

Unit 4 – The Legislative Branch Study Guide

Legislative Branch

-A Bicameral Congress-

- Constitution - Article I created a law making body of Two houses{Bicameral}, known as Congress.
- A bicameral legislature was necessary to create a compromise for the Virginia and New Jersey plans of representation.
- The Founding Framers favored a bicameral Congress in order that one house might act as a check on the other.

Office	Number	Term	Selection	Requirements
Representatives	At least 1 per state Based on population	2 years	Elected by the people of their district	- Age 25 or over - Citizen for 7 years - Resident of state in which elected
Senators	2 per state	6 years	Elected by the people of their state	- Age 30 or over - Citizen for 9 years - Resident of state in which elected

- A congressional term starts January 3rd and ends January 3rd - set by the **20th Amendment**.
- Only the President may call Congress into a **special session**—a meeting to deal with some emergency situation.
- Congressional members set their own pay, due to the 27th Amendment – around \$200,000

-The House of Representatives-

- The total number of seats in the House shall be **apportioned** {distributed} among the States on the basis of their respective populations – today there are 435.
- A census is taken every ten years to determine the population.
- Guam, Virgin Islands, Puerto Rico and American Samoa have one delegate each.
- There are no term limits – set for only two years each, because it forces them to pay closer attention to their **constituents**{People you represent}.
- Congressional elections are held on the Tuesday following the first Monday in November of each even-numbered year.
- Districts that have unusual shapes or even defy description have sometimes been **gerrymandered**.
- Gerrymandering refers to the act of drawing congressional districts to the advantage of the political party that controls the State legislature. In Principle, this apportionment is allowed in order to keep equal representation in each district.
- **Today's Volusia county's Members:** US Representative John L. Mica (R) - Florida 7th District

-The Senate-

- The Constitution says that the Senate “shall be composed of two Senators from each State.” - Today's Senate consists of 100 Senators.
- Originally, the Constitution provided that senators were chosen by the State legislatures. Now because of the 17th Amendment(1913) the people now directly vote for senators.
- They are voted in for longer terms to deal with the more important issues.
- To make sure there are always experienced Senators in office - One-third of the entire body is elected every two years.
- **Today's Senators from Florida:** Nelson, Bill - (D - FL) and Rubio, Marco - (R - FL).

Congressional Duties

-Membership Privileges-

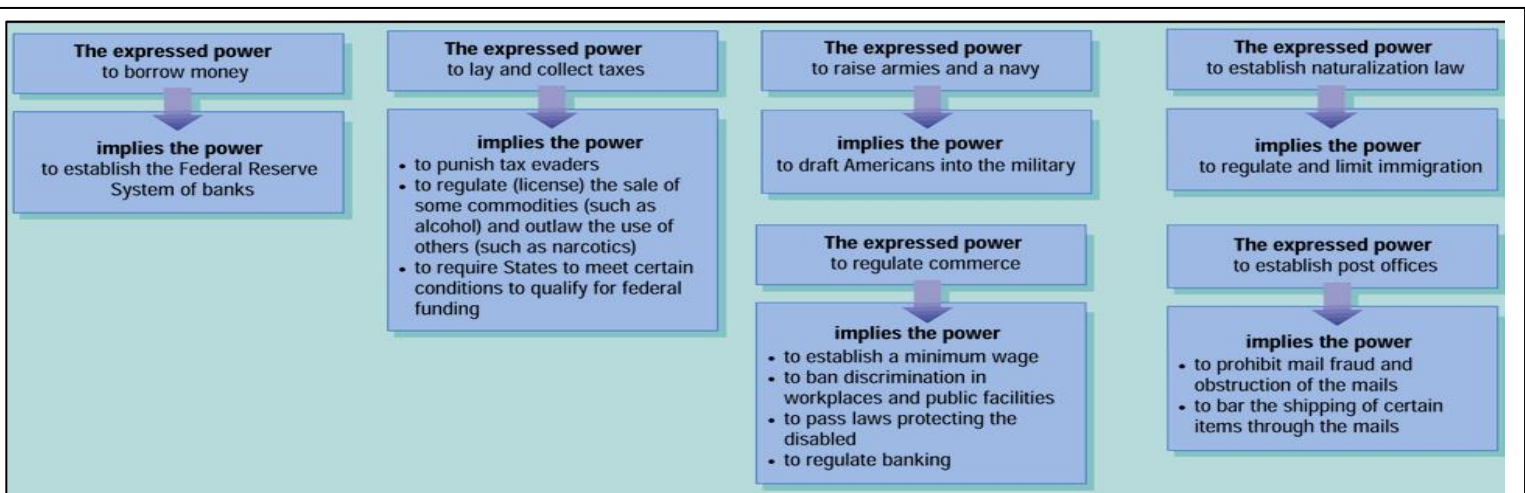
- Members of Congress are immune from arrest for noncriminal offenses while engaged in congressional business.
 - The **Speech and Debate Clause** (Article I, Section 6, Clause 1) protects representatives and senators from suits for libel or slander arising from their official conduct.
 - They get Special tax deductions
 - The franking privilege allows members of Congress to mail letters and other materials postage-free by substituting their facsimile signature (frank) for the postage.
- **Congress has 4 major Duties:**
- 1) **Legislators** - are elected to vote on bills; Their options on how to vote:
 - a) As **Delegates** - see themselves as agents of the people who elected them.
 - b) As **Trustees** - vote on a bill's merit and not their constituency's opinion back home.
 - c) As **Partisans** Lawmakers who owe their first allegiance to their political party.
 - d) As **Politicos** attempt to combine the basic elements of the trustee, delegate, and partisan roles.
 - 2) **Committee Membership** - Senators & representatives screen proposed laws before they are voted on.
 - 3) **Constituent Servant** - Does favors and speaks for the people back home.
 - 4) **Politician** – Keep in touch with Political Party leaders and prepare for reelection.

-Congressional Power-

- The **Supreme Court & Congressional Powers** – The Following are S.P. Cases that expanded Congresses' powers:
 - a) **McCulloch v. Maryland** (1819) - Implied Powers – elastic clause gave Congress power to create federal banks; It has national supremacy over state laws.
 - b) **Gibbons v. Ogden** (1824) - Commerce Clause - states can't interfere with Congress' attempt to regulate interstate commerce/economic activities.
- The Constitution grants Congress a number of specific powers in three different ways:
 - (1) **Expressed (Enumerated) powers** are explicitly written in the Constitution.
 - (2) **Implied powers** are granted to carry out expressed powers.
 - a) **Implied Powers** comes from: Article I section 8, clause 18, which states “**Necessary and Proper**” also known as the **Elastic Clause**, because it stretched congressional power.
 - (3) **Inherent powers** are not explicitly listed in the Constitution, but granted because they are needed for a gov't to work properly... Eminent domain – taking private property for public use.

-Strict Versus Liberal Construction lists-

- **Liberal Constructionists** – believe you can interpret what they meant when they wrote the constitution. – Advocated by Alexander Hamilton.
- **Strict Constructionists** – Only do as is written in the constitution and those implied powers absolutely necessary to run the gov't - Advocated by Thomas Jefferson.



Congress in Action

-Congress has particular procedures when they are in session:

- The House (2years terms)has formal organizational meetings at the beginning of each term to determine committee membership and standing leaders.
- The Senate(6 year terms), because it is a continuous body, has fewer organizational issues to address at the start of each term.
- When Congress is ready, the President presents a State of the Union message to a joint session of Congress. This message, in which the President reports on the state of the nation as he sees it, is given annually.

-The Presiding Leaders-

- Before the New Congress meets each Political party holds a closed meeting. This party caucus is a closed meeting so the leaders can organize congress and pick leaders and committees.
- The Majority Party leader makes all final decisions.
- The **Speaker of the House** is the presiding officer of the **House of Representatives** and the acknowledged leader of the majority party.
 - a) Main duties are to preside over and keep order in the House.
 - b) The Speaker names the members of all committees, and signs all bills and resolutions passed by the House.
- The job of **President of the Senate** is assigned by the Constitution to the **Vice President**, but they cannot cast votes on legislation.
 - a) The **President pro tempore**, the leader of the majority party, is elected from the Senate and serves in the Vice President's absence. Today is _____
 - b) They have many of the same duties as the Speaker of the House.
- The **floor leaders** are party enforces who make sure laws get passed
- The **party whips** assist the floor leaders by keeping them informed and persuading party members to vote along party lines.

-Congressional Committees System-

- A bill is a proposed law. Members of Congress create bills and try to get a majority of both houses to vote for them. Most of the work takes place in Congressional committees. Congress is really a collection of committees that work together to approve each other's decisions.
- **Standing committees** are permanent groups in Congress that specializes in one subject.
- **Committee chairmen** are the members who lead the standing committees.
- The **seniority rule**, unwritten custom, the most important posts will go to the senor serving members.
- The majority party always holds a majority of the seats on each committee (the lone exception being the House Committee on Standards of Official Conduct
- **Rules Committee** "Traffic Cops" is the most powerful. It decides whether and under what conditions the full House will debate and vote to filter all the bills.
- **Select committees** are panels established to handle a specific matter and usually exist for a limited time.
- **Joint committee** is one composed of members of both houses of congress.
- **Conference committee** a temporary, joint body—is created to iron out differences between bills passed by the House and Senate before they are sent to the President.
- **Congressional Oversight** is the process by which Congress, through its committees, checks to see that the agencies of the executive branch are working effectively.

Permanent Committees of Congress

HOUSE STANDING COMMITTEES	JOINT COMMITTEES OF CONGRESS	SENATE STANDING COMMITTEES
Agriculture	Economic	Agriculture, Nutrition, and Forestry
Appropriations	The Library	Appropriations
Armed Services	Printing	Armed Services
Budget	Taxation	Banking, Housing, and Urban Affairs
Education and the Workforce		Budget
Energy and Commerce		Commerce, Science, and Transportation
Financial Services		Energy and Natural Resources
Government Reform		Environment and Public Works
House Administration		Finance
International Relations		Foreign Relations
Judiciary		Governmental Affairs
Resources		Indian Affairs
Rules		Judiciary
Science		Labor and Human Resources
Small Business		Rules and Administration
Standards of Official Conduct		Small Business
Transportation and Infrastructure		Veterans Affairs
Veterans Affairs		
Ways and Means		

How a bill becomes law

-Steps One and Two in the House of Representatives-

- A **bill** is a proposed law for the nation or person presented to the House or Senate for consideration.
- In the House – members introduce a bill by putting a copy in a Hopper{A box} by the secretaries desk.
- Then the bill is referred to a standing committee for consideration.

-During a Bill's Life-

- A **riders** deals with an unrelated matter that is included in the bill, a way of sneaking a weak proposal into law. Earmark or Pork: special projects/programs that are funded & intended to benefit a member's district/state.
- A bills can die in a committee by **Pigeonholing**, to put away for later or never to be acted upon.
- **Simple Resolution** is a statement of position/opinion on a particular subject that carries no legal authority. Congress use it to regulate the internal business in either the House or the Senate.
 - **Example:** proposing congressional rules
- **Concurrent Resolutions** are proposals that both houses pass, but separately, again it's not a law.
 - **Example:** Foreign affairs
- **Joint Resolutions** are proposals worked on by both houses together and can act like a law.
 - **Example:** Constitutional amendments

-Step Three

- If the bill makes it through its committee, then it's sent to the floor, where the whole house, "**Committee of the Whole**" reads the bill.
- Majority and minority floor leaders generally decide in advance how they will split the time to be spent debating the bill.
- **There are four methods of taking a floor vote in the House:**
 1. During voice votes the Speaker calls for the "ayes" and then the "no's." (Computerized now)
 2. In a standing vote, members in favor of for and then those opposed to the bill rise and then are counted by the clerk.
 3. One fifth of a quorum can demand a teller vote, in which the Speaker names two tellers, for and against, and members pass by each one to be counted.
 4. A roll-call vote may be demanded by one fifth of the members

-Step Four-

- Once a bill has been approved at second reading, it is **engrossed**{printed in its final form}. It is then read for a third time and a final vote is taken. Then it's sent over to the Senate.

- The Senate passing a Bill-

- Bills are introduced by senators, who are formally recognized for that purpose.
- Most of the rules are the same as the houses, but less strict, because there less members.
- As a general rule, senators may speak on the floor for as long as they wish.
- **Filibuster** - term for any attempt to block or delay Senate action on a bill or other matter by debating it at length.
- If at least 60 senators vote for **cloture**{ A senate rule limiting debates}, no more than another 30 hours may be spent on debate, forcing a vote on a bill.

-Steps Five and Six-

- Any Bill created by Congress before being sent to the president must have been passed by both houses in identical form.
- **Conference Committee is formed to iron out the differences, if one of the houses doesn't accept the other's version of a bill, to make them identical.**
- Lastly when it's finished the bill is sent to the white house. The president can either sign it into law or veto{Reject} it. The President's veto can be overridden by a two-thirds vote of the members present in each house. **(If president doesn't act within 10day's it becomes law)**
- A **pocket veto** occurs if Congress adjourns{session ends} within 10 days of submitting a bill and the President does not sign it. The bill then dies.