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Introduction and Overview

Two Chambers, Two Ways

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

—*U.S. Constitution, Article 1, Section 1*

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

U.S. Constitution, Article 1, Section 8

The first article of the United States Constitution vests law-making powers in the U.S. Congress and specifies that it is a bicameral, or two-chamber, legislature, with a Senate and a House of Representatives. Both chambers are located in the Capitol Building, in Washington, D.C. The two chambers of Congress reflect the both competing and complimentary ideas of elected officials—closely representative and responsive to their constituents,

as it is for House members, and heavily considerate of divergent ideas across large groups of voters, as it is for senators.

This basic difference in the makeup of the two houses of Congress determined other decisions the Framers made, such as the terms of office of representatives versus senators, the timing of elections, and many of the specific duties of each house of Congress. All of this is set forth in the first two articles of the Constitution. Despite some changes over the centuries—probably the most significant being that senators are now elected via a popular vote within their respective states—these distinctions have been reflected in the two chambers of Congress to the present day.

For each chamber the Constitution specifies certain duties and privileges. In addition, Article 1, Section 5, states, “Each House may determine the Rules of its Proceedings”—how they will actually do the work of making the laws of the land. The rules of each chamber have greatly evolved since the 1st Congress met, in ways that reflect the systemic and cultural differences of the two distinct bodies, and American history itself. As the business of the Congress evolved over the centuries, the rules the chambers made for themselves became more expansive. This complexity can cause confusion for those interacting with Congress and for those watching from afar and trying to understand the proceedings. Often the difficulty in working with Congress stems from a misunderstanding of why rules or procedures matter and how they are used.

A great deal has been written about Congress and its members, much of it complicated, procedural, or just

plainly subjective. We aim to set forth in this volume a nonpartisan, straightforward view of the machinery that drives each of the two chambers of the American legislative branch. We hope that the terms, definitions, and explanations that follow give readers tools to help them understand why Congress operates as it does as they follow legislative ups and downs through television coverage, news articles, op-eds, or CSPAN. And that readers' own critical views, now better informed as to what is going on, will make them more effective congressional watchers, staffers, or advocates.

We write with two overarching themes in mind. The first is that the two chambers are fundamentally different. The chambers differ markedly in the types of pressures on their members, the way they are run, and the ways their respective leaderships operate. All House members must stand for election every two years, and every two years a new House is formed. This shorter time frame means that representatives must keep their fingers on the pulse of their districts and even of their individual constituents. This shorter electoral horizon is meant to reflect the passions of the people.

Senators, by contrast, face reelection every six years, and challengers to a Senate seat have fewer chances and must wait longer to try to upset the status quo. In the Senate, change occurs more slowly. Members have longer to get to know one another and to work together than is the case in the House. That is why the Senate traditionally has been called the cooling saucer, where members have time to consider issues and are insulated from the passions of the moment. Yet there is great debate as to whether this remains the case in the modern Senate.

The size of the bodies also affects the rules and procedures in the two chambers to move legislation forward. The need to manage 435 representatives contributes to why the House is more clearly majoritarian ruled, in that the majority party calls the shots, and members often yield to the majority will. The Senate is more likely to accommodate the wishes of individual senators, and all 100 senators have extensive tools at their disposal to shape debate on the Senate floor. The Senate also provides the greatest continuity. Whereas the House changes every two years, and the president may change every four years, in the Senate two-thirds remains the same after any given election because only one-third of its members are up for election in each two-year election period.

The second overarching theme is that although the procedures of both chambers are relatively complicated, and the documents explaining them perhaps a bit cumbersome, on any given day the House and Senate are likely to use only a fraction of the procedures or maneuvers available. In other words, most of Congress's business is covered by a small number of the tools available. We do not cover every possible move and maneuver that an individual or a group of legislators might use here—and if you watch the floors long enough you will see some interesting and unusual things. Instead, we aim to explain to readers the main tools they need to understand in order to be informed watchers of the House and Senate—to read the tea leaves of what is happening on each floor and understand the context well enough to follow along as each chamber goes about its floor work. Once you have a good understanding of the basics, texts

that cover all of the possible maneuvers—including those rarely used—may make more sense.

Congress, as the legislative branch of government, has constitutional powers and duties that it must fulfill that are not all equally applied to each chamber (such as the Senate has duties of advise and consent for nominations). This, plus their structural differences, lead the House and Senate to often function independently on pieces of legislation. Ultimately, they must act in concert legislatively to fulfill their constitutional obligations, such as managing the financial balance sheet of the nation and making laws to maintain the functions of the U.S. government.

Inside Congress is a brief work intended to empower you, the reader—regardless of whether you are a staff member, an interested citizen, a curious observer, or anyone else. Our aim is to explain the processes, terms, and functions most often employed in the two chambers of Congress to make our laws. Many works are available on the House and Senate; many focus on specific maneuvers or delve into the technical details, or go into the historic nature of the key attributes of each chamber. These are important works, but we want readers to be able to start with a clear and basic description of how business moves through each chamber. Each section of this book touches on topics about which much has been written and debated. We encourage you to seek out those works as well. Our goal is to provide an easygoing, conversational tour through the daily functions of this great legislative body and to provide enough information for you, the reader, to understand the vast majority of happenings on the House or Senate floors and form your own opinions about what you observe.