

## Congress: Our Legislative Branch

### 1. Structure of Congress:

#### 1. Congress is bicameral (2 Chambers)

##### i. House of Representatives

###### 1. 435 Members

a. # representatives based off population

###### 2. 2 year terms

###### 3. Lower of the two chambers/ closer to the people

###### 4. Qualifications:

a. Must be at least 25 years old

b. Must be a citizen for 7 years

c. Must live in the state you represent

##### ii. Senate:

###### 1. 100 Members

a. 2 from each state

###### 2. 6 year terms

###### 3. Upper of the two chambers

###### 4. Elections are staggered (1/3 every 2 years)

###### 5. Qualifications:

a. Must be at least 30 years old

b. Must be a citizen for 9 years

c. Must live in the state you represent

### 2. Powers of Congress:

#### 1. Enumerated Powers/ Expressed Powers (Article I, Section 8)

##### i. Powers specifically listed in the Constitution

###### 1. Tax

###### 2. Borrow Money

###### 3. Coin Money

###### 4. Declare War

###### 5. Raise and Support Armies/ Navy

###### 6. Regulate interstate commerce

###### 7. Establish lower federal courts

###### 8. Establish post offices

###### 9. Establish patents and copyrights

###### 10. Punish counterfeiters

2. Implied powers (Article I, Section 8, Clause 18)
    - i. Strongly suggested but not directly stated in the Constitution
    - ii. “Necessary and Proper” Clause or the “Elastic Clause”
      1. Congress additional powers absolutely necessary to perform its “enumerated” powers
  3. Non-legislative Powers:
    - i. Responsibilities of Congress (Checks on the other branches)
      1. Impeach any official accused of wrongdoing
      2. Confirm presidential appointments (majority vote)
      3. Ratify treaties (2/3 vote)
      4. Propose Constitutional Amendments
      5. Power to choose the President if no candidate wins the Electoral College (House of Representatives)
  4. Limits on Congressional Power:
    - i. Checks the other branches have on Congress
      1. President can veto legislation passed by Congress
    - ii. Powers not given to Congress are reserved for the states and the people
      1. 9<sup>th</sup> and 10<sup>th</sup> Amendment
    - iii. Judicial Review (Marbury v. Madison)
      1. Supreme Court can invalidate laws
    - iv. Congress cannot pass the following:
      1. Ex post facto laws
      2. Bills of Attainder
      3. Suspending writs of Habeas Corpus
3. Leadership in Congress:
    1. House of Representatives
      - i. Speaker of the House- leading member of majority party
    2. Senate
      - i. Vice President
      - ii. President pro tempore- for the time being
    3. Majority Party- Party with more than half of the seats in the chamber
    4. Minority Party- Party with less than half of the seats in the chamber

4. Congressional Committee System:

1. Standing committee- permanent committee, happens every congressional term
2. Special (Select/ Temporary) committee- called for special issues
3. Joint (conference) committee- members from both houses are a part of

5. How a Bill Becomes a Law:

1. Proposal or Introduction
  - i. Member of Congress proposes a bill, it is numbered and submitted to appropriate standing committee
2. Committee Stage
  - i. Chairperson decides to take action or pigeonhole the bill
3. Debate and Vote
  - i. Bill with changes will be sent to the floor for debate and vote
4. Bill sent to other house:
  - i. If bill passes one house, it is sent to the other house
  - ii. Process repeats itself
5. Conference Committee Stage
  - i. Bill passes both houses of Congress, joint committee called to iron out details
6. Submitted to the President
  - i. Bill is passed by 2/3 vote in both houses
  - ii. Goes to The President to sign into effect or veto