# 5.12 Comparative US/UK Legislatures: Congress and Parliament

EDEXCEL 9PL0 · about 55 minutes · Write-in edition

Total Marks

Name: _____ Date: ____ / ____ / _____

**Answer ALL questions. Write full sentences for extended answers and for any question marked 'Analyse' or 'Evaluate'. The final 30-mark essay should be well structured, use comparative evidence, and reach a judgement.**

**1** This question tests basic knowledge of the UK Parliament's chambers.

**(a)** State the two chambers of the UK Parliament as of the 2024 Parliament. **(1)**

**(Total for Question 1 is 1 mark)**

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**2** This question concerns the UK constitutional principle where the executive is drawn from the legislature.

**(a)** Explain briefly what is meant by the 'fusion of powers' in the UK system between the executive and Parliament. **(2)**

**(Total for Question 2 is 2 marks)**

**3** This question asks about 'divided government' in the US and its effect on scrutiny.

**(a)** Explain one way in which divided government (different parties controlling the presidency and at least one chamber of Congress) can increase scrutiny of the executive. **(3)**

**(Total for Question 3 is 3 marks)**

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**4** Explain one strength and two weaknesses of using 'divided government' as an indicator of congressional capacity to check the executive in the United States, with brief examples.

**(a)** Explain one strength of using divided government as an indicator that Congress can check the executive, using a brief supporting example. **(3)**

**(b)** Explain two weaknesses or limits of divided government as an indicator of congressional capacity to check the executive, include brief supporting examples. **(3)**

**(Total for Question 4 is 6 marks)**

**5** Evaluate the extent to which Congress is more effective at scrutinising the executive than the UK Parliament.

**(Total for Question 5 is 30 marks)**

**6** Using the two short extracts below about legislative-executive relations in the US and the UK, analyse the similarities and/or differences in the practical capacity of each legislature to constrain the executive. Source A is an extract about Congress. Source B is an extract about the UK Parliament.

Source A (US Congress): 'In periods of divided government Congress has used its investigative powers and confirmation processes to delay, alter or block executive policy. The Senate confirmation process can impose significant constraints on presidential appointments, and standing committees regularly hold hearings that attract public attention to administration behaviour.'

Source B (UK Parliament): 'When a governing party has a solid Commons majority the ability of backbench MPs and select committees to stop or amend government legislation is limited. The government controls the parliamentary timetable and ministers often command party loyalty, so Parliament frequently ratifies rather than originates major policy.'

**(Total for Question 6 is 12 marks)**

# Mark scheme · 5.12 Comparative US/UK Legislatures: Congress and Parliament

## Question 1

(a) identifies the House of Commons and the House of Lords cao **B1**

**(a) Answer: The House of Commons and the House of Lords.**

## Question 2

(a) identifies that the executive is made up of ministers who are also members of Parliament **B1**

(a) identifies that this creates closer control of the legislature by the executive, for example through the party whip system **B1**

**(a) Answer: Fusion of powers means the executive is formed from members of Parliament, so ministers sit in the legislature and the government depends on parliamentary support, creating closer integration of legislative and executive functions often enforced by party whips.**

## Question 3

(a) identifies a mechanism, e.g. congressional committees can launch investigations when controlled by the opposition **B1**

(a) develops the point, e.g. opposition committees can subpoena witnesses and hold televised hearings **B1**

(a) links to effect, e.g. this can expose executive errors or misconduct and constrain policy implementation **B1**

**(a) Answer: When government is divided, opposition-controlled congressional committees can investigate the executive, issuing subpoenas, calling witnesses and holding televised hearings, which can expose mistakes or misconduct and place political pressure on the President and administration.**

## Question 4

(a) identifies a strength, e.g. divided government enables opposition committees to investigate the executive **B1**

(a) develops with an example, e.g. Watergate-era or 2019 House investigations into executive actions **B1**

(a) explains impact, e.g. investigations can produce political pressure, subpoenas and public awareness that constrain the President **B1**

**(a) Answer: One strength is that divided government lets opposition-controlled congressional committees investigate and subpoena executive officials. For example, the 2019 House investigations into executive actions raised public scrutiny. Such investigations produce political pressure and factual records that can constrain presidential action.**

(b) identifies a weakness, e.g. divided government can cause gridlock, preventing Congress from passing legislation to address problems **B1**

(b) develops with an example, e.g. budget standoffs and government shutdowns when House and Senate or presidency disagree **B1**

(b) identifies a further weakness, e.g. partisan investigations may be symbolic and fail to produce legal consequences **B1**

**(b) Answer: Weaknesses include that divided government can produce legislative gridlock, making it hard for Congress to pass budgets or reforms and sometimes causing shutdowns when compromise fails, and that oversight can become partisan theatre which, even if politically damaging, may not lead to prosecutions or policy change.**

## Question 5

**Level 0** No relevant content. **0**

**Level 1** Basic knowledge of one system only or generalised assertions about scrutiny with little accurate supporting detail, and little or no evaluation. **1-7**

**Level 2** Clear, accurate knowledge of both US and UK institutional arrangements with some analysis of how these affect scrutiny; evaluation is present but may be one-sided or underdeveloped. **8-15**

**Level 3** Detailed knowledge of institutional powers and political practice in both systems used to construct a sustained comparative analysis of scrutiny, weighing evidence for and against the claim and reaching a reasoned judgement. **16-23**

**Level 4** Sophisticated and wide-ranging comparative evaluation, integrating constitutional design, committee powers, party discipline, and political context; addresses counterarguments and produces a clear, balanced and well-supported conclusion on the extent to which Congress is more effective at scrutinising the executive than the UK Parliament. **24-30**

**Indicative content:**

- Arguments that Congress is more effective: constitutional separation of powers gives Congress formal independence, with the Senate's confirmation powers and House and Senate committees having strong subpoena and investigatory powers; divided government can force the executive to face sustained oversight.
- Examples supporting Congress: high-profile congressional investigations (Watergate, Iran-Contra, 2019 hearings), Senate holds that refuse to confirm or delay appointments, and the ability of Congress to control appropriations which can constrain executive agencies.
- Arguments that Congress is not necessarily more effective: congressional oversight effectiveness depends on political control and partisanship; when the President's party controls both chambers, oversight weakens and gridlock may halt constructive scrutiny. Investigations can become partisan and fail to generate accountability.
- Arguments that the UK Parliament can effectively scrutinise the executive: select committees have grown influence since the late 20th century, with expert reports, effective questioning of ministers, and the Commons' ability to call ministers to account; Prime Ministers remain politically vulnerable to their parties and backbench rebellions in certain circumstances.
- Examples supporting UK scrutiny: influential select committee reports that have shaped policy, successful backbench rebellions on specific bills, and media-amplified inquiries which force government responses; also urgent questions and PMQs provide sustained public scrutiny.
- Limitations of UK scrutiny include the fusion of powers and strong party whips which often allow majority governments to pass legislation with limited amendment, leading to the 'elective dictatorship' concern when single-party majorities are large.
- Comparative synthesis: effectiveness depends on political context as much as formal powers. Congress has stronger formal tools in law, but political incentives and partisanship limit practical outcomes. The UK Parliament can be constrained by majority government but can also produce focused scrutiny when cross-party consensus or media pressure exists.
- A balanced conclusion might argue that while Congress has institutionally stronger legal tools for constraint, in practice neither legislature is uniformly more effective across all contexts; the comparative advantage of Congress is conditional, and the UK Parliament can be highly effective in particular political circumstances, so Congress is more effective in some respects but not definitively so in all.

## Question 6

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|---|---|
| **Level 0** No relevant content. | **0** |
| **Level 1** Basic points drawn from one source only with limited development and little analysis of similarities or differences. | **1-3** |
| **Level 2** Clear analysis of at least one similarity or difference using both sources, but explanation may be partial or lacking in wider contextual knowledge. | **4-6** |
| **Level 3** Developed analysis using both sources, integrating specific features of congressional and parliamentary scrutiny and showing how the sources support these points, with some evaluation of impact. | **7-9** |
| **Level 4** Detailed, well-supported analysis using both sources to compare multiple similarities and differences, placing the extracts in a wider constitutional and political context and reaching a reasoned judgement on how the practical capacities differ or align. | **10-12** |

**Indicative content:**

- Source A emphasises procedural tools available to Congress, such as investigative hearings and the Senate confirmation process, which can delay, alter or block executive appointments and expose executive behaviour.
- Source B emphasises the consequence of a strong Commons majority: government control of the timetable and party loyalty tends to limit Parliament's capacity to stop legislation, so Parliament often ratifies government policy.
- A similarity is that both legislatures have formal mechanisms aimed at scrutiny: congressional committees and Senate confirmations on the US side, and select committee inquiries and parliamentary questions on the UK side, though Source B suggests the effectiveness of the UK tools depends heavily on political context.
- A difference is that Source A presents Congress as able to use legal and procedural compulsion to constrain the executive in divided government, while Source B presents the UK Commons as more susceptible to executive dominance when the government commands a majority, limiting effective constraint.
- Contextual points that strengthen analysis include noting that US separation of powers makes Congress constitutionally independent and that the Senate has unique confirmation powers, while UK fusion of powers gives the executive agenda control and stronger whipping powers.
- A balanced judgement might argue the extracts show Congress has stronger procedural tools to constrain the executive in certain political circumstances, particularly when divided government exists, while the UK Parliament can be an effective scrutiniser in specific situations but is more vulnerable to majority-government dominance, so the practical capacity to constrain varies by political context in each system.