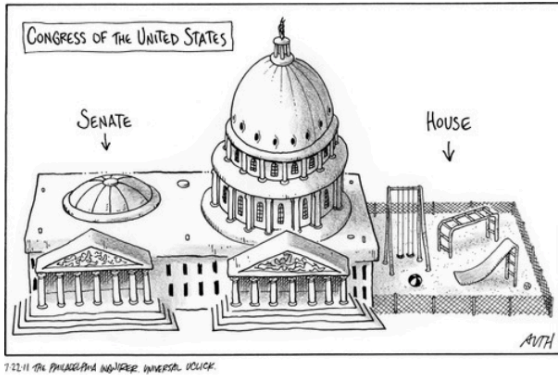


2.2 Structures, Powers, and Functions of Congress



ESSENTIALS

1. The Senate is designed to represent states equally, while the House is designed to represent the population.
2. Different chamber sizes and constituencies influence formality of debate.
3. Coalitions in Congress are affected by term-length differences.
4. The enumerated and implied powers in the Constitution allow the creation of public policy by Congress, which includes:
 - Passing a federal budget, raising revenue, and coining money
 - Declaring war and maintaining the armed forces
 - Enacting legislation that addresses a wide range of economic, environmental, and social issues based on the Necessary and Proper Clause

1. What is the underlying idea of this cartoon?

2. Did our Founding Fathers design Congress to be inefficient? Are we overly critical of an institution that is merely operating the way it was intended? What reforms would you like to see implemented to improve how Congress operates?

List the **formal** powers of Congress as found in Article 1, Section of the U.S. Constitution:

How many total committees are there in our Congress? Describe the two (2) most important committees in the House and the two (2) most important committees in the Senate. What are their functions? Who is the chairman of each? What role do the political parties play in committee membership?

**Assess procedural rules in both the House and the Senate (note differences).
Consider the following – provide contemporary examples:**

Role of Speaker of the House

Role of Majority Leader

Filibuster/cloture

House Rules Committee

Holds

Discharge petition

Advise and consent (Senate)

Pork barrel legislation

Logrolling

CONCEPT APPLICATION

The democratic principle of majority rule does not apply in the United States Senate. Majority rule has been replaced by rule by the minority. Rule [22] of the Standing Rules of the U.S. Senate currently gives a minority of ...senators, who may be elected from states that contain as little as eleven percent of the nation's population,' the power to prevent the Senate from debating or voting on bills, resolutions, or presidential appointments by filibustering or acquiescing in a filibuster. It also magnifies the ability of an individual senator to obstruct the business of the Senate and, therefore, of Congress-an ability he or she would not have if the Senate operated under a strict version of the principle of majority rule.

A filibuster is an intentional abuse of the privilege of unlimited debate. It is not used to inform or persuade, but rather to obstruct the proceedings of the Senate by preventing the majority from taking action opposed by a minority of senators. Filibusters in the Senate are a profoundly undemocratic result of a mistake made in 1806 when the Senate accepted the advice of Aaron Burr and eliminated the "previous question" motion from its rules.

Before that change, the previous question motion had been a "non-debatable motion that, if favored by the majority, close[d] debate and force[d] an immediate vote on a matter." As such, filibusters as a parliamentary tactic were unknown at the time the Constitution was adopted, and the members of the English Parliament had no right to obstruct the proceedings by engaging in unlimited debate over the objections of the majority. The rules of the Second Continental Congress, and rules adopted by the first Senate in April 1789, immediately after the Constitution was ratified, allowed for a motion for the previous question as a procedural method of empowering the majority to end debate.'

By contrast, the current rules of the Senate do not permit debate on a bill to even begin without a unanimous consent agreement or the adoption of a motion to proceed. Under Rule 8, a motion to proceed is a debatable motion and can therefore be filibustered.' A filibuster of a motion to proceed can only be defeated by the adoption of a motion for cloture under Rule 22, which requires the support of three-fifths of the Senate (currently sixty senators), rather than a vote of a simple majority (currently fifty-one senators).'

Source: Emmet J. Bondurant, "The Senate Filibuster: The Politics of Obstruction," Harvard Journal on Legislation, Summer 2011.

- A. Referencing the scenario, describe the function of a Senate filibuster.
- B. Explain how a majority party can affect the process described in part A.
- C. Explain why Senate leadership is reluctant to change filibuster rules.