

CHAPTER 11

Congress

LEARNING OBJECTIVES

After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Outline the constitutional duties of the House and Senate.
- Account for factors that influence the outcomes of congressional elections.
- Describe the characteristics of a typical member of Congress.
- Sketch the processes by which a bill becomes a law and an issue is placed on the congressional agenda.
- Explain the importance of the committee system in the legislative process.
- Distinguish between congressional rules of procedure and norms of behavior.
- List several important sources of legislative voting cues.
- Explain the dilemma that representatives face in choosing between trustee and delegate roles.
- Evaluate the extent to which the structure of Congress promotes pluralist or majoritarian politics.

CONGRESS AND THE CHALLENGE OF DEMOCRACY

The structure of Congress, both as it was designed by the founders and as it has evolved over the past two centuries, heightens the tension between pluralism and majoritarianism in American politics. Under the Constitution, the system of checks and balances divides complete lawmaking power between Congress and the president. In addition, members of Congress are elected from particular states or congressional districts and ultimately depend upon their constituents to re-elect them. Two facts suggest majoritarian influence on Congress. First, to become law, legislation must be passed by a majority vote in each house. Second, in recent years at least, the party system, which may act as a majoritarian influence on politics, has had a greater impact on the way members actually vote. Considering the thin Republican majority in the House and the evenly split Senate resulting from the election of 2000, Congress will likely be more pluralistic in order to pass legislation on key issues faced by the nation.

Much about the structure of Congress reinforces pluralism. The committee structure encourages members of Congress to gain expertise in narrow policy areas. The experience members gain in these areas often leads them to look after particular constituencies or special interests. Furthermore, since the outcome of the legislative process is usually the result of vote trading, logrolling, bargaining, and coalition building, any final product is likely to represent all sorts of concessions to various interests.

CHAPTER OVERVIEW

The Origin and Powers of Congress

The U.S. Congress is a bicameral (two-house) legislature. Its basic structure grew out of the Great Compromise at the Constitutional Convention. As a result of that compromise, each state is represented in the upper house (or Senate) by two senators, who serve staggered six-year terms; in the lower house (the House of Representatives), states are represented according to their population. Members of the lower house serve two-year terms. In 1929, the total number of representatives was fixed at 435. Whenever the population shifts (as demonstrated by a decennial census), the country's 435 single-member legislative districts must be reapportioned to reflect the changes and provide equal representation.

Duties of the House and Senate

The Constitution gives the House and Senate shared powers, including the power to declare war, raise an army and navy, borrow and coin money, regulate interstate commerce, create federal courts, establish rules for the naturalization of immigrants, and “make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers.”

However, there are some differences between the House and Senate in their constitutional responsibilities. All revenue bills must originate in the House. The House has the power of impeachment and the power to formally charge the president, vice president, and other “civil officers” of the national government with serious crimes. The Senate is empowered to act as a court to try impeachment, with the chief justice of the Supreme Court presiding. The Constitution gives the Senate some additional powers, such as approving presidential nominations including all federal judges, ambassadors, and cabinet members. The Constitution gives the president the power to negotiate treaties with foreign countries, but the Senate must approve any treaty with a two-thirds majority.

Electing the Congress

Although elections offer voters the opportunity to express their approval or disapproval of congressional performance, voters rarely reject House incumbents. Although polls show that the public lacks confidence in Congress as a whole and supports term limits, most people are satisfied with their own particular legislator. Incumbents have enormous advantages that help them keep their seats. For example, incumbents are generally much more attractive to PACs and find it easier to obtain funds for re-election campaigns. Incumbents usually have greater name recognition; they acquire this name recognition by using their franking privileges and building a reputation for handling casework. Gerrymandering during redistricting may also work to the benefit of an incumbent. Senate races tend to be more competitive than House races; incumbency is less of an advantage in the Senate, partly because of the greater visibility of challengers in Senate races. When challengers do defeat incumbents, it is often the case that the previous election was close or the ideology and party identification of the state's voters favor the challenger.

Members of Congress tend to be white, male professionals with college or graduate degrees. There are relatively few women and minority-group members in Congress. To remedy this situation, some people favor descriptive representation; others argue that devices such as racial gerrymandering discriminate unjustly against white candidates. Recent court decisions have dealt setbacks to racial gerrymandering.

How Issues Get on the Congressional Agenda

Although many issues on the congressional agenda seem to be perennial, new issues do emerge. Sometimes a crisis or visible event prompts Congress to act; at other times, congressional champions of particular proposals are able to win powerful supporters for their ideas. Congressional leaders and committee chairpersons also have the power to place items on the congressional agenda, and they often do so in response to interest groups.

The Dance of Legislation

Bills become laws by a process that is simple in its outline. A bill may be introduced in either house. It is then assigned to a specialized committee, which may refer it to a subcommittee for closer study and modification. When the subcommittee has completed its work, it may send the proposal back to the full committee, which may then approve it and report it out to the chamber for debate, amendment, or a vote on passage. Actual floor procedures in the two houses differ substantially. In the House, the Rules Committee specifies the form of debate. In contrast, the Senate works within a tradition of unlimited debate and unanimous consent petitions. If a bill passes the two houses in different versions, the differences must be reconciled in a conference committee, and the bill must then be passed in its new form by each house. Once the bill has passed Congress, it is sent to the president for his signature, veto, or pocket veto. The pocket veto can be used only when Congress adjourns. Congress approved a line-item veto that allowed the president to invalidate particular sections of bills, but the Supreme Court declared it unconstitutional.

Committees: The Workhorses of Congress

The real work of lawmaking happens in the legislative committees. One of the reasons for the committee system is division of labor. The American system of specialized standing committees allows members of Congress to build up expertise in issue areas as they build up seniority in Congress. Standing committees are broken down into subcommittees that allow members to acquire even more specialized expertise. Subcommittee members are often the dominant forces shaping legislation. In addition to their work on standing committees, members of Congress serve on joint committees made up of legislators from both houses; select committees established to deal with special issues; and conference committees, which work out differences between versions of legislation passed by the two houses. Leadership on committees is linked to seniority (although members have the option of secret ballot).

Committee hearings represent an important stage in drafting legislation and are often used by legislators as ways of gaining publicity on an issue. Committees themselves differ in terms of style. Some work by consensus; others are more conflictive.

Oversight: Following Through on Legislation

In addition to its responsibility for passing new laws, Congress must also keep watch over the administration of existing laws. Through this oversight function, Congress is able to monitor existing policies and programs to see if agencies are carrying them out as Congress intended. Oversight occurs in a variety of ways, including hearings, formal reports, and informal contacts between congressional and agency personnel. Since the 1970s, Congress has increased its oversight over the executive branch. Generally, it has done so in an effort to find ways to make programs run better; sometimes it tends to become involved in petty details, making itself vulnerable to the charge of micromanagement.

Reliance on a committee system decentralizes power and makes American democracy more pluralistic, yet there is a majoritarian aspect as well, since most committees approximate the general profile of the

parties' congressional membership, and legislation must still receive a majority vote in each house before becoming law.

Leaders and Followers in Congress

Each house has leaders who work to maximize their party's influence and keep their chamber functioning smoothly and efficiently. Party leadership in the House is exercised by the Speaker of the House and the minority leader. In the Senate, power is vested in the majority and minority leaders. These four leaders are selected by vote of their own party members in the chamber. Much of their work consists of persuasion and coalition building.

Rules and Norms of Behavior

An important difference between the two chambers is in the House's use of its Rules Committee, which serves as the "traffic cop" governing the floor debate. Lacking a similar committee, the Senate relies on unanimous consent agreement to govern the rules of debate. Moreover, unlike the House, the Senate has the power to call for a filibuster to prolong the debate on an issue.

Each house has its own formal rules of procedure specifying how debates are conducted in that chamber. In addition, each house also has unwritten, informal norms of behavior that help reduce conflict among people who often hold strongly opposing points of view but who must work together. Some norms, such as the apprenticeship norm, have been weakened; but, over time, successful members of Congress still learn to compromise to build support for measures that interest them.

The Legislative Environment

Legislators look to four sources for their cues on how to vote on issues. First, rank-and-file party members usually try to support their party when they can, and partisanship has increased in recent years as each of the major parties has become more homogeneous. Second, the president is often actively engaged in trying to persuade legislators to vote his way. The views of the constituents back home are a third factor in how legislators vote. Finally, interest groups provide legislators with information on issues and their impact on the home district. These four influences push Congress in both the majoritarian and the pluralist direction.

The Dilemma of Representation

Every member of Congress lives in two worlds: the world of presidents and the world of personalized shopping bags. Each member of Congress has to deal with the demands of Washington politics and the politics of his/her home district or state. A central question for representative government is whether representatives should act as trustees who vote according to their consciences or as delegates who vote as their constituents wish them to vote. In the U.S. Congress, members feel a responsibility to both roles. A need to consider the larger national interest pushes them to act as trustees, while the need to face their constituents at the next election leads them to act more like delegates. By and large, members of Congress do not consistently adopt one role or the other.

Pluralism, Majoritarianism, and Democracy

The American Congress contrasts sharply with the legislatures in parliamentary democracies. Strong party systems and a lack of checks and balances to block government action make parliamentary democracies more majoritarian. Congress's decentralization and the lack of a strong party system make Congress an institution better suited to pluralist democracy. Moreover, the population of the United States, with an increasing diversity of economic, social, religious, and racial groups, will influence Congress to be more pluralistic.

KEY TERMS

reapportionment

impeachment

incumbents

gerrymandering

casework

descriptive representation

racial gerrymandering

veto

pocket veto

standing committee

joint committee

select committee

conference committee

seniority

oversight

Speaker of the House

majority leader

filibuster

cloture

constituents

trustee

delegate

parliamentary system

earmarks

RESEARCH AND RESOURCES

For research on Congress, a useful starting point is *Congressional Quarterly's Guide to Congress*, 5th ed. (Washington, D.C.: Congressional Quarterly Press 1999). This work includes information on the origins and development of Congress, its powers and procedures, and the qualifications and conduct of its members. In addition, there are sections on Congress, the electorate, and on pressures on Congress within our system. Finally, the volume contains a biographical index of every member of Congress from 1789 to the present day.

Two other *Congressional Quarterly* publications, *Congress and the Nation* (mentioned in the Preface) and *Politics in America*, are also helpful to those studying Congress. Editions of the latter work are published biennially and provide state-by-state summaries of current political issues as well as biographies of all current members of Congress, their interest group ratings, PAC support, committee memberships, and votes on key issues. The interest group ratings of members of Congress may also be

found online using “Voter Information Services” at <<http://www.vis.org/>>. A site sponsored by *Rollcall*, the newspaper of Capitol Hill, bills itself as “the premiere website for news and information about Congress.” You will find it at <<http://www.rollcall.com/>>. Biographical information about members of Congress (past and present) can be searched at <<http://bioguide.congress.gov/>>. As mentioned in the text, the House and the Senate have extensive websites, <www.senate.gov> and <www.house.gov>.

What if these sources do not provide enough information for your purposes? Suppose you need to find the actual text of a Senate floor debate or a House committee hearing? You’ll want to turn to government documents. Floor debates are covered in the *Congressional Record*, published daily while Congress is in session and available on-line. To access it, try “Thomas,” the congressional website maintained by the Library of Congress at <<http://thomas.loc.gov/>>.

Another important resource for research on Congress is the *Congressional Quarterly Almanac*.

USING YOUR KNOWLEDGE

1. Using *Congressional Quarterly’s Weekly Reports* or the Internet resources suggested above, trace the legislation history of a bill passed by Congress in the last two years. When was the bill introduced? What were its major provisions? What committees examined it? Were there any major changes made by committees? What were they? Were there major amendments voted on during the floor debate?
2. Now, for a more extensive version of the above project, look up the House and Senate committee hearings on the bill. Who testified on behalf of the legislation? Who opposed it? What were the major arguments advanced by proponents and their opposition? Next, find the floor debates on the bill in the *Congressional Record*. Who supported the bill? Who opposed it? Why?
3. How does your representative fare in the ratings by Americans for Democratic Action? The Christian Coalition? The American Conservative Union? The AFL-CIO? Use the websites suggested above to find the answers to these questions.
4. Watch a House debate and a Senate debate on C-SPAN. What differences do you notice between the two? Next, watch a committee hearing. Describe the differences between committee hearings and floor debates.

GETTING INVOLVED

If you would like to have a chance to learn more about the life of a representative or senator, you might begin by contacting your own congressional representatives. They may welcome part-time volunteer help in their offices in the home district, or they may have internships available in their Washington offices. The Internet puts tremendous resources for finding congressional internships at your fingertips; just visit <<http://www.senate.gov>> and find review the Senate Employment Bulletin located in the Visitors page.

Roll Call, the weekly “local” newspaper covering Congress that circulates on Capitol Hill, offers internships. These internships are unpaid and last at least three months. For further information, contact *Roll Call*, 201 Massachusetts Ave., NE, Washington, D.C. 20002. Find them online at <<http://www.rollcall.com/>>.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

- The Great Compromise concerned which of the following issues?
 - slavery
 - division of voting rights
 - dispute of trading rules and regulations
 - representation between the states
 - powers of the presidency
- Which of the following is not an advantage for an incumbent?
 - greater name recognition
 - White House support
 - greater attractiveness to campaign contributors
 - a staff doing casework for constituents
 - extensive coverage in the local press
- Which of the following groups are most elected officials drawn from?
 - the clergy
 - professional women
 - Hispanics
 - blue-collar white males
 - college-educated white males
- Which of the following can occur after the president vetoes a bill?
 - It cannot be reconsidered in that session of Congress.
 - It becomes law if it can be re-passed by at least three-fourths of the membership of each house.
 - It becomes law if it can be re-passed by at least two-thirds of those voting in each house.
 - It becomes law if it can be re-passed by a simple majority in each house.
 - It becomes law if it receives unanimous support from each house.
- Traditionally, the Senate allows unlimited debate on measures before it votes, but there is a procedure for ending debate. What is this procedure called?
 - cloture vote
 - germaneness rule
 - unanimous consent agreement
 - filibuster
 - pocket veto
- Which of the following shapes the legislative agenda?
 - the president
 - party leaders and committee chairs
 - interest groups activity
 - new issues and events
 - All of the above
- Every ten years we conduct a census which tracks our population shifts. What do we call the procedure in the House of Representatives to mirror these population shifts?
 - reduction
 - didaction
 - reducement
 - reapplication
 - reapportionment

8. Which of the following is not a power shared by the House and the Senate?
 - a. declare war
 - b. raise an army
 - c. ratify treaties
 - d. regulate interstate commerce
 - e. overturn presidential vetoes
9. Which of the following would be described by a Congressperson as “all profit?”
 - a. franking privilege
 - b. casework
 - c. committee assignments
 - d. earmarks
 - e. oversight
10. In the House of Representatives, who appoints the chair of a committee?
 - a. the majority leader
 - b. the other members on the committee
 - c. no appointment; it is the most senior member of the committee
 - d. the Speaker of the House
 - e. the chairperson selected by committee members of the majority party
11. What is the function of the Rules Committee in the House?
 - a. It determines only which members are eligible to vote on a bill.
 - b. It determine only the length of debate on a bill.
 - c. It determines only whether a bill while under consideration on the floor.
 - d. It determines both the length of the debate and whether or not there are amendments.
 - e. It determines which members may vote and the length of debate on a bill.
12. What is the most visible way that Congress performs its oversight function?
 - a. hearings
 - b. reports
 - c. informal contacts with agencies
 - d. legislation
 - e. discrediting and dismantling programs
13. What do we call the temporary committee of Congress created to work out differences between the House and Senate versions of a specific piece of legislation?
 - a. joint committee
 - b. ad hoc committee
 - c. select committee
 - d. standard committee
 - e. conference committee
14. To convict a president of impeachment, what portion of the Senate’s vote is necessary?
 - a. a simple minority
 - b. a simple majority
 - c. a two-thirds majority
 - d. a three-fourths majority
 - e. a unanimous vote
15. Why do Senate challengers have a higher success rate than House challengers?
 - a. They are higher quality candidates.
 - b. They are often governors or members of the House.
 - c. They can attract significant campaign funds.
 - d. They are supported by the party’s national committee.
 - e. They have high name recognition.

16. What term do we use to describe the redrawing of boundaries in an electoral district in order to favor a particular party or candidate?
 - a. logrolling
 - b. gerrymandering
 - c. pairing
 - d. filibustering
 - e. cloture
17. When a member of Congress decides to follow his conscience and votes for legislation limiting the availability of abortion under Medicaid, his actions are consistent with
 - a. the majoritarian model of democracy.
 - b. the idea of descriptive representation.
 - c. the view of representatives as delegates.
 - d. the view of representatives as trustees.
 - e. the pluralist model of democracy.
18. Approximately what percent of bills pass through Conference Committee?
 - a. 5%
 - b. 20%
 - c. 50%
 - d. 80%
 - e. 95%
19. What do we call the process of reviewing agency operations to determine whether an agency is carrying out policies as Congress intended?
 - a. Oversight
 - b. Legislative Review
 - c. Judicial Review
 - d. Germaneness
 - e. Veto Power
20. Which of the following is common under a parliamentary system of government?
 - a. Divided government is common.
 - b. The chief executive is directly elected by the people.
 - c. The leader of the majority party usually heads the government.
 - d. Legislators are chosen through proportional representation.
 - e. There are extensive checks and balances between the executive and the legislature.
21. How many seats are currently approved for occupation in the House of Representatives?
 - a. 350
 - b. 435
 - c. 475
 - d. 515
 - e. 535
22. Which of the following does not influence legislators on how they vote?
 - a. foreign diplomats
 - b. the president
 - c. interest groups
 - d. political parties
 - e. constituents

23. Which of the following is the result of racial gerrymandering?
 - a. There are more safe seats for the Democrats.
 - b. There are more safe seats for the Republicans.
 - c. There are more safe seats for both major parties.
 - d. There are few minorities in the Congress.
 - e. There are no changes in the number of safe seats for either party.
24. The growth of partisanship in Congress indicates what kind of trend towards the future?
 - a. growth in pluralism
 - b. growth in majoritarianism
 - c. growth in proportionality
 - d. growth in agenda building
 - e. growth in representation
25. Which of these leaders is able to break a tie in the Senate?
 - a. the president
 - b. the president pro tempore
 - c. the vice president
 - d. the majority leader
 - e. the Speaker of the House

Essay Questions

1. What advantages does incumbency give a member of Congress? Is incumbency as great an advantage to senators as well as representatives? Why or why not?
2. What is a filibuster and why can it only be held in the Senate?
3. Does the congressional system, as it now operates, better fit the pluralist or majoritarian model of democracy? Please use examples for your justification.
4. To what factors do members of Congress rely on when deciding how to vote on legislation?
5. Distinguish between the trustee and delegate roles of representatives. Which role, if either, tends to be more characteristic of American legislators?
6. What are the principal roles of committees in the Congress? How do committees help Congress work more effectively? What are the drawbacks of committees?
7. What is pork-barrel spending/earmarks? How are earmarks distinguished from other types of spending? Should reforms be considered to reduce earmarks?

ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. b
3. e
4. c
5. a
6. e
7. e
8. c
9. b
10. d
11. d
12. a
13. e
14. c
15. d
16. b
17. d
18. b
19. a
20. c
21. e
22. a
23. c
24. b
25. c