

CHAPTER 11

Congress

PARALLEL LECTURE 11.1

- I. The origins and powers of Congress
 - A. Our Congress has two separate and powerful chambers.
 1. The bicameral nature of Congress has its origins in the negotiations that shaped the Constitution.
 2. Representation in the House is based on population. Representatives are elected for two-year terms. After the census every ten years, there is a **reapportionment** of House seats.
 3. Each state has two senators. Senators serve six-year terms.
 - B. The Constitution gives the House and Senate essentially similar legislative tasks, though each has powers that are only its own.
 1. Only the House has the power of impeachment. The Senate acts as a court to try impeachments.
 2. The Senate must approve major presidential appointments.
 3. The Senate has the sole power to affirm treaties.
- II. Electing Congress
 - A. **Incumbents** have a very high rate of return to Congress.
 1. In the majority of elections since 1950, over 90 percent of all House incumbents have won reelection. (See Figure 11.1 in the text.)
 2. Paradoxically, the public seems not to hold Congress in high esteem.
 3. Though voters tend to disdain Congress as an institution, they are generally satisfied with their own senators and representatives.
 - B. Meanwhile, incumbents remain protected by district lines that are **gerrymandered** to protect incumbents or the dominant party.
 - C. Incumbents also have other advantages:
 1. Incumbents have **name recognition** among constituents.
 2. Incumbents have a congressional **franking privilege**.
 - a) This provides them with free postage to send mail to constituents.
 - b) The franking privilege also allows them to communicate with constituents via the Internet, using e-mail and/or by developing World Wide Web pages.
 3. Incumbents with good local staffs have a history of providing assistance to constituents (**casework**).
 4. Incumbents receive substantial financial support. PACs tend to favor incumbents. Challengers cannot always find the campaign financing to run a viable campaign.
 - D. The opposing party and sympathetic PACs may target vulnerable incumbents, thus giving a challenger a better chance to succeed. Successful challengers tend to have previously held elective office and are capable of raising adequate campaign funds. Challengers tend to be most successful when incumbents appear vulnerable—when

they were elected by a narrow margin, or because of such factors as age, lack of seniority, involvement in scandal, or unfavorable redistricting.

- E. The members of Congress are not representative of the U.S. population in terms of demographics. They tend to be much more highly educated than the typical American, and there are relatively few minorities and women.
 - 1. There are two schools of thought regarding the importance of the lack of female and minority representation.
 - a) One school suggests that female and minority representation is important and that legislators should resemble the demographics of their constituents. This means that the legislature as a whole will resemble the demographic characteristics of the population it represents (the theory of **descriptive representation**).
 - b) Another view says that the ethnicity or gender of representatives does not matter; voters should remain totally colorblind and elect the best representatives, regardless of ethnicity or gender.
 - 2. **Racial gerrymandering**, or the drawing of district lines to promote the election of ethnic or racial minority candidates, has been used as one way to make Congress more representatively descriptive. Many recent Supreme Court decisions have decided that drawing districts in this way is a violation of the Voting Rights Act.
- III. How issues get on the congressional agenda
 - A. Some issues get on the agenda because an event (like the disastrous events of 9/11) or a new technological development (like the genetic alteration of foods) draws our attention to a problem.
 - B. Presidential support can also move an issue onto the agenda quickly.
 - C. Congressional party leaders and committee chairs have the best opportunity to influence the agenda.
- IV. The dance of legislation: an overview
 - A. After being introduced, bills go to committee and then usually to a subcommittee. After a bill has been passed by a committee, it goes to the full membership for debate, possible amendment, and a vote. (See text Figure 11.4.)
 - 1. Bills passed by the House and Senate must go to a conference committee, where differences between the two versions are resolved.
 - 2. If both the House and the Senate pass the conference committee's compromise version, the bill then goes to the president.
 - B. The President may sign or veto any bill that Congress has passed.
 - 1. If a president **veto**s a bill, Congress can override that veto by a two-thirds majority in each house.
 - 2. A **pocket veto** takes place when Congress adjourns within ten days of the time it sent the bill to the White House and the president does not sign it.
- V. Committees: the workhorses of Congress
 - A. Congress has committees for the same reason that any large organization is subdivided into specialized groups or divisions: to develop and use expertise in specific areas.
 - B. There are a number of different types of committees.
 - 1. **Standing committees** are permanent committees that specialize in an area of public policy.
 - 2. **Joint committees** are made up of members of the House and the Senate.
 - 3. **Select committees** are temporary and are created for a specific purpose (such as the committee that investigated the Watergate scandal).
 - 4. **Conference committees** are temporary and are created to work out differences between House and Senate versions of legislation on the same subject.

- C. Influence on committees grows formally with **seniority** and informally with increased *expertise*.
- D. Within each committee, the senior member of the majority party usually becomes the committee chair. Other senior members of the majority party become subcommittee chairs, their counterparts from the minority party gain influence as ranking minority members.
- E. Much public policy decision-making takes place in committees and subcommittees.
 - 1. The first step in drafting legislation is to collect information on the issue; committee staffers do the initial research on the problem.
 - 2. Committees hold hearings to gather additional information. Hearings are often an opportunity to attract attention to a particular problem.
 - 3. Committee or subcommittee members meet to decide on the provisions of a bill at the markup sessions.
 - 4. The committee or subcommittee chair strongly influences the way a committee handles its work. Some are better than others at leading the bargaining and negotiating that characterize the legislative process.
- F. Oversight: following through on legislation
 - 1. **Oversight** is the process of reviewing agency operations to determine whether an agency is carrying out policies as Congress intended.
 - 2. As the executive branch has grown and policies have become more complex, oversight has become more difficult.
 - 3. Congress has responded by adding resources, including the Congressional Budget Office and strengthening the Government Accounting Office (GAO) and the Congressional Research Service of the Library of Congress.
 - 4. Most oversight is aimed at trying to find ways to improve programs and is not directed at efforts to discredit them.
 - 5. Congress engages in oversight because it is an extension of their efforts to control public policy.
- G. Both pluralism and majoritarianism play a role in congressional behavior.
 - 1. The committee system enhances pluralism, as members try to get on committees dealing with issues of special importance to constituents.
 - 2. Committees also reflect the bipartisan nature of Congress and thus also reflect majoritarianism.

VI. Leaders and followers in Congress

- A. Each of the two parties in the two houses has a leadership hierarchy.
 - 1. In the House, the leader selected by the majority party is the **Speaker of the House**. The Speaker's counterpart in the opposing party is the **minority leader**.
 - 2. Constitutionally, the Vice President is the leader of the Senate, though in practice he is rarely there. The *president pro tempore* presides in the absence of the Vice President, but this position is merely honorary. The real leader of the majority party is the **majority leader**. The **minority leader** holds a parallel position in the minority party.
 - 3. Party leaders are coalition builders, not autocrats.
- B. The operation of the House and the Senate is structured by both formal rules and informal norms.
 - 1. The House relies on its Rules Committee to govern floor debate. In most cases, debate on a bill is limited to one hour.
 - 2. The Senate uses unanimous-consent agreements to govern floor debate.
 - a) Senators can **filibuster** to try to stop legislation they don't like.
 - b) Filibusters can be stopped by a **cloture** vote (a means of limiting debate)

3. Rules are not neutral; they are a tool the majority party uses to help it control the legislative process.
- C. Unwritten norms of behavior help to keep both houses operating smoothly.
1. One celebrated norm is that members are to show respect for one another in their public deliberations.
 2. Members of Congress are expected to be willing bargainers, making every effort to reach reasonable compromise.
 3. The norms of deference to party and committee elders and apprenticeship have been weakened as junior members have become more aggressive, impatient and assertive.
- VII. The legislative environment
- A. How do legislators make up their minds about how they will vote? The most important influences seem to be
1. **Political parties:** Party unity is not strong, but party affiliation is still a good predictor of voting behavior. (See text Figure 11.5.)
 2. **The President:** The White House is heavily involved in legislation. Legislation is introduced on behalf of a president, and the president and the president's assistants lobby members of Congress on bills moving through the legislative process.
 3. **Constituents:** A crucial factor in any legislator's consideration of a bill is how his or her constituents feel about the issue.
 4. **Interest groups:** Interest groups are sources of useful information, political support, and sometimes campaign contributions. Their influence is enhanced if many active members live in the member's district or state.
- VIII. The dilemma of representation
- A. All members of Congress live in two worlds. In Washington they spend time dealing with the great issues of national concern. But they also spend much of their time traveling back to their district or state, where they meet with constituents and give speeches to local groups.
- B. The debate over whether legislators should vote according to conscience or constituency preference has never been resolved.
1. The view that legislators must be free to vote according to their conscience is associated with Edmund Burke. Legislators who vote according to their conscience see their role as that of a **trustee**.
 2. A legislator who feels duty-bound to represent the majority view of constituents sees his or her role as that of a **delegate**.
 3. Few members of Congress act consistently as a delegate or a trustee. The more crucial an issue is at home, the more they are pulled toward the delegate role.
- IX. Pluralism, majoritarianism, and democracy
- A. The framework that legislators use in making decisions has broad implications for governing.
1. If legislators act as delegates, policymaking will be highly pluralistic, reflecting bargaining among lawmakers speaking for different constituencies.
 2. If they act as trustees, there is no guarantee that policymaking will be majoritarian, but legislators will be less closely tied to the narrow interests of their districts and states.
- B. **Parliamentary systems** are a point of comparison. They fit the majoritarian model of democracy to a much greater extent than does Congress.
- C. Congress's inability to reduce the budget deficit in the 1980s and early 1990s reflected the pluralistic nature of congressional policymaking.

1. Legislators were more concerned about saving programs of interest to their particular constituencies than they were in cutting back on spending, even though they all agreed that the deficit was too big.
2. Although pluralism is easy to criticize on this score, it is important to remember that our congressional system allows individual constituencies to be heard. The programs that are protected through bargaining are important to different segments of the U.S. population.
3. Majoritarianism is not completely absent, though: the rise in party unity reflects the parties' success in defining their differences, and thus gives voters clearer choices to make.