

# The Legislative Branch – Making the Laws

The Senate and the House of Representatives (Congress)

## House of Representatives

- Remember – based on population
- Currently **435** seats in the House – California has the most (52), Alaska and Delaware have the least (1), and Arizona has **9**.
- The area that a member of the House represents is called a **congressional district**. Each district should have about the same number of people (Average: 647,000).
- Presiding speaker is called **Speaker of the House**.

## Senate

- Remember – based on **equal representation**
- Each state has **2 senators**.
- The senator must pay attention to the state as a whole, not just a congressional district.
- **Vice President** serves as the presiding officer of the Senate (President Pro Tem presides when Vice President is absent).

## Requirements to Hold Office

- Must live in the state in which they are elected
- Representatives must be at least **25** years old, Senators must be at least **30**
- Must have been a citizen of the U.S. for at least **7 years** for the House of Representatives, **9 years** for the Senate
- Representatives in the House serve for **2 years**, Senators serve for **6 years**
- Salary as of 2016: **\$174, 100** per year

## Important Powers Given to Congress

- **Delegated powers** are those given to Congress (listed in **Article I, Section 8**)
- Congress can regulate **commerce** and collect **taxes** (Congress controls the budget of the federal government).
- Congress has the power to **declare war** (there is some controversy over when the President may send troops into battle with approval by Congress).

## Important Powers Given to Congress

- Congress has the power to create lower **federal courts**.
- Congress can also **impeach** (accuse an official of wrongdoing). Only the House can impeach and only the Senate may put the impeached official on trial.
- Not all powers are listed specifically, Congress also has a “**necessary and proper**” clause (called the **Elastic** clause) to carry out its duties.

## Limits on the Powers of Congress

- **Checks and balances** by other branches limit the power of Congress (executive branch can veto proposed laws and judicial branch can declare laws unconstitutional).
- Limits are also listed in **Article I, Section 9**: includes writ of **habeas corpus** (a person cannot be held in jail without having been charged with a crime or given a trial); also

includes *ex post facto* laws (cannot be punished for something that was not a crime at the time it was committed).

### Organization of Congress

- In both houses, the political party with more members is called the **majority** party. The one with fewer members is called the **minority** party.
- The **Speaker of the House** is the most powerful member of the House. The Speaker presides over sessions, deciding the order of business and who may speak. The Speaker also appoints members of committees and refers bills to committees.

### Organization of Congress

- More than 10,000 bills are introduced in Congress each year. Much of the important law-making is done in **committees**.
- Most bills start as ideas for solving problems and begin in Congress; but **citizens**, **interest groups**, and the **executive branch** can also propose legislation. However, only a **senator** or **representative** can introduce bills in Congress.
- Bills are given numbers by the order in which they are introduced.

### Working in Committees

- **Committees** control the fate of bills. First, the bill is **studied**. Next, **hearings** (public meetings) are held on the bill. A committee may propose changes to the bill.
- Finally, the **committee** decides whether to recommend that the entire House or Senate vote on the bill. If the committee does not recommend it, the bill goes no further. (The chairperson of every committee belongs to the **majority** party).

### How a Bill becomes a Law

- Before a bill can go to the President to be signed, it must be passed by both **houses**.
- The President can **sign** the bill, or **hold** the bill for 10 days without signing it (in which case the bill becomes law).
- The President can also **veto** (reject) a bill by sending the bill back to Congress unsigned (Congress may attempt an override by **2/3** vote).

### Stopping a Bill in Congress

- To try to block passage of a bill, Senators may use a **filibuster** (the use of long speeches to prevent a vote on a bill).
- One can stop a filibuster by calling for **cloture** (an agreement to end the debate on a bill). Cloture requires a three-fifths vote.