



NAGPS

# PRIMER ON THE STRUCTURE AND PROCESS OF CONGRESS

Congress members have two primary responsibilities: to pass legislation and oversee federal agencies, and to represent their constituents. Both of these responsibilities must be considered when meeting with members of congress. Lawmakers are continually asking themselves how legislation will affect their constituents and what their constituents' primary needs are. These concerns are of primary importance - as they should be in a representative democracy. The need to respect the wishes of constituents is a greater issue than that of merely winning a re-election; it is the duty of all elected officials.

Containing information on the nature of the congressional chambers, how committees operate and are organized, how legislation is passed, and more, they should provide you with useful information that you will need to know in order to effectively advocate with members of Congress.

## CONGRESSIONAL CHAMBERS

### *The House of Representatives*

The House is said to “live and die by procedure.” The House Rules (of which there are many) dictate how the House operates, including who chairs committees, how bills pass through committees, how and when they come to the floor, and what is necessary to pass them. The House Committee on Rules controls these rules, and the majority party controls the Rules Committee. Therefore, in the House, “the majority rules.” Whichever party controls the House controls a significant amount of what happens. Because the House has so many members, filibustering isn't allowed. That means that individual members have relatively little power, when compared to political parties.

In addition to having the joint responsibility of passing legislation with the Senate, the House has the power to initiate revenue bills (though this is not enforced today), to begin impeachment procedures (to act as the “prosecutor”) and to elect the President in the case of a tie in the electoral college.

The House is led by the Speaker, the next in line after the Vice President in a succession. Each party is allowed to submit nominations for the Speaker, which is selected by an internal election, and is almost always the Majority Leader. Since a simple majority is all that is needed to win, in effect, the Speaker of the House is virtually guaranteed to be the Majority Leader. This once again demonstrates the influence that the majority party has in the House. The Speaker is the floor leader and is responsible for directing floor proceedings, maintaining order, making rulings on House procedures, and opening the floor to members. The Minority Leader is the Majority Leader's counterpart and is responsible for negotiating with the majority party, forming coalitions, and directing minority priorities and activities.

Recognized as the second-in-command to Leaders, whips are elected officials within each party that help to enforce party discipline. They often work behind the scenes to gather information, conduct "whip counts" (informal votes to gauge support on legislation), and ensure members are both attending voting sessions and voting as expected.

#### Quick Reference Notes:

- "Procedure and Majority Rules"
- Two year terms elected by their districts, so very territorial in regards to that district
- Number of reps per state based on population as determined by decennial census

## ***The Senate***

In contrast, the Senate is defined by its individualism and independence, and negotiation and persuasion is key. Each senator is considered equal, and they all have the same level of power and respect - any senator can filibuster and change the course of legislation. There is no majority rule in the Senate, and Senate rules are not very restrictive, nor are they often enforced.

The Senate also has distinct powers. While the House can initiate impeachment, the Senate actually conducts impeachment trials ("judge and jury"). Additionally, the Senate is responsible for approving both treaties and Presidential nominations.

The Senate is technically led by The President of the Senate, who is also the Vice President of the United States. However, they rarely do so, and thus the Senate is usually led by the President Pro Tempore (hence "Mr. President"). The President Pro Tempore also happens to be the Majority Leader, which is usually determined by whomever has the longest length of service. However, this position is officially an elected one, as is the Minority Leader. The whip system in the House also exists in the Senate.

#### Quick Reference Notes:

- Autonomous and Independent
- Six year terms elected by their states, so tend to be less territorial
- Only two senators per state

# COMMITTEES

The bulk of congressional work happens in committees, each tasked with specific issues and subdivided into subcommittees. Committees are responsible for drafting and amending legislation, overseeing government agencies, conducting investigations, and creating budgets. In fact, generally, only minor changes occur once an item leaves a committee and is presented on the chamber floor.

A committee can be either a standing (or permanent) committee or a “select” committee, that which exists only temporarily (though it can be reestablished each congressional session, effectively operating as a permanent committee).



## *Authorizing and Appropriating Committees*

Committees can also be categorized into an “authorizing” or “appropriating” committee.

- Authorizing Committee: Creates and oversees appropriate federal agencies, sets policies and regulations.

- Appropriating Committee: Authorizes the funding of the programs approved by the authorizing committees and determines how programs can spend their allocated funds. These committees focus on discretionary spending, which fluctuates from year to year (as opposed to mandatory spending overseen by the Senate Finance Committee and the House Ways and Means Committee).

This distinction is significant as a program must be both regulated (“authorized”) and funded (“appropriated”). Therefore, both committees must independently approve programs, which sometimes does not happen, resulting in unfunded authorizations and unauthorized appropriations. Additionally, by directing funding allocation within each program, appropriations committees effectively (though unofficially) create policy. Appropriations committees are distinct from the Budget Committees which are responsible for establishing resolutions that govern large-scale government spending.

### ***Committee Assignments and Leadership***

The number of committees that each member can serve on is dependent upon chamber and party rules. Some committees are exclusionary in that they limit members from serving on other committees (e.g. House Ways and Means Committee, House Appropriations). Actual assignments are made by the party; committee chairs are always a member of the majority party, and they lead in conjunction with the Ranking Minority Member.

## **THE LEGISLATIVE PROCESS**

The legislative process is one that few bills survive - only about 4% per year. For one to be signed into law, it must pass through a rigorous process designed to ensure that no bad laws are enacted.

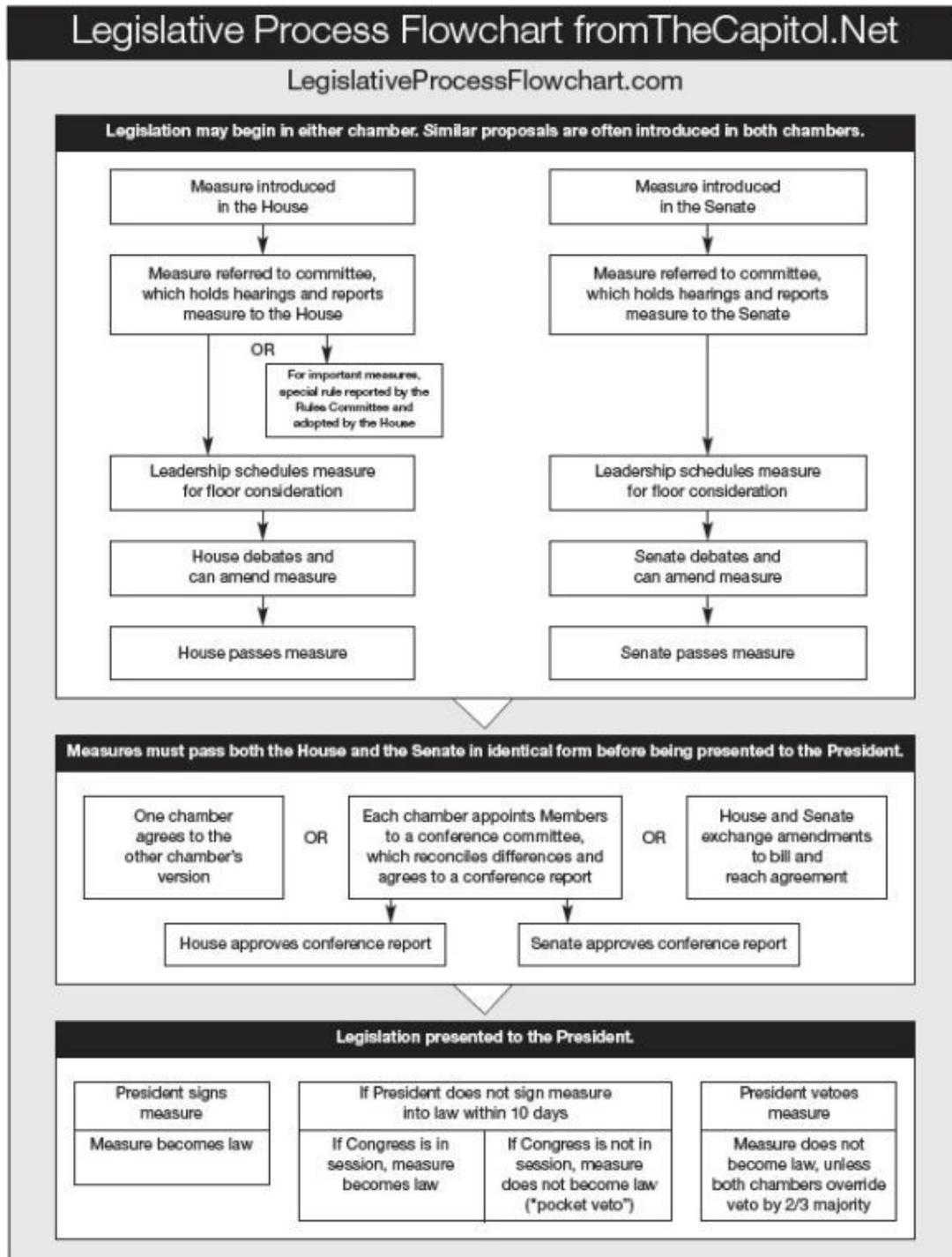
Each bill, known as a resolution, is introduced by submitting a paper version of it in a box (known as the “Hopper”) on each chamber’s floor. It is reviewed and then given to the committee whose responsibilities align most closely with the resolution (and is often further redirected to a subcommittee). Committees then hold “mark-up” sessions where members propose amendments to the bill that would be considered by the full chamber floor, if the bill makes it that far. However, most bills never make it out of committee. If it does, it is usually accompanied by a “report” that expands on the language in the bill and which are generally followed.

Assuming legislation is passed in committee, how and when it becomes debated on the chamber floor is regulated by each chamber’s rules committee. These rules can dictate the time allowed for debate, the number of amendments each bill can have, and more. The House rules are more restrictive and more often enforced than the Senate rules, and because the majority party controls the House rules, they can have a great deal of control over how and when a bill makes it to the floor. The bill will be debated before it is voted upon.

A resolution must pass in identical forms in both chambers. Often, when one chamber is addressing a bill, the other chamber is addressing their version of it, and the two versions must ultimately be

reconciled. If needed, a joint conference committee is formed, and the resulting legislation must be passed by each chamber without amending.

A bill that survives both chambers is then presented to the President who then has the option to sign it into law, veto it, sending it back to Congress who can override the veto (given enough votes from each chamber), or he can do a “pocket veto,” by refusing to sign it within ten days, which cannot be overridden.



## **OTHER CONGRESSIONAL ORGANIZATIONS**

### ***Caucuses, Coalitions, Conferences, and Partisan Committees***

Congress is not only organized into two chambers and two political parties, though these do comprise the formal structure and process of Congress. Additionally, Congress operates informally through several other groups based on a variety of characteristics, including but not limited to political party, geography, areas of expertise, race, background, ethnicity, gender, as well as other issues. Taking the form of caucuses, coalitions, conferences, or partisan committees, they are often working in the background to strategize on and explore legislation. As expected, these informal groups hold less power in the Senate than they do in the House.

### ***Congressional Staff***

Called the “unelected lawmakers,” Congressional staff are a vital component to the law-making process. Involved in nearly every component, from negotiating terms and meeting with lobbyists to drafting agendas, reports, and legislation, their importance cannot be understated. Many meetings with a congressional office actually take place with the staffer, and these meetings are no less significant for that fact. They are trusted arms of the Congress member and should be treated as such.

There are two types of congressional staff. The first type is member staff, those who work directly with elected officials to achieve their goals. This includes drafting legislation, meeting with constituents, and strategizing long-term plans. In the House, the number of staffers for each office is the same, each with the same salary allowance. Members of the Senate have a number of staffers proportional to their state’s population. The second type is committee staff, those who work specifically on a single committee’s work - scheduling hearings, issuing press releases, managing documents and schedules, and more.

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