

(STUDY MATERIALS FOR LONG QUESTION AND SHORT NOTES)

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THE SENATE OF THE UNITED STATES CONGRESS

INTRODUCTION

United States Senate, one of the two houses of the [legislature \(Congress\)](#) of the United States, established in 1789 under the [Constitution](#). Each state elects two senators for six-year terms. The terms of about one-third of the Senate membership expire every two years, earning the chamber the nickname “the house that never dies.”

I.- COMPOSITION

Two senators from each State elected by popular vote within said state (i.e. 100 senators).

The President of the Senate is the Vice-President of the United States, but he or she may vote only in case of a tie vote. In practice, the Vice-President does not often preside over sessions of the Senate.

Presiding Officers : The Senate elects a President *pro tempore* who, by tradition, is the Senator of the majority party who has served continuously in the Senate for the longest period of time. When the President *pro tempore* is not presiding over the Senate, other Senators of the majority party serve as the Presiding Officer.

II.- ELECTORAL SYSTEM

a) Method of voting:

Senators are elected in State-wide elections. In 48 states, Senators are elected by plurality vote : the candidate receiving the most votes is elected, even if that

candidate receives less than a majority of the votes cast. In two States, Georgia and Louisiana, the winning candidate must receive a majority of the votes cast. If there are three or more candidates and none of them receives a majority vote, there is a second election between the two candidates who received the most votes. The candidate who receives a majority of votes cast at the second election is elected.

b) Term of office:

The term of office for a Senator is six years. The terms of Senators are staggered so that the terms of approximately one-third of Senators expire every two years. Elections to fill those Senate seats coincide every two years with elections for all members of the House of Representatives and, every four years, with the election of the President. The terms of office for Senators are fixed. Neither house can be dissolved, and the dates for congressional elections are established by law.

c) Criteria for eligibility:

30 years of age citizen of the United States for at least nine years; resident of the State from which he or she was elected.

Incompatibilities: Holding of any civil office under the authority of the United States

The Senate, like the House of Representatives, is the sole judge of the election and qualification of its members.

III- ORGANISATION OF SESSIONS

A - ORDINARY SESSIONS

At least one session a year beginning at midday on 3 January of each year, unless Congress enacts a law that sets a later date. During 2001, the Senate met for 1,114 hours on 159 days.

Neither the Senate nor the House of Representatives may adjourn for more than three days without the prior consent of the other chamber. On some days the Senate meets very briefly in *pro forma* sessions at which no business is conducted.

B - EXTRAORDINARY SESSIONS

The President has the constitutional authority to convene the Senate or both houses of Congress in exceptional circumstances. This power rarely is exercised.

IV.- RELATIONS WITH THE OTHER CHAMBER AND THE EXECUTIVE

A - LEGISLATIVE POWER

1) The right to propose legislation

Senators have the same authority as Representatives to propose legislation, with two exceptions. The Constitution states that all revenue bills must originate in the House of Representatives. The House of Representatives traditionally has insisted that this constitutional provision also requires that appropriation bills originate in the House.

2) Right of amendment

Senators may amend all bills, including revenue and appropriation bills. Furthermore, Senators usually may propose amendments in plenary sessions that are unrelated to the subject of the bill that the Senate is considering. This right enables Senators to initiate revenue and appropriation proposals, even though these proposals are presented as amendments to bills that the House of Representatives already has passed.

3) Legislative procedure

a) The Senate, like the House of Representatives, has the constitutional authority to establish its own rules of procedure. There are only a few constitutional requirements that govern how the Senate conducts its business. The legislative procedures of the Senate are distinctive in two respects. First, as noted immediately above, Senators usually may offer amendments on any subject in plenary sessions, without regard to the subject of the bill that the Senate is debating. Second, there usually is no time limit on the length of Senators' speeches. This creates the opportunity for a filibuster that the Senate can end only by invoking cloture, which requires the support of three-fifths of all Senators.

b) The presidential vetoes:

If the President vetoes a bill that both houses of Congress have approved in precisely the same form, Congress may enact the bill into law by a two-thirds vote of the Senate and a two-thirds vote of the House. The chamber in which the bill originated has the first opportunity to vote on whether to override the President's veto of that bill. The Constitution requires that any vote in the Senate or the House to override a presidential veto must be conducted by a call of the roll in which the votes of individual members are recorded publicly. However, there is no requirement that either house must vote within a certain period of time on whether to override a veto.

B - SUPERVISORY POWERS

1) Impeachment :

The Senate tries all cases in which the House of Representatives has impeached an official of the Federal Government for the purpose of removing that official from office.

To convict an impeached official requires the vote of two-thirds of the Senators present and voting.

When the President has been impeached, the Chief Justice of the United States presides over the trial in the Senate.

2) International treaties:

The Senate has the exclusive constitutional power, by a two-thirds majority of the Senators present and voting, to authorize the President to ratify a treaty that has been negotiated on behalf of the United States. If legislation is required to implement a treaty that the President has ratified after receiving the advice and consent of the Senate, both houses of Congress must approve that legislation

3) Nominations:

The Senate also has the exclusive constitutional power to confirm, by simple majority vote, the nomination of persons whom the President has nominated to high executive and judicial positions, including cabinet secretaries, ambassadors, and federal judges. The House of Representatives is not involved in the confirmation of nominations.

4) Investigations:

The Senate, like the House of Representatives, may establish special investigative committees. In addition, the standing committees of the Senate are authorized to conduct investigations of matters within their respective jurisdictions. Standing and special investigative committees have the authority to issue subpoenas that require a person to appear before the committee and, if necessary, to produce documents.

V - SPECIAL MEASURES

A - CONSTITUTIONAL AMENDMENTS

A constitutional amendment may be proposed by a two-thirds vote of each house of Congress, or the legislatures of two-thirds of the States may call for a convention to propose constitutional amendments.

To become part of the Constitution, an amendment that has been proposed must be ratified by the legislatures or special conventions in three-fourths of the States.

B - DECLARATION OF WAR BY CONGRESS

The Constitution gives Congress the authority to declare war, and makes the President the Commander-in-Chief of the armed forces.

The last time that Congress declared war was in 1941, when the United States entered World War II. Since then, the armed forces of the United States have become engaged in hostilities without a formal declaration of war. On some occasions, Congress has expressed its support by other legislative actions. On other occasions, the President has acted in his capacity as Commander-in-chief.

C - ELECTING THE PRESIDENT

The candidate who receives a majority of the electoral votes cast is elected President of the United States. If no candidate receives a majority of the electoral votes, the House of Representatives elects the President from among the three candidates who received the greatest number of electoral votes. In voting for the President, members of the House of Representatives vote as State delegations, with each delegation having one vote.

D - INABILITY OF THE PRESIDENT TO SERVE

The 25th Amendment to the Constitution, ratified in 1967, authorizes the Vice-President and a majority of the Cabinet secretaries to declare that the President is unable to perform the duties of that office. The Vice President then serves as the Acting President. If the President notifies Congress that he or she is not disabled, the President resumes the powers and duties of the office unless Congress, by a two-thirds vote of each house, agrees with a determination made by the Vice President and a majority of the Cabinet secretaries that the President remains disabled.

CONCLUSION:

The role of the Senate was conceived by the [Founding Fathers](#) as a check on the popularly elected [House of Representatives](#). Thus, each state, regardless of size or population, is equally represented. Further, until the [Seventeenth](#)

[Amendment](#) of the Constitution (1913), election to the Senate was indirect, by the state legislatures. They are now elected directly by voters of each state.

The Senate shares with the House of Representatives responsibility for all lawmaking within the United States. For an act of Congress to be valid, both houses must approve an identical document.

The Senate is given important powers under the “advice and consent” provisions (Article II, section 2) of the Constitution: ratification of treaties requires a two-thirds majority of all senators present and a simple majority for approval of important public appointments, such as those of cabinet members, ambassadors, and justices of the Supreme Court. The Senate also adjudicates [impeachment](#) proceedings initiated in the House of Representatives, a two-thirds majority being necessary for conviction.

As in the House of Representatives, [political parties](#) and the [committee system](#) dominate procedure and organization. Each party elects a leader, generally a senator of considerable influence in his or her own right, to coordinate Senate activities. The leader of the largest party is known as the majority leader, while the opposition leader is known as the minority leader. The Senate leaders also play an important role in appointing members of their party to the Senate committees, which consider and process legislation and exercise general control over government agencies and departments. The [vice president of the United States](#) serves as the president of the Senate but can vote only in instances where there is a tie. In the vice president’s absence, the president pro tempore—generally the longest-serving member from the majority party—is the presiding officer of the Senate.

Sixteen standing committees are grouped mainly around major policy areas, each having staffs, budgets, and various subcommittees. The chair of each committee

is a member of the majority party. Among important standing committees are those on appropriations, [finance](#), government operations, [foreign relations](#), and the judiciary. Thousands of bills are referred to the committees during each session of Congress, though the committees take up only a fraction of these bills. At “mark-up” sessions, which may be open or closed, the final language for a law is considered. The committees hold hearings and call witnesses to testify about the legislation before them. Select and special committees are also created to make studies or to conduct investigations and report to the Senate; these committees cover aging, [ethics](#), Indian affairs, and intelligence.

The smaller membership of the Senate permits more extended debate than is common in the House of Representatives. To check a [filibuster](#)—endless debate obstructing legislative action—three-fifths of the membership (60 senators) must vote for [cloture](#). (In 2013 the Senate rule for [invoking](#) cloture was reinterpreted to permit cloture by majority vote for debate regarding all presidential nominations except those to the Supreme Court, and in 2017 the rule was similarly reinterpreted for Supreme Court nominations.) If the legislation under debate would change the Senate’s standing rules, cloture may be [invoked](#) only on a vote of two-thirds of those present. There is a less elaborate structure of party control in the Senate; the position taken by influential senators may be more significant than the position (if any) taken by the party.

The [constitutional](#) provisions regarding qualifications for membership of the Senate specify a minimum age of 30, citizenship of the United States for nine years, and residence in the state from which elected

IF YOU HAVE ANY QUERIES PLEASE FEEL FREE TO GET THEM CLARIFIED FROM ME.

