

▶ House of Representatives
▶ Senate

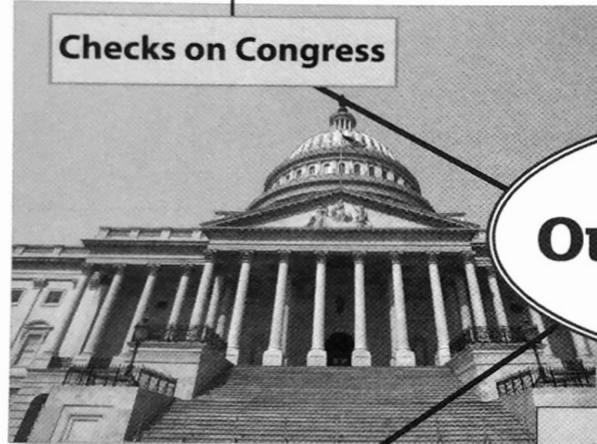
- ▶ Tax
- ▶ Borrow
- ▶ Coin money
- ▶ Regulate interstate commerce
- ▶ Declare war
- ▶ Establish patents & copyrights
- ▶ Establish lower federal courts
- ▶ Raise & support armies
- ▶ Maintain navy
- ▶ Establish post offices



- ▶ Both houses must agree to pass a law
- ▶ President must sign bills
- ▶ Judicial review can invalidate law

Structure

Checks on Congress

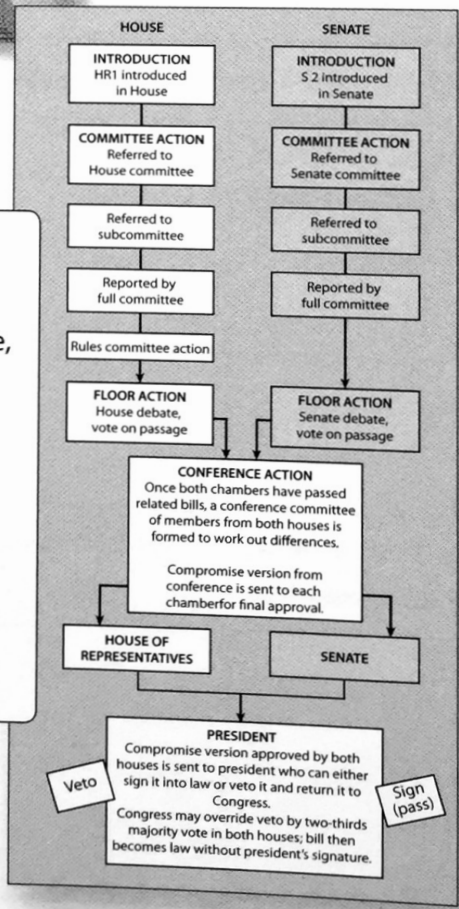


**Congress:
Our Legislative
Branch**

Enumerated Powers

**How a Bill
Becomes a Law**

- ▶ Bill introduced
- ▶ Bill sent to committee
- ▶ If reported favorably by committee, bill debated and voted by house
- ▶ Bill sent to other house
- ▶ Conference committee irons out differences
- ▶ Bill given to President for approval or veto
- ▶ Congress overrides veto with 2/3 vote in each house



Implied Powers

- ▶ "Necessary & Proper" Clause (Elastic Clause)



Review Cards: Congress—Our Legislative Branch

The Structure of Congress

- ▶ Congress is the legislative, or law-making, branch of the federal government.
- ▶ Congress has two houses: the House of Representatives and the Senate.
- ▶ Because it has two chambers, Congress is described as bicameral.
- ▶ The House has 435 members. Each state's number of representatives is proportional to the size of its population. In the Senate, there are 100 members. Each state has two Senators.

The Enumerated Powers of Congress

The “**enumerated**” powers of Congress are specifically listed in Article I, Section 8. These describe the powers of the federal government. Many of these powers had not belonged to the Confederation Congress.

- | | |
|---|---|
| ▶ Power to tax and spend | ▶ Power to punish counterfeiters |
| ▶ Power to borrow | ▶ Power to establish post offices |
| ▶ Power to coin money | ▶ Power to establish patent system |
| ▶ Power to declare war | ▶ Power to establish copyrights |
| ▶ Power to raise and support armies | ▶ Power to regulate immigration |
| ▶ Power to maintain a navy | ▶ Power to regulate naturalization |
| ▶ Power to regulate interstate commerce | ▶ Power to establish lower federal courts |
| ▶ Power to establish standard weights | |

The Non-legislative Powers of Congress

The Constitution gives Congress several non-legislative powers (*powers other than law-making*). This is mainly because of the system of checks and balances. These non-legislative powers allow Congress to oversee and check the other branches.

- ▶ Power to impeach the President, Vice-President and other federal officers
- ▶ Power to impeach Supreme Court Justices and other federal judges
- ▶ Power to confirm appointments – Senate confirms Presidential nominations by a majority vote
- ▶ Power to ratify treaties – Senate ratifies treaties by a two-thirds vote
- ▶ Power to propose Constitutional Amendments
- ▶ Power to choose the President if no candidate wins in the Electoral College – this is decided by the House of Representatives
- ▶ Power to oversee and investigate

The Implied Powers of Congress

- ▶ “Implied” means strongly suggested but not directly stated.
- ▶ The “implied” powers are not listed in the Constitution but they are based on the “**Necessary and Proper**” Clause, also known as the “**Elastic Clause**.”
- ▶ This clause gives Congress: the power “[t]o make all laws which shall be necessary and proper for carrying into execution the foregoing [*previous*] powers, and all other powers vested [*given*] by this Constitution in the Government of the United States . . .”
- ▶ What did this mean? Did the “Necessary and Proper” Clause give Congress just those additional powers that were absolutely necessary to perform its “enumerated” powers? Or did this clause allow Congress to do anything that reasonably assisted it in performing its “enumerated” powers?
- ▶ Congress chartered a national bank, although this was not one of the enumerated powers given to Congress by the Constitution.
- ▶ The Supreme Court upheld the creation of the national bank on the basis of the implied powers in the case of *McCulloch v. Maryland* (1819). The Supreme Court stated that the creation of the bank assisted Congress in collecting taxes, supporting the army, etc. Therefore it was “necessary and proper” for Congress to charter a national bank.
- ▶ In this case, the Court concluded that anything within the scope of the Constitution, reasonably related to Congress’s duties and not otherwise prohibited, was permitted by the “Necessary and Proper” Clause: “If the end be legitimate, and within the scope of the Constitution, all the means which are appropriate may constitutionally be employed to carry it into effect.”

Limits on Congressional Power

- ▶ The President can **veto** (*notify Congress that he or she refuses to sign*) legislation passed by Congress. Congress can only override the President’s veto with a vote by two-thirds of each house.
- ▶ Congress has limited powers. Powers not given to Congress are reserved for the states and the people.
- ▶ Congress is prohibited from passing *ex post facto* laws, Bills of Attainder, granting titles of nobility or suspending writ of *habeas corpus*.

- ▶ **Speaker of the House:** The leading member of the majority party, who is elected as Speaker by a vote in the House. The Speaker chairs the proceedings of the House and decides which committees bills are sent to.
- ▶ **Vice President** of the United States: Serves as **President of the Senate** and chairs proceedings of the Senate.
- ▶ **President pro tempore of the Senate:** The leading member of the majority party who presides over the Senate when the U.S. Vice President is absent.
- ▶ **Majority leader:** Both the Senate and the House choose a majority leader—a member of the majority party manages the interests of the party in that house of Congress.
- ▶ **Minority leader:** The **minority party** in each house similarly chooses a minority leader.

Congressional Committee System

- ▶ **Standing committee:** A permanent Congressional committee system that deals with all bills on a particular subject. Each standing committee represents the entire house (Senate or House of Representatives) in miniature. Each political party has a number of seats on the committee proportional to its representation in the house as a whole.
- ▶ **Special (or select) committee:** Committees created for a specific and temporary purpose such as to conduct an investigation.
- ▶ **Conference committee:** Members of both houses form a conference committee to eliminate inconsistencies between the different versions of a bill passed in each house.

How a Bill Becomes a Law

- ▶ **Introduction of the bill:** Only a member of Congress can introduce a bill. Once the bill is introduced, it is numbered and submitted to the appropriate standing committee.
- ▶ **Committee stage:** The chairperson of the committee decides if the committee will consider the bill or if it should be “pigeonholed”—left to die in committee. If it is considered, the committee will investigate the bill, hold public hearings, examine experts and so on. The bill may be referred to a subcommittee for further investigation, which it then sends back to the committee.
- ▶ **Debate and vote:** If the bill is approved by the committee, it will be sent back, often with changes, for discussion and a vote on the floor of the House of Senate. Often the bill will be amended in some way before it is passed. Bills need a simple majority vote to pass. In the Senate, passage of a bill can be stalled by any member who decides to give a “filibuster” (long speech without end, until concessions are made).
- ▶ **Bill sent to other house:** Once the bill is passed in one house of Congress, it is sent to the other house, where it goes through the same stages.
- ▶ **Conference committee:** If a bill passes both houses of Congress, it is usually changed in some way in each house by amendments. To become a law, a bill has to pass both houses of Congress in the same form. Members from each house join together in a conference committee, where they iron out the differences in the two versions of the same bill. The bill then goes back to both houses, which can either approve or deny the bill without amendments. If the bill passes both houses, it is ready to be sent to the President for signature.
- ▶ **Submitted to the President:** The President can approve the bill, veto the bill with a message to Congress, or do nothing at all. If the bill is vetoed, a two-thirds (2/3) vote in each house can override the veto. If the President does nothing and Congress is in session, it becomes a law; if Congress adjourns in less than ten days from sending the bill, it will not become a law. In this case, the President has “pocket-vetoed” the bill.

Who can be a Member of Congress?

House of Representatives	Senate	
Minimum Age	25 years old	30 years old
Length of US Citizenship	7 years	9 years
Residence	Resident of state where elected	Resident of state where elected
Number of Members	435	100

Officers of Congress