Compare and contrast the legislative powers of MPs and members of the House of Representatives [25]

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Introducing Bills

One major difference between MPs and members of the House of Representatives is their ability to introduce bills. The fundamental difference is that most MPs are effectively unable to introduce and pass a bill while all legislation in the house of representatives must be introduced by a member of the House. In the UK the government majority and Whip system means that the government controls the process carefully almost all legislation passed is public legislation introduced by the governing party. These means that a large number of MPs are left effectively unable to do their job as legislators until their party gains a majority. This problem does not exist in the US, where Separation of Powers ensures that members of the Executive branch can not directly introduce a bill and thus there are few restrictions. In the UK, typically 125 bills are introduced to Parliament each year, with around 100 becoming law. In contrast, over 4000 bills will typically be introduced to congress a year, with around 200 becoming law. This shows the high chance of a bill becoming law in the UK. However most of these are government bills, and the chance of a private members bill becoming law is far less likely than a congressman’s chance of introducing a successful bill, despite what the figures may suggest.

Party Control/Representation of constituents

Almost all MPs in the UK are subject to the party ‘whip’. This refers to a member of the party with the job of keeping party members in line with party policy through either the ‘stick’ or the ‘carrot’ methods i.e. threatening the MP with demotion or bribing them with promises of promotion. This means that parties virtually control MPs voting habits. Few MPs ignore their voting instructions on fear of retribution from their party. This limit’s the legislative power of MPs as they are under strict party control. It also makes it unlikely that the MP will be taking into foremost consideration the impact of the bill on their constituents, rather than following the party line. It also makes it very unlikely that a bill from an opposing party will pass, no matter how beneficial, due to the partisan nature of UK politics. This is not the case in US politics. Party loyalties are much weaker and it is not uncommon for a member of the House to vote against a member of the same party. Congressmen are allowed a lot more freedom as there is no whip system. It could be argued that this makes them more effective legislators. Congressmen are more likely to be persuaded one way or the other regarding a bill by financial backers, rather than constituents. This is simply the nature of American politics. However the Congressman knows he has been elected to vote the way his constituents want and if they don’t the chances are he wont be elected again.

Scrutiny

In the UK, committees have less scrutinising power than the US. This is because the committee stage in the UK comes after the Second Reading. After this, the bill is in effect going to become law, and the committee can only amend within principles agreed in the second reading. This differs from in Congress, where the committee stage comes before the second reading. The committees have more power to amend the bill or ‘pigeonhole’ it, effectively not allowing it to pass through. They also have the benefit of being specialised and permanent.
Members of Parliament and US Congressmen appear to have relatively similar legislative powers. They are both members of the main law-making body in their country and they can both introduce and vote on a bill. However when examined closer, a number of vital differences become apparent.

One main difference between Congressmen and MPs is who gets to introduce the bill. In Congress any member of the House of Representatives can introduce a bill and send it through the legislative process. However in the House of Commons it is very rare for an MP to introduce their own bill, a Private Members Bill. Most bills in the UK are introduced by members of the cabinet after party support has been secured for it through the whip system. This is mainly due to the fusion of powers the UK possesses; the executive resides within the legislature. Typically, fifty government bills plus private members bills, private bills and hybrid bills totalling around 125 are introduced to parliament per year. Around 100 of these become law. With no such control in Congress, in a typical session of one year over 4000 bills will be introduced, with only 200 becoming law. In the U.K there is around an 80% chance of a bill becoming law as opposed to the U.S where only 5% of bills become law. However the chance of an individual Congressman introducing a bill and it becoming law are far greater than those of an MP introducing a private members bill and it becoming law.

Any bills concerned with revenue must begin in the House of Representatives which establishes the power of the House over the Senate in cases of revenue. This is similar to the power of the House of Commons over the House of Lords, which can only delay bills. However this is also a difference as the House of Commons has much more power than the House of Lords, compared with the House of Representatives and the Senate which are inherently similar in terms of power.

When a bill has completed its second reading in the House of Commons, in effect it is going to become law because committees can only amend it within the principles agreed at the second reading. After this the bill can still be vetoed by the President. President Clinton vetoed thirty-six bills during his eight year presidency. Congress may, by a two-thirds majority, override the Presidents veto. As a result, Congress is referred to as a “real legislature”.

Parliament is not! “Congress legislates” but Parliament only “legitimises legislation.” American Committees scrutinize a bill before the second reading, giving them much more power than U.K committees. They can also amend it or pigeonhole it, therefore only a bill that committees approve can be passed on to vote.

In the U.S.A, Congress has the power to “check” the executive branch. Like the crucial parts of the legislative process, most of the investigative role of Congress is fulfilled through its committee system. This power is withheld from MPs. In Britain the executive branch is drawn from the House of Commons. Therefore the majority of its members of the government are part of the House of Commons and it is here that most of parliamentary scrutiny takes place through debates, questions and Commons committees.

However in both countries the power of MPs and members of the House of Representatives is limited. They are both represented to represent their own constituents, often through the legislation passed in their legislature. In spite of this, in both countries constituents often take second place. The difference is in how this happens. In Britain parties often control MPs voting habits. Virtually all MPs are members of a political party. As such, they are subject to the ‘party whip’. When an important vote is due to be taken, MPs receive a voting instruction. This comes in the form of a one, two or three line whip of increasing importance. MPs which ignore a three line whip are in danger of retribution from their party. In November 1994, nine Conservative MPs had the whip withdrawn after abstaining in a confidence vote over Britain’s financial contributions to the E.U. When the whip is withdrawn, MPs are effectively ostracized from the party. They are not allowed to vote in party elections or to represent the party on parliamentary committees. The whip system limits the legislative power of MPs as it brings them under strict party control.

In America it is the fact that financial backers have bought the vote of certain Congressmen. In America, party discipline is much weaker. Often in Congress a group of Democrats and Republicans will vote against another group of Democrats and Republicans. There is no whip system in the U.S.A which means that those in charge have no way of disciplining Congressmen. Quite often other members of the House of Representatives will try to persuade a member of the House of Representatives to vote their way on a certain bill in return for them voting their way on another bill. As a result of these deals the wishes of the Congressman’s constituents are often forgotten. As well as this constituents often buy their Congressman’s vote. A Congressman knows that he has been elected by the people of his or her constituency to vote the way they want them to and if they do not, the chance is that they won’t be elected again at the next election in two years time. All this limits the legisilate power of members of the House of Representatives. In Britain lobby groups lobby the governing party. They do not lobby individual MPs. In America no one controls Congress (no whip system) so lobby groups lobby individual Congressmen, often with a lot of money.

On the whole, Congressmen appear to have greater power as legislators, however it must be noted that most
attempts fail (due to a lack of time and support) and the “wheels of Congress turn very slowly”. MPs operate a much more efficient system, but it is dominated by the executive.