

# Legislative Branch

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- Article I of the Constitution
- Job is to make laws
- Bicameral- 2 Houses
- House of Representatives
- Senate
- House based on a states population (435)
- Senate each state has equal voice (100)
- Conducts its business in the Capital Building

# 3 Reasons for Bicameralism

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## 1. Historical

British Parliament and most colonial legislatures were bicameral

## 2. Practical

To settle the differences between the Virginia and New Jersey's Plan of government @ the Constitutional Convention

## 3. Theoretical

So each the House and Senate can check on each other to prevent them from passing extreme legislation

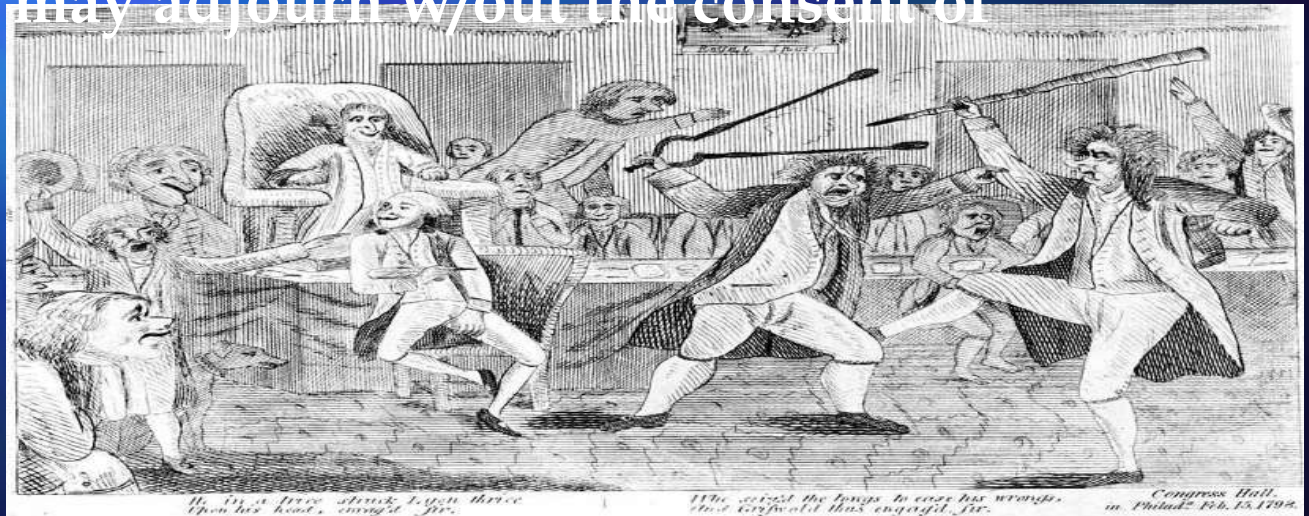
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- Terms and sessions of congress
- Each term of Congress lasts for 2 years
- First term was on March 4, 1789- March 4, 1791
- Date of new term was changed by the 20<sup>th</sup> Amendment
- Noon on the 3<sup>rd</sup> of January

# Cont.

- 112<sup>th</sup> Congress began on Jan.3, 2011
- There are 2 sessions to each term of Congress (1 Per year)
- In session from Jan.-Nov.
- Neither House may adjourn w/out the consent of the other



# Special Session

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- Congress can meet in Special Session- A meeting called by the President to deal with an important issue
- Only 26 times were they used
- Last one was by Harry Truman

# Section 2 House of Representatives

- Size and Terms

- 1) 435 members- this number is set by Congress and not by the Constitution

- 2) The 435 seats are apportioned- distributed among the states on their basis of their populations

- WI has 8 Congressional seats in the House

- 3) Each state is guaranteed at least one seat in the House regardless of their population ex: ND, SD, MT

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- District of Columbia, Virgin Islands, American Samoa each elect a delegate to the House- They are not members though

- 4) House members serve 2 year terms

- 5) No limit on the number of years a representative can serve

# Reapportionment

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- Reapportionment is a redistribution of the seats in the House as a result of a decennial census
- Congress passed the Reapportionment Act of 1929
- 4 Elements
- Permanent size will be 435 members
- Congress could change it (ex 1959)
- Census Bureau is to determine the number of seats each state should have



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- **President sends the Bureau recommendation to Congress**
  - **After 60 days if both Houses pass it, it becomes effective**
  - **Each of 435 seats has an average of 595,000 people in them**

# Congressional Elections

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- Date- Held on Tuesday following the first Monday in November of even numbered years
- Off Year Elections- Congressional elections occurring in non presidential election years
- The next off year election will be in 2014
- The party that holds the presidency loses seats in an off year election

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## Districts

- Members of the House are chosen by voters in geographical districts in their states
- These districts are drawn up by each states legislatures
- All seats in the House are filled from a single-member district- voters in each district are able to elect one of the states representatives from among a field of candidates running in that district(house)

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- At large- filled the House seats by voters electing all of people running throughout the whole state (otherwise known as a general ticket) (senate)
  - Gerrymandering- named after Governor Elbridge Gerry of Massachusetts in 1812
  - Drawing up Congressional Districts to favor the faction that controls the state legislature

# Wesberry vs. Sanders

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- Supreme Court case in 1964 that states each congressional district has to have the same number of people inside of it.
- (1person;1vote)

# Qualifications For House Members

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- Members must be 25 years old, citizen for 7 years, and an inhabitant of the state he or she represents
- Custom also has had the elect should live in district but not in the Constitution
- House members act like judges on the acceptability of individual members and may vote to censure or remove members
- The Supreme Court ruled in Powell vs. McCormack that the House may not exclude any members who meet the Constitution requirements

# The Senate (ch10 sec3)

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- Upper House
- Election and Terms
- 100 members; two from each state
- Senators were previously chosen by State legislatures until the adoption of the 17<sup>th</sup> Amendment in 1913
- Senators serve six year terms that are staggered so that only a third of the members are up for election every two years
- Senate is known as a continuous body- all of its seats are never up for election at the same time

# Cont.

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- Because Senators serve longer terms than the House and they represent the entire state, they are supposed to focus on the “big picture” of government
- Senate has more prestige, larger staffs, and is usually been a stepping stone to higher political office (Presidency)
- If a Senate seat becomes vacant because of death, resignation, or expulsion it is filled by two methods
- Special election called by the governor
- Governor appoints someone



# Qualifications

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- 30 years old
- 9 years citizen
- Live in the state which they represent
  
- The senate judges the qualifications of its members and may be exclude them with a majority vote
- Senate can punish members with a majority vote or expel them with 2/3 vote
- Most were expelled during the Civil War

# Members of Congress (sec4)

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- Average member is white, male, mid 50's
- First woman ever elected- Jeannette Rankin 1916
- First African American- Hiram Rhodes Revels- he replaced Jefferson Davis in the U.S. Senate
- Most members were lawyers

# Duties of the Job

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- Legislature- make laws
- Committee members
- Represent and serve their Constituents- the people in their state or district
- Oversight Functions- check to make sure agencies in the executive branch are working effectively

# Congress can Vote in 1 of 4 ways on a bill

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- Trustees- they vote their own conscience + merit
- Delegate- vote how the folks back home would want
- Partisans- vote how their political party would want them to vote
- Politico- balance the conflicts of the other three

# Compensation

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- Receive a salary of \$165,200 per year
- Non Salary Benefits
- A low cost medical care
- Tax breaks
- Franking- mailing letters free of charge

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- Congress sets its own pay and benefits
  - President can veto and the voter backlash can limit their salaries
  - Members can't be arrested for misdemeanors
  - Immune from Court Action because of any speech they make in Congress- Vital for debate

# Ch. 11

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- Congressional Power
- Congress has only those powers delegated to it and not specifically denied to it by the Constitution
- Congress has expressed, implied, and inherent powers
- The U.S. government power is limited and federal

# Ch 11 sec 2

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- Expressed Powers- Specifically written in the Constitution- most are found in Article I sec 8
- 18 clauses and 27 different powers
- Power to Tax- Article I Sec 8 Clause I gave Congress the Power to tax in order to ensure public health and safety
- Government takes in about \$1.5 trillion in taxes a year



# Cont.

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- There are 4 limitations on the power to tax
- Congress can only tax for public purposes not private
- Congress cannot tax exports- goods leaving a country
- Direct taxes- one that must be paid by the person on whom it is imposed- Income tax is a direct tax- 16<sup>th</sup> Amendment
- Indirect tax- first paid by one person and then passed onto another
- Ex: Cigarette tax companies pay the treasury and then charge the consumer

# Power to Borrow

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- Can borrow to finance its business
- No limit on the amount they can borrow
- Debt is now over \$12 trillion

# Currency Power

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- Congress has the power to issue money and regulate its value
- 1871- Paper money must be accepted by law in payment of debt- known as legal tender

# Foreign Relations and War Powers

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- Only Congress can declare war- last declaration of war was 1941 WWII

# Additional Powers

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- Naturalization- make someone a U.S. citizen
- Postal Power- no alcohol, lottery tickets or obscene materials can be sent through the mail
- No taxes on the Post Office
- Copyrights and Patents- Copyright- exclusive right of an author to reproduce, publish and sell their work
- example- books, paintings, sound recordings
- Patent- grants a person the sole right to manufacture, use or sell a product- good for 17 years

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- Weight and Measures- Power to fix the standards of weights and measures in the country
- 1838- set the English system
- 1866- legalized the metric system
- Power of Eminent Domain- take your property for public use
- Judicial Power- Congress has the authority to create lower courts below the Supreme Court

# Sec 3 Implied Powers

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- Necessary and Proper Clause- Article I Sec 8 Clause 18- gives Congress the power to make all laws which shall be necessary and proper for carrying into execution the expressed powers
- Often called the “Elastic Clause” - it has allowed Congress’ powers to stretch
  - Doctrine in Practice- the words necessary and proper mean “convenient and useful”
  - Examples- fix minimum wages ( commerce power) – tax evasion a crime ( taxing power)

# Sec 4 Nonlegislative Powers

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- Constitutional Amendments
- Article V- Congress may propose amendments with 2/3 vote in each house
- Congress can also call a national convention to propose an amendment
- Electoral Duties
- House may be called on to elect a President if no candidate receives a majority of electoral votes
- Only twice- 1801-Thomas Jefferson; 1825- John Quincy Adams



# Cont.

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- Impeachment
- The House has the sole power to vote articles of impeachment or removal of the President, V.P. and all other civil officers of the U.S.
- Impeach- bring charges against; House only needs a majority vote

# Cont.

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- House has impeached 17 persons; 2 Presidents were Andrew Johnson and Bill Clinton
- Senate has the sole power to conduct a trial on those impeached by the House
- Nixon resigned before being impeached
- When the president is tried for impeachment the Chief Justice replaces the V.P. as head of the Senate
- Senate needs a 2/3 vote to impeach
- Senate has convicted 7 persons- all federal judges

# Executive Powers

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- Senate must confirm all major appointments by the President with majority vote
- A person may be rejected because of senatorial courtesy- if a senator doesn't want an appointment to his state the senate will reject that appointment
- Senate must confirm all treaties by the President with a 2/3 vote

# Investigatory Power

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- Conduct investigations for 5 reasons
- Gather Info
- Oversee operations of the President
- Focus public attention on an issue
- Expose activities of public officials
- Promote interests of Congressmen

# Ch 12 Congress in Action

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- Congress Convenes- Jan 3
- Opening day in the House
- All 435 seats are up for election- it has no sworn members
- Clerk calls the chamber to order and checks the role of newly elected representatives
- Members then choose a Speaker who takes the oath of office and swears in the rest of the members

# Cont.

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- Opening Day at the Senate
- Because it is a continuous body only 1/3 of the new members must be sworn in and put on committees
- President's State of the Union Message
- Constitution requires this and the President reports on the state of the nation and may recommend legislation

# Presiding Officers

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- Speaker of the House is the most influential member of the House and has 2 duties
- Preside over all sessions
- Keep order
- always from the majority party in the House
- No member can speak until recognized by the speaker
- Speaker can debate and vote on any measure
- If the speaker chooses to vote, a Speaker pro tempore must be appointed
- Speaker rarely votes except to cause a tie, in a case of a tie, Speaker is required to vote

# Cont.

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- President of the Senate is the V.P. of the U.S.
- He recognizes members, puts question to a vote, but may not vote except to break a tie
- In the V.P.'s absence, a president pro tempore, who is elected by the majority party, presides



# Floor Leaders and Other Officers

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- Floor leaders in both the House and Senate consists of a majority and a minority floor leader, chosen by their political party colleagues
- The assistants to the floor leaders are called whips-make sure members of their party are voting how the party wants them to vote
- Party Caucus- closed meeting of each party in each house and deal with party organization, selection of floor leaders and committee membership

# Committee Chairpersons

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- They decided when their committee will meet, what bills they will consider and what witnesses to call
- Seniority Rule- by unwritten custom, the most important positions of Congress are given to those members who have been there the longest.
- Critics argue that it ignores ability and discourages young members
- Proponents say that the rule ensures experience and minimizes conflicts within the party

# Sec 2 Committees in Congress

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- Standing Committees- permanent groups to which all similar bills are sent
- There are 22 standing committees in the House
- 16 Standing committees in the Senate
- Ex: Agricultural/ Budget/
- The speaker of the House or the president of the Senate are responsible for assigning bills to the appropriate committee
- The majority party always hold a majority of seats on each committee (Democrats have the majority)

# House Rules Committee

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- Often called the “traffic cop” in the Lower House
- When a bill comes out of a committee it must first clear the Rules Committee before it can go to the entire House
- The Senate does not have a rules committee instead the Majority Leader controls the appearance of bills on the floor

# Select Committees

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- Special groups set up for specific purposes and for a limited period
- Members are assigned to select committees by the speaker or the president of the Senate
- Most are formed to perform investigations, however most *investigations* are conducted in *standing committees*
- Occasionally, select committees conduct important investigations- Ex: Senate Watergate Committee 1973

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# Joint Committees

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- Composed of members from both Houses
- Some may be permanent- Ex: Joint committee on Library of Congress

# Conference Committee

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- **Temporary committees organized to resolve differences in similar bills passed by both the House and Senate**
- **Before a bill can be sent to the President it must be passed in identical form by each house according to the Constitution**

# Sec 3 How A Bill Becomes a Law: The House

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- 10,000 bills are proposed each term only 10% become law
- Creating and Introducing Bills
- Most bills originate with the executive branch, special interest or private citizens, not members of congress
- All revenue- raising bills must begin in the House all other bills can start in either the House or Senate



# Types of Bill and Resolutions

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- Bill- Proposed laws- can be private or public
- Joint Resolution- deal with temporary or unusual matters, have the force of a law- must be signed by the President
- Concurrent Resolution- Deal with common concerns of both houses- do not have the force of a law
- Resolution- deal with matters concerning either house, like rules in the house

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- Bills or resolutions often contain riders- a provision attached to a bill because its not likely to pass on its own merit
  - First Reading
  - Bills are placed in a hopper- a box next to the clerk's desk, then bills are given a number
  - Speaker then gives it to the appropriate standing committee

# Bill in Committee

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- Most bills die in committees
- Committees can pigeon hold a bill- keep it in committee
- A discharge petition can get a bill out of a committee
- Needs a majority vote
- Most committee work is done in subcommittees
- May take a junket- a trip to a location that is affected by a bill

# A Committee may do 5 things

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- Report the bill favorably
- Pigeonhold it – refuse to report it
- Report an amended bill
- Report the bill unfavorably
- Report an entirely new bill

# Bill on the Floor

- Most important bills are considered in the committee of the whole - the House sitting as a large committee of itself only needs a 100 members to do business otherwise a quorum; a majority of full membership is necessary (218)
- Debate - Strict Rules in the House limit the length of individual debate
- Voting - a bill requires formal House vote on it
- Voice votes
- Standing vote
- Teller vote - has been replaced by electronic voting
- Roll call voting

# Rules and Calendars

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- Bill then goes to the Rules Committee and they place it on a calendar or schedule
- In order to be debated each bill must receive a rule, or approval for its appearance on the floor

# Final steps

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- A bill needs a majority vote, read a 3<sup>rd</sup> time and signed by the Speaker
- then sent to the Senate President

# Sec 4 The bill in the Senate and the Final Stages

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- Introducing the Bill in the Senate
- Bills are introduced by senators, given a number and title, read twice and referred to a committee
- Senate proceedings are less formal than the House, have only one calendar and bills are called to the floor by the majority floor leader
- Senate's Rules for Debate
- Debate is unlimited in the Senate
- Filabuster – a tactic used by a minority 'talk a bill to death on the Senate floor'
- **Strum Thurmond – 24 hours 18 minutes**



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- The Cloture Rule – a way to stop a filibuster and limit debate – requires a petition by at least 16 senators and approval by at least 3/5's of the full Senate
- Many Senators hesitate to use the Cloture Rule
- Because they fear that it will limit free debate and take away from the filibuster technique

# Conference Committee

- When the Senate and House pass different versions of a bill, a conference committee is formed
- Bill is then sent back to both houses and voted on again, if it passes with a majority vote it goes to the President – he may do 4 things with it
  - May sign it into law
  - Veto it – refuse to sign it; Congress can override a veto with a 2/3 vote in each house
  - Allow the Bill to become law by not signing it within 10 days of receiving it
  - Pocket veto – kill a bill by not acting on it before Congress adjourns



THE END (=

# Cont.

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- Battle of Implied Powers
- 1790- Alexander Hamilton urged Congress to set up a national bank; Jefferson objected- Hamilton got his bank though
- McCulloch vs. Maryland- 1819- Maryland tried to tax all bank notes issued by the national bank
- Supreme Court ruled in favor of the national bank