

Chapter 7 Notes: Our Legislative Branch

❖ The Structure of Congress:

- Congress is the legislative, or law-making branch of the federal government
- Congress is bicameral
 - The House of Representatives- Virginia Plan (Representation based off of population)
 - 435 members in the House of Representatives
 - The Senate- New Jersey Plan (Equal representation, 2 from each state)
 - 100 members in the Senate

❖ The Powers of Congress:

- The “enumerated” powers of Congress are specifically listed in the Constitution
 - Article I, Section 8
 - Examples include the following:
 - Power to tax and spend
 - Power to borrow
 - Power to coin money
 - Power to declare war
 - Power to raise and support armies
 - Power to maintain a navy
 - Power to regulate interstate commerce
 - Power to punish counterfeiters
 - Power to establish post offices
 - Power to establish patent system
 - Power to establish copyrights
 - Power to regulate immigration
 - Power to regulate naturalization
 - Power to establish lower federal courts

❖ The Non-legislative Powers of Congress:

- The Constitution gives Congress several non-legislative powers
 - System of checks and balances
 - Examples include the following:
 - Power to impeach any public official accused of wrong doing
 - Power to choose President if no candidate wins in the Electoral College
 - Power to confirm appointments- Senate by a majority vote
 - Power to ratify treaties- Senate ratifies by a 2/3 vote
 - Power to propose Constitutional Amendments

❖ The Implied Powers of Congress:

- The “implied” powers are strongly suggested but not directly stated

- Article I, Section 8, Clause 18 the “Necessary and Proper Clause” also known as the “Elastic Clause”
 - This clause gives Congress: the power to make all laws which shall be necessary and proper for carrying into the execution of its enumerated powers
 - Example: McCulloch v. Maryland (1819), Supreme Court decision upheld the creation of the national bank on the basis of the implied powers. The Supreme Court stated the creation of the bank assisted Congress in collecting taxes

❖ **Limits on Congressional Powers:**

- The President can veto any piece of legislation passed by Congress
 - Congress can overturn a presidential veto by a 2/3 vote in both chambers
 - Between 1789 and 2010 this has happened only 109 times out of 2,560 vetoes
- Congress has limited powers
 - Any power not given to Congress are reserved for the states and the people
 - Amendment 9 and Amendment 10
- Congress is prohibited from passing ex post facto laws, bills of attainder, and granting writs of habeas corpus

❖ **Leadership of Congress:**

- Speaker of the House: the leading member of the majority party, who is elected by a vote in the House of Representatives
 - The Speaker chairs the proceedings and decides which committees bills are sent to
- Vice President of the United States: serves as President of the Senate
 - Will chair the proceedings of the Senate
- President pro tempore of the Senate: the leading member of the majority party who presides over the Senate when the Vice President is absent
 - Is Latin and translates as “for the time being”
- Majority Leader: Both the House and the Senate choose a majority leader
 - A member of the majority party (more than half the seats) manages the interests of the party
- Minority Leader: The minority party (less than half the seats) in each chamber similarly chooses a minority leader

❖ **Congressional Committee System:**

- Standing Committee: a permanent committee system
- Select/ Temporary Committee: committees created for a specific and temporary purpose
- Conference/ Joint Committee: members of both chambers form a conference committee to eliminate inconsistencies between different versions of a bill passed in each chamber

❖ **How a Bill Becomes a Law:**

- Proposal/ Introduction of the Bill:
 - Member of Congress will introduce the bill. It is numbered with an S (Senate) or an HR (House of Representatives) and a # and given to the appropriate standing committee
- Committee Stage:
 - Chairperson decides if the committee will consider the bill or pigeonhole the bill
 - ◆ 5 actions can be taken:
 - Pass the bill as is
 - Change the bill
 - Write a new bill on the same subject
 - Pigeonhole the bill (let die in committee)
 - Kill the bill outright
 - If considered the committee will investigate, hold public hearings, and examine
- Debate and Vote:
 - Bill often with changes will be sent to the floor of the chamber for discussion and vote
 - Bill needs a simple majority to pass
 - In the Senate passage can be stalled by a filibuster (long speech without end)
 - Majority leader can call for cloture (limit on a filibuster) with a 3/5 vote in the Senate
- Bill sent to the other house:
 - Process repeats itself
- Conference Committee:
 - If a bill passes both chambers (usually amended)
 - Joint/ Conference committee is called to iron out the details
- Submitted to the President:
 - Bill must be passed by a 2/3 vote in both houses
 - President can sign the bill into law
 - Veto the bill with a message to Congress
 - Pocket-veto the bill (ignore the bill) and after 10 days if Congress **IS NOT** in session the bill automatically dies
 - If Congress **IS** in session then the bill automatically becomes law

❖ **Who can be a Member of Congress:**

	The House of Representatives	The Senate
Age	At least 25 years old	At least 30 years old
Length of Citizenship	At least 7 years	At least 9 years
Residence	Live in the state and district where elected	Live in the state where elected