5.6 Congress in Practice: Committees, Incumbency and Relations with the Presidency

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

Total Marks

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short-answer questions may be brief phrases but extended answers must be in full sentences. Spend about 80 minutes on the whole pack, allocating around 35 minutes to the final 30-mark essay.

1 Evaluate the extent to which the filibuster prevents Congress from functioning effectively in the modern United States.

(Total for Question 1 is 30 marks)

2 Source extracts on the US Senate filibuster and committee gatekeeping, for use in the question that follows. Extract A, scholarly summary: 'The Senate filibuster acts as a procedural minority veto in many policy areas. Senators opposing a bill can use extended debate to force concessions or delay votes until support wanes. Because cloture motions typically need 60 votes, a simple majority often cannot ensure passage. Committee chairs further shape legislation by blocking bills from markup or refusing to schedule them, meaning many proposals never reach the Senate floor.' Extract B, journalistic perspective: 'Supporters argue the filibuster protects minority rights and encourages consensus. Critics say it promotes gridlock, especially in periods of divided government, and that committee gatekeeping concentrates power among a few senior members. Recent changes to cloture rules for nominations show that procedural norms can be altered when a majority is determined to act.'

(Total for Question 2 is 12 marks)

3 Explain two ways divided government in the United States can produce legislative gridlock between Congress and the President, giving an example or plausible mechanism for each.

(a) Explain one way divided government can cause gridlock with an example or mechanism. **(3)**

(b) Explain a second way divided government can cause gridlock with an example or mechanism. **(3)**

(Total for Question 3 is 6 marks)

4 This question is about the incumbency effect and its limits in US congressional elections.

Analyse the sources of incumbency advantage in US congressional elections and the limits of this advantage.

(Total for Question 4 is 6 marks)

Mark scheme · 5.6 Congress in Practice: Committees, Incumbency and Relations with the Presidency

Question 1

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of filibuster practice with little or no developed analysis or evaluation. Examples, if present, are unspecific. **1-7**

Level 2 Clear knowledge of the filibuster and cloture, with some developed analysis of its effects on legislation and examples. Evaluation is present but may be uneven or one-sided. **8-15**

Level 3 Detailed, accurate knowledge of Senate procedure, cloture thresholds and relevant examples used to construct a sustained analysis addressing how the filibuster impacts legislative output. Evaluation weighs evidence for and against the claim and reaches a reasoned judgement. **16-23**

Level 4 Sophisticated, wide-ranging and accurate knowledge applied to a tightly argued evaluation. Analysis integrates institutional detail, empirical examples of gridlock and reform attempts, consideration of democratic principles such as minority rights and majority rule, and reaches a clear, balanced, well-substantiated judgement on the filibuster's overall effect. **24-30**

Indicative content:

- Explain how the filibuster operates in practice, including that most legislation requires 60 votes for cloture to overcome extended debate, and that this gives an effective minority veto over many bills.
- Evidence that the filibuster causes gridlock: long periods of low legislative output, inability to pass controversial reforms without bipartisan supermajorities, and use of holds and procedural delays to block bills during divided government.
- Evidence that the filibuster encourages consensus and protects minority rights: it incentivises negotiation and can prevent rapid swings in policy when majorities change, which some argue stabilises governance.
- Consider changes to practice and exceptions: the 2013 and 2017 Senate changes that reduced the number of matters subject to the 60-vote cloture threshold for nominations show majorities can modify norms to act when they choose.
- Discuss the role of committee gatekeeping interacting with the filibuster: bills may fail in committee before filibuster becomes relevant, concentrating power among committee chairs and leadership.
- Empirical examples: legislative stalemates during periods of strong partisan polarization, contrasted with episodes where bipartisan deals overcame filibuster barriers on major legislation.
- Evaluation of democratic principles: tension between protecting minority input and enabling majority government; whether the filibuster subverts majority rule or safeguards deliberation.
- Conclude with a balanced judgement on the extent to which the filibuster prevents Congress from functioning effectively, noting factors that modify the effect such as party polarisation, willingness to change rules, the role of committees and the policy area at stake.

Question 2

Level 1 Basic use of the extracts with limited analysis. May paraphrase one extract without evaluation or link to congressional practice. **1-3**

Level 2 Some accurate use of the extracts with straightforward analysis of how the filibuster and committee gatekeeping affect legislation. Limited evaluation or consideration of counterarguments. **4-6**

Level 3 Good use of both extracts, integrating their claims with additional, relevant knowledge about Senate cloture thresholds, committee control and examples of gridlock. Balanced analysis that weighs points for and against the extracts' claims. **7-9**

Level 4 Excellent, well-supported evaluation driven by the extracts, combining accurate factual knowledge with analysis and judgement. Considers the merits of minority protection versus the costs of delay, the impact of divided government, and evidence that majorities can change procedures, reaching a clear reasoned conclusion on the extracts' overall validity. **10-12**

Indicative content:

- Use of Extract A to explain how the filibuster can act as a de facto veto because cloture normally requires 60 votes, enabling a minority to block or shape legislation.
- Use of Extract A to explain committee chair power to block bills from markup or scheduling, preventing many proposals from reaching the floor and concentrating gatekeeping power.
- Use of Extract B to present the argument that the filibuster protects minority rights and forces consensus, showing a normative defence of the practice.
- Use of Extract B to note that procedural rules can change, citing the example of the 2013 and 2017 Senate changes to allow simple-majority confirmation for most nominations, demonstrating that majorities can alter norms when motivated.
- Apply outside knowledge: examples of legislative gridlock during periods of divided government, for instance when the presidency and one chamber are held by different parties, and how that heightens the filibuster's practical effect.
- Apply outside knowledge: examples of committee gatekeeping slowing legislation, for example important bills stalled in committee or modified heavily in markup before floor consideration.
- Evaluate trade-offs: minority protection and deliberation versus obstruction and delay, and how the institutional design of the Senate privileges stability and decentralised power.
- Conclude with a judgement on whether the extracts fairly represent the balance of advantages and disadvantages, perhaps arguing that both extracts capture real features but that the overall effect depends on the partisan context and the willingness of majorities to change rules.

Question 3

(a) identifies a mechanism, e.g. opposing party control of one chamber refusing to pass presidential priorities **B1**

(a) develops the mechanism, e.g. the House or Senate may block funding or major policy bills the President supports **B1**

(a) provides an example or further development, e.g. budget stalemates or repeated vetoes leading to limited legislative output **B1**

(a) Answer: If the opposition party controls one chamber, it can refuse to pass the President's legislative priorities, blocking funding or policy bills and causing stalemate; this can lead to budget impasses or reliance on short-term continuing resolutions.

(b) identifies a legislative gridlock mechanism, e.g. the President vetoes a bill passed by Congress **B1**

(b) explains that Congress may lack the two-thirds majority in both chambers needed to override the veto, so the bill cannot become law **B1**

(b) gives an example or further development, e.g. a tariff or spending bill remains stalled after a veto cannot be overridden **B1**

(b) Answer: The President can veto a bill passed by an opposition-controlled Congress, creating a second route to gridlock. If supporters cannot reach a two-thirds majority in both chambers to override the veto, the bill cannot become law; for example, a disputed tariff bill could remain stalled.

Question 4

Level 0 No relevant content. **0**

Level 1 Basic description of incumbency advantage with limited analysis or examples. **1-2**

Level 2 Clear analysis of factors giving incumbents advantage and at least one limitation, with some supporting detail. **3-4**

Level 3 Detailed, balanced analysis of multiple sources of incumbency advantage and their limits, including examples and evaluation of when incumbency may fail. **5-6**

Indicative content:

- Sources of incumbency advantage: constituency service and casework, pork-barrel spending and earmarks in the past, franking privileges and name recognition.
- Campaign finance advantage: incumbents have easier access to donors and PAC money, and party support when needed.
- Institutional resources: office budgets, staffed offices and media visibility that help incumbents respond to voters and shape local narratives.
- Limits and exceptions: wave elections, scandals, redistricting or strong challengers can overcome incumbency; open-seat races obviously lack an incumbent advantage.
- Examples: notable House losses in wave years and Senate upsets where incumbents faced strong national tides or personal controversies.
- Evaluation: incumbency is a strong structural advantage but not invulnerable; its effectiveness depends on broader political context and individual performance.