and sends the conferees back to work.
- If differences cannot be reconciled the bill dies. This outcome is unusual, however. If the bill gets that far, it is likely to have enough support to make it through.

Congress

- Passing Legislation: To the President -

- Upon receiving a bill from Congress, the president has the choice of signing the bill into law; ignoring the bill, with the result that it becomes law in ten days (not counting Sundays); or vetoing the bill.

Congress

- Passing Legislation: To the President -

- If Congress adjourns before the ten days are up, the bill fails (“pocket veto”).
- When presidents veto a bill, they usually send a message to Congress, and therefore to all Americans, that explains why they took such action.

Congress

- Passing Legislation: To the President -

- Veto override requires a two-thirds vote in each chamber rarely occurs.
- Even the threat of a veto is enough to motivate Congress to abandon a particular bill.