

# The Legislative Branch

## United States Congress

bicameral legislature

House of Representatives

435 members

2 year terms

smaller constituencies (Congressional districts)

apportionment

[Census Department Information](#)

redistricting

Baker v. Carr – Supreme Court decides conflicts

Wesberry v. Sanders: one person, one vote principle

roughly 750,000 in each district

gerrymandering

illegally tampering with redistricting

younger membership

less prestige

lower visibility in media

Qualifications

25 years old

7 year U.S. citizen

## Senate

100 members

6 year terms

larger constituencies (two per state)

older membership

more prestige

higher visibility in media

Qualifications

30 years old U.S. citizen

9 year resident of state

## Congressional Privileges

\$174,000 salary/year

pension up to 80% of largest salary

franking privilege

free office space

free office staff

free from arrest (except for treason, felony, breach of peace)

Congressmen can be censured by a majority vote

Congressmen can be expelled by a 2/3 vote of that House

## Congressional Leadership

[Current House Leadership](#)

[Current Senate Leadership](#)

House of Representatives

Speaker of the House  
powers of the Speaker  
recognition  
scheduling  
appointments

Majority Leader  
Majority Whip  
Minority Leader  
Minority Whip

Both parties also have several deputy whips

#### Senate

Vice President presides  
President Pro Tempore  
Majority Leader  
Majority Whip  
Minority Leader  
Minority Whip

#### Congressional Committees

where the majority of work in Congress is completed

Standing Committees – permanent

House of Reps

Rules, Ways & Means, Appropriations, Armed Services, etc.

Senate

Foreign Relations, Finance, Judiciary, etc.

Subcommittees – smaller groups, more detailed subjects

Special committees – temporary

Joint committees – staffed by both Representatives & Senators

Conference committee – joint to resolve differences in legislation

#### Committee Membership

members want membership on committees to influence policy, help constituents

Chairpersons have most power on committee

same powers as Speaker of House within committee

Selection is based on:

party affiliation

chairperson

seniority

expertise

#### Support for Congress

Congressional staff

drafts legislation, communication, research, elections

Library of Congress

Congressional Budget Office (CBO)

General Accounting Office (GAO)

Government Printing Office

## Powers of Congress

### Expressed Powers – directly stated in the Constitution

- To collect taxes
- To borrow money
- To regulate foreign and interstate commerce
- To establish naturalization & bankruptcy laws
- To coin money, regulate weights & measures
- To punish counterfeiters
- To establish post offices and post roads
- To grant patents and copyrights
- To create courts inferior to the Supreme Court
- To define and punish piracy
- To exercise jurisdiction of the District of Columbia
- To declare war
- To raise and support armies
- To provide and maintain a navy
- To provide for and maintain a militia
- All revenue bills must start in the House of Reps
- Senate ratifies treaties
- Senate confirms executive appointments

### Implied Powers

#### Elastic Clause

make laws Congress deems “necessary & proper”

### Denied Powers

- suspend the writ of habeas corpus
  - “produce the body”
- pass bills of attainder
  - laws that can’t be followed
  - ex. – no left handed people ex post facto laws
  - retroactive punishment

## Additional Powers

### Power to investigate – Legislative oversight

- subpoena witnesses
- witnesses testify under oath
- grant immunity

### Contempt of Congress

Watkins v. U.S. – 1957 – 5th amendment applies

## How a bill becomes a law

### Types of bills

- private
- public
- resolutions
  - joint resolutions

riders

Process

see additional handout on website

Amending bills

amendments can be proposed at any time

go through same process

Voting on bills

House of Reps

Voice vote

Standing vote

Teller vote

Record vote

Senate

Roll Call vote

also voice & standing

Influences of Congressional votes

constituents

casework

Pork Barrel legislation AKA "earmarks"

logrolling

grants & contracts

federal projects

Political parties

President

interest groups & lobbyists