

INFORM. INSPIRE. DEVELOP CIVIC LEADERS.

# THE POLICY CIRCLE

## THE U.S SENATE



# ➤ WHAT IS THE U.S SENATE? ◀

THE SENATE AND HOUSE OF REPRESENTATIVES COMPRISE THE UNITED STATES CONGRESS, WHICH SERVES AS THE LEGISLATIVE BRANCH OF OUR GOVERNMENT AND IS BASED IN THE CAPITOL IN WASHINGTON D.C. AMONG OTHER POWERS, THE LEGISLATIVE BRANCH “MAKES ALL LAWS, DECLARES WAR, REGULATES INTERSTATE AND FOREIGN COMMERCE AND CONTROLS TAXING AND SPENDING POLICIES.”

THE SENATE IS COMPOSED OF TWO SENATORS FROM EACH STATE. SENATORS WERE ORIGINALLY ELECTED BY THE STATE LEGISLATURES; IN 1913, THAT CHANGED SO THAT SENATORS WOULD BE DIRECTLY ELECTED BY THE PEOPLE OF EACH STATE. THE SENATE IN PARTICULAR WAS DESIGNED TO SERVE AS A COUNTERBALANCE TO THE HOUSE OF REPRESENTATIVES AND AS A BRAKE ON EXECUTIVE POWER FROM THE PRESIDENT.



# ➤ FACTS TO KNOW ◀



THE SENATE REFERS ROUGHLY 3,000 BILLS AND RESOLUTIONS TO COMMITTEES DURING EACH TWO-YEAR CONGRESSIONAL SESSION, BUT ONLY ABOUT 500 OF THESE ARE REPORTED BACK TO THE FULL SENATE.

BRIBERY, INTIMIDATION, AND DEADLOCK MARKED STATES' SELECTION OF SENATORS DURING THE 1800S, WHEN SENATORS WERE CHOSEN BY STATE LEGISLATURES. TO "REMOVE CONTROL OF GOVERNMENT FROM THE INFLUENCE OF SPECIAL INTERESTS AND CORRUPT STATE LEGISLATORS," THE 17TH AMENDMENT IN 1913 PROVIDED FOR THE DIRECT ELECTION OF SENATORS.

THE SENATE HAS THE UNIQUE RESPONSIBILITIES OF CONDUCTING IMPEACHMENT TRIALS AND PROVIDING ADVICE AND CONSENT TO CONFIRM TREATIES AND EXECUTIVE AND JUDICIAL NOMINATIONS.

A SENATOR MUST BE AT LEAST 30 YEARS OLD, A CITIZEN OF THE UNITED STATES FOR AT LEAST NINE YEARS, AND A RESIDENT OF THE STATE THEY REPRESENT. SENATORS ARE ELECTED TO SIX-YEAR TERMS. IN AN ENDEAVOR TO PROVIDE BOTH CONTINUITY AND ROTATION, THE TERMS ARE STAGGERED IN THE SENATE, WITH ONE-THIRD OF THE SENATE'S MEMBERS FACING REELECTION EVERY TWO YEARS.

# ➤ HOW IT WORKS ◀



A SENATOR GENERALLY CARRIES MORE POWER THAN THE AVERAGE HOUSE REPRESENTATIVE BECAUSE A SENATOR REPRESENTS AN ENTIRE STATE WHILE A HOUSE MEMBER REPRESENTS ONLY ONE DISTRICT WITHIN A STATE. IN REPRESENTING AN ENTIRE STATE, A SENATOR IS IN MOST CASES RESPONSIBLE FOR MORE CONSTITUENTS THAN A HOUSE REPRESENTATIVE – EXCEPT IN THE STATES WHERE SENATORS OUTNUMBER HOUSE REPRESENTATIVES. BECAUSE THERE ARE FEWER OF THEM, SENATORS ALSO CARRY A LARGER MEGAPHONE TO BRING ATTENTION TO AN ISSUE.

THE DAY-TO-DAY ACTIVITIES OF A SENATOR ARE NOT ENTIRELY DIFFERENT FROM A HOUSE REPRESENTATIVE. THEY SPEND THEIR DAYS MEETING WITH CONSTITUENTS, DISCUSSING POLICY ISSUES IN COMMITTEE MEETINGS AND MAKING PUBLIC APPEARANCES TO CONVEY THEIR MESSAGE TO THE PUBLIC.



THE HOUSE OF REPRESENTATIVES PASSES LEGISLATION MORE FREQUENTLY THAN THE MORE DELIBERATIVE SENATE, SO SENATORS SPEND LESS TIME VOTING ON THE SENATE FLOOR AND MORE TIME NEGOTIATING COMPROMISES BEFORE A BILL REACHES THE SENATE FLOOR FOR A VOTE.

THE FRAMERS ORIGINALLY CREATED THE SENATE “TO PROTECT THE RIGHTS OF INDIVIDUAL STATES AND SAFEGUARD MINORITY OPINION IN A SYSTEM OF GOVERNMENT DESIGNED TO GIVE GREATER POWER TO THE NATIONAL GOVERNMENT.”



# ➤ WHAT DOES THE SENATE DO? ◀



THE SENATE HAS TWO IMPORTANT AND SPECIFIC DUTIES. SENATORS ARE EMPOWERED TO CONDUCT IMPEACHMENT PROCEEDINGS OF HIGH FEDERAL OFFICIALS, ARE TASKED WITH EXERCISING THE POWER OF ADVICE AND CONSENT ON TREATIES, AND PLAY AN IMPORTANT ROLE IN THE CONFIRMATION (OR DENIAL) OF CERTAIN APPOINTMENTS INCLUDING AMBASSADORS AND JUDICIAL COURT JUSTICES.

ARTICLE I, SECTION 3, CLAUSE 6 OF THE CONSTITUTION EXPLAINS, "THE SENATE SHALL HAVE THE SOLE POWER TO TRY ALL IMPEACHMENTS... AND NO PERSON SHALL BE CONVICTED WITHOUT THE CONCURRENCE OF TWO THIRDS OF THE MEMBERS PRESENT." THE SENATE PRESIDES OVER IMPEACHMENTS OF THE PRESIDENT OR OTHER HIGH OFFICIALS AND CAN REMOVE THEM BY A TWO-THIRDS VOTE. AN OFFICIAL IS IMPEACHED ONCE THE HOUSE VOTES TO APPROVE AN ARTICLE OF IMPEACHMENT. THE HOUSE THEN SENDS AN INDICTMENT – THE ARTICLES OF IMPEACHMENT – TO THE SENATE, WHICH FORMS ITSELF INTO A JURY.



ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION SAYS, "[THE PRESIDENT] SHALL NOMINATE, AND BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, SHALL APPOINT AMBASSADORS, OTHER PUBLIC MINISTERS AND CONSULS, JUDGES OF THE SUPREME COURT, AND ALL OTHER OFFICERS OF THE UNITED STATES." SENATORS HAVE THIS UNIQUE ROLE BASED ON THE IDEA THAT "SENATORS AS STATEWIDE OFFICIALS 'WOULD BE UNIQUELY QUALIFIED TO IDENTIFY SUITABLE CANDIDATES'." THE PARTICULAR DUTY CAME ABOUT AS A COMPROMISE BETWEEN THE FRAMERS WHO WANTED THE PRESIDENT TO HAVE THE SOLE POWER OF APPOINTMENT AND THOSE WHO WANTED THE POWER TO RESIDE WITH THE SENATE.

ARTICLE II, SECTION 2, CLAUSE 2 ALSO SAYS THE PRESIDENT "SHALL HAVE POWERS, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, TO MAKE TREATIES, PROVIDED TWO THIRDS OF THE SENATORS PRESENT CONCUR." ORIGINALLY, THE CONTINENTAL CONGRESS DISPATCHED AGENTS TO NEGOTIATE TREATIES, WHICH COULD ONLY BE APPROVED IF NINE OF THE THIRTEEN STATES CONSENTED. THE INDIVIDUALIZED NATURE OF THE PROCESS, COMPLICATED BY THE FACT THAT STATES ALSO HAD THE ABILITY TO ENTER INTO TREATIES THEMSELVES, MADE THAT PARTICULAR SYSTEM INEFFICIENT.





# ➤ LEADERSHIP IN THE SENATE ◀



THE VICE PRESIDENT IS DESIGNATED AS THE “EX-OFFICIO PRESIDENT OF THE SENATE.” THE VICE PRESIDENT HAS A “CONSTITUTIONAL DUTY” TO “PRESIDE OVER THE SENATE,” ALTHOUGH THE VICE PRESIDENT CANNOT VOTE IN THE SENATE (EXCEPT TO BREAK A TIE) OR FORMALLY ADDRESS THE SENATE WITHOUT THE SENATORS’ PERMISSION. “TO SECURE DEFINITIVE RESOLUTIONS, THE SENATE’S PRESIDENT MUST BE ABLE TO CAST TIE-BREAKING VOTES, YET BE DENIED A VOTE AT ALL OTHER TIMES. THEREFORE, THE SENATE’S PRESIDING OFFICER MUST NOT BE A MEMBER OF THE SENATE,” EXPLAINS SENATE.GOV’S INTERPRETATION OF ALEXANDER HAMILTON’S THE FEDERALIST, NO. 68.

THE MAJORITY PARTY, WITH OVER 50% OF THE SENATE SEATS, FILLS THE MAJORITY LEADER POSITION. THE MAJORITY LEADER IS CONSIDERED THE SPOKESPERSON OF THE SENATE AND WORKS WITH MEMBERS TO SCHEDULE THE DAILY LEGISLATIVE FLOOR AGENDA. MINORITY PARTY, WITH FEWER THAN 50% OF THE SENATE SEATS, ALSO HAS A MINORITY LEADER POSITION. SIMILAR TO THE MAJORITY LEADER, THE MINORITY LEADER REPRESENTS HIS/HER PARTY ON THE SENATE FLOOR, BUT DOES NOT HAVE THE ABILITY TO SET THE FLOOR AGENDA. THE MINORITY LEADER AND MAJORITY ARE MEANT TO CONSULT ONE ANOTHER TO COME TO AGREEMENTS ON FLOOR DEBATE RULES AND TO EQUALLY DIVIDE DEBATE TIME BETWEEN THE PARTIES.

**PARTY WHIPS** ARE ASSISTANT LEADERS RESPONSIBLE FOR “ROUNDING UP PARTY MEMBERS FOR VOTES AND QUORUM CALLS,” AS WELL AS FOR SOMETIMES STANDING IN FOR THEIR MAJORITY OR MINORITY LEADERS IN THE CASE OF THEIR ABSENCE.

**CONFERENCE CHAIRPERSONS** PRESIDE OVER CLOSED SESSIONS KNOWN AS PARTY CONFERENCES (OR PARTY CAUCUSES), DURING WHICH MEMBERS OF EACH PARTY MEET TO ELECT FLOOR LEADERS, DETERMINE COMMITTEE ASSIGNMENTS, AND SET LEGISLATIVE AGENDAS.

**POLICY COMMITTEE CHAIRS** SERVE AS LEADERS OF THEIR RESPECTIVE PARTY’S POLICY COMMITTEES. THE SENATE POLICY COMMITTEES SERVE AS “AN ANALYTICAL ARM OF ITS RESPECTIVE PARTY LEADERSHIP” AND PROVIDE ANALYSIS OF POLICY ISSUES, SOLUTIONS, AND ALTERNATIVES, AS WELL AS A FORUM FOR POLICY DISCUSSIONS.

THERE ARE THREE TYPES OF SENATE COMMITTEES:

**STANDING COMMITTEES** ARE PERMANENT BODIES WITH SPECIFIC RESPONSIBILITIES AND JURISDICTIONS

**SPECIAL/SELECT COMMITTEES** HAVE A CLEARLY SPECIFIED PURPOSE AND OFTEN EXPIRE AFTER SUBMITTING A FINAL REPORT

**JOINT COMMITTEES** WITH THE HOUSE OF REPRESENTATIVES “PERFORM HOUSEKEEPING FUNCTIONS OR CONDUCT STUDIES.”

THERE ARE 16 STANDING COMMITTEES, 4 SPECIAL/SELECT COMMITTEES, AND 4 JOINT COMMITTEES.



# LEGISLATION IN THE SENATE



ONCE A BILL IS INTRODUCED, IT IS ASSIGNED TO ONE OF THE SENATE'S STANDING COMMITTEES BY THE SENATE PARLIAMENTARIAN. THE SENATE COMMITTEE STUDIES THE BILL AND SUMMONS WITNESSES TO HEARINGS ON THE BILL, INCLUDING MEMBERS OF CONGRESS, ADMINISTRATIVE OFFICIALS, REPRESENTATIVES FROM THE BUSINESS SECTOR, AND THE GENERAL PUBLIC. AFTER HEARINGS, THE COMMITTEE "MARKS-UP" THE BILL, MEANING THE MEMBERS DEBATE, MODIFY, AND VOTE FOR OR AGAINST THE BILL. ONCE RELEASED FROM THE COMMITTEE, THE BILL GOES TO THE SENATE FLOOR FOR CONSIDERATION.

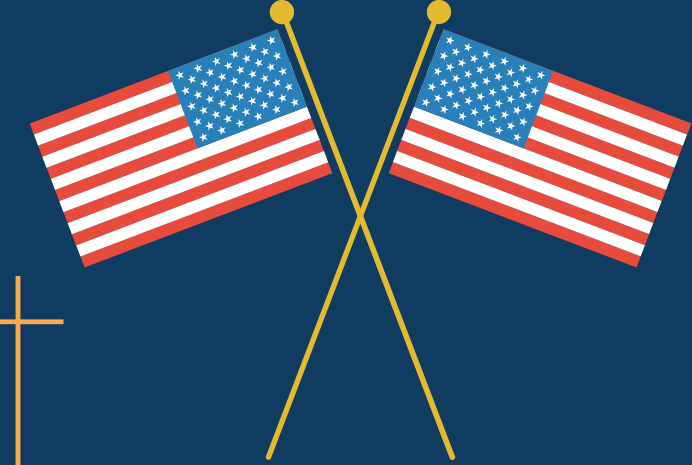
THE SENATE MUST FIRST AGREE TO CONSIDER A PIECE OF LEGISLATION BY VOTING ON A MOTION TO PROCEED, WHICH REQUIRES 60 VOTES. THE SENATE MAJORITY LEADER ATTEMPTS TO GET ALL SENATORS TO AGREE BY UNANIMOUS CONSENT TO TAKE UP THE BILL HE/SHE WISHES TO HAVE DEBATED. IF SENATORS WITHHOLD THEIR CONSENT, THEY ARE IMPLICITLY THREATENING EXTENDED DEBATE ON THE QUESTION OF CONSIDERING THE BILL. SENATORS CAN ALSO PLACE A HOLD ON A BILL, BY WHICH THEY ASK THEIR PARTY'S FLOOR LEADER TO OBJECT ON THEIR BEHALF TO ANY UNANIMOUS CONSENT REQUEST TO CONSIDER THE BILL, AT LEAST UNTIL THEY HAVE BEEN CONSULTED.

A FILIBUSTER IS A METHOD OF EXTENDING DEBATE BY INTRODUCING EXTRANEOUS OR UNRELATED ISSUES DURING SENATE DEBATE. THE IDEA BEHIND THE FILIBUSTER WAS THAT "UNLIMITED DEBATE CONTINUED ON THE GROUNDS THAT ANY SENATOR SHOULD HAVE THE RIGHT TO SPEAK AS LONG AS NECESSARY ON ANY ISSUES." AS LONG AS A SENATOR KEPT TALKING ON THE FLOOR, A BILL COULD NOT MOVE FORWARD. SOME ARGUE THE FILIBUSTER IS NOT NEEDED BECAUSE OUR FOUNDING FATHERS STRUCTURED THE SENATE IN SUCH A WAY THAT THE MINORITY VIEW IS PROTECTED. OTHERS DISAGREE, SAYING THE FILIBUSTER IS REQUIRED TO PROTECT THE MINORITY.

WHEN THE SENATE AND HOUSE PASS THE SAME BILL WITH DIFFERENT POLICY LANGUAGE, THE DIFFERENCES ARE WORKED OUT IN A CONFERENCE COMMITTEE. A CONFERENCE COMMITTEE IS MADE UP OF MEMBERS FROM BOTH THE SENATE AND THE HOUSE WHO WORK TOGETHER TO COME TO A CONSENSUS ABOUT THE DIFFERENT PROVISIONS IN THE BILL. EACH CHAMBER THEN HAS TO APPROVE THE FINAL COMPROMISE LEGISLATIVE TEXT AND IT IS THEN SENT TO THE PRESIDENT TO BE SIGNED INTO LAW. ONCE SENT, THE PRESIDENT HAS TEN DAYS TO SIGN OR VETO THE BILL. IF THE PRESIDENT VETOES THE BILL, IT CAN STILL BECOME A LAW IF TWO-THIRDS OF THE SENATE AND TWO-THIRDS OF THE HOUSE THEN VOTE IN FAVOR OF THE BILL.



# ➤ WHAT YOU CAN DO ◀



**MEASURE -**  
 DO YOU KNOW WHO YOUR SENATOR IS? WHAT ABOUT YOUR STATE ELECTED OFFICIALS? TRACK YOUR REPRESENTATIVES' VOTES WITH GOVTRACK.



**REACH OUT -**  
 FIND ALLIES IN YOUR COMMUNITY OR IN NEARBY TOWNS AND ELSEWHERE IN THE STATE. FOSTER COLLABORATIVE RELATIONSHIPS WITH COLLEAGUES, NEIGHBORS, FRIENDS, AND LOCAL ORGANIZATIONS TO MOBILIZE AN EFFORT TO BRING ATTENTION TO YOUR ISSUE TO YOUR SENATOR'S OFFICE. ALSO REACH OUT TO COMMUNITY LEADERS TO EDUCATE THEM AND REQUEST THEIR ENGAGEMENT ON THE ISSUE.

**PLAN -**  
 SET MILESTONES BASED ON YOUR STATE'S LEGISLATIVE CALENDAR OR LOCAL COMMUNITY CALENDAR.



**EXECUTE -**  
 RESEARCH: MAKE SURE YOU KNOW THE FACTS ABOUT THE ISSUE YOU ARE RAISING. GOVERNMENT AGENCIES, THINK TANKS, AND MEDIA OUTLETS CAN ALL BE GOOD RESOURCES. REMEMBER TO RESEARCH ALL SIDES OF THE ISSUE TO MAKE SURE YOU UNDERSTAND VARIOUS ANGLES. YOU CAN ALSO TALK WITH PEOPLE WHO ARE AFFECTED BY THE ISSUE WITH WHICH YOU ARE CONCERNED; ANECDOTAL INFORMATION COMBINED WITH MEASURED DATA CAN BE POWERFUL. WRITE: ALTHOUGH WE MAY BE MORE INCLINED TO EMAIL IN THE DIGITAL AGE, WRITING AN OLD-FASHIONED LETTER TO YOUR SENATOR IS STILL ONE OF THE MOST EFFECTIVE WAYS TO INFLUENCE LAWMAKERS. ORGANIZE: ORGANIZE PEOPLE TO CALL IN, FOLLOW-UP ON WRITTEN MATERIAL, AND REACH OUT TO OTHER COMMUNITY MEMBERS TO EDUCATE THEM ON THE ISSUE. DEMONSTRATING WIDE SUPPORT CAN BE VERY EFFECTIVE IN INFLUENCING A LEGISLATOR TO SUPPORT YOUR POSITION.