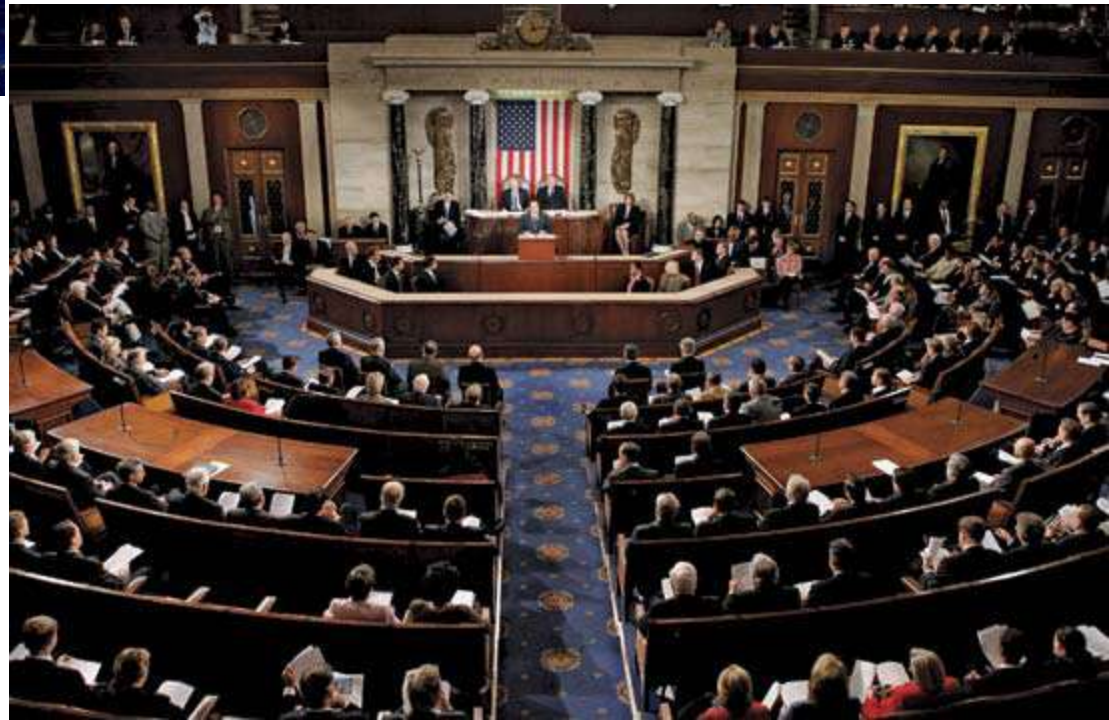


The Legislative Branch



Terms of Congress

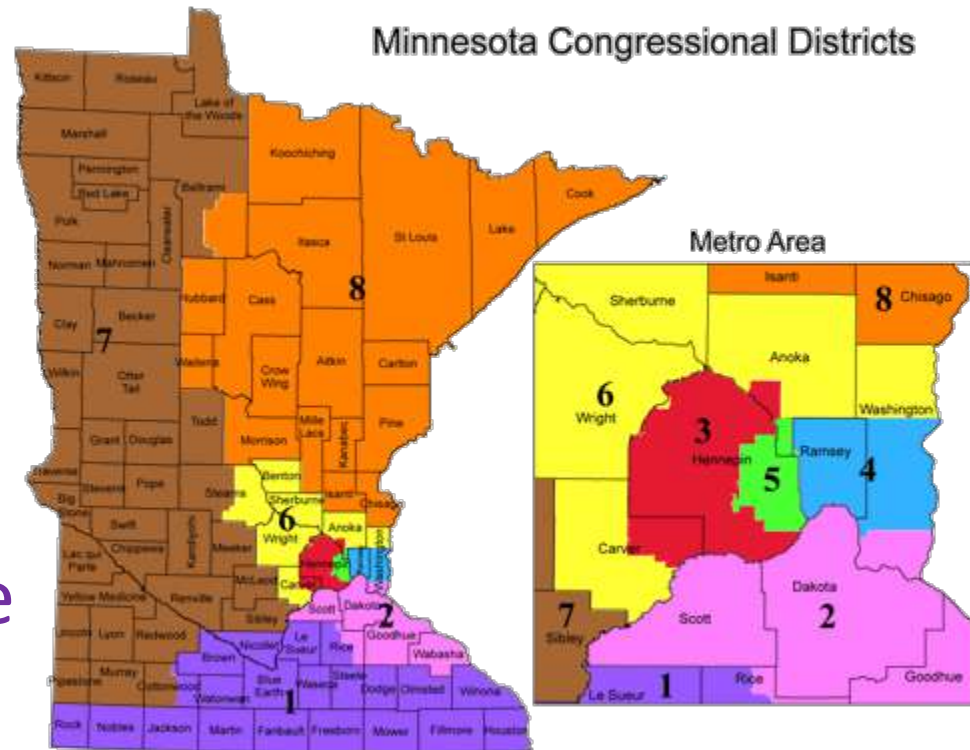
- Created by Article 1 of the Constitution – the 1st branch
- Bicameral – a two-part body
 - They needed two houses to solve the argument between big and little states at the Convention
- Each term lasts for 2 years – this is the 113th Congress
- **Special Sessions** may be called by the President – only 26 have been held – 1948 was the last – not needed anymore because they meet year-round now – Senate can be called alone to consider treaties or appointments – a **Joint Session** is when the House and Senate meet together

The House of Representatives

- Size – 435 members now – 65 in 1789
- Reapportionment Act of 1929 – set the number of members at 435 – following each census, the seats are reapportioned – some states lose members, some gain – you may not have less than one
- MN – 8; CA – 53; ND – 1; IA - 4
- Terms are set at 2 years by the Constitution
- The number of terms is unlimited

The House of Representatives

- Districts – not mentioned in the Constitution – evolved over the years – Every state gets at least one
- State legislatures must draw the districts so that they have roughly the same number of constituents – or people represented



The House of Representatives

- Gerrymandering –drawing a political district to the advantage of the political party that controls the State’s legislature
- The Supreme Court has ruled it unconstitutional – but it can be difficult to stop – ex. Texas in 2004



The Senate

- Size
 - The Constitution says there will be two senators from each state – or 100 total today
- Terms
 - Senators serve 6-year terms – Strom Thurmond was elected 9 times (served nearly 50 years)
 - Terms are staggered so 1/3 are up for reelection every two years – this ensures a certain amount of stability
 - The longer term is designed to make them more independent and less concerned with political pressures

Leaders in Congress

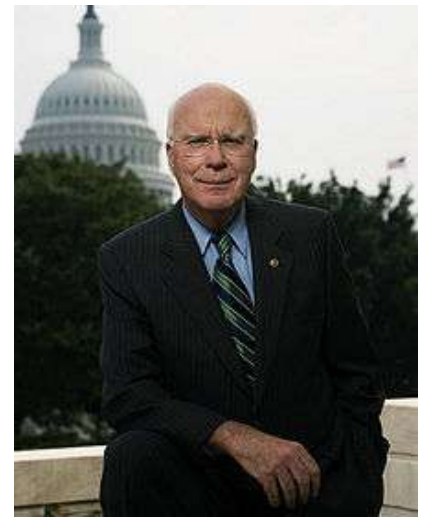
- The political party to which more than half the members belong is known as the majority party – the other party is the minority
- At the beginning of each term, the party members in each house choose leaders to direct their activities - each party elects a floor leader and a “whip”
- The House elects a Speaker of the House and the Senate picks a President Pro Tempore

The Speaker of the House

- John Boehner (R) – elected Speaker in 2011
- Served in Congress since 1991
- Most important and powerful position in Congress – 3rd in line for Presidency
- Powers: presides over every session, no member can speak unless recognized by the Speaker, interprets and applies the rules, refers bills to standing committees, rules on points of order, puts motions to a vote, names members of select and conference committees, signs all bills and resolutions

The President of the Senate

- The Vice-President is the president of the Senate – Joe Biden(D)
- Powers: recognize members, put questions to a vote, may vote – but only to break ties
- President Pro Tempore – serves in the Vice-President's absence – usually a long-serving member of the majority party – Patrick Leahy (D) VT



Party Offices

- Floor Leaders – they steer floor action and act as chief spokesman for their party in their chamber
- Whips – act as assistants to the floor leaders – they line up votes for their party's legislation
- House Minority (Democratic)
Leader Nancy Pelosi (Ca.) Whip Steny Hoyer (Md.)
- House Majority (Republican)
Leader Eric Cantor (Va.) Whip Kevin McCarthy (Ca.)
- Senate Majority (Democratic)
Leader Harry Reid (Nev.) Whip Dick Durbin (Ill.)
- Senate Minority (Republican)
Leader Mitch McConnell (Ky.) Whip John Cornyn(Tx)

Party Offices

- Committee Chairmen – members who head the standing committees in each chamber
- They are chosen from the majority party
- Powers: decide when the committee will meet, which bills they will take up, whether they will hold public hearings, and what witnesses to call
- Seniority – Unwritten custom dating to the late 1800's – the most important posts will be held by those who have served longest

Committees In Congress

- Much of Congress' work is done in committees because of the volume of work they must do and their size
- Standing Committees – permanent committees to which bills in a specified subject-matter area are referred
- House committees have from 10 – 75 members and Senate committees from 14 – 28 members – House members are usually assigned to 1 or 2 and Senators to 3 or 4
- The Rules Committee (House) usually decides if a bill will go to the floor

Committees In Congress

- Select Committees – committees created for a limited time and for some specific purpose
- Joint Committees - committee composed of members of both houses - they can serve several purposes – can be permanent or temporary
- Conference Committee – a temporary joint committee created to reconcile any difference between the two houses' versions of a bill – they “iron” out the differences

113th Congress

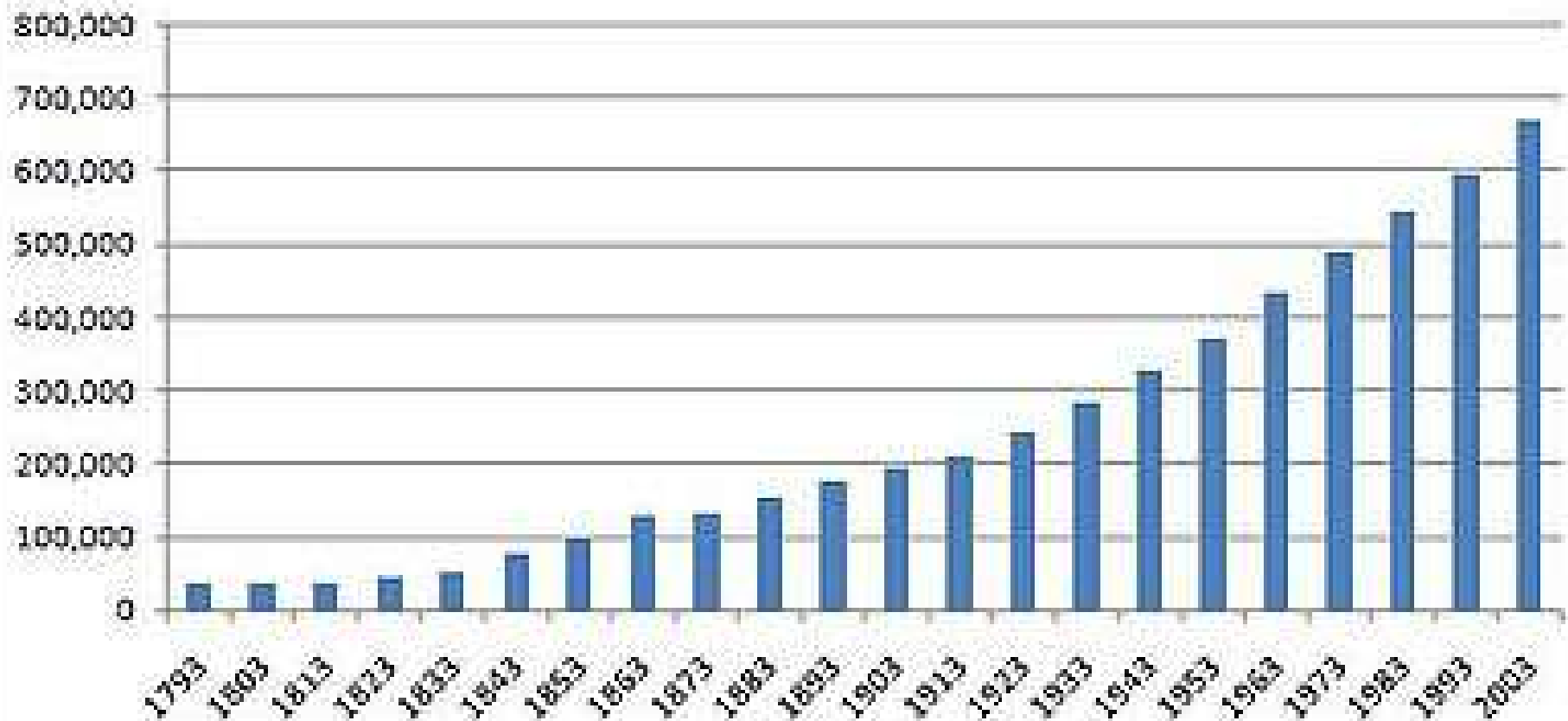
CONGRESSIONAL SEATS

2010
OFFICIAL RESULTS



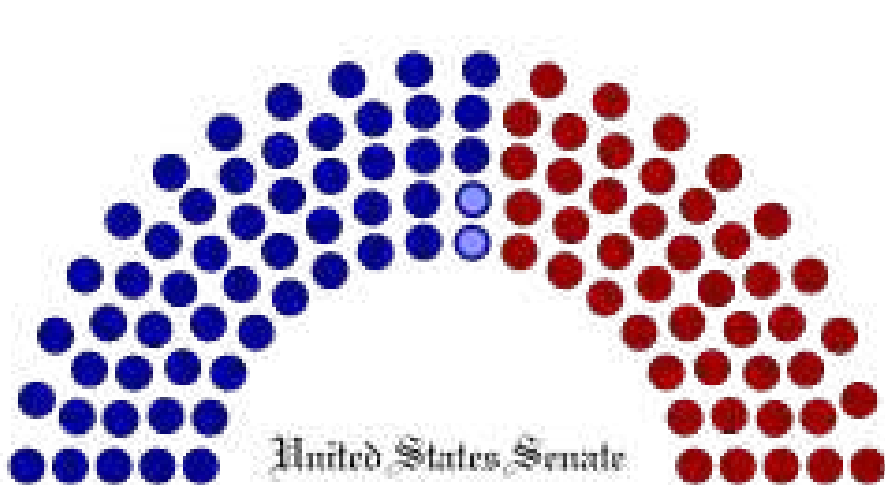
113th Congress

**United States Population per Representative
1793–2003**

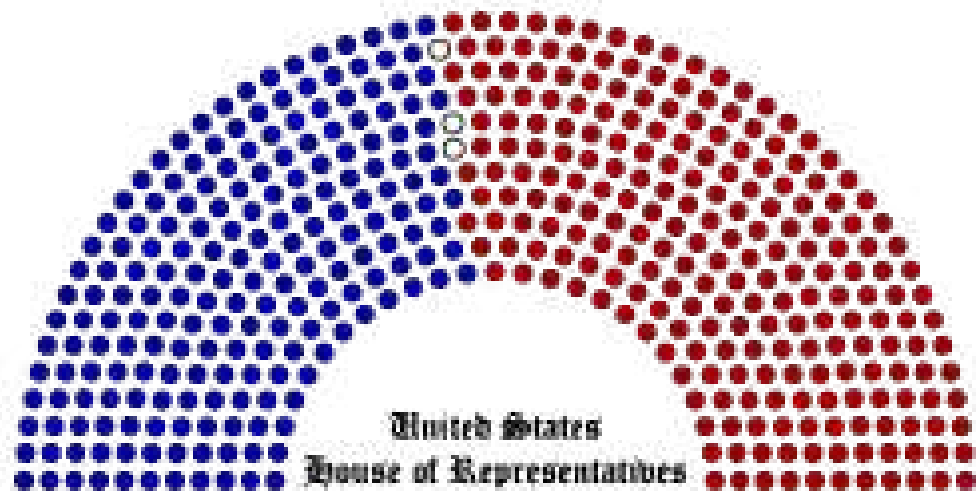


113th Congress

- [U.S. Senate: Committees Home](#)
- [Committees · House.gov](#)

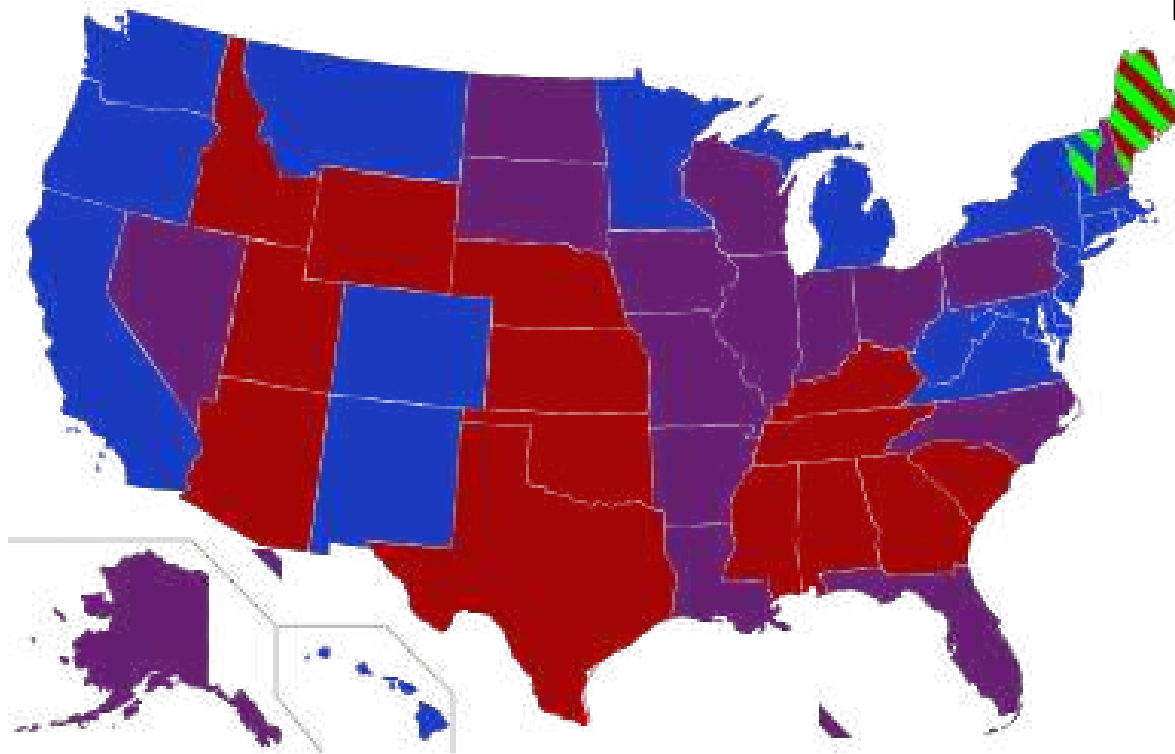


Democrat	53
Independent	2
Republican	45

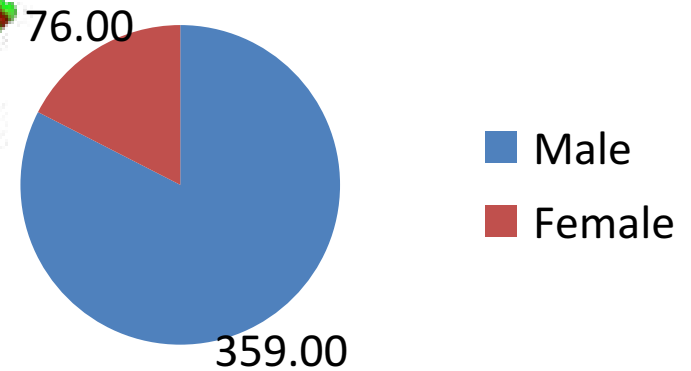


Republican	232
Democrat	200
Vacant	3

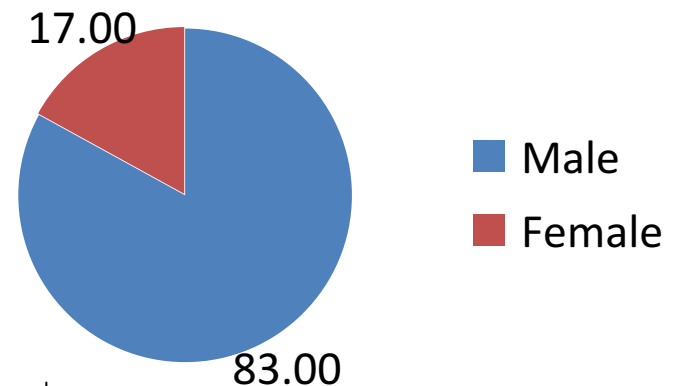
113th Congress



House Of Representatives



Senate



Current party membership by state

- 2 Democrats
- 1 Democrat and 1 Republican
- 2 Republicans
- 1 Democrat or Republican / 1 Independent

113th Congress

Racial Composition of the 112th Congress (excluding Delegates in the House)

	U.S. House	U.S. Senate
White	361	96
Black	44	1
Hispanic	33	2
Asian	9	2
American Indian	2	0

Powers of Congress

- Congress has only those powers delegated to it by the Constitution
- Congress has the expressed powers which are explicitly stated in the wording of the Constitution (Article 1/Section 8)
- Congress has the implied powers that can be reasonably deduced from the expressed powers – the implied powers come from clause 18 (the elastic clause) Congress shall have the power to do whatever is “necessary and proper” to carry out the expressed powers

Legislative Powers

- Money Powers:
 - Lay and collect taxes to provide for the defense and general welfare of the United States (Clause 1)
 - Borrow money (Clause 2)
 - Establish bankruptcy laws (Clause 4)
 - Coin, print, and regulate money (Clause 5)
 - Punish counterfeiters of American currency (Clause 6)
- Implied Money Powers:
 - Lay and collect taxes implies the power to support public schools, welfare programs, public housing, etc.
 - Borrow money implies the power to maintain the Federal Reserve Board

Legislative Powers

- Commerce Powers:
 - Regulate foreign and interstate commerce (Clause 3)
- Implied Commerce Powers:
 - Regulate commerce implies the power to prohibit discrimination in restaurants, hotels, and other public accommodations

Legislative Powers

- Military and Foreign Policy Powers:
 - Declare war (Clause 11)
 - Raise, support, and regulate an army and navy (Clauses 12-14)
 - Provide, regulate, and call into service a militia (Clauses 15 & 16)
 - Punish acts committed on international waters and against the laws of nations (Clause 10)
- Implied Military and Foreign Policy Powers:
 - Raise and support an army implies the right to draft people into the armed services

Legislative Powers

- Other Legislative Powers
 - Establish laws of naturalization (Clause 4)
 - Establish post offices and post roads (Clause 7)
 - Grant copyrights and patents (Clause 8)
 - Create lower federal courts (Clause 9)
 - Govern Washington D.C. (Clause 17)
 - Provide for laws necessary and proper for carrying out all other listed powers (Clause 18)
- Other Implied Powers
 - Establish laws of naturalization implies the power to limit the number of immigrants to the United States

Nonlegislative Powers

- Congress proposes amendments by a 2/3 vote or calls a national convention if requested by 2/3 of State legislatures (Article V)
- The House of Representatives can be called on to pick the President. The 12th amendment allows the House to pick the President if no candidate gets a majority of the electoral votes – the Senate can pick the VP in similar situations (Jefferson in 1801 & J.Q. Adams in 1825 – VP Johnson in 1837)

Nonlegislative Powers

- The Constitution gives Congress impeachment powers over the President and other civil officers of the US
- The House has the sole power to impeach – to accuse or bring charges (Johnson in 1868 and Clinton in 1998) It requires a simple majority
- The Senate decides on whether to convict. The Chief Justice presides over the trial with the Senate as jury – requires a 2/3 vote
- 7 judges have been removed – no presidents

Nonlegislative Powers

- All major appointments made by the President must be confirmed by the Senate (majority vote). They hold hearings and then hold a floor vote – they usually pass without too much trouble
- Treaties require Senate approval – 2/3 vote – the President will often consult members early in the process

Power Limitations

- Congress
 - Cannot tax exports
 - Cannot favor the ports of one State over those of any other in the regulation of trade
 - Cannot require the paying of duties when vessels pass from one state to another
- The Constitution also reserves many powers exclusively to the states or to the people
- Some restrictions also come from the Constitution's system of checks and balances

Power Limitations

- Congress is limited by the Bill of Rights:
 - They cannot pass bills of attainder – laws that punish a person without a jury trial
 - They cannot suspend the writ of habeas corpus – the court order that requires police to bring a prisoner to court to explain why they are holding the person
 - They may not pass ex post facto laws – laws that make an act a crime after the act has been committed

Qualifications and Privileges

- Constitutional Qualifications: House of Representatives
 - Must be at least 25 years of age
 - Must have been a citizen of the United States for at least 7 years
 - Must be an inhabitant of the State (now district) from which he or she is elected
- Our Representative – 7th District Democrat Collin Peterson – first elected in 1990 – 64 years old – grew up near Baker

Qualifications and Privileges

- Constitutional Qualifications: Senate
 - Must be at least 30 years of age
 - Must have been a citizen of the United States for at least 9 years
 - Must be an inhabitant of the State from which he or she is elected
- Our Senators
 - Amy Klobuchar (D) elected in 2006, 48 years old
 - Al Franken (D) elected in 2008, 59 years old

Qualifications and Privileges

- They are paid \$158,000 a year – some more
- Privileges include:
 - A special tax deduction to help pay for maintaining two residences
 - Generous travel allowances
 - Cheap life/health insurance and retirement plans
 - Provided with offices in D.C. and an allowance for offices in home district/state
 - Franking Privilege – can mail anything with their signature

Behind-the-Scene Helpers

- Personal Staff – run offices in D.C. as well as one or more offices in home district. They gather information on new bills, handle requests for help from voters, deal with news reporters and lobbyists (people hired by private groups to influence government decision makers) and work for the re-election of the congressional member
- They often also hire students from their home districts to work as interns or pages
- They also have committee staffs who draft bills, gather information, organize hearings and negotiate with lobbyists

Behind-the-Scene Helpers

- Support Services – Congress has created several agencies to support its work. One is the Library of Congress which they use for research
- Finance and Budget
 - the General Accounting Office is the investigative arm of Congress in financial issues. It recommends ways to improve the financial performance of the government
 - The Congressional Budget Office provides Congress with information and analysis for making budgetary decisions

Congress at Work

- Members of Congress have three basic jobs:
 1. Lawmaking – they introduce bills and then hold hearings and debate them and then vote on them
 2. Casework – they help constituents who request help in dealing with the federal government (Social Security or veteran's benefits for example
 3. Helping the District or State – lawmakers try to get appropriations for public works in their districts or for grants or contracts that benefit their districts
 - **pork-barrel projects** – government projects or grants that primarily benefit their home district

How a Bill Becomes a Law (HR)

- Bill – a proposed law – can be introduced in either house except bills for raising revenue
- Ideas for bills come from many places (President, citizens, Congress etc.) but they must be sponsored by a member of Congress
- When introduced in the House they are placed in the hopper
- The Clerk gives them a number, title, and they are “read” into the record

How a Bill Becomes a Law (HR)

- The Speaker sends it to committee – this can be good or bad – bills can be “pigeon holed”
- The committee chairperson decides which bill to consider - often they go to subcommittees
- They can debate the bill or hold public hearings on the bill – they can even force witnesses to testify before them
- Sometimes they take a junket (trip) to locations affected by the measure

How a Bill Becomes a Law (HR)

1. Report a bill favorably with a “do pass” recommendation
2. “pigeon hole” it – this kills it – discharge petitions are very rare – require majority vote
3. Report the bill in an amended form
4. Report the bill with an unfavorable recommendation
5. Report a committee bill – an entirely new bill that the committee has substituted for the original

How a Bill Becomes a Law (HR)

- If passed out of committee, the bill gets placed on the calendar so it can be debated on the floor – in the House it has to go through the rules committee
- The floor debates the bill – each speaker is limited to no more than an hour – and they may amend the bill, before it is finally voted on
- If it is approved, the bill is engrossed (printed in its final form) and sent to the Senate (if it has not been there already), conference committee (if it differs from the Senate bill), or President

How a Bill Becomes a Law (Senate)

- The process is similar to that of the House until a bill reaches the floor – there is no Rules Committee and the debate rules differ
- Debate is very seldom limited which allows for a Filibuster – long speeches aimed at defeating a bill by preventing a final vote
- A filibuster can be stopped by the Cloture Rule – 3/5 of the Senators must vote to end debate and bring the bill to a final vote

How a Bill Becomes a Law (President)

- The President may do one of four things
 - Sign the bill into law
 - Veto the bill, sending it back to the house it originated in with a veto message explaining his reasons for the veto
 - Do nothing which allows it to become law after 10 days without his signature
 - Use a pocket veto – refuse to sign it, but the session adjourns in less than 10 days, which kills the bill

<u>House</u>	<u>Senate</u>
Rep. hands bill to clerk or drops it in hopper	Senator announces bill on the floor
Bill given <i>HR</i> number	Bill given <i>S</i> number
Committee Action	
Referred to House Standing Comm.	Referred to Senate Standing Comm.
Referred to House subcommittee – may hold hearings or make revisions	Referred to Senate subcommittee – may hold hearings or make revisions
Reported by Standing Committee – may recommend passage or kill the bill	Reported by Standing Committee – may recommend passage or kill the bill
Rules Committee sets rules for debate and amendments	
Floor Action	
House debates, votes on passage	Senate debates, votes on passage
Bill passes; goes to Senate or Conference Committee or President	Bill passes; goes to House or Conference Committee or President
Conference Action	
Conference Committee works out differences and sends identical compromise bill to both chambers for approval – It must then be approved by both chambers	
The President	
Signs the bill or allows bill to become law without signing	President vetoes bill – House and Senate need a 2/3 vote to override the veto

How a Bill Becomes a Law

- 9,134 bills were introduced in the 107th Congress
- 1,062 were reported by committee
- 1,231 were passed by one chamber
- 411 were passed by both chambers
- 377 became laws
- <http://www.youtube.com/watch?v=mEJL2Uuv-oQ>