

# The United States Congress

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## Political System

The United States are a federal republic with a presidential system and tri-partition of power between the legislative (Congress), the executive (President, Vice President, Cabinet), and the judiciary (Supreme Court and other federal courts). A unique case is the Vice President who is a member of the executive and the legislative branch. In the latter, the Vice President serves as the president of the Senate, presides over Senate debates, and has the power to cast a tie-breaking vote.

## Structures and Procedures

The US Congress is made up of two chambers, the House of Representatives and the Senate. Overall, there are 535 voting members of Congress, 100 of which are Senators and 435 of which are Representatives. Additionally, six non-voting members sit in Congress: Five Delegates from American Samoa, the District of Columbia, Guam, the Northern Mariana Islands, and the US Virgin Islands, and the Resident Commissioner from Puerto Rico.

As the legislative branch, the US Congress is responsible for making laws. Any Senator or Representative can sponsor a bill and introduce it in the Senate or the House. The bill then gets assigned to a committee for further deliberations before being put to a vote in the respective chamber. Once it has passed this vote, it is brought into the other chamber where it goes through a similar process. Before a bill can reach the president, a joint version of the bill needs to be approved by both chambers. Once the bill has reached the president's desk, the president can sign it into law or veto it.

In the Senate, each of the 50 states is represented by two Senators each, regardless of size or population. This is different for the House of Representatives where the number of representatives per state is determined by the state's population and each representative is elected for a specific congressional district.

## Powers and Ongoing Debates

The latter has proven to be a point of heavy debate in the United States as congressional districts tend to get redrawn based on partisanship. Referred to as gerrymandering, this process has caused significant changes to the congressional map as those in charge can essentially choose which areas to group together to ensure maximum electoral success for their respective party. The only rules are that each district must have a similar population size and that areas cannot be grouped by race of voters. Other than that, however, politicians are free to redraw congressional districts based on partisanship. The Supreme Court ruled in 2019 that courts cannot weigh in on this issue as it is a political as opposed to a judicial issue. While Republicans have been more likely to use gerrymandering to tilt the congressional map in their favor, Democrats have also used this process to their advantage.

Another ongoing debate is concerned with the role of partisanship in government. The United States work on a principle of checks and balances. The president signs legislation into law, nominates Supreme

Court judges, can veto legislation passed by Congress, and has the power to use executive orders to pass laws without the approval of the legislative branch. Congress makes laws, can confirm or reject the president's nominees for the Supreme Court, and can remove a president from office under specific circumstances (impeachment). Finally, the Supreme Court can overturn laws and make new laws in its decisions.

Recent electoral cycles have seen an increasing partisan divide in US politics though which has led to lengthy stand-offs in Congress, high numbers of executive orders by presidents, and what many call a partisan Supreme Court. The latter is the case because the appointment of new judges is highly dependent on who controls the other branches of government at the time. "Conservative" judges are often appointed by Republican presidents and approved by a Republican majority in Congress whereas "liberal" judges are often appointment by Democratic presidents and approved under Democratic majorities in Congress.

For instance, then-president Barack Obama's third nominee (Merrick Garland to replace the late Antonin Scalia in 2016) never received an invitation to a congressional hearing and was thus effectively blocked from being appointed to the Supreme Court. Republicans held control of the Senate at the time. Obama's successor, Donald Trump, was then able to appoint the replacement for Scalia once he had taken office. And once again, Republicans held control of the Senate at the time. Obama's nominee was considered to be more liberal-leaning whereas Trump's nominee – now Supreme Court Justice Neil Gorsuch – is considered to be more conservative-leaning.

### **Electoral System and Voting Rights**

Congressional elections are set every two years on the first Tuesday after the first Monday in November, a rule that has been in place since the early years of the United States. Members of the House of Representatives are elected on a two-year term whereas Senators are elected for a six-year term. There is no limit to how many terms a Senator or Representative may serve. In any given congressional election year, all members of the House of Representatives and about one-third of Senators are up for re-election. In election years without a presidential election, congressional elections are referred to as midterms as they occur about half-way through a president's term, underlining the close link between the legislative and the executive. The midterms are often seen as an opinion poll on voters' satisfaction with the given administration's work and can have significant effects on the president's ability to pass legislation on the administration's agenda.

State governments organize congressional primaries and elections. The first-past-the-post system, in which the candidate with the highest share of votes wins, is most commonly used; however, this is not the only voting system used across the states. For instance, Georgia employs a two-round system which triggers run-off elections between the two candidates with the most votes if no candidate wins a majority in the first round. Yet another system used by some states like Alaska is ranked choice voting, also referred to as instant-runoff voting. Here, voters rank candidates by preference. If no candidate achieves a majority in the first round, the candidate with the lowest number of votes is eliminated and a second round of voting is triggered. This process continues until only two candidates are in the race and the one with the highest number of votes wins.

In the United States, the right to vote is anchored in Article 1 of the US Constitution. Since its ratification, several amendments have been made to expand the right to vote. In 1870, African American

men were given the right to vote (15<sup>th</sup> Amendment). Women gained the right to vote in 1920 (19<sup>th</sup> Amendment). Poll taxes which had primarily discriminated against African Americans were eliminated in 1964 (24<sup>th</sup> Amendment), and the legal voting age was lowered to 18 in 1971 (26<sup>th</sup> Amendment). Most states require citizens to actively register to vote ahead of elections. About two-thirds of states further require voter ID at the ballot box, a law that has been criticized for being discriminatory toward minorities and other underprivileged voter groups.

## **Representation in Congress**

Looking at the most recent legislative terms, women and minorities are still largely underrepresented in Congress, though there does appear to be an upward trend. The 117<sup>th</sup> Congress was elected in 2020 and took office in January 2021. Of all voting and non-voting members, 150 were women. Among voting members only, 59 were Black, 46 were Hispanic or Latino, 17 were Asian American or Pacific Islander American, and 6 were Native American. There were 11 openly LGBTQ+ members in Congress during this term.

In January 2023, the 118<sup>th</sup> Congress was sworn into office, among them a record number of female members of Congress (153 voting and non-voting members). In the House of Representatives, 128 members are women (+2 seats from previous Congress), whereas in the Senate, women hold a quarter of seats (+1 seat from previous Congress). A record number of openly LGBTQ+ members (13) serve in the 118<sup>th</sup> Congress. It is also the most racially and ethnically diverse Congress in history with 60 Black voting members, 54 Hispanic or Latino voting members, 18 Asian American or Pacific Islander American voting members, and 5 Native American voting members. The vast majority of women and minority members are Democrats.

### **Links for further reading**

Congress: <https://www.congress.gov/>

Elections: <https://www.usa.gov/midterm-state-and-local-elections>

Government structure: <https://www.whitehouse.gov/about-the-white-house/our-government/>

History of Women in Congress: <https://www.pewresearch.org/fact-tank/2023/01/03/118th-congress-has-a-record-number-of-women/>

Legislative process: <https://www.usa.gov/how-laws-are-made>

The House of Representatives: <https://www.house.gov/>

The Senate: <https://www.senate.gov/>