

CH. 11 - CONGRESS

The founding fathers intended for Congress to be the central policy-making body in the federal government. Although the power of Congress has fluctuated over the years, today it shares with the presidency and the judiciary the responsibility of making key policy decisions that shape the course of the nation.

THE PEOPLE'S INFLUENCE

Although the founders saw Congress as the body most directly in touch with the people, most people today have negative overall views of both houses. Approval ratings have hovered for years at about 30%, although in recent years those ratings have climbed somewhat higher. Yet the majority of voters express higher approval ratings (60 to 70%) for the members of congress from their districts. Members of Congress are seen as working for their constituents, but Congress as a whole supposedly represents the nation as a whole. These seemingly contradictory expectations create different pressures on members of Congress.

Americans elect their senators and representatives. This direct link between the legislature and the people is a very important part of our democracy. Should Congress, then, reflect the will of the people? Or should they pay attention to their own points of view, even if they disagree with their constituents? Many considerations influence the voting patterns of members of Congress, including the following:

- **Constituents' Views.** Members of congress often visit their home districts and states to keep in touch with their constituents' views. They also read their mail, keep in touch with local and state political leaders, and meet with their constituents in Washington. Some pay more attention than others, but they all have to consider the views of the folks back home.
- **Party Views.** Congress is organized primarily along party lines, so party membership is an important determinant of a member's vote. Each party develops its own versions of many important bills, and party leaders actively pressure members to vote according to party views. It is not surprising that representatives and senators vote along party lines about three-fourths of the time.
- **Personal Views.** What if a representative or senator seriously disagrees with the views of his constituents on a particular issue? How should he or she vote? Those who believe that personal views are most important argue that the people vote for candidates that they think have good judgment. Representatives should feel free to exercise their own personal views. After all, if the people don't like it, they can always vote them out of office.

CONGRESS IN THE CONSTITUTION

At its creation in 1789 the legislative branch was a unique invention. Rule by kings and emperors was an old style of government, and the legislature in many ways represented the new. Almost certainly, the founders intended that Congress have more important powers than they granted to the president and the judiciary. However, they placed many checks and balances on the legislature that have shaped what we have today. They controlled power not only by checks from the other branches, but by creating a **bicameral (two-House) Congress** - the Senate and the House of Representatives. The powers of Congress are both constitutional and evolutionary.

THE STRUCTURE OF CONGRESS

Originally, the Constitution provided for members of the House of Representatives to be elected directly by the people and the Senate to be chosen by the legislatures of each state. The membership of the House was based on population with larger states having more representatives, and the Senate was to have equal representation, two senators per state. In 1913 the 17th amendment provided for direct election of senators.

A representative was required to be 25 years old, seven years a citizen of the United States, and a citizen of the state represented. A representative's term was set at two years. A senator served a six year term and was to be at least 30 years old, nine years a citizen, and a citizen of the state represented. The number of terms either representatives or senators could serve was not limited. The original number of representatives was 65; in 1911, the size was limited to 435. Representatives are reapportioned among the states every ten years after the census is taken.

CONSTITUTIONAL POWERS

The powers of Congress are defined in Article I, section 8 of the Constitution:

- To lay and collect taxes, duties, imports, and excises
- To borrow money
- To regulate commerce with foreign nations and among the states
- To establish rules for naturalization and bankruptcy
- To coin money
- To fix the standard of weights and measures
- To establish a post office and post roads
- To issue patents and copyrights
- To create courts (other than the Supreme Court)
- To define and punish piracies
- To declare war
- To raise and support an army and navy
- To provide for a militia
- To exercise exclusive legislative powers over the District of Columbia and other federal facilities

In addition the "**elastic clause**" (also called the "necessary and proper" clause) allowed the government to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States."

The Constitution also gives each house of Congress some special, exclusive powers. Such powers given to the House of Representatives are:

- **Revenue bills** must originate in the House of Representatives. Although this power is still honored today, it tends to have blurred over the years. Often budget bills are considered simultaneously in both houses, and tax policy has also become a major initiative of the President.
- **Impeachment power**, the authority to charge the president, vice president, and other "civil officers" with "high crimes and misdemeanors" is given to the House. The Senate conducts trials for impeachment, but only the House may make the charge.

Special, exclusive powers given to the Senate are:

- **Major presidential appointments** must be confirmed by the Senate. The Senate offers "advice and consent" to the president by a majority vote regarding the appointments of federal judges, ambassadors, and Cabinet positions.
- **Treaties with other nations** entered into by the President must be approved by a two-thirds vote of the Senate. This provision is an illustration of checks and balances, and it has served as a very important restriction to foreign policy powers of the American President.

Important Constitutional Differences between the House and the Senate	
House	Senate
Initiates all revenue bills	Must confirm many major presidential appointments
Initiates impeachment procedures and passes articles of impeachment	Tries impeachment officials
Two-year terms	Six-year terms (One-third up for reelection every two years)
453 members (apportioned by population)	100 members (two from each state)
Members at least 25 years of age, 7 years a citizen	Senators at least 30 years of age, 9 years a citizen
	Approves treaties

EVOLUTIONARY POWERS

The elastic (or necessary and proper clause) gives Congress the authority to pass laws it deems "necessary and proper" to carry out its enumerated functions. Many congressional powers that have evolved over the years are based on this important clause.

Two important evolutionary powers are:

- **Oversight of the budget.** Congress reviews and restricts the annual budget prepared by the executive branch. When a law is passed setting up a government program, Congress must pass an **authorization** bill that states the maximum amount of money available. When the nation's budget is set, only Congress can set the **appropriations** - the actual amount available in a fiscal year - for each program that it has authorized.
- **Investigation.** Congress may investigate both issues that warrant study and wrong doings by public officials. Through committee hearings, Congress has examined issues such as crime, consumer safety, health care, and foreign trade. Although Congress must abide by protected individual rights, their committees have examined many allegations against elected officials. Famous recent investigations include the Watergate and the Clinton-Lewinsky hearings.

LEADERSHIP

Political parties are very important in both the House of Representatives and the Senate today. Even though political parties don't play as big a role in elections as they once did, they still provide the basic organization of leadership in Congress.

After each legislative election the party that wins the most representatives is designated the **majority** in each house, and the other party is called the **minority**. Usually, the same party holds both houses, but occasionally they are split. For example, from 1983-85, the House majority was Democratic and the Senate majority was Republican. The split happened again in 2001, when an evenly divided Senate became Democratic when Senator Jim Jeffords dropped his affiliation with the Republican Party to become an independent. These designations are important because the majority party holds the most significant leadership positions.

LEADERSHIP IN THE HOUSE OF REPRESENTATIVES

The **Speaker of the House** is the most important leadership position in the House. This office is provided for in the Constitution, and even though it says "The House of Representatives shall choose their Speaker and other Officers," in truth the majority party does the choosing. Before each Congress convenes the majority party selects its candidate, who almost always is the person selected. The Speaker typically has held other leadership positions and is a senior member of the party. Around the turn of the century, the Speaker was all powerful, especially under the leadership of Joe Cannon and Thomas Reed. A revolt by the membership in 1910 gave some of the Speaker's powers to committees, but the Speaker still has some important powers:

- recognizing members who wish to speak
- ruling on questions of parliamentary procedure
- appointing members to select and conference committees
- directs business on the floor
- exercising political and behind-the-scenes influence
- appointing members of the committees who appoint members to standing committees
- exercising substantial control over which bills get assigned to which committees
- appointing the party's legislative leaders

The Speaker's most important colleague is the **majority leader**, whose position is often a stepping-stone to the Speaker's position. The majority leader is responsible for scheduling bills and for rounding up votes for bills the party favors.

The **minority leader** is the spokesperson for the minority party, and usually steps into the position of Speaker when and if his or her party gains a majority in the House. Assisting each floor leader are the **party whips**, who serve as go-betweens for the members and the leadership. They inform members when important bills will come up for a vote, do nose-counts for the leadership, and pressure members to support the leadership.

LEADERSHIP IN THE SENATE

The Senate is characterized by its highest positions actually having very little power. By Constitutional provision, the **president of the Senate** is the vice-president of the United States. A vice-president can vote only in case of a tie and seldom attends Senate sessions. The Senate selects from among the majority party a largely ceremonial **president pro tempore**, usually the most senior member in the party. The *president pro*

tempore is the official chair, but since the job has no real powers, the job of presiding over the Senate is usually given to a junior senator.

The real leaders of the Senate are the **majority leader** and the **minority leader**. The Senate majority leader is often the most influential person in the Senate, and has the right to be the first senator heard on the floor. The majority leader determines the Senate's agenda and usually has much to say about committee assignments. The majority leader may consult with the minority leader in setting the agenda, but the minority leader generally only has as much say as the majority leader is willing to allow. The Senate also has **party whips** that serve much the same functions as they serve in the House.

COMMITTEES AND SUBCOMMITTEES: CONGRESS AT WORK

Most of the real work of Congress goes on in committees and subcommittees. Bills are worked out or killed in committees, and committees investigate problems and oversee the executive branch.

TYPES OF COMMITTEES

There are four types of committees:

1. **Standing committees** are the most important type because they handle bills in different policy areas, thus shaping legislation at a very critical point. The Senate and the House have separate standing committees: the Senate currently has 16 and the House has 19. The numbers may fluctuate slightly, but they tend to "stand" for a long time.
2. **Select committees** are formed for specific purposes and are usually temporary. A famous example is the select committee that investigated the Watergate scandal. Other select committees, like the Select Committee on Aging and the Select Committee on Indian Affairs, have existed for a number of years and actually produce legislation. Sometimes long-standing select committees eventually become standing committees.
3. **Joint committees** have similar purposes to select committees, but they consist of members from both the House and Senate. They are set up to conduct business between the houses and to help focus public attention on major issues. They investigate issues like the Iran-Contra affair in the 1980s, and they oversee institutions such as the Library of Congress.
4. **Conference committees** also consist of members from both the House and Senate, but they are formed exclusively to hammer out differences between House and Senate versions of similar bills. A bill goes to a conference committee after it has been approved in separate processes in the two houses, and a compromise bill is sent back to each house for final approval.

Standing Committees of Congress	
House Committees	Senate Committees
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Budget	Banking, Housing, and Urban Affairs
Education and the Workforce	Budget
Energy and Commerce	Commerce, Science, and Transportation
Financial Service	Energy and Natural Resources
Government Reform	Environment and Public Works
House Administration	Finance
International Relations	Foreign Relations
Judiciary	Governmental Affairs
Resources	Health, Education, Labor, and Pensions
Rules	Judiciary
Science	Rules and Administration
Small Business	Small Business and Entrepreneurship
Standards of Official Conduct	Veterans Affairs
Transportation and Infrastructure	
Veterans Affairs	
Ways and Means	

THE WORK OF COMMITTEES

More than 11,000 bills are introduced in the House and Senate over the two-year life span of a Congress, and all of them cannot possibly be considered by the full memberships. Each bill is submitted to a committee that has life or death control over its future. The majority of bills are **pigeonholed**, or forgotten for weeks or forever, and never make it out of committee. They are submitted to a subcommittee that will discuss them and possibly hold hearings for them. About 3,000 staff assist the various committees and subcommittees, conducting research and administrative and clerical work. Supporters and critics of the bill appear at the hearings and are questioned by subcommittee members.

The bills that survive this far into the process are then **marked up** (changed or rewritten) and returned to the full committee where they may be altered further. If the committee approves a bill, it will then be sent first to the Rules Committee in the House, and then to the floor. The bill is sent directly to the floor in the Senate

COMMITTEE MEMBERSHIP

Committee membership is controlled by the parties, primarily by the majority party. The chairman and a majority of each standing committee come from the majority party. The remaining committee members are from the minority party, but they are always a minority on the committee. In the House of Representatives, a Committee on Committees places Republicans on committees, and the Steering and Policy Committee selects the Democrats. In the Senate, each party has a small Steering Committee that makes committee assignments. Assignments are based on the personal and political qualities of the member, his or her region, and whether the assignment will help reelect the member.

Getting on the right committee is very important to most members of Congress. A member from a "safe" district whose reelection is secure may want to serve on an important committee that promotes a power base in Washington. On the other hand, a member who has few ambitions beyond his or her current position and whose reelection is less secure may want to serve on a committee that suits the needs of constituents. For example, a less secure representative from rural Kansas may prefer to serve on the Agriculture Committee.

COMMITTEE CHAIRMEN

Committee chairmen are the most important shapers of the committee agenda. Their positions were made more powerful in the House by the 1910 revolt which transferred power from the Speaker to the chairmen. From 1910 until the early 1970s, chairmen were strictly chosen by the **seniority system**, in which the member with the longest continuous service on the committee was placed automatically in the chairmanship. In the early 1970s, the House decided to elect committee chairmen by secret ballots from all the majority members. As a result, several committee chairmen were removed, and although most chairmen still get their positions through seniority, it is possible to be removed or overlooked.

THE RULES COMMITTEE IN THE HOUSE

The Rules Committee in the House of Representatives plays a key role in shaping legislation because it sets very important rules for debate when the bill is presented to the House after it leaves the committee.

- A **closed rule** (sometimes called a gag rule) sets strict time limits on debates and forbids amendments from the floor, except those from the presenting committee. Under closed rule, members not on the committee have little choice but to vote for or against the bill as it is.
- An **open rule** permits amendments and often has less strict time limits, allowing for input from other members. The Rules Committee is controlled by the Speaker, and in recent years, has put more and more restrictions on bills, giving Rules even more power.

CAUCUSES

Although Congress is organized formally through its party leadership and committee system, equally important is the informal network of **caucuses**, groupings of members of Congress sharing the same interests or points of view. There are currently more than seventy of these groups, and their goal is to shape the agenda of Congress, which they do by elevating their issues or interests to a prominent place in the daily workings of Congress.

Some caucuses are regionally based, such as the Conservative Democratic Forum (also known as the Boll Weevils because they are mostly from the South), the Sunbelt Caucus, and the Northeast-Midwest Congressional Coalition. Others share racial, ethnic, or gender characteristics, such as the Congressional Black

Caucus, or the Women's Caucus. One of the oldest is the Democratic Study Group, which encourages unity among liberal Democrats. Others share specialized interests, such as the Steel Caucus and the Mushroom Caucus.

Within Congress, caucuses press for committees to hold hearings and they organize votes on bills they favor. Caucuses also pressure agencies within the bureaucracy to act according to the interest of the caucus.

STAFF

More than 30,000 people work in paid bureaucratic positions for Congress. About half of them serve as personal staff for members of Congress or as committee staff members. The personal staff includes professionals that manage the member's time, draft legislation, and deal with media and constituents. Staffers also must maintain local offices in the member's home district or state. The average Senate office employs about thirty staff members, but senators from the most populous states commonly employ more. House office staffs are usually about half as large as those of the Senate. Overall, the number of staff members has increased dramatically since 1960.

WHO IS IN CONGRESS?

Members of Congress are far from typical Americans, but they have a number of characteristics in common:

- 90% are male.
- Most are well educated.
- Most are from upper-middle or upper income backgrounds.
- Most are Protestants, although in recent years, a more proportional number have been Roman Catholic and Jewish.
- Most are white, with only a handful of African Americans, Asian Americans, Hispanics, and Native Americans.
- The average age of senators is about 60; representative average about 55.
- 40% are lawyers; others are business owners or officers, professors and teachers, clergy, and farmers.

The fact that members of Congress represent privileged Americans is controversial. Some argue that the composition of Congress does not provide adequate representation for ordinary Americans. Others believe that a group of demographically average Americans would have difficulty making major policy decisions and that elites can represent people who have different personal characteristics from themselves.

It is important to note that Congress has gradually become less male and less white. Between 1950 and 2005 the number of women senators rose from 2 to 14, and female representatives have increased from 10 to 68. There were 40 black representatives in the 109th Congress, as compared to 2 in the 82nd (1951-52). Although there is only one black senator in the 109th Congress, there were none in the 82nd Congress. Today, the House has 23 Hispanics, and the Senate has 2. The 109th Congress also has 5 Asian Representatives and 2 Asian senators.

INCUMBENTS

During the 1800s most members of Congress served only one term, returning home to their careers when they completed their service. During the 20th century, serving in Congress has become a lifetime career for most members, and the number of incumbents, or those who already hold the office, with secure seats, has increased dramatically.

Scholars do not agree on all the reasons for the incumbency trend. Some believe that with fewer voters strongly attached to parties, people are voting for individuals, not for candidates because they are Democrats or Republicans. Incumbents have more name recognition than challengers; therefore are more likely to be elected. Incumbents enjoy free mailings (called the franking privilege), more experience with campaigning, and greater access to the media. They also raise campaign money more easily than challengers, because lobbyists and political action committees seek their favors. Today \$8 of every \$10 of PAC money is given to incumbents.

REPRESENTATION

For many years, any state with more than one representative has elected their representatives from single-member districts. Two problems emerged from single-member districting:

- **malapportionment** - For many years states often drew districts of unequal sizes and populations. As a result, some citizens had better access to their representatives than other did. The problem was addressed by the Supreme Court in the 1964 case, *Wesberry v. Sanders*, in which the Court ordered that districts be drawn so that one person's vote would be as equal as possible to another (the "one man one vote" decision).
- **gerrymandering** - This common practice was originally meant to give one political party an advantage over the other. District boundaries are drawn in strange ways in order to make it easy for the candidate of one party to win election in that district). The term "gerrymandering" is derived from the original gerrymanderer, Eldrige Gerry, who had a Massachusetts district drawn in the shape of a salamander, to ensure the election of a Republican. Over the years both parties were accused of manipulating districts in order to gain an advantage in membership in the House.

MINORITY/MAJORITY DISTRICTING

Gerrymandering continues to be an issue today. A more recent form that appeared shortly after the 1990 census is **minority/majority districting**, or rearranging districts to allow a minority representative to be elected, is just as controversial as the old style party gerrymandering. The Justice Department ordered North Carolina's 12th district to redraw their proposed boundaries in order to allow for the election of one more black representative. This action resulted in a Supreme Court case, *Shaw v. Reno*, which the plaintiffs charging the Justice Department with reverse discrimination based on the equal protection clause of the 14th Amendment. The Court ruled narrowly, but allowed the district lines to be redrawn according to Justice Department standards.

During the 1990s several cases were brought to the Supreme Court regarding racial gerrymandering. The Court ruled in "*Easley v. Cromartie*" (2001) that race may be a factor in redistricting, but not the "dominant and controlling" one. An important result of the various decisions has been a substantial increase in the number of black and Latino representatives in the House.

HOW A BILL BECOMES A LAW

Creating legislation is what the business of Congress is all about. Ideas for laws come from many places – ordinary citizens, the President, offices of the executive branch, state legislatures and governors, congressional staff, and of course the members of Congress themselves. Constitutional provisions, whose primary purposes are to create obstacles, govern the process that a bill goes through before it becomes law. The founders believed that efficiency was the hallmark of oppressive government, and they wanted to be sure that laws that actually passed all the hurdles were the well-considered result of inspection by many eyes.

Similar versions of bills often are introduced in the House and the Senate at approximately the same time, especially if the issues they address are considered to be important. The vast majority of bills never make it out of committee, and those that survive have a complex obstacle course to run before they become laws.

INTRODUCTION OF A BILL

Every bill must be introduced in the House and Senate by a member of that body. Any member of the House simply may hand a bill to a clerk or drop it in a "hopper". In the Senate the presiding officer must recognize the member and announce the bill's introduction. House bills bear the prefix "H.R.", and Senate bills begin with the prefix "S." If a bill is not passed by both houses and signed by the president within the life of one Congress, it is dead and must be presented again during the next Congress.

In addition to bills Congress can pass **resolutions**, which come in several types:

- A **simple resolution** is passed by either the House or the Senate, and usually establishes rules, regulations, or practices that do not have the force of law. For example, a resolution may be passed congratulating a staff member for doing a good job or having an anniversary. Sometimes simple resolutions set the rules under which each body operates.
- A **concurrent resolution** comes from both houses, and often settles housekeeping and procedural matters that affect both houses. Simple and concurrent resolutions are not signed by the president and do not have the force of law.
- A **joint resolution** requires the approval of both houses and the signature of the president, and is essentially the same as a law. Joint resolutions are sometimes passed when the houses of Congress react to an important issue that needs immediate attention. For example, after the terrorist attacks on

New York and Washington on September 11, 2001, Congress passed a joint resolution condemning the attacks and authorizing President George W. Bush to take preliminary military actions.

BILLS IN COMMITTEE

After introduction, a bill is referred to committee, whether in the House or the Senate. The Constitution requires that "all bills for raising revenue shall originate in the House of Representatives," but the Senate can amend bills almost beyond recognition. However, because of this special power, the committee in the House that handles revenue legislation - the Ways and Means - is particularly powerful.

Most bills die in committee, especially if they are only introduced to satisfy constituents or get publicity for the member of Congress that introduces it. In the House a **discharge petition** may be signed by 218 members to bring it to the floor, but the vast majority of bills are referred to the floor only after committee recommendation.

CALENDARS

For a bill to come before either house, it must first be placed on a calendar: five in the House, and two in the Senate.

The Congressional Calendars are as follows:

House

- **Union Calendar** - Bills to raise revenue or spend money
- **House Calendar** - Non-money bills of major importance
- **Private Calendar** - private bills that do not affect the general welfare
- **Consent Calendar** - Non-controversial bills
- **Discharge Calendar** - Discharge petitions

Senate

- **Executive calendar** - Presidential nominations, proposed treaties
- **Calendar of Business** - all legislation

Before a bill can go to the floor in the House of Representatives, it must first go to the Rules Committee that sets time limits and amendment regulations for the debate. Bills in the Senate go straight from committee to the floor.

FLOOR DEBATE

Important bills in the House, including all bills of revenue, must first be referred to a **Committee of the Whole** that sits on the floor, but is directed by the chairman of the sponsoring committee. The quorum is not the usual 218 members, but 100 members, and the debate is conducted by the committee chairman. Sometimes bills are significantly altered, but usually the bill goes to the full floor, where the Speaker presides, and debate is guided by more formal rules. The bills are not changed drastically, largely because many are debated under closed rules. If amendments are allowed, they must be **germane**, or relevant to the topic of the bill.

Bills in the Senate go directly to the floor where they are debated much less formally than in the House. Senators may speak for as long as they wish, which leads more and more frequently to a **filibuster**, the practice of talking a bill to death. Although one-man filibusters are dramatic, usually several senators who oppose a bill will agree together to block legislation through delay tactics, such as having the roll called over and over again. A filibuster may be stopped by a **cloture**, in which three-fifths of the entire Senate membership must vote to stop debate. For example, Democratic senators have filibustered several of Republican President George W. Bush's nominees to the judiciary, resulting in those judgeships going unfilled. No limit exists on amendments, so riders, or nongermane provisions, or often added to bills from the floor. A bill with many riders is known as a **Christmas-tree bill**, and usually occurs because individual senators are trying to attach their favorite ideas or benefits to their states.

VOTING

Voting is also more formal in the House than in the Senate. House members may vote according to several procedures:

- **teller vote**, in which members file past the clerk, first the "yeas" and then the "nays"

- **voice vote**, in which they simply shout "yea" or "nay".
- **division vote**, in which members stand to be counted
- **roll call vote** which consists of people answering "yea" or "nay" to their names. A roll call vote can be called for by one-fifth of the House membership.
- **electronic voting**, that permits each members to insert a plastic card in a slot to record his or her vote. This form is the most commonly one today.

The Senate basically votes in the same ways, but it does not have an electronic voting system.

CONFERENCE COMMITTEE ACTION

If a bill is passed by one House and not the other, it dies. If a bill is not approved by both houses before the end of a Congress, it must begin all over again in the next Congress if it is to be passed at all. When the House and the Senate cannot resolve similar bills through informal agreements, the two versions of the bill must go to **conference committee**, whose members are selected from both the House and the Senate. Compromise versions are sent back to each chamber for final approval.

PRESIDENTIAL ACTION

A bill approved by both houses is sent to the president who can either sign it or **veto** it. If the president vetoes it, the veto may be overridden by two-thirds of both houses. The president has ten days to act on a proposed piece of legislation. If he receives a bill within ten days of the adjournment of the Congress, he may simply not respond and the bill will die. This practice is called a **pocket veto**.

CRITICISMS OF CONGRESS

Congress is criticized for many things, but these three practices are particularly controversial:

1. PORK-BARREL LEGISLATION/LOGROLLING

By the 1870s members of Congress were using the term "**pork**" to refer to benefits for their districts, and bills that give those benefits to constituents in hope of gaining their votes were called pork barrel legislation. The term comes from the pre-Civil War days when it was the custom in the South to take salt pork from barrels and distribute it among the slaves, who would often rush on the barrels. Critics point out that such actions do not insure that federal money goes to the places where it is most needed, but to districts whose representatives are most aggressive or most in need of votes. A particularly controversial example was the mammoth 2005 Consolidated Appropriations Act, which funded about 11,000 projects, from building a Civil War Theme Park, renovating and building museums and health care facilities, constructing several different halls of fame, and funding community swimming pools and parking garages. The act was criticized largely because so much of the money went to constituencies well represented on the Appropriations Committees in Congress.

Logrolling occurs when a member of Congress supports another member's pet project in return for support for his or her own project. The term comes from pioneer days when neighbors would get together to roll logs from recently cleared property to make way for building houses. This "cooperation" occurs in Congress in the form of "You scratch my back, I'll scratch yours." As with **pork barrel legislation**, bills may be passed for frivolous reasons.

2. THE TERM-LIMITS DEBATE

The Constitution imposes no limits on the number of terms members of Congress can serve. Just as an amendment was passed during the 1950s to limit the term numbers of presidents, many argue that terms of members of Congress should be limited as well.

With the growing prevalence of incumbency, supporters of **term limits** believe that popular control of Congress has weakened and that members may become dictatorial or unresponsive to their constituents. Others believe that the most experienced members would be forced to leave when their terms expire, leaving Congress without their expertise. The seniority system and methods of selected party leaders would be seriously altered with questionable results. The demand for term limits increased during the 1990s under House Speaker Newt Gingrich's leadership, but Congress did not vote to impose them.

3. INEFFICIENCY

Particularly in this age where gridlock often slows the legislative process, many people criticize Congress for inefficiency. Some believe that the long process that bills must go through in order to become laws does not work well in modern America. However, the process affirms the Constitutional design put in place by the founders. Their vision was that only well-reasoned bills become law and that many voices should contribute to the process. From that viewpoint, then, the nature of democratic discourse does not insure a smoothly running, efficient Congress, but rather one that resolves differences through discussion, argument, and the eventual shaping of legislation.