

HOW CONGRESS REALLY WORKS (AND FREQUENTLY DOESN'T WORK)

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IN AN IDEAL WORLD....

- ◉ Mr. Smith Goes to Washington

IN THE REAL WORLD

- ◉ Originally each member of the House of Representatives was expected to represent 30,000 people. Today, each member of Congress represents about 713,000 people. The boundaries of states and the number of senators remains unchanged.
- ◉ Largest States CA (53), TX (36), FL (27), NY (27)
- ◉ Smallest States AK, DE, MT, ND, SD, VT, WY
- ◉ [Table of population distribution](#)

CONGRESSIONAL LANDSCAPE 2013

◉ House of Representatives

- Republicans Majority 232
- Democrats 200
- 3 Vacant Seats
- Speaker John Boehner (R-IL)
- Minority Leader Nancy Pelosi (D-CA)

◉ United States Senate

- Democratic Majority 53
- Republicans 45
- 2 Independents
- Majority Leader Harry Reid (D-NV)
- Minority Leader Mitch McConnell (R-KY)

WHAT IS AN INSTITUTION?

- What do we mean when we say that the House and Senate are institutions?
 - Regularized guidelines for membership
 - Procedures that govern all members
 - Reaffirmed at regular intervals
 - Standing rules based on precedent
 - Sub-level structures (e.g. committees)
 - Public product (roll call votes, policy output)
- Do institutions evolve as a result of internal decisions, or exogenous events, or a combination of both?

EVOLUTION OF HOUSE AND SENATE

- ◉ Development of Internal Rules
- ◉ House
 - Majority Party Structure
 - Strong Speaker
 - House Rules Committee
- ◉ Senate
 - Individualistic
 - Filibuster
 - Rule XXII (Cloture)

STRUCTURE OF THE HOUSE OF REPRESENTATIVES

◉ The Size Principle

- House started with 65 members, by 1820 it grew to 213, by 1880 it was 332, and in 1910 it reached 435. The size of the House was capped at 435 by legislation in 1929.

◉ How did the House function 1789 -1860?

- Early informal coalitions
- Committee centered power
- Parties with internal factions and shifting platforms

STRUCTURE OF THE HOUSE OF REPRESENTATIVES

- ⊙ Post Civil War House - Internal Environment
- ⊙ Increased use of dilatory motions
 - Prolonged speeches
 - Asking for repeated roll call votes
 - Being present but refusing to vote
 - Noting the absence of a quorum (asking for a quorum call)
- ⊙ Post Civil War - External Environment
 - Entrenchment of geographic/partisan lines
 - Rise of local and state political party machines
 - Increase in scope of federal government
 - Increase in the number of economic interests and corporate lobbying

KEY PERIODS OF CHANGE IN THE HOUSE OF REPRESENTATIVES

⊙ 1889-1894

- Adoption of Reed's Rules (Speaker Thomas Reed R-ME)

⊙ What did Reed's Rules do?

⊙ Harnessed Majority Party Power

- Limited Opportunity for Dilatory Tactics by redefining quorum to include nonvoting members
- Reinforced Power of Moving the Previous Question which was first used to end debate as early as 1811 but not used effectively again until the mid-1870's.
- Took over House Rules Committee and Steering Committee

KEY PERIODS OF CHANGE IN THE HOUSE OF REPRESENTATIVES

◎ 1911

◎ Overthrow of “Czar” Joe Cannon

- Overuse of Speaker’s powers in controlling committee assignments and legislative agenda
- External divisions in the Republican Party influenced internal House deliberations
- With the ouster of Joe Cannon, the House became a decentralized environment with power shifting from party leaders to committee chairs because of the seniority process.
- Decentralization of power maintained by Democratic electoral dominance in the South.

STABILITY AND CHANGE IN HOUSE GOVERNANCE

- ◉ 1934-1973 Dominance of conservative Democrats in House and Senate. Committee centered power maintained control over legislative agenda
- ◉ 1948-1964 Civil Rights begins to divide the Democratic Party; more liberal members are elected from northern states in both the Democratic and Republican Parties.
- ◉ 1965-1973 Vietnam, Watergate create environment of distrust of government. Large classes of new members are elected in 1972, and again in 1974.
- ◉ House adopts key changes to committee system and budget reform.

STABILITY AND CHANGE IN HOUSE GOVERNANCE

- ◉ 1980-1994
- ◉ Ronald Reagan elected President of the United States and conservative Republicans start to gain strength in the south. As the number of conservative Democrats start to diminish in the south, the Democratic Party becomes more liberal. Liberals give more power to party leaders over committee chairs. Moderates still control the Republican Party, but their influence begins to wane.

STABILITY AND CHANGE IN HOUSE GOVERNANCE

- ◉ 1994 Contract with America
 - Mass influx of conservative Republicans who win majority control of the House and Senate.
 - Changes in House rules
 - Term limits on committee chairs (6 years) and Speaker (8 years)
 - Speaker appoints committee chairs, has the right to ignore seniority rules
 - Speaker controls committee assignments
 - Reduced staff on subcommittees
- ◉ Overall a consolidation of power in the Speaker's office (party) rather than at the committee level

STABILITY AND CHANGE IN HOUSE GOVERNANCE

- ◉ 2006-2010
- ◉ Democrats win majority control of the House and Senate. In the House, new Speaker Pelosi retains term limits on committee chairs, and holds power to appoint chairs and bypass seniority. Maintains tight party control over legislative agenda.
- ◉ 2008 - House Democrats remove term limits on committee chairs. Under unified government, House passes parts of same party President Obama's agenda.
- ◉ 2010 - Republicans win back majority control of the House.
- ◉ 2012 - Republicans keep control of the House.

STRUCTURE OF THE U.S. SENATE

◉ The Size Principle

- Senate started with 26 members, by 1820 it grew to 46, by 1880 it was 76, in 1910 it reached 92, and in 1959 it reached its present size of 100.
- Equal representation among the states with two Senators per state - no redistricting

◉ How did the Senate function 1789 -1860?

- Later to develop committee structure
- No established party leaders
- Party Distribution

SENATE DEVELOPMENT

◉ 1889-1919

- Rule XIX (1a) dominates. States that "When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him."
- RULE XIX IS BASIS FOR INDIVIDUAL POWER IN THE SENATE
 - Basis for right to offer an amendment
 - Basis for right to object to consideration of a bill
 - Basis for a filibuster (extended speech)
- Senate does NOT adopt firm use of Moving the Previous Question

◉ Informal Majority Coalition

- Under predominantly Republican control, the Senate was led by Nelson Aldrich (R-RI) as a party leader who promoted corporate and trade friendly policies to help eastern economic interests
- After Aldrich, Henry Cabot Lodge (R-MA) becomes de facto leader of Republican majority in the Senate. Lodge dies in 1924 leaving a power vacuum.

SENATE DEVELOPMENT

- 1920 - First Party Leadership Position established. Main responsibilities are to coordinate Senate schedule and be the public voice of the party in the Senate.
 - Oscar Underwood (D-AL) formally chosen to act as the party leader of the Democrats who were in the minority.
- 1925
 - Charles Curtis (R-KS) formally elected to act as the party leader of the Republicans who were in the majority. He is the first official majority leader.

SENATE DEVELOPMENT

◎ 1937 - Formal First Right of Recognition of Majority Leader

- Presiding officer of the Senate (Vice President Garner) officially acknowledges Senate practice of recognizing senators in the order that they seek recognition, but that the majority leader would be first whenever he is on the floor. Over time this decision is reinforced by subsequent actions by the presiding officer, and by the mid-1960's it is well established.

- Public View of the Senate

◎ 1932 - 1954

- However, as seniority increases among senators, committee chairs become more powerful vis-à-vis party leaders (similar to the House). Creates separate spheres of influence within the parties.

SENATE DEVELOPMENT

- 1954-1960 Lyndon Johnson (D-TX) as Majority Leader
 - Narrow Democratic majorities. Johnson was a forceful leader using a combination of persuasion and parliamentary procedure to harness Democratic majority party power. Was also willing to work with an opposite party president (Eisenhower)
 - The Johnson Treatment



○

SENATE DEVELOPMENT

- 1960-1976 Mike Mansfield (D-MT) as Majority Leader
 - Large majorities in Senate - less forceful leadership necessary due to Democratic Party numerical dominance. In the 1960's Democrats had between 64 and 68 seats. Senate operates under Unanimous Consent Agreement (UCA)
- 1976-1980
 - Senator Robert C. Byrd (D-WV) as Majority Leader. Uses parliamentary procedure to advance party policy goals. Clashes with same party president (Carter) on issues of foreign policy and energy. Uses power known as "filling the amendment tree."
- 1980-1986
 - Republicans regain majority. Howard H. Baker (R-TN) and Robert Dole (R-KS) are majority leaders - less formal style and less frequent manipulation of the rules. Both cooperate with same party president (Reagan)

SENATE DEVELOPMENT

1989-1994

- George Mitchell (D-ME) is Majority Leader. Adopts a more casual approach to governing, but increases partisanship and unwilling to compromise with Republicans on policy.

1994-2000, 2002-2006

- Republicans regain majority control of the Senate. First Robert Dole becomes majority leader, and is succeeded in 1996 by Trent Lott (R-MS). Lott increases partisanship, and uses parliamentary procedure and floor powers to advance Republican agenda. Initially cooperates with opposite party president (Clinton) but stops after Lewinsky/impeachment scandal.

SENATE DEVELOPMENT

- ◎ 2006-2013
 - Senator Harry Reid (D-NV) becomes majority leader, Mitch McConnell (R-KY) is minority leader. Partisanship dominates Senate proceedings and cooperation across party lines disappears.
- ◎ Reid maximizes floor agenda setting powers
 - Filling the Amendment Tree (record 44 times)
 - Invoking Cloture
- ◎ McConnell maximizes obstructionist powers.
 - Objecting to motion to proceed forcing roll call
 - Secret holds
 - Filibuster
 - Post Cloture Votes on Motion to Suspend the Rules
- ◎ 2013 - PARLIAMENTARY TRUCE? Not So Fast...

CONGRESSIONAL PRODUCTIVITY

- ⦿ Roll Call Votes
- ⦿ Bills Sponsored
- ⦿ Bills Enacted
- ⦿ Confirmations
- ⦿ Concurrent Budget Resolution
- ⦿ Separate Appropriations Bills
- ⦿ Continuing Resolution

HOUSE PAYROLL TAX CUT VOTE 2012

Firefox | Senate | The Cook Political Report | Congressional Bills and Votes - NYTI... |

politics.nytimes.com/congress/votes/112/house/2/72?ref=politics

Senate elections 2012

Result: Passed by a margin of 80 votes
Date of Vote: February 17, 2012
Time of Vote: 11:40 a.m.
Roll Call Number: 72

Related Story: [House Acts to Extend Payroll Tax Cut and Aid to Jobless](#)

[Bill Details >](#)

Geography of the Vote

ZOOM IN
ZOOM OUT

	Yes votes	No votes	Other
Republicans	146	91	5
Democrats	147	41	4

Zoom to New York area

Other Recent Votes

FEBRUARY 17, 2012
H.R.3630: On Agreeing to the Conference Report To provide incentives for the creation of jobs, and for other purposes

FEBRUARY 16, 2012
H.R.3408: On Passage Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act

FEBRUARY 16, 2012
H.R.3408: On Motion to Recommit with Instructions Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act

FEBRUARY 16, 2012
H.R.3408: On Agreeing to the Amendment Labrador of Idaho Part A Amendment No. 19

FEBRUARY 16, 2012
H.R.3408: On Agreeing to the Amendment Markey of Massachusetts Part A Amendment No. 18

Complete Roll Call

9:28 AM 2/19/2012

<http://politics.nytimes.com/congress/votes/112/house/2/72?ref=politics>

SENATE PAYROLL TAX CUT 2012

Firefox | Senate | The Cook Political Report | Congressional Bills and Votes - NYTi... |

politics.nytimes.com/congress/votes/112/senate/2/22?ref=politics

Senate elections 2012

Result: Conference Report Agreed to by a margin of 11 votes
Date of Vote: February 17, 2012
Time of Vote: 11:58 a.m.
Roll Call Number: 22

Passed House: February 9, 2012
Passed Senate: -
Considered by: -
President: -
Became Law: -

Related Story: [Congress Acts to Extend Aid to Jobless and Payroll Tax Cut](#)

[Bill Details >](#)

Geography of the Vote

	Yes votes	No votes	Didn't vote
Republicans	14	30	3
Democrats	45	5	1
Independents	1	1	0

Complete Roll Call

All States | All Parties

9:30 AM
2/19/2012

COMPARISON 111TH TO 112TH CONGRESS

Congress	Session	Bills Enacted	Bills Sponsored	Senate RC	House RC	Veto	Confirmations	Civilian Confirmations
111	1	119	9,071	397	535		23,051	2,880
111	2	217	4,604	299	450	2	23,327	2,800
112	1	80	6,915	235	275		19,815	3,582

Source: Congressional Record Resume of Congressional Activity 2009,2010,2011

PROPOSED CHANGE TO THE HOUSE OF REPRESENTATIVES

- ⦿ Extend House term to 3 years

- ⦿ Rationale:

- Two year electoral cycle is too short to serve as an effective mechanism of accountability. It takes a year to pass a bill, and a year to write the regulations to implement the bill. Voters are judging members of the House before they experience the impact of the legislation enacted by Congress and the President.

PROPOSED CHANGES TO THE SENATE

- ⦿ Expand the apportionment of the Senate according to population
- ⦿ Rationale:
 - Today, each U.S. Senator from California represents 18.7 million people. Each U.S. Senator from Rhode Island represents 528,000 people. Distortion of representation and inefficient distribution of federal funds.
 - All states with <1 million residents have 2 senators; all states with 1 million to 6 million have 3 senators, and award 1 additional U.S. Senator for every additional 6 million residents.
 - Expand the size of the Senate from 100 to 158. Majority would be 79; cloture would require 95 votes.