CONGRESS’S PLACE IN OUR CONSTITUTIONAL SYSTEM

Congress has quite a bit more constitutionally bestowed power than either the presidency or the courts. Enumerated congressional powers are supplemented by vast implicit powers stemming from the elastic clause. The Constitution also establishes the basic formal structure of Congress.

* Congress is composed of two chambers: the House of Representatives and the Senate. Senators serve longer terms and have larger constituencies than do members of the House, largely in an attempt to make Representatives responsive to local interests. Senators, on the other hand, are responsive to national interests.

CONGRESS AND THE PEOPLE

* **Representation and the Constituency**To understand congressional behavior, it’s important to understand the two characteristics of the relationship between a member of Congress and his or her constituency
  + **Descriptive representation** asks, “Does my member of Congress look like me?”
  + Descriptive representation typically creates greater trust in the political system for various demographic groups. This trust is generated when members of traditionally underrepresented groups see government officials who look like them or have the same background as they do.
  + **Substantive representation** asks, “Does my member of Congress reflect my interests?” There are three routes a legislator can take in becoming substantively representative of their constituents: they can go the way of the trustee, the delegate, or the politico.
    1. Trustees aim to be responsible leaders, acting however they think [best](http://www.wwnorton.com/college/polisci/american-politics-today2/core/ch/10/outline.aspx), even if their actions are unpopular with some members of the constituency.
    2. Delegates, conversely, do what their constituents want, even if the delegate believes their actions run counter to their district’s best interests.
    3. The politico balances responsiveness and responsibility. These members of Congress are responsive on some issues and take responsibility for others.
  + Even though voters are typically unaware of congressional activity, members of Congress behave as if their constituency was watching. They do this because they know that when elections approach they will be more likely to lose if they are caught failing to uphold their district’s interest.
  + Representing the district’s interests, however, can be quite difficult. Where districts are heterogeneous, members of Congress can have a tough time appealing to all their sub-constituencies. As such, legislators generally represent the central ideological tendencies of their districts, so as to not alienate too many voters.
* **The Electoral Connection**The key to understanding the behavior of legislators is to recognize that reelection is their primary interest. After all, without getting elected, legislators would be unable to enact policy change or represent their constituents.
  + To increase their likelihood of reelection, members of Congress take [credit](http://www.wwnorton.com/college/polisci/american-politics-today2/core/ch/10/outline.aspx) for bringing government projects and federal funds to their home district, and they engage in constituent casework. Doing so maximizes support back home, both in the form of votes and in monetary contributions, while also reducing the likelihood that the member of Congress faces a quality challenger in the next election.
  + They also [work](http://www.wwnorton.com/college/polisci/american-politics-today2/core/ch/10/outline.aspx) with their constituents on a number of issues and make public appearances
  + They also make public statements on topics of interest to constituents. Although it’s nearly impossible to take a position without alienating *some* constituents, members of Congress do their best to appeal to specific audiences within their district.
* **Redistricting**

Each House district is composed of approximately 700,000 people, but because people move within and between states, precision is difficult to achieve.

* + To [help](http://www.wwnorton.com/college/polisci/american-politics-today2/core/ch/10/outline.aspx) maintain electoral equality, districts are redrawn in a process called **apportionment**. States gain or lose seats every ten years based on the most recent census.
  + Redrawing district lines can have significant implications for members of Congress. Using the redistricting process to gain a political advantage is called **gerrymandering.**Even if neutral authorities are in charge of the redistricting, the new lines have political implications.
* **Congress’ Image Problem**

Despite all the work that members of Congress do to cultivate support in their district, Congress has very low approval ratings. There are a few widely accepted reasons why the American public holds Congress in poor regard:

* + First, scandals involving Congressmen, from accepting bribes to engaging in illicit affairs, often get widespread attention and reflect poorly on the body as a whole.
  + Second, ,media coverage (particularly television coverage) portrays Congress in an increasingly negative light. Coverage of policy stories has declined, while stories of Congressional scandal have increased dramatically.
  + Third, Congress was designed to process legislation slowly and deliberately. The inherent conflict between local and national interests requires members of Congress to balance their responsiveness to local interests with their responsibilities to the larger national interest.

Achieving this balance requires compromise. The American public has a hard time appreciating the difficulties in reconciling competing interests, especially when that reconciliation takes time. Compromise is popularly portrayed as partisanship and gridlock.

THE INCUMBENCY ADVANTAGE AND ITS SOURCES

Despite the low regard that Americans have for Congress as a whole, individual members of Congress rarely get defeated when they run for reelection. In fact, the reelection rate of incumbents hovers around 93 to 98 percent, depending on the year. This growth in **incumbency advantage** has a number of sources (beyond what was discussed above in the Electoral Connection section).

* In the district, members try to find a way to relate to their district and present themselves carefully to appear like their constituents.
* Incumbents also raise quite a bit of money for their political campaigns, which makes it difficult for challengers to compete. In 2008, the average amount of money spent by a successful challenger was nearly $2 million.
* Incumbents also “work their districts” by meeting with constituents and working with federal agencies and programs to help constituents get their appropriate benefits. In fact, most House members perform constituency **casework** as often as possible, preferring it to many other activities. By helping solve a constituent’s problems, members are more likely to get that person’s support in the upcoming election.

THE STRUCTURE OF CONGRESS

Congress has a number of rules and norms. Norms are not official rules, but are informal agreements commonly held by legislators.

* **Informal Structures**
  + When benefits are divided up among districts, members of Congress generally try to benefit as many states and districts as possible. This phenomenon is referred to as **universalism**.
  + Similarly, members of Congress often practice **reciprocity**, wherein they support another member’s bills in order to get support for their own.
  + The **seniority** norm awards powerful positions to legislators based on the length of time they have been in office.
  + Lastly, **specialization** demands that members of the House of Representatives become experts on a small subset of issues allowing them to develop knowledge and build support back home.
* **Formal Structures**

In addition to these informal norms, Congress also has a long list of formal structures.

* + In addition, both the majority and minority party have **party** **leaders** who manage their parties’ day-to-day Congressional activity; and **whips** who gather and share information, count votes, and build coalitions.
  + The leadership structure of the Senate is similar to that of the House, though Senate leaders are not as powerful as House leaders because all Senators enjoy a fair amount of influence. Both the majority and minority party have a leader, assistant leader, and whip.
    1. Unlike their counterparts overseas, the Congressional party leaders do not have much power over their members and are unable to force a member of Congress to vote a certain way.
  + Committees divide up much of the work that Congress does, allowing for members of Congress to develop expertise and reinforce norms of reciprocity and universalism.

There are four kinds of committees:

* + 1. **Standing committees** are the most common, and do the most work. They are relatively permanent, draft legislation, and have wide jurisdiction.
    2. **Select committees** address specific topics for one or two terms and are then disbanded.
    3. **Joint committees** are composed of members from both the House and Senate, and they gather information but rarely have legislative authority.
    4. **Conference committees** are formed between House and Senate members to reconcile the differences between bills passed by the House and Senate.

HOW A BILL BECOMES A LAW

There are two general tracks for how bills become law.

* **The “Textbook” Version**
  1. Once a member introduces a bill, it is sent to the relevant committee in the first chamber (House or Senate), where the committee chair sends it to the relevant subcommittee.
  2. The subcommittee goes over the bill, holds hearings and rewrites it, sometimes adding amendments. The subcommittee then decides whether or not to pass the bill on to the full committee.
  3. If the bill goes on to the full committee, committee members have the opportunity to add amendments, vote on it as-is, or table it (effectively kill it).
  4. If the bill gets passed on by the full committee, it goes to the floor. It then goes through another round of debate and amending, whereupon it goes up for a vote.
  5. If the House and Senate pass bills that are not identical, the differences are often resolved in a conference committee, where members from both the House and Senate meet.
  6. If the conference committee can agree on all the changes, the final version is sent back to each of the two chambers for a majority vote.
  7. If the bill passes each of these chambers, it is sent to the president, who can either sign it into law or **veto** it. If the President vetoes it, the bill can still become a law if both chambers pass the bill with a two-thirds majority. Otherwise, the bill dies.
* **Deviations from the “Textbook” Process**

Rather than bringing up legislation in this “textbook” process, party leaders often deviate from it when major legislation comes up, and following are several ways that party leaders can do this.

* 1. Choose to hold summit meetings
  2. Remove a bill from its assigned committee
  3. Rewrite the bill after committee **mark-up**
  4. Sponsor **omnibus legislation**, or large bills that cover lots of topics.
* **Differences in the House and Senate Legislative Processes**

The House and Senate have very different rules structuring the legislative process, which can lead to very different outcomes for bills.

* 1. For example, the House has very specific rules for when a bill can be voted on by the floor, how long debate can go on, what types of amendments can be offered, and so on.
     1. The House Rules Committee exerts lots of control on the legislative process, particularly on major bills. They can pass special rules that govern how a particular bill is considered:
     2. **Closed rules** do not allow any amendments to the bill.
     3. **Open rules** allow only germane amendments.
     4. **Modified rules** allow some types of amendments, but not others.
* By contrast, the Senate has far fewer rules, with no limits on when the majority leader can bring a bill to the floor, or the types of amendments that can be offered for a specific bill.
  1. Another particularly important difference between the two chambers is that the Senate has no limit on how long debate can last. Debate can only be cut off by invoking cloture, which requires that 60 senators vote to end debate.
* The practice of talking a bill to death is called the **filibuster**, and it gives the minority party in the Senate a significant advantage in controlling what the majority party passes.

OVERSIGHT

Once a bill becomes a law, Congress has the responsibility of making sure that it is implemented well by the bureaucracy.

* They do so in a number of ways: by controlling budgets, by holding hearings and conducting investigation, or by overturning bureaucratic decisions.
* In addition, the Senate can make use of its power to provide “advice and consent” to the president on appointments and treaties.
* Lastly, Congress has the power to impeach the president, vice president, federal judges, or other civil officers.

CONGRESSIONAL REFORM

Often, Congressional reforms are proposed to either fix Congress’ image in the public eye, or to make it more efficient.

* In general, these reform ideals run counter to each other: fixing Congress’s image in the public eye is unlikely to make the legislative process better, while improving the legislative process itself is unlikely to make Congress’s image significantly better.
* As a result, Congressional reforms rarely pass.