Chapter 11: Congress: Balancing National Goals and Local Interest

Congress as a Career: Election to Congress
Before 1900, most members left voluntarily because travel was slow and arduous and they have to spend less time with their family.
Moreover, the national government was not the center of power, they preferred to serve in state capitals.
In modern Congress, most if its members are professional politicians, and a seat in the US Senate or House is as high as most of them can expect to rise in politics.
Members of congress are “single-minded seekers of reelections”
Incumbents (as officeholders are called) have a roughly 90% probability of winning reelections

Using Incumbency to Stay in Congress
○ The main reason incumbents run so strongly is that many congressional districts and some states are so lopsidedly Democratic or Republican that candidates of the stronger party seldom lose
○ The service strategy: taking care of Constituents
  ■ An incumbent promotes his or her reelection prospects by catering to the constituency: the people residing in the incumbent’s state or district
  ■ They pay attention to constituency opinions when choosing positions on legislature and to get their share of federal spending projects (Pork or Pork0barrel spending)
  ■ Incumbents also respond to their constituents’ individual requests, a practice known as the service strategy
  ■ Congressional staffers spend most of their time not on legislative matters but on constituency service and public relations
  ■ Each House member receives an office allowance of roughly $800,000 a year with which to hire up to eighteen permanent staff members
  ■ Senators receive office allowances that range between $2 million and $4 million a year, depending on the population size of their state
  ■ It is worth noting that European legislature do not have the large personal staffs or the travel and publicity budgets of member of Congress
  ■ European incumbents have much lower reelection rates than members of Congress
○ Campaign funding
  ■ Incumbents also have a decided advantage when it comes to raising campaign funds
- Rarely do incumbents say they had trouble raising enough money to conduct an effective campaign, whereas challengers usually complain that their fundraising fell far short of their needs.
- Individual contributions, most of which are 100 or less, account about 60 percent of all funds received by congressional candidates and are obtained mainly through fundraising events, websites, and direct-mail solicitation.
- Incumbents also have an edge with PACs.
- Most PACs are reluctant to oppose an incumbent unless the candidate appears beatable.
- A race without an incumbent—called an open-seat election—often brings out a strong candidate from each party and involves heavy spending, specially when the parties are rather evenly matched in the state of district.

○ **Redistricting: Favorable Boundaries for House Incumbents**
- House members, but not Senators, have a final electoral advantage.
- Every ten years, after each population census, the 435 seats in the House of Representatives are reallocated among the states in proportion to their population—a process called reapportionment.
- The responsibility for redrawing House election districts—a process called redistricting—rests with the respective state legislatures.
- The party that controls the legislature typically redraws the boundaries in a way that favor candidates of its party—a process called gerrymandering.

- **Pitfalls of Incumbency**
  ○ **Disruptive Issues**
  - Most elections are not waged in the context of disruptive issues, but when they are, incumbents are at greater risks.
  - When voters are angry about existing political conditions, they are most likely to believe that those in power should be tossed out of office.
  ○ **Personal Misconduct**
  - Members of Congress can also fall pretty to scandal.
  - Life in Washington can be fast paced, glamorous, and expensive, and some members of Congress get caught up in influence peddling, sex scandals, and other forms of misconduct.
  ○ **Turnout Variation: The Midterm Election Problem**
  - In 21 of the last 25 midterm elections—those that occur midway through a president’s turn—the president’s party has lost House seats.
  ○ **Primary Election Challengers**
Primary elections can also be a time of risk for incumbents, especially if they hold political moderate views. If they are confronted with a strong challenger from the extreme wing of their party, they stand a chance of losing because strong partisans are more likely than party moderates to vote in primary elections.

○ General Election Challengers
  ■ Incumbents, particularly those in the Senate, are also vulnerable to strong challengers.
  ■ Senators often find themselves running against a high-ranking politician.
  ■ Such opponents have the voter base, campaign organization, fundraising ability, public recognition, and credentials to mount a strong campaign.
  ■ The US Senate also lures wealth challengers.
  ■ House incumbents have less reason to fear strong challengers.
  ■ A House seat is often now attractive enough to induce a prominent local politician.
  ■ The situations changes somewhat when voters are deeply unhappy with the way government is performing.
  ■ Then, the party out of power has an easier time persuading strong challengers to run.

○ A New Threat: Super PACs
  ■ Although incumbents ordinarily have a funding advantage over their challengers, the situation can change when they appear vulnerable.
  ■ Contributors from outside the state or district may target the race and donate money to the challengers.
  ■ Although this threat has existed for years, it has become larger with the emergence of super PACs, which have the capacity to pour millions of dollars into a race.

● Who are the Winners in Congressional Elections?
  ○ The Constitution places a few restrictions on who can be elected to Congress.
  ○ House members must be at least 25 years old and be a US citizen for at least 7 years.
  ○ Senators must be at least 30 years old and be a US citizen for at least 9 years.
  ○ Congress is not a microcosm of the population.
  ○ Although lawyers constitute less than 1% of the population, they make up 1/3 of Congress.
○ Attorneys enter politics in large numbers in part because knowledge of the law is an asset in Congress and also because campaign publicity—even if a candidate loses—is a good way to build a law practice
○ Professionals such as business executives, educators, bankers, and journalists account for roughly 90% of congressional membership
○ Congress are disproportionately white and male
○ Women 15 percent, minorities account for an even smaller proportion—less than 10 percent

● Parties and Party Leadership
● The US Congress is a bicameral legislature, meaning it has two chambers, the House and the Senate
● At the start of each two-year congressional term, party members in each chamber meet to elect their party leaders—the individuals who will lead their party’s efforts in the chamber
● Party members also meet periodically in closed session, which is called a party caucus, to plan strategy, develop issues, and resolve policy differences

● Party Unity in Congress
○ There is now little overlap in the ideologies of congressional democrats and Republicans
○ In both House and the Senate, the most liberal Republican was farther to the right than the most conservative Democrat
○ Each congressional party has found it easier to achieve party unity—in which members of a party band together on legislation and stand against the opposite party
○ The heightened level of party unity in Congress can be seen by looking at the party distribution on roll-call votes
    ■ In the 1970s, roll-call votes generally did not pit most Republicans against Democrats
    ■ More recently, most roll-call votes have divided along party lines

● Party leadership in Congress
○ Party leaders in Congress are usually chosen for their demonstrated leadership ability, as well as their ability to work effectively with other members
○ The power of party leaders in Congress depends to a considerable extent on their ability to gain the trust of party members and to forge positions that bridge their policy views
House Leaders

- The Constitution specifies that the House of Representatives will be presided over by a Speaker, elected by the vote of its members.
- Next to the president, the Speaker of the House is sometimes said to be the most powerful national official.
- The Speaker is active in developing the party’s position on issues and in persuading party members in the House to support them.
- The Speaker also has certain formal powers, including the right to speak first during House debate on legislation and the power to recognize members—that is, to grant them permission to speak from the floor.
- The Speaker also chooses the chairperson and the majority-party members of the powerful House Rules Committee, which controls the scheduling of bills.
- Although powerful, the Speaker is ultimately beholden to the party’s membership.
- The Speaker cannot force them to vote for or against a particular bill.
- The Speaker must consider what party members will accept when taking positions on legislative issues.
- The Speaker is assisted by the House majority leader and the House minority whip, who are also chosen by the majority party’s members.
- The minority party also has its House leaders.
- The House minority leader heads the party’s caucus and its policy committee and plays the leading role in developing the party’s legislative positions.
- The minority leader is assisted by a minority whip.

Senate Leaders

- In the Senate, the most important party leadership position is that of the majority leader, who heads the majority-party caucus.
- The majority leader’s role resembles that of the Speaker of the House in that the Senate majority leader formulates the majority party’s legislative agenda and encourages party members to support it.
- The Senate majority leader chairs the party’s policy committee and acts as the party’s voice in the chamber.
- The majority leader is assisted by the majority whip.
- The Senate majority leader’s position is less powerful than that of the Speaker of the House.
- Unlike the Speaker, the Senate majority leader is not the chamber’s presiding officer.
- The Constitution assigns this position to the vice president.
- Unlike the House, where the Speaker directs the floor debate, the Senate has a tradition of unlimited debate.
Senate majority leader's power is also limited by the fact that individual senators have more power and freedom of action than do individuals House members.

- **Committees and Committee Leadership**
- Most of the work in Congress is conducted through standing committees, which are permanent committees with responsibility for particular areas of public policy.
- House committees are about twice the size of Senate committees.
- Each standing has legislative authority in that it can draft and rewrite proposed legislation and can recommend to the full chamber the passage or defeat of the bills it handles.
- Most of the standing committees have subcommittees, each of which has a defined jurisdiction.
- Each House and Senate committees has about a dozen members.
- These few individuals do most of the work and have a leading voice in the disposition of bills in their policy area.
- The committee staffs perform an almost entirely legislative function to help draft legislation, gather information, and organize hearings.
- Congress also has number of select committees that have a designated responsibility but, unlike the standing committees, do not produce legislation.
- Congress also has joint committees, composed of members of both houses, which perform advisory functions.
- Congress has conference committees—join committees formed temporarily to work out differences in House and Senate versions of a particular bill.
- The role of conference committees is discussed more fully later in the chapter.

- **Committee Jurisdiction**
  - The 1964 Legislative Reorganization Act requires that each bill introduced in Congress be referred to the proper committee.
  - Even if a committee’s members are known to oppose certain types of legislation, bills clearly within its jurisdiction—the policy area in which it is authorized to act—must be sent to it for deliberation.
  - Jurisdiction is not always clear cut.
    - All committees seek legislative influence, and each is jealous of its jurisdiction, so a bill that overlaps committee boundaries can provoke a “turf war” over which committee will handle it.
    - Party leaders can take advantage of these situations by assigning the bill to the committee that is most likely to handle it in the way they would like.
    - All times, party leaders have responded by dividing up a bill, handing over some of its provisions to one committee and other provisions to a second committee.

- **Committee Membership**
  - The ratio of Democrats to Republicans on each committee is approximately the same as the ratio in the full House or Senate.
  - Members of this House typically serve on only two committees.
Senators often serve for four, although they can sit on only two committees. Once appointed to a committee, the member can usually choose to stay on it indefinitely. Each committee has a fixed number of seats. Most newly elected members of Congress ask for the assignment to a committee on which they can serve their constituent’s interests and at the same time enhance their reelection prospects. Some members of Congress prefer a seat on the most prestigious committees. Although these committees do not align closely with constituency interests, they have responsibility for prominent policy issues.

Subcommittees assignments are handled differently. The members of each party on a committee decide who among them will serve on each of its subcommittees. The members’ preferences and seniority, as well as the interests of their constituencies, are key factors in subcommittee assignments.

### Committee Chairs
- Each committee is headed by a chairperson.
- They chair schedules committee meetings, determine the order in which committee bills are considered, preside over committee discussions, direct the committee’s majority staff, and can choose to lead the debate when a committee bill goes to the floor of the chamber for a vote.
- Committee chairs are always members of the majority party and usually the party member with the most seniority.
- Sonority is based strictly on time served on a committee, not on time spend in Congress.
- The seniority system has advantages:
  - Reduces the number of power struggles that would occur if the chairs were decided each time by open competition.
  - Places committee leadership in the hands of experienced members.
  - Enables members to look forward to the reward of a position as chair after years of service on the same committee.
  - Applied less strictly than in the past.

### Committee and Parties: Which is in Control?
- In one sense, committees are an instrument of the majority party, in that it controls most of each committee’s seats and appoints its chair.
- In another sense, each committee is powerful in its own right.
- Committees decentralize power in Congress and serve individual members’ power and reelection needs.
Less than a dozen members hold a party leadership position, but several hundred serve as committee or subcommittee chairs or are ranking members, the term for the minority party’s committee and subcommittee leaders

Although the parties have more influence in Congress than they did a few decades ago, the balance between party power and committee power is always an ongoing issue

The distinguishing feature of congressional power is its division among the membership, with the provision for added power—sometimes more and sometimes less—in the hands of the top party leaders

**How a Bill becomes Law**
- A bill is a proposed legislative act
- Many bills are prepared by executive agencies, interest groups, or other outside parties, but members of Congress also draft bills, and they alone can formally submit a bill for consideration by their chamber

**Committee Hearings and Decisions**
- When a bill is introduced in the House of Senate, it receives a bill number and is sent to the relevant committee, which assigns it to one of its subcommittees
- Less than 10% of the bills referred to committee will get to the floor for a vote; the others are “killed” when committees decided they lack merit
- Most bills die in committee because they are poorly conceived or of little interest to anyone other than a few members of Congress
- The fact that committees kill more than 90% of the bills submitted in Congress does not mean that they exercise 90% of the power in Congress
- If a bill appears to have merit, the subcommittee will schedule hearings on it
- In the House, both the full committee and a subcommittee can mark up a bill—that is they have the authority to change its content
- In the Senate, mark up usually is reserved for the full committee

**From Committee to the Floor**
- If a majority of the committee vote to recommend passage of the bill, it is referred to the full chamber for action
- In the House, the Rules Committee has the power to determine when the bill will be voted on, and how long the debate on it will last
- Only a small number of legislators are granted the opportunity to speak on the floor
- The Rules Committee also decides whether a bill will receive a “closed rule”, “open rule”, or something in between
- The Senate also has a rules committee, but it is less important than its House counterpart because the Senate has less restrictive rules on debate and amendments
- All Senate bills are subject to unlimited debate unless a 3/5 majority vote for cloture, which limits debate to 30 hours
Cloture is a way of defeating a Senate filibuster, which is a procedural tactic whereby a minority of senators can block a bill by talking until other senators give in and the bill is withdrawn from consideration of altered to fit opponents’ demand.

In the House, proposed amendments must directly relate to the bill’s contents.

In the Senate, members can propose any amendment to any bill.

**Leadership and Floor Action**
- A bill that emerges from committee with the support of all or nearly all of its members is usually passed by an overwhelming majority of the full chamber.
- On the other hand, when the committee vote is closely divided, other members may conclude that they need to give the bill a close look before deciding whether to support it.
- On major bills, the majority party’s leaders (particularly in the House) have increasingly assumed the lead.
- They depend on the ongoing support of their party’s members. To obtain it, they consult their members informally and through the party caucus.

**Conference Committees and the President**
- For a bill to pass, it must have the support of a simply majority of the House or Senate.
- To become law, a bill must be passed in identical form by both the House and the Senate.
- Each conference committee is formed temporarily for the sole purpose of handling a particular bill; its members are usually appointed from the House and Senate standing committees that drafted the bill.
- The conference committee’s job is to develop a compromise version, which then goes back to the House and Senate floors for a vote.
- If the president signs the bill, it becomes law.
- If the president rejects the bill through use of the veto, the bill is sent back to Congress with the president’s reasons for not signing it.
- Congress can override a president’s veto by a two-thirds vote of each chamber; the bill then becomes law without the president’s signature.
- However, if Congress has conclude its term and the president fails to sign a bill within ten days, the bill does not become law.
- This last situation, called a pocket veto, forces Congress in its next term to start over from the beginning.
- **Congress's Policymaking Role**
  - As national and international combined to place greater policy demands on the federal government, the president assumed a central role in the legislative process
  - Congress’s policymaking role revolves around its three major functions: lawmaking, representation, and oversight

- **The Lawmaking Function of Congress**
  - Under the Constitution, Congress is granted the lawmaking function: the authority to make the laws necessary to carry out the powers granted to the national government: including the power to tax, to spend, to regulate commerce, and to declare war
  - **Brood issues: Fragmentation as a Limit on Congress's Role**
    - Congress is structured in a way that can make agreement on large issues difficult to obtain
    - Congress also includes a lot of lawmakers: 100 members of the Senate and 435 members of the House
    - Because it means different things to different people in different areas of the country, members of Congress who represent these various areas have conflicting views on when free trade makes sense
    - Congress often has difficulty taking the lead on broad issues of national policy
    - Although an increase in party unity in Congress has strengthened the role of the chamber’s majority party and its leaders, the fact remains that House and Senate members are largely free to vote as they please
    - Congress sometimes struggles when faced with the task of crafting major legislation
    - As an institution, the presidency is better suited to the task of providing leadership on major national issues
      - First whereas Congress’s authority is divided, executive power is vested constitutionally in the hands of a single individual—the president; The president has less need to negotiate with other executive officials in taking a position
      - Second, whereas members of Congress often see issues from the perspective of their state or constituency, presidents have a national constituency and tend to look at policy from that perspective
      - Third, news coverage tilts national policy leadership toward the presidency and away from Congress
      - Presidential leadership means that Congress will listen to White House proposals, not that it will act on them
      - It may reject a proposal outright, particularly when the president is from the opposing party
      - On the other hand, when a president proposal is somewhat close to what a congressional majority might find acceptable, the proposal becomes the
starting point for congressional negotiations, saving Congress the time and trouble of developing the legislation from scratch

- In its lawmaking activities, Congress has the support of three congressional agencies
- Congressional Budget Office (CBO) provides Congress with general economic projections, overall estimates of government expenditures and revenues, and specific estimates of the costs of proposed programs
- Government Accountability Office (GAO) is the largest congressional agency; it has primary responsibility for overseeing executive agencies’ spending of money that has been appropriated by Congress
- Congressional Research Service (CRS) conducts research and responds to information requests from congressional committees and members

  ○ Congress in the Lead: Fragmentation as a Policymaking Strength
    - Congress occasionally takes the lead on major issues
    - Labor legislation, environmental law, federal aid to education, and urban development are policy areas in which Congress has taken an initiating role
    - Congress does not routinely develop broad policy programs and carry them through passage
    - The great majority of the hundreds of bills that Congress considers each session deal with narrow issues
    - The same fragmentation that makes it difficult for Congress to lead on broad issues enables Congress to tackle scores of smaller issues simultaneously
    - Most of the legislation passed by Congress is “distributive”—that is, it confers a benefit on a particular group while spreading the cost across the taxpaying public
    - Distributive policies have a clear political advantage: The benefit is large enough that members of the recipient group will recognize and appreciate it, while the cost to each taxpayer is less noticeable

- The Representation Function of Congress
  - The proper approach to the representation function has been debated since the nation’s founding
  - A recurrent issue is whether the representative should respond to the interests of the nation as a whole or those of the constituency
  - These interests overlap to some degree but do not coincide exactly

  ○ Representation of States and Districts
    - The choice between national and local interests is not a simple one, even for a legislator who is inclined toward one or the other orientation
    - To be fully effective, members of Congress must be reelected time and again a necessity that compels them to pay attention to local demand
    - Yet, they serve in the nation’s legislative body and cannot ignore national needs
Most members of Congress, on narrow issues at least, vote in a way that will not antagonize local interests

Local representation occurs in part through the committee system

Although studies indicate that the preferences of most committees are not radically different from those of the full House or Senate, committee memberships roughly coincide with constituency interests

Committees are also the site of most logrolling—the practice of trading one’s vote with another member’s so that both get what they want

Local representation also shapes how Congress distributes funds for federal programs

If a program has a local element, members of Congress will often withhold their support unless their locality gets a share of the money, even if the effect is to make the program less efficient

Nevertheless, representation of constituency interests has its limits

Constituents have little awareness of most issues that come before Congress

Whether Congress appropriates a few million dollars in foreign aid to Chad or Bolivia is not the sort of issue that local residents will hear about

Moreover, members of Congress often have no choice but to go against the wishes of a significant portion of their constituency

The nation’s capital is filled with powerful lobbies that contribute funds to congressional campaigns

Some of these lobbies represent interests that coincide with those of the legislator’s state or district but many of them do not

- **Representation of the Nation through Parties**
  - When a clear-cut and vital national interest is a stake, members of Congress can be expected to respond to that interest
  - In most cases members of Congress, though agreeing on a need for national action, disagree on the course of action
  - In Congress, disagreements over national goals occur primarily along party lines
  - Differences in the parties’ approach to education policy played out in the legislative debate on No Child Left Behind
  - Partisan divisions have increasingly defined congressional action
  - In the past, the diversity of the congressional parties—the presence of a large number of conservation within Democratic ranks and a large number of progressive within Republicans ranks—was a barrier to legislation rooted in party ideology
  - Neither party could muster the support of enough of its members to pursue such legislation on a regular basis
  - A positive aspect of this development is that party differences are increasingly apparent to voters
At times in the past, many voters believed that the parties did not offer a clear choice.

In the view of some politician scientists, this situation was a barrier to accountability.

They argued that America’s voters deserve to have the choice between “responsible parties”—parties that take clear-cup and opposing policy positions and seek to enact them when in office so that voters can more easily hold them to account for their actions.

Critics of this view sat that if fails to account for the structure of US institutions.

As congressional partisanship has intensified, the public’s image of Congress has plummeted.

- **The Oversight Function of Congress**
  - Although Congress enacts the nation’s laws, their administration is entrusted to the executive branch.
  - Congress has the responsibility to see that the executive branch carries out the laws faithfully, a supervisory actively referred to as the oversight function of Congress.
  - Oversight is a demanding task.
  - The bureaucracy has hundreds of agencies and thousands of programs.
  - Congress gets some leverage from the fact that federal agencies have their funding renewed each year, which provides an opportunity for congressional committees to review agency activities.
  - Congress also gets leverage from committee staffs, which interact regularly with the top bureaucrats in the agencies within their committee’s jurisdiction.
  - Nevertheless because the task is so large, oversight is not pursued vigorously unless members of Congress are annoyed with an agency, have discovered that a legislative authorization is being abused, or are intending to modify an agency program.