

# Legislative Branch

## Unit 4



# Senate

- 100 members
- 6 year terms
- Qualifications: 30 years old, citizen for 9 years



# House of Representatives

- 435 members
- 2 year terms
- Qualifications: 25 years old; citizen for 7 years



# How are they elected?

- Elections are handled by each state ... reserved power
- Each state has a
  - Primary – same party
  - Runoff – if no one wins majority
  - General – different parties, winner is elected to Congress

Alabama's 6th Congressional District



Republican Primary



Runoff

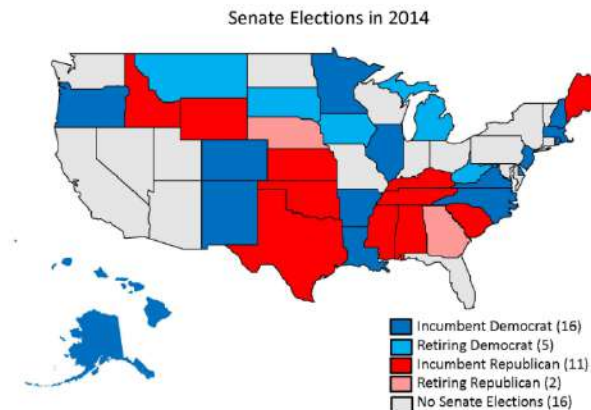


General election



# Senate

- 2 per state (equal representation)
- 17<sup>th</sup> amendment – direct election of senators
- Entire state votes for same candidates (Republican, Democrat or Independent)
- Continuous body – only 1/3 of senate up for re-election every 2 years(Class I, II, III)



- Vote for candidates in your district only (single-member districts)
- # of districts per state is based on population (GA has 14)
- Total of 435
- Reapportionment: every 10 years (after census) the # of states per state is balanced proportional to population
- Redistricting: when the district lines in each state are redrawn after reapportionment → to keep population the same (Baker v. Carr and Wesberry v. Sanders)
- Gerrymandering: the illegal and purposeful redrawing of lines to favor certain candidates
  - Why? Trying to increase party strength, protect incumbents, increase or decrease minority participation, or reward friends

# House of Representatives

# Term Limit

- No term limit
- Pros: keeps incompetent people out, keeps government running smoothly, efficient
- Cons: people stay past their time, stagnant, less responsive to the people



# Incumbency Advantage

- Those in office tend to get re-elected
  - Name recognition and media coverage
  - More money
  - Experience
  - Grassroots efforts (stuff they do “back home”)





# Who are they?

- Well educated
- Jobs: lawyers and businessmen
- Wealthy: start at \$174,000; Senate called “millionaire’s club”
- Average age = 62 in Senate; 56 in HoR
- Gender: more males; 102 women (82 in House, 20 in Senate)
- Ethnicity: mostly white; 96 minority members (44 African-Americans, 37 Latino, 13 Asian, 2 Native Americans)
- 114<sup>th</sup> Congress – majority in both Houses = Republican

# POWERS OF CONGRESS

## 1. Power to tax

-taking government money for public use



## 2. Power to regulate commerce

-example: setting minimum wage



## 3. Power to coin money

-In the past- half-cent, 2-cent, 3-cent, 20-cent, \$2.50, \$3.00, \$4.00, \$5.00, \$10.00, and \$20.00

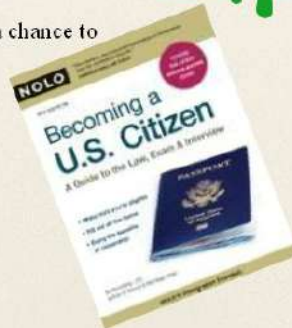
## 9. Power to fix the Standard Weights and Measures

-United States use the English system



## 7. Power to establish a uniform Rule of Naturalization

-willing to give someone a chance to become a citizen

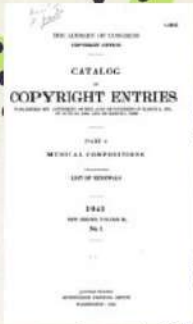


## 4. Power to borrow money

-using money to finance projects that are not in the budget. . . leads to DEBT!



# POWERS OF CONGRESS



## 8. Power of securing exclusive Right to their respective writings and Discoveries

-copyrights



## 6. Power to form uniform laws concerning bankruptcy

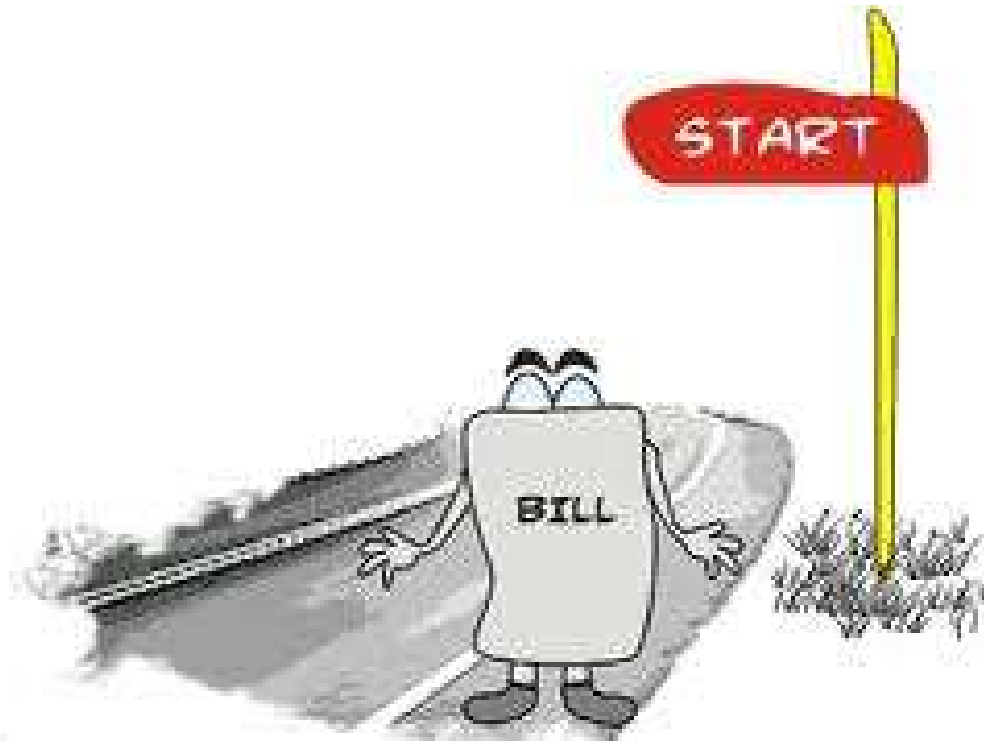
-passed laws that protect both creditors and debtors



## 5. Power to establish Post Offices & Post Roads

-over 39,000 Post Offices today

# Legislative powers: power to make laws



# Expressed = listed in the Constitution

- Create laws
- Tax
- Establish post offices and roads
- Coin and borrow \$
- Punish counterfeiters
- Raise and support military
- Declare war
- Punish piracy
- Regulate interstate commerce
- Copyrights and patents
- Set standard weights and measures
- Establish lower courts
- Naturalization laws

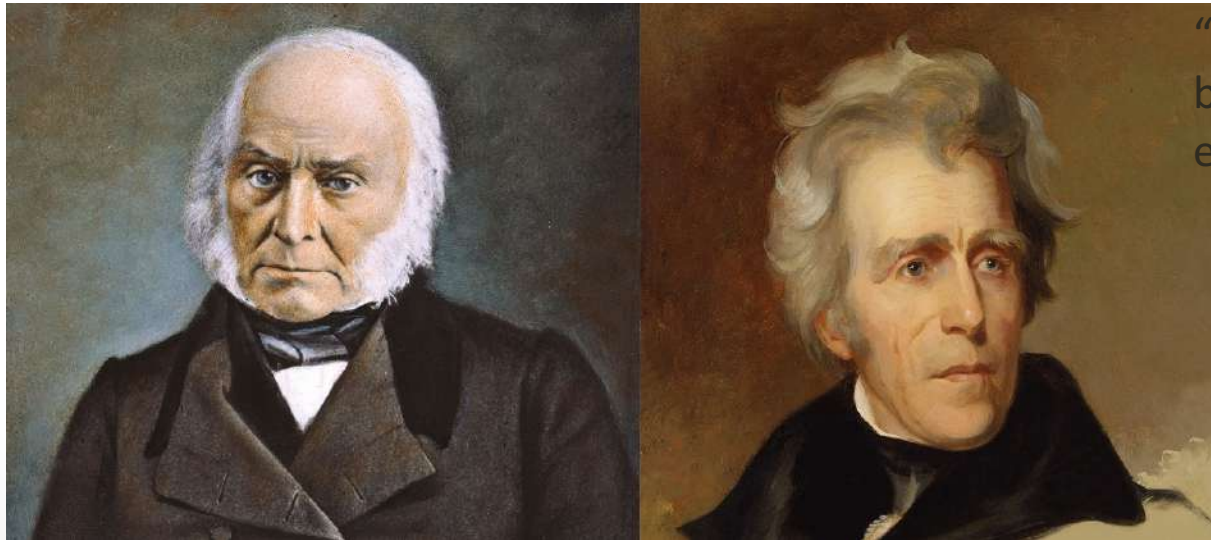
# Expressed powers of the Senate

- Trial of impeached officials
- Confirm presidential appointments
- Ratify treaties



# Expressed powers of the House of Representatives

- Start bills dealing with \$ (Revenue)
- Impeach officials
- Choose President if no majority in Electoral College



“Corrupt  
bargain” –  
election of 1824

# Implied Powers

- Necessary and Proper clause (Elastic clause)
- Congress can do what's necessary to support the creation of laws



# Necessary and Proper Clause

- What court case?!?
- McCulloch v. Maryland
  - National bank falls under “necessary and proper” powers of congress (Art. 1, section 8)
  - Federal law supersedes state law (supremacy Clause, Article 6)





# Limitations

- Can't prohibit slave trade (changed by 13<sup>th</sup>)
- Cant suspend habeas corpus
- No bill of attainder
- No ex post facto
- No nobility titles
- No export tax
- No preference to a state
- No federal \$ spent without a law
- No direct tax (changed by 16<sup>th</sup>)

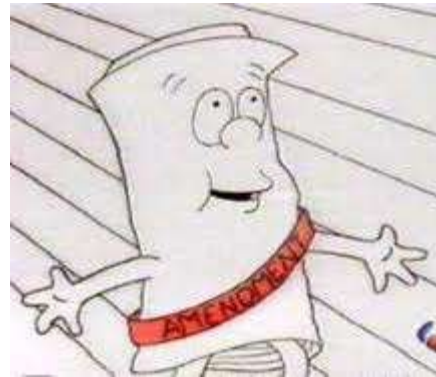
- Habeas Corpus – right to appear before a judge after arrest
- Bill of attainder – found guilty without a trial
- Ex post facto – arrested for doing something that was legal when you did it



# Non- legislative powers – jobs of congressmen other than making laws



**IMPEACH**



# Electoral

- When Electoral College fails,  
President chosen by House and  
VP chosen by Senate

# Amendments

- Congress proposes amendments with a 2/3 vote in both House and Senate, or calls national convention

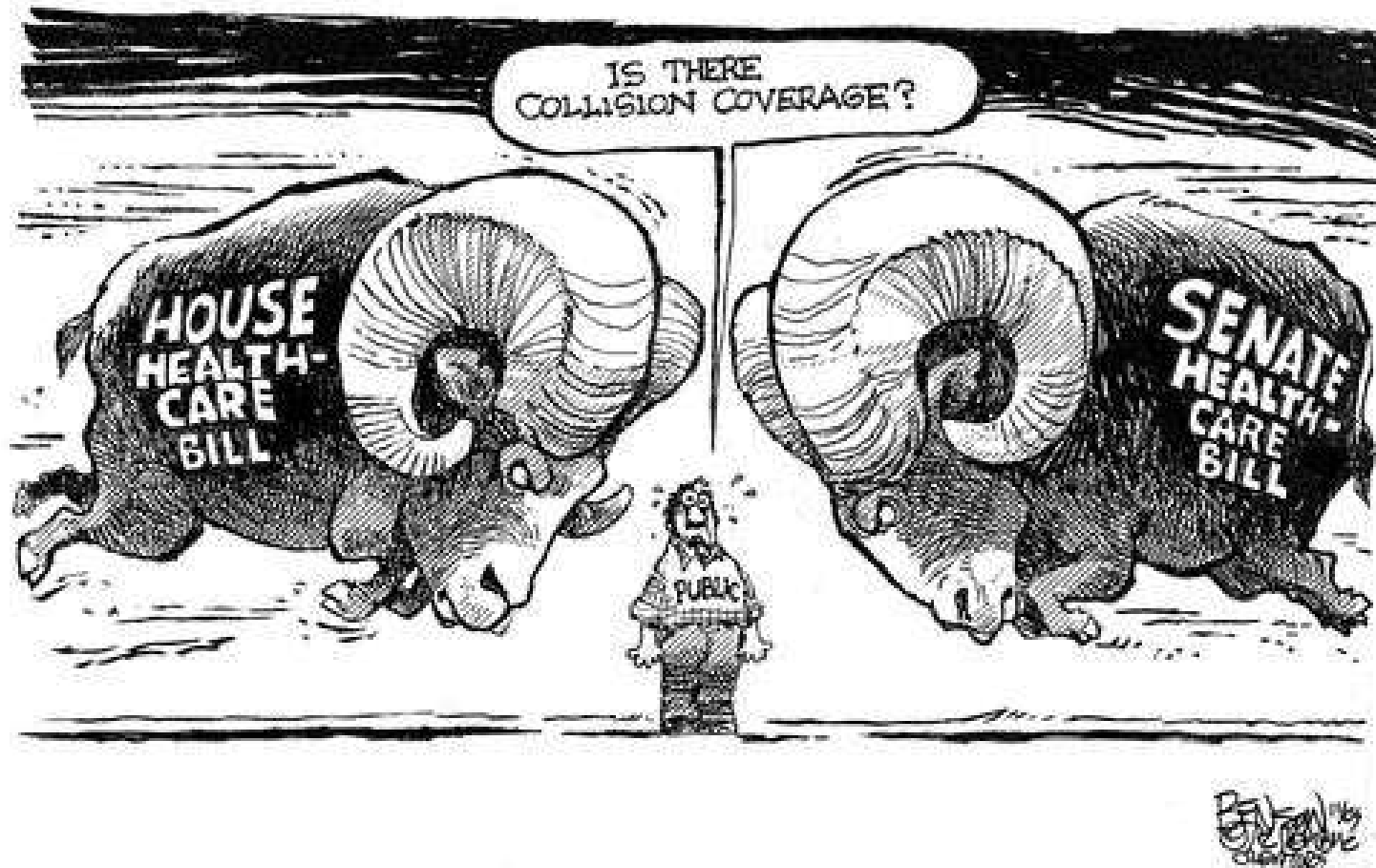
# Impeachment

- House impeaches
- Senate holds trial (Chief Justice presides)

# Executive powers of Senate

- Approve/reject presidential treaties and appointments with 2/3 vote

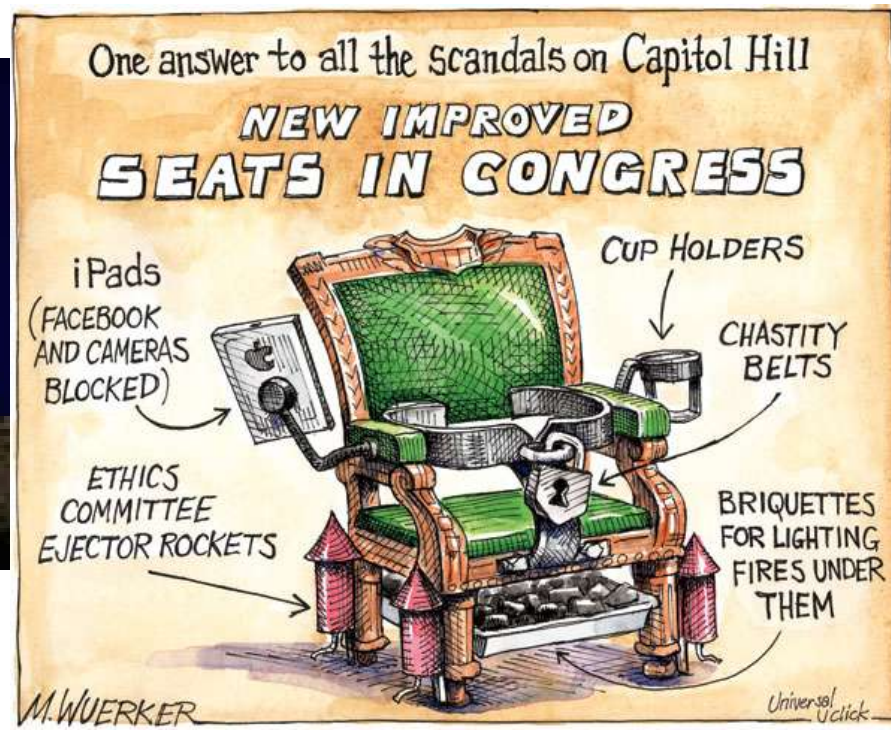
# Comparing the House and Senate





# How are they the same?

- Incumbency effect
- Each session starts January 3<sup>rd</sup>
- President can call special session
- Each house chooses its own leadership and rules



# How are they different?

- HOUSE =
- More formal/rigid rules
- Hierarchy adhered to
- Acts quickly
- Concentrated power
- Less prestige
- Smaller constituencies
- Limited debate (Rules committee)
- 1 committee assignment

# How are they different?

- SENATE
- Less formal/rigid rules
- Acts slowly
- Power isn't concentrated
- Larger constituencies
- More prestige
- Unlimited debate
  - Filibuster – speech to stop action on a bill
- 2-3 committee assignments

# The organization of Congress

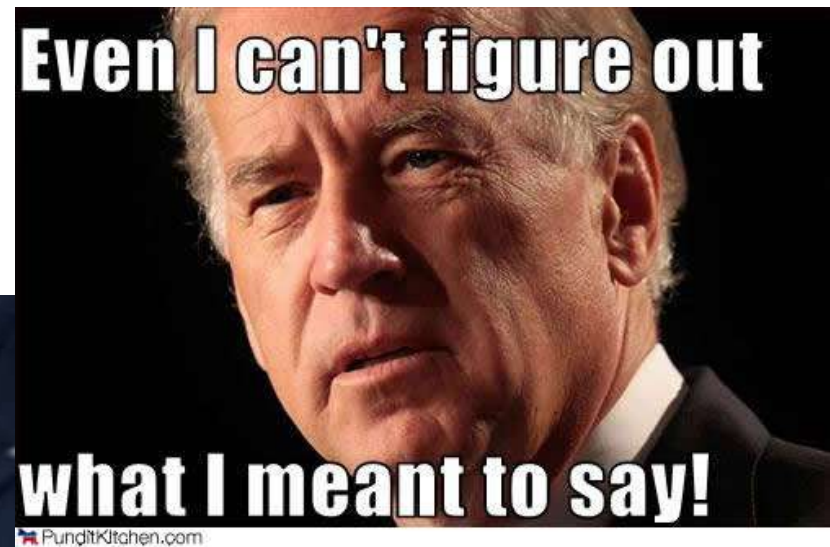


# Senate



# President of the Senate

- Vice President
- Not a member of Congress
- Only votes in tie
- Current = Joe Biden



# President Pro Tempore

- Serves when VP is absent
- Longest serving member of majority party
- Honorary title
- Current = Orrin Hatch (R-Utah)



# Majority Leader

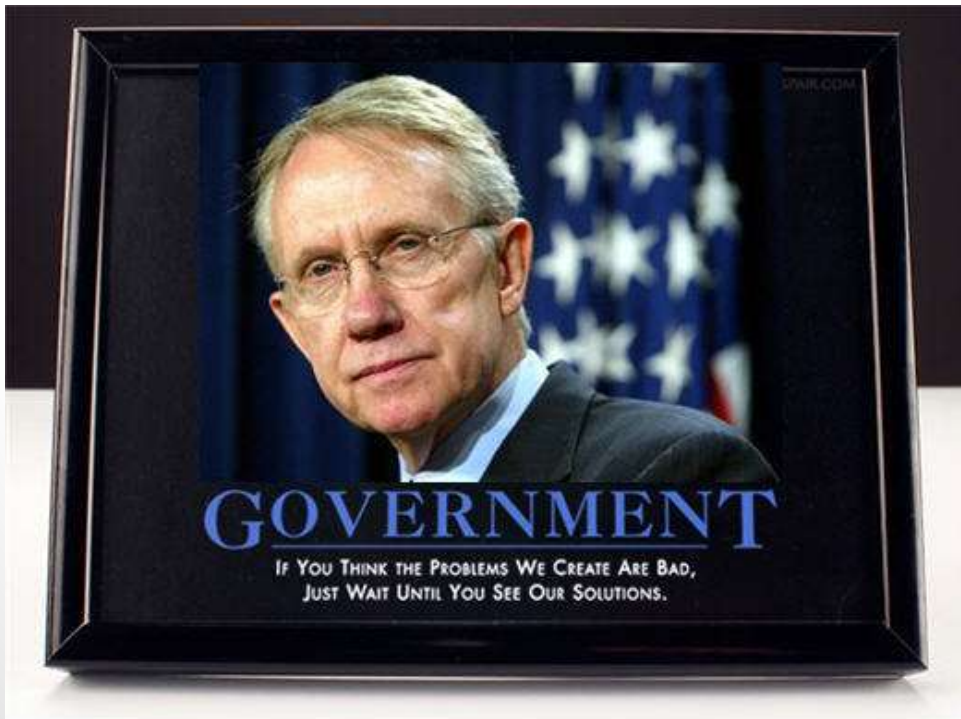
- Primary spokesperson
- Manages Senate floor
- Works with committees on scheduling legislation and debate
- Elected by party conference
- Current = Mitch McConnell (R-KY)





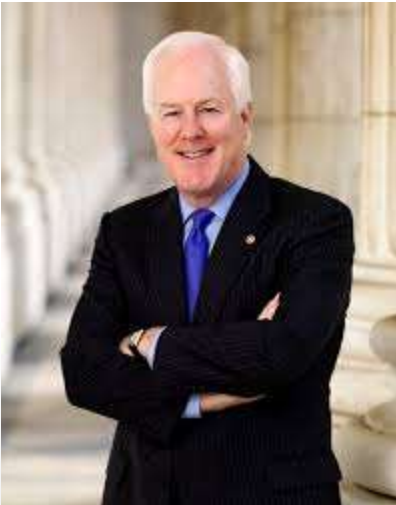
# Minority Leader

- Senior official of the minority party
- Sets party agenda, message and strategy
- Appoints members to commissions
- Current = Harry Reid (D-NV)



# Whips

- From the term “whipper-in”; person in charge of keeping fox hounds from leaving the pack
- Persuade party members to vote on legislation and count votes
- Majority Whip = John Cornyn
- Minority Whip = Dick Durbin



# Senate Body

- 44 Democrats
- 54 Republicans
- 2 Independents
  - Angus King (Maine)
  - Bernie Sanders (Vermont)
  - Both caucus with Democrats



# House of Representatives



# Speaker of the House

- Most important member
- Power over debate, sets agenda, maintains order
- Can't speak unless recognized by the speaker
- John Boehner (R-OH)



# Majority Leader

- Kevin McCarthy (R-CA)
- Controls House floor
- Schedules agenda for legislation
- Carries out party's goals



# Minority Leader

- Nancy Pelosi (D-CA)
- Senior member of minority party
- Sets party agenda, message and strategy
- Appoints members for task force
- Since same party, works with President



# Whips

- Persuades party members to vote on legislation that supports party goals
- Count votes
- Majority = Steve Scalise (R-LA)
- Minority = Steny Hoyer (D-MD)





# House Body

- 245 Republicans
- 188 Democrats

# Congressional Committees



# Where most of the work happens ...

- Most of the work in Congress takes place in committees
- This is where they work on bills before they go to the floor to be voted on.

# Standing Committees

- Permanent
- Separate committees for each house
- Handle most legislative business
- Gather info through hearings and investigations
- Deal with policy matters

# Subcommittee

- Smaller division of standing committee
- Job is to review proposed bills more closely

# Select/Special Committee

- Temporary
- Separate for each House
- Created to deal with specific problems
- Example:
  - Senate – Intelligence, Ethics, Aging
  - House – 2012 Benghazi terrorist attack, Intelligence (permanent)

# HINT

- S = Separate
- \*\*Standing, Subcommittee, and Special/Select committees are separate in each house

# Joint Committee

- Permanent
- Made up of members of both House and Senate
- Deals with issues affecting both houses
- Example: Library, Security, Economics



# Conference Committee

- Temporary
- Made up of both House and Senate members
- Created to “iron out” differences between two versions of a bill