

Legislative Branch





3 BRANCHES *of* U.S. GOVERNMENT



Constitution

(provided a separation of powers)



Legislative

(makes laws)



Congress



Senate



House of Representatives



Executive

(carries out laws)



President



Vice President



Cabinet



Judicial

(evaluates laws)



Supreme Court



Other Federal Courts



Congressional Structure

The Constitution & the Legislative Branch

- **Article 1 Describes Structure of Congress**
 - Bicameral Legislature
 - Divided into two houses
 - Each state sends two Senators regardless of state size
 - Number of Representatives each state sends to the House depends on their state population

Requirements for Membership

- Constitution also sets out requirements for membership in the Senate and the House
- **House of Representatives**
 - Min. 25 years of age, reside in U.S. at least 7 years, serve 2 year terms
- **Senate**
 - Min. 30 years of age, reside in U.S. at least 9 years, serves 6 year terms
- Congressional members must be legal residents of their state

Terms and Sessions

- Congressional Term - 2 years
 - i.e. 2 years between election years
- Two Sessions per year
- Recess = temporary break
- Special Session = Outside of regular hours
- Joint Session = Both House and Senate
- “State of the Union” Called by President

Determining Representatives

- **Census**=Every 10 years to determine population
- **Apportionment** – proportional process of allotting congressional seats to each state following the 10 year census
 - https://www.youtube.com/watch?v=RUCnb5_HZc0
- **Redistricting** - redrawing of congressional districts to reflect increases or decreases in seats allotted to the states, as well as population shifts within a state
- 1929 – House sized fixed at 435 members
 - <https://www.youtube.com/watch?v=pocFJnyR3Q4>

Determining Representatives

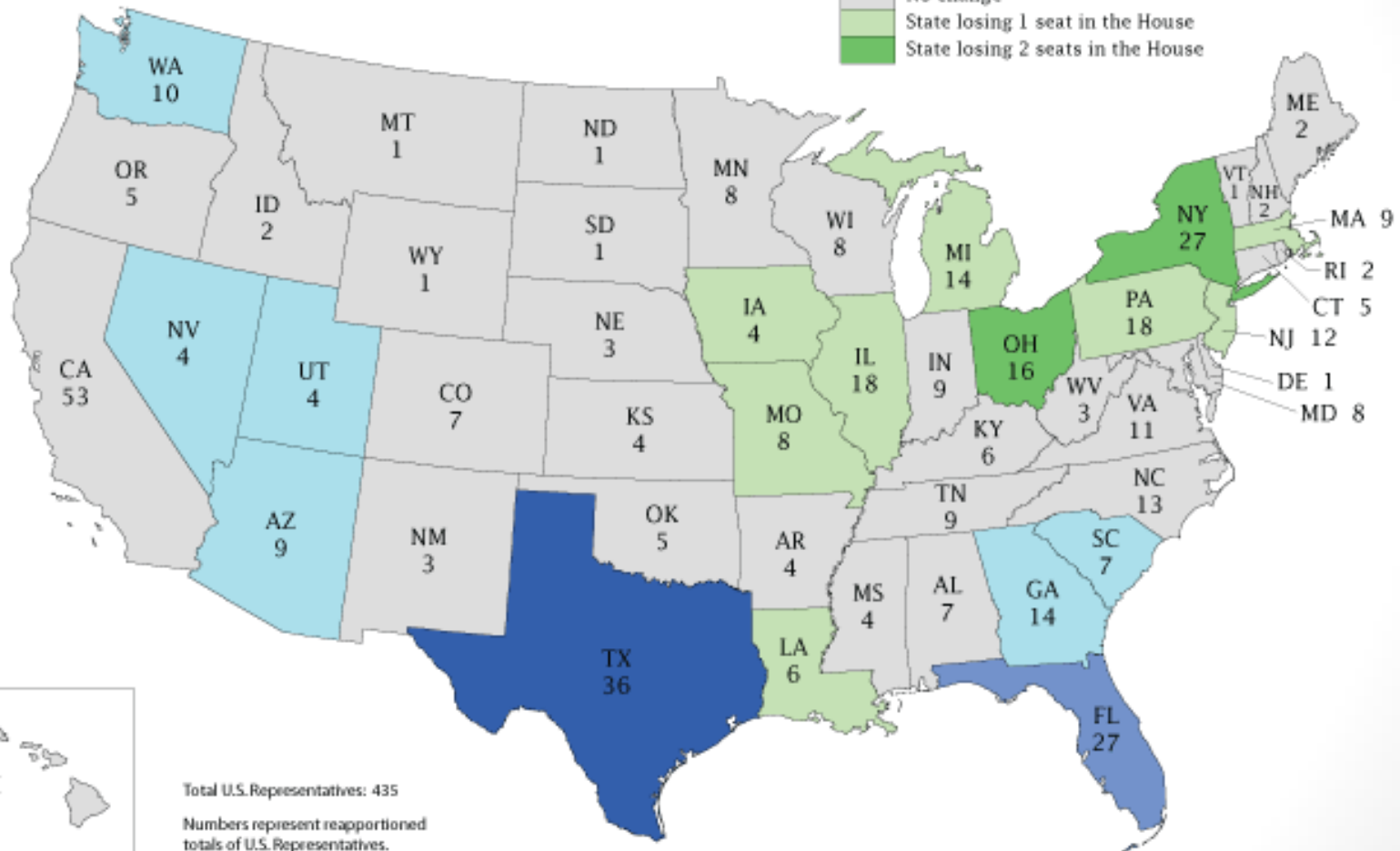
- **Gerrymander**= drawing district lines based on some characteristic other than just population
 - a) Discriminatory gerrymandering
 - b) Misrepresentation

Apportionment of the U.S. House of Representatives Based on the 2010 Census



Change from 2000 to 2010

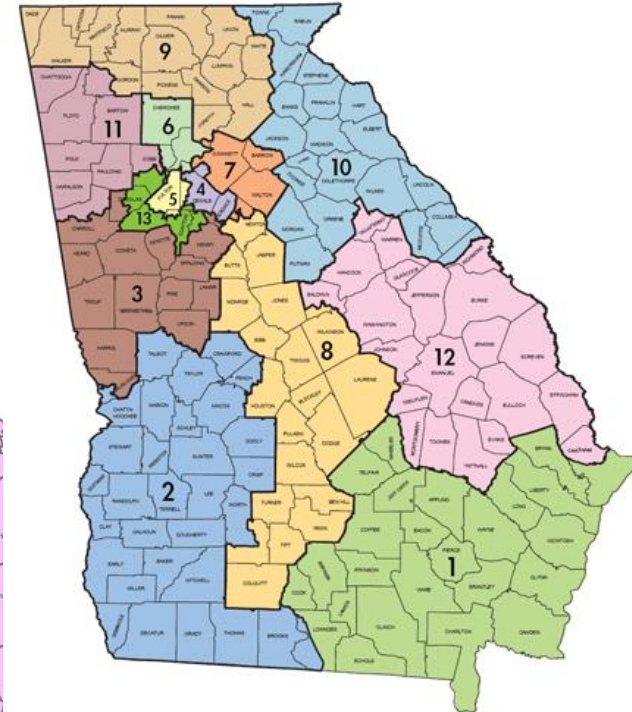
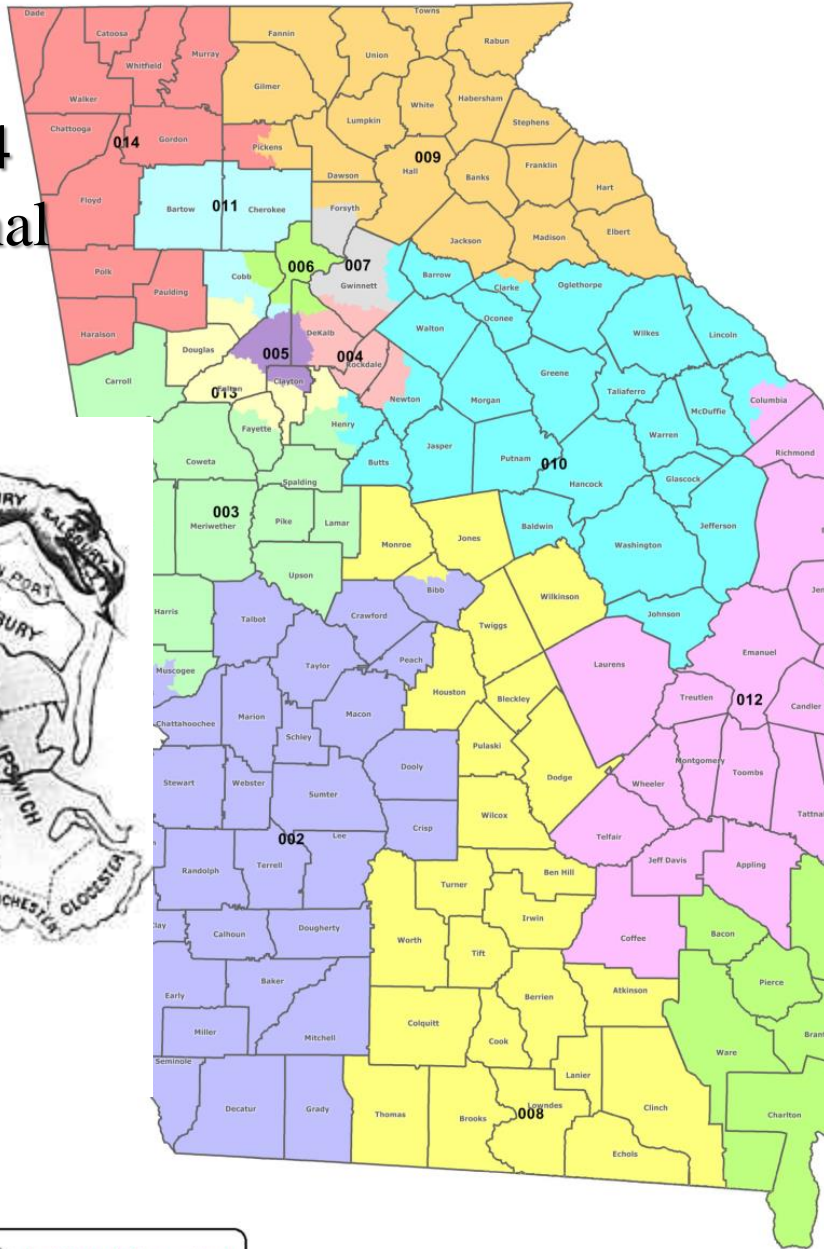
- State gaining 4 seats in the House
- State gaining 2 seats in the House
- State gaining 1 seat in the House
- No change
- State losing 1 seat in the House
- State losing 2 seats in the House



Total U.S. Representatives: 435
Numbers represent reapportioned totals of U.S. Representatives.



Georgia's 14 Congressional Districts



How Congress is Organized

- New Congress is seated every two years.
 - Elect new leaders on a rotating basis
 - Each house has a hierarchical leadership structure.

Congress

Senate
Upper House

President of Senate
VP of USA

President Pro Tempore
Senior Ranking Member Of the Majority Party

**Senate Majority
Leader**

**Senate Minority
Leader**

**Senate Majority
Whip**

**Senate Minority
Whip**

100 Senators
2 from each State

House of Representatives
Lower House

Speaker of House
Majority Leader

**House Majority
Floor Leader**

**House Minority
Leader**

**House Majority
Whip**

**House Minority
Whip**

435 Representatives
Elected by Population

The House

- **Speaker**

- Presides over House
- Official spokesperson for the House
- Second in line of presidential succession
- House liaison with president
- Great political influence within the chamber
 - Henry Clay, first powerful speaker (1810)
 - Joe Cannon (1903-1910), was so powerful, that a revolt emerged to reduce powers of the speakership.
 - Newt Gingrich (1995)
 - Paul Ryan (R, Wisconsin)– current speaker

Other House Leaders

- **Majority Leader**

- Elected leader of the party controlling the most seats in the House or the Senate (majority party)
- Second in authority to the Speaker—in the Senate, is the most powerful member

- **Minority Leader**

- Elected leader of the party with the second highest number of elected representatives in the House of Representatives or the Senate (minority party)

- **Whips** – ensures party discipline in a legislature

- Party caucus or conference

- A formal gathering of all party members

The Senate

- The Constitution specifies the vice president as the presiding officer of the Senate.
 - He votes only in case of a tie.
- Official chairperson of the Senate is the president *pro tempore* (pro tem)
 - Generally goes to the most senior senator of the majority party
 - Actual presiding duties rotate among junior members of the chamber
 - True leader is the majority leader, but not as powerful as Speaker is in the House

The Senate

- Senate rules give tremendous power to individual senators.
 - Offering any kind of amendment
 - Filibuster - debate over a proposed piece of legislation is extended, allowing one or more members to delay or entirely prevent a vote on the proposal
- Because Senate is smaller in size, organization and formal rules have not played the same role as in the House.



Current Congressional Leadership 115th Congressional Term



Leadership in the House of Representatives

SPEAKER OF THE HOUSE

Selected by the majority party

Job:

Presiding Officer of the House

Power:

Decides which committee a bill goes to.



Paul Ryan (R-WI)

Elected 2015

Leadership in the House of Representatives



SPEAKER OF THE HOUSE

Selected by the majority party

Majority Leader

Leads the majority party

Job: Shepherds legislation



Kevin McCarthy (R-CA)

Minority Leader

Leads the minority party

Job: Leads Opposition



Nancy Pelosi (D-Ca)

Leadership in the House of Representatives



SPEAKER OF THE HOUSE

Selected by the majority party

Majority Leader

Minority Leader

Majority Whip

Job: Assists the leader, rounds up votes, heads large group of deputy and assistant whips.

Minority Whip

Job: Assists the leader, rounds up votes, heads large group of deputy and assistant whips.



Steve
Scalise

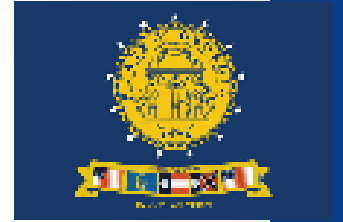
R-LA

Steny
Hoyer

D-MD



Georgia's Representation



- Georgia currently has 14 congressional districts
- Pebblebrook's current congressional district is the 13th represented by:

Congressman David
Scott (D)





Leadership in the United States Senate

PRESIDENT OF THE SENATE

The Vice President of the United States



Vice President Mike Pence

Elected in 2016

Job:

Presiding Officer of
the Senate

Power:

Breaks tie in
legislation. Otherwise
does not vote.

Leadership in the United States Senate



PRESIDENT OF THE SENATE

The Vice President of the United States

PRESIDENT PRO TEMPORE

Selected by majority party. Usually most senior member of the Senate majority party

Orrin Hatch

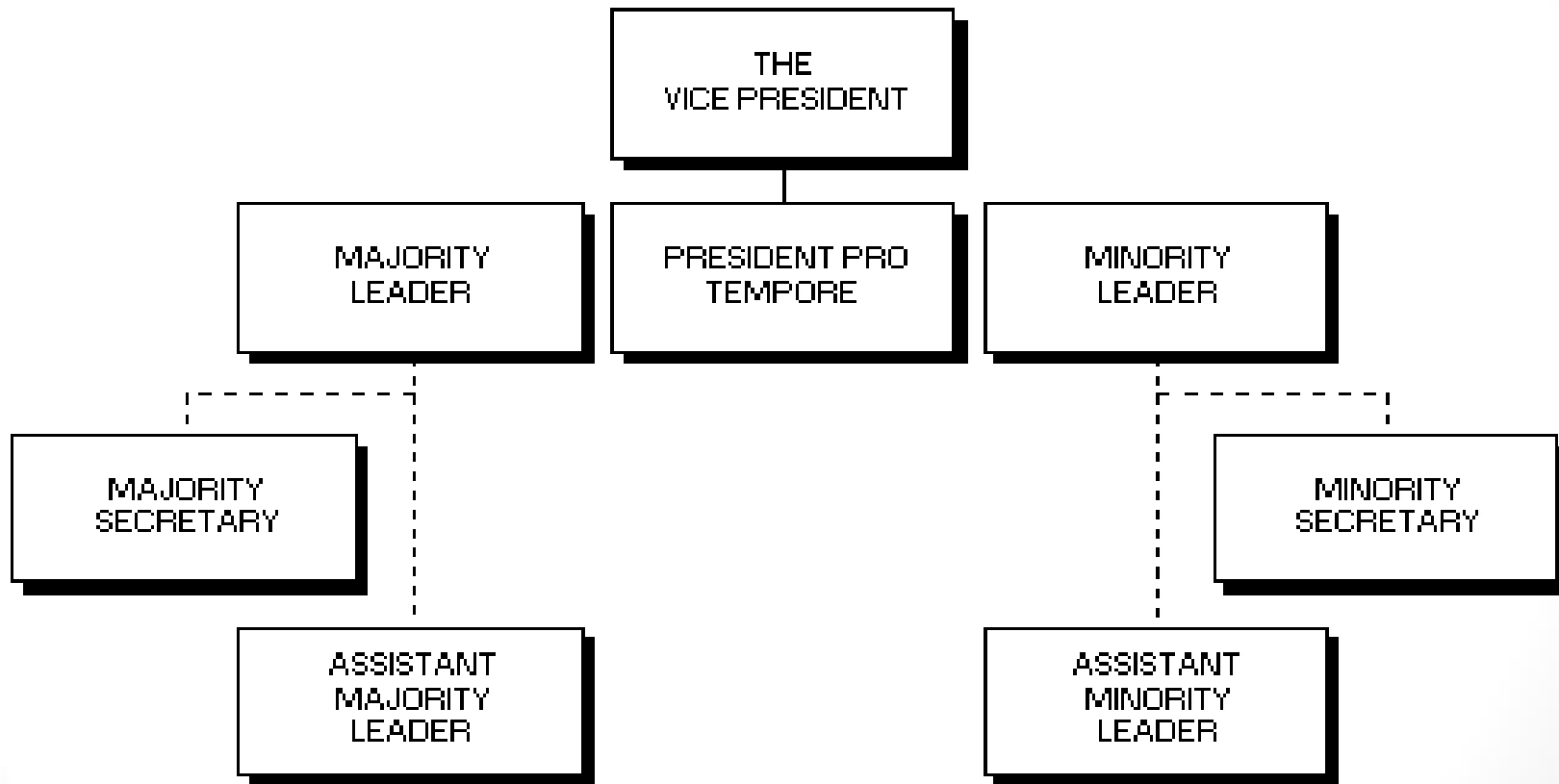
R-UT

Job: Presides over the Senate when the Vice President is absent.





Leadership in the United States Senate



Leadership in the United States Senate



Majority Leader

Leads the majority party

Job: Shepherds legislation

Also plans the senate work schedule,
assigns bills and senators to committees



Mitch McConnell (R-KY)

Minority Leader

Leads the minority party

Job: Leads Opposition



Charles Schumer (D-NY)

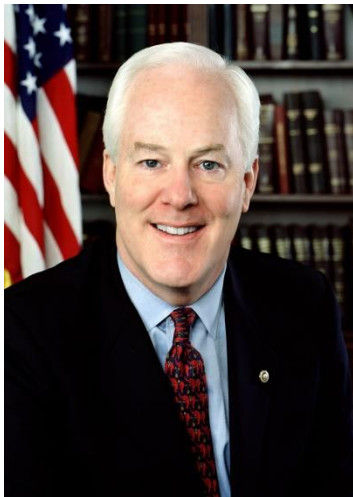
Leadership in the United States Senate



Majority Whip

Assist the Majority Leader

Job: Makes sure legislators are present for key votes



John Cornyn R-TX

Minority Whip

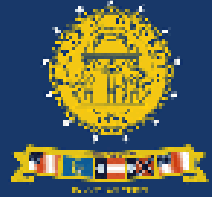
Assist the Minority Leader

Job: Makes sure legislators are present for key votes



Richard Durbin D-IL

Georgia's Representation



Senator David Perdue



AND

Senator Johnny
Isakson



A Day in the Life of a Member of Congress

| <i>Typical Member's At-Home Schedule*</i> | | <i>Typical Member's Washington Schedule^b</i> | |
|---|---|---|---|
| 7:30 a.m. | Business group breakfast, 20 leaders of the business community | 8:30 a.m. | Breakfast with former member |
| 8:45 a.m. | Hoover Elementary School, 6th grade class assembly | 9:30 a.m. | Committee on Science, Space, and Technology hearing on research and development in the 1990s |
| 9:45 a.m. | National Agriculture Day speech, Holiday Inn South | 10:00 a.m. | Briefing by FAA officials for members of Congress who represent families of victims of Pan Am Flight #103 |
| 10:45 a.m. | Supplemental Food Shelf, pass foodstuffs to needy families | 10:00 a.m. | Energy and Commerce Committee mark-up session on Fairness in Broadcasting |
| 12:00 noon | Community College, student/faculty lunch, speech, and Q & A | 12:00 noon | Reception/photo opportunity with telecommunications officials |
| 1:00 p.m. | Sunset Terrace Elementary School, assembly 4th, 5th, 6th graders, remarks/Q & A | 12:00 noon | House convenes |
| (Travel Time: 1:45 p.m.–2:45 p.m.) | | 12:00 noon | Lunch with personal friend at Watergate Hotel |
| 2:45 p.m. | Plainview Day Care facility owner wishes to discuss changes in federal law | 1:30 p.m. | Subcommittee on Science Space Applications hearing |
| 4:00 p.m. | Town Hall Meeting, American Legion | 1:30 p.m. | Subcommittee on Health and Environment mark-up session on Trauma Care Systems Planning Act |
| (Travel Time: 5:00 p.m.–5:45 p.m.) | | 3:00 p.m. | Meeting with officials of the National Alliance for Animal Legislation |
| 5:45 p.m. | PTA meeting, speech, education issues before Congress (also citizen involvement with national associations) | 4:30 p.m. | Meeting with delegates from American Jewish Congress on foreign aid bill |
| 6:30 p.m. | Annual Dinner, St. John's Lutheran Church Developmental Activity Center | 5:00 p.m. | New York University reception |
| 7:15 p.m. | Association for Children for Enforcement of Support meeting to discuss problems of enforcing child support payments | 5:00 p.m. | Briefing by the commissioner of the Bureau of Labor (statistics on the uninsured) |
| (Travel Time: 8:00 p.m.–8:30 p.m.) | | 5:30 p.m. | Reception/fundraiser for party whip |
| 8:30 p.m. | Students Against Drunk Driving (SADD) meeting, speech, address drinking age, drunk driving, uniform federal penalties | 6:00 p.m. | Reception/fundraiser for fellow member |
| 9:30 p.m. | State university class, discuss business issues before Congress | 6:00 p.m. | "Cajun" reception/fundraiser for Louisiana member |
| | | 6:00 p.m. | Winetasting reception by New York wine industry |
| | | 8:00 p.m. | Back to Capitol Hill for a vote |

*Craig Shultz, ed., *Setting Course: A Congressional Management Guide* (Washington, DC: American University, 1994), 335.

^bhttp://congress.indiana.edu/learn_about/schedule.htm.



Congressional Powers

Constitutional Powers of Congress

The authority to make laws is shared by both chambers of Congress

- No bill can become a law without the consent of both houses.
- Each chamber also has special, exclusive powers as well.
- **Other shared powers**
 - Declare war
 - Raise an army and navy
 - Coin money
 - Regulate commerce
 - Establish the federal courts and their jurisdiction
 - Establish rules of immigration and naturalization
 - Make laws necessary and proper to carrying out the powers previously listed
- **Special powers**
 - House – impeachment
 - Senate – treaties, presidential appointments

Legislative Powers

- Money power: lay and collect taxes, borrow money, establish bankruptcy laws, coin and print money, punish counterfeiters
 - Appropriations bill – any law that authorizes congress to spend money
 - National debt – total dollar amount owed by the government at any given time

Commerce Power

- Intrastate commerce – commerce among the states
 - Foreign commerce
 - Meaning of commerce – how far commerce exceeds just the buying and selling of products.
 - Has allowed congress to control working conditions including minimum wage.

Foreign Policy Powers

- Approve treaties
- Declare war
- Create and maintain an army and navy
- Make rules to govern land and naval forces
- Regulate foreign commerce
- SHARES these powers with the President

Providing for the Nations Growth

- Naturalization – the process by which immigrants to the U.S. may become citizens.
- Authorize admission of new states
- Pass laws to govern territories
- Pass laws to govern federal property (military bases, govt. buildings)

Congressional Powers

Powers over the Judicial Branch

1. Establish Federal Courts
2. Set number of Supreme Court Justices
3. Set the Jurisdiction of the Federal Judiciary

Other Legislative Powers

- **Grant copyrights** – exclusive right to publish and sell a literary, musical, or artistic work for a specified period



Grant patents - exclusive right of an inventor to manufacture, use and sell his or her invention for a specific period, currently 7 years

Congressional Powers

Non-Legislative Powers

A. Advise and Consent

1. Presidential Appointments (V.P., Justices, and Cabinet)
2. Formal Agreements with Foreign Nations (Treaties)

B. Impeachment (Majority in House)

C. Convict and Remove Federal Officials (2/3rds in Senate)

Congressional Powers

D. Admit New States to the Union

E. Amend the Constitution

F. Counts Electoral Votes

If no majority: -the House will elect the Pres.

-the Senate will elect the V.P.

G. Gov. "Watchdog" – Congressional committees can hold hearings and investigations, call witnesses, and make recommendations.

Government Watchdog

Power to investigate

- Done by standing or select committees
- Lead to new legislation, changes in government programs, or removal of officials from office
- Have the power to subpoena witnesses, prosecute witnesses for perjury, or hold them in contempt if they refuse to testify
- Witnesses can be granted immunity

Government Watchdog

Legislative Oversight

- A continuing review of how effectively the executive branch carries out the laws that Congress passes
- Legislative Reorganization Act of 1946 and 1970 “Each standing committee shall review and study, on a continuing basis, the application, administration and execution” of law in area of its responsibility

Government Watchdog

- **Limitations on Legislative Oversight**

- First, lawmakers do not have enough staff, time, or money to effectively monitor the executive branch
- Second, lawmakers know that there are not many votes to be gained from most oversight activities
- Third, the language of some laws are too vague making it difficult to judge
- Finally, committees might, sometimes favor the federal agencies they oversee

Key Differences Between the House and Senate

Constitutional Differences

| <i>House</i> | <i>Senate</i> |
|---|---|
| Initiates all revenue bills | Offers "advice and consent" on many major presidential appointments |
| Initiates impeachment procedures and passes articles of impeachment | Tries impeached officials Approves treaties |
| Two-year terms | Six-year terms (one third up for reelection every two years) |
| 435 members (apportioned by population) | 100 members (two from each state) |

Differences in Operation

| <i>House</i> | <i>Senate</i> |
|--|--|
| More centralized, more formal; stronger leadership Rules Committee fairly powerful in controlling time and rules of debate (in conjunction with the speaker of the House) | Less centralized, less formal; weaker leadership No rules committee; limits on debate come through unanimous consent or cloture of filibuster |
| More impersonal | More personal |
| Power distributed less evenly | Power distributed more evenly |
| Members are highly specialized | Members are generalists |
| Emphasizes tax and revenue policy | Emphasizes foreign policy |

Changes in the Institution

| <i>House</i> | <i>Senate</i> |
|--|--|
| Power centralized in the speaker's inner circle of advisers | Senate workload increasing and informality breaking down; threat of filibusters more frequent than in the past |
| House procedures are becoming more efficient Turnover is relatively high, although those seeking reelection almost always win | Becoming more difficult to pass legislation Turnover is moderate |

What Have We Learned So Far?

| Congressional Powers Expressed in Article 1, Section 8 | | | |
|---|---|------------|---|
| PEACETIME POWERS | | WAR POWERS | |
| Clause | Provision | Clause | Provision |
| 1 | To establish and collect taxes, duties, and excises | 11 | To declare war; to make laws regarding captures on land and water |
| 2 | To borrow money | | |
| 3 | To regulate foreign and interstate commerce | 12 | To raise and support armies |
| 4 | To create naturalization laws; to create bankruptcy laws | 13 | To provide and maintain a navy |
| 5 | To coin money and regulate its value; to regulate weights and measures | 14 | To make laws governing land and naval forces |
| 6 | To punish counterfeiters of federal money and securities | 15 | To provide for summoning the militia to execute federal laws, suppress uprisings, and repel invasions |
| 7 | To establish post offices | | |
| 8 | To grant patents and copyrights | | |
| 9 | To create courts inferior to the Supreme Court | 16 | To provide for organizing, arming, and disciplining the militia and governing it when in the service of the Union |
| 10 | To define and punish crimes at sea and violations of international law | | |
| 17 | To exercise exclusive jurisdiction over the District of Columbia and other federal properties | | |
| 18 | To make all laws necessary and proper to the execution of any of the other expressed powers | | |

What Have We Learned So Far?

Powers of Congress

| Nature of powers | House of Representatives | Senate |
|-------------------|---|---|
| Exclusive Powers | <ul style="list-style-type: none">• Initiate money bills• Impeachment• Elect president if Electoral College is tied | <ul style="list-style-type: none">• Confirm appointments• Ratify treaties• Try cases of impeachment• Elect vice-president if Electoral College is tied |
| Concurrent Powers | <ul style="list-style-type: none">• Pass legislation• Override the presidential veto• Initiate constitutional amendments• Declare war• Confirm a newly appointed vice-president | |

Congress at Work

How a Bill Becomes a Law



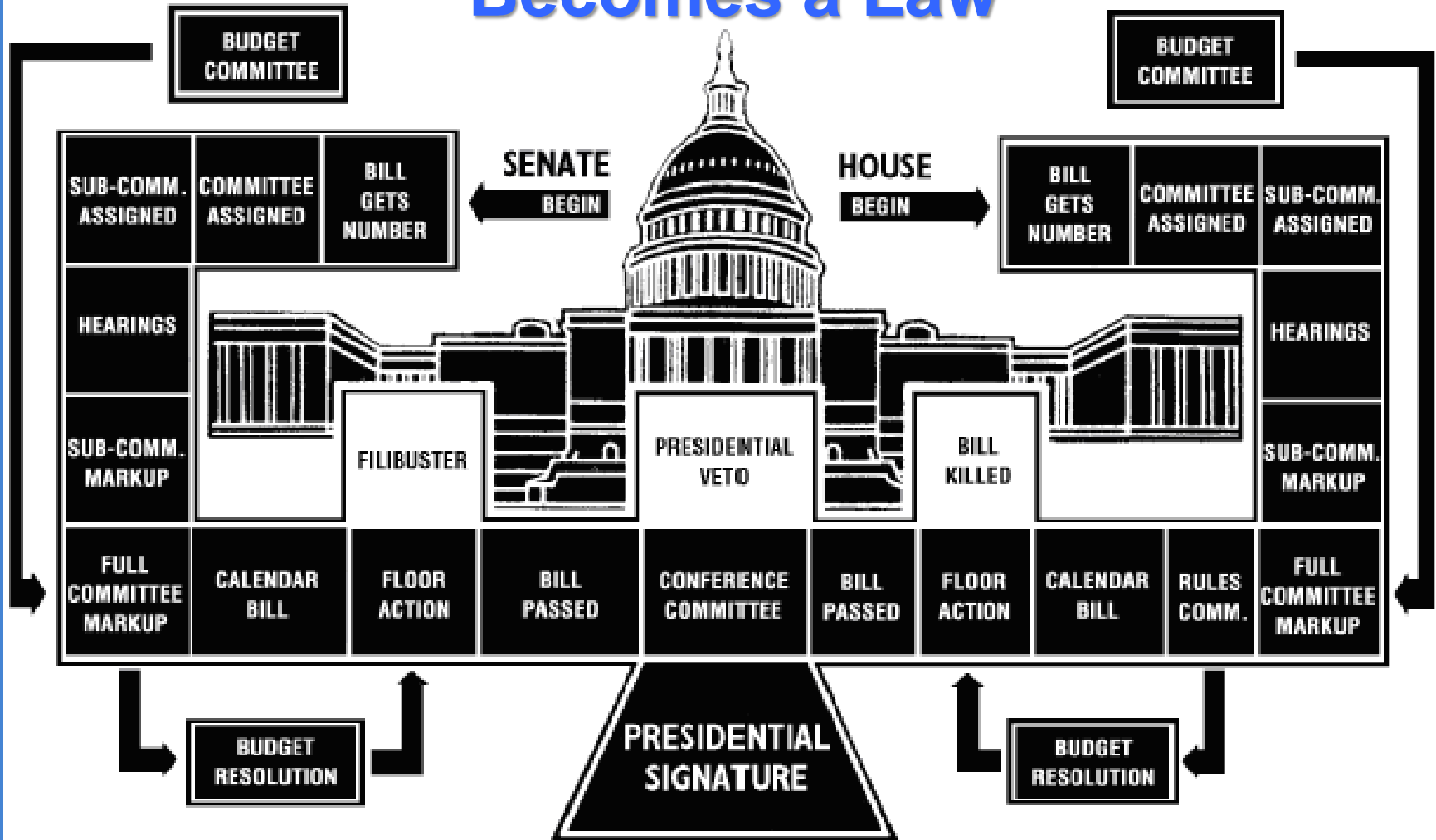
Resolutions



Used to fix internal (unusual/temporary) matters

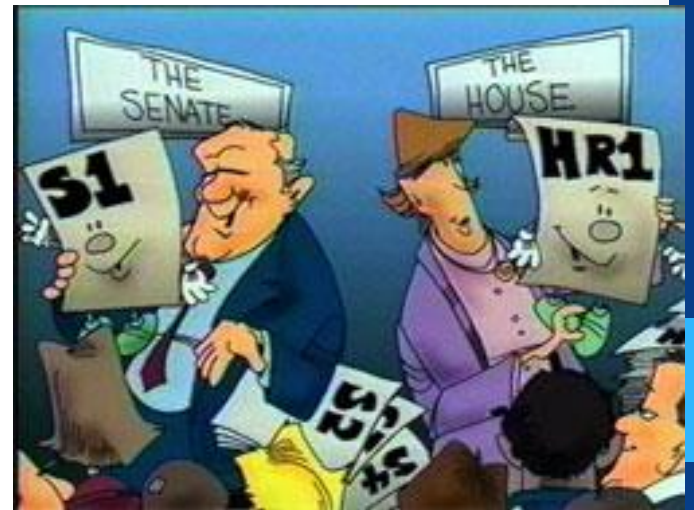
- Simple Resolutions: Covers matters affecting only one house of Congress and is passed by one house alone
- Concurrent Resolutions: covers matters requiring the action of both the Senate and the House, but which a law is not needed
- Joint Resolutions: resolution passed by both houses - Includes President's signature which gives it the force of law

How a Bill Becomes a Law



Types of Bills

- **Private Bills**: deal with individual people or places
- **Public Bills**: deal with general matters and apply to the entire nation



How a Bill Becomes a Law

House

Senate

1. Representative hands bill to clerk, or drops it in hopper.
2. Bill given HR number.

1. Senator announces bill on the floor.
2. Bill given S number.



Committee Action

1. Referred to House standing committee.
2. Referred to House subcommittee.
3. Reported by standing committee.
4. Rules Committee sets rules for debate and amendments.

Put on calendar

Sent to subcommittee for changes

Standing committee may recommend it pass or be killed

1. Referred to Senate standing committee.
2. Referred to Senate subcommittee.
3. Reported by standing committee.

Floor Action

1. House debates, votes on passage.
 2. Bill passes; goes to Senate for approval.
- OR
- Different version passes; goes to conference committee.

1. Senate debates, votes on passage.
 2. Bill passes; goes to House for approval.
- OR
- Different version passes; goes to conference committee.

Conference Action

Conference committee works out differences and sends identical compromise bill to both chambers for final approval.

House votes on compromised bill.

Senate votes on compromised bill.

Pass

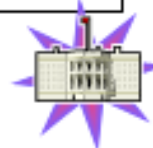
Approved Bill Sent To President

President signs bill, or allows bill to become law without signing.

OR

President vetoes bill or uses a "pocket veto."

Congress can override veto with 2/3 majorities in both chambers. If not the bill dies!



Congressional Committees

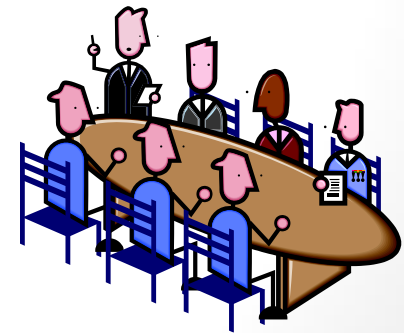
| HOUSE COMMITTEES | SENATE COMMITTEES |
|-----------------------------------|---------------------------------------|
| Agriculture | Agriculture, Nutrition, and Forestry |
| Appropriations | Appropriations |
| Armed Services | Armed Services |
| Budget | Banking, Housing, and Urban Affairs |
| Education and the Workforce | Budget |
| Energy and Commerce | Commerce, Science and Transportation |
| Financial Services | Energy and Natural Resources |
| Government reform | Environment and Public Works |
| Homeland Security | Finance |
| House Administration | Foreign Relations |
| International Relations | Governmental Affairs |
| Judiciary | Health, Education, Labor and Pensions |
| Resources | Judiciary |
| Rules | Rules and Administration |
| Science | Small Business and Entrepreneurship |
| Small Business | Veterans Affairs |
| Standards of Official Conduct | |
| Transportation and Infrastructure | |
| Veterans Affairs | |
| Ways and Means | |

Purposes of Committees

1. Allows members of Congress to divide their work among many smaller groups
2. From the huge number of bills introduced in each congress, committees select a few for consideration
3. By holding public hearings and investigations, committees help the public learn about key problems and issues facing the nation

Role of Parties in Organizing Congress

- Parties and their strength have important implications in Congress.
 - Committees are controlled by the majority.
 - Committees set the agenda.



Committee System

- **Standing Committees**
 - Continue from one Congress to the next—bills referred here for consideration
- **Joint Committees**
 - Includes members from both houses of Congress, conducts investigations or special studies
- **Conference Committees**
 - Joint committee created to iron out differences between Senate and House versions of a specific piece of legislation
- **Select (or special) Committees**
 - Temporary committee appointed for specific purpose, such as conducting a special investigation or study

Congressional Committees

HOUSE OF REPRESENTATIVES Standing Committees

- ★ Agriculture
- ★ Appropriations
- ★ Armed Services
- ★ Budget
- ★ Education and the Workforce
- ★ Energy and Commerce
- ★ Financial Services
- ★ Government Reform
- ★ House Administration
- ★ International Relations
- ★ Judiciary
- ★ Resources
- ★ Rules
- ★ Science
- ★ Small Business
- ★ Standards of Official Conduct
- ★ Transportation and Infrastructure
- ★ Veterans Affairs
- ★ Ways and Means

Select and Special Committees

- ★ Intelligence
- ★ Homeland Security
- ★ Aging
- ★ Ethics
- ★ Indian Affairs
- ★ Intelligence

Joint Committees

- ★ Economic
- ★ Printing
- ★ Taxation
- ★ Library

SENATE Standing Committees

- ★ Agriculture, Nutrition, and Forestry
- ★ Appropriations
- ★ Armed Services
- ★ Banking, Housing, and Urban Affairs
- ★ Budget
- ★ Commerce, Science, and Transportation
- ★ Energy and Natural Resources
- ★ Environment and Public Works
- ★ Finance
- ★ Foreign Relations
- ★ Governmental Affairs
- ★ Health, Education, Labor, and Pensions
- ★ Judiciary
- ★ Rules and Administration
- ★ Small Business and Entrepreneurship
- ★ Veterans Affairs

- ★ House Committee
- ★ Senate Committee
- ★ Joint Committee

Additional Types of Committees

- **Subcommittees**: Divisions of standing committees
 - Specialize in a subcategory of the standing committees



Committee Membership

- Members often seek assignments to committees based on
 - Their own interests or expertise
 - A committee's ability to help their prospects for reelection
 - Pork: legislation that allows representatives to bring home the "bacon" to their districts in the form of public works programs, military bases, or other programs designed to benefit their districts directly.
 - Access to large campaign contributors

How a Bill Becomes A Law

- Only members of the House or Senate can submit a bill.
- Once a bill is introduced: usually a dead end.
 - Of about 9,000 or so bills introduced during a session of Congress, fewer than 10 percent make it into law.
 - System of multiple vetoes; power is dispersed as the Framers intended.

Shifting Balance of Power

- Congressional Oversight
 - Congressional review of the activities of an agency, department, or office
- Foreign Affairs Oversight
 - War Powers Act
 - Passed by Congress in 1973: Limits the president in the deployment of troops overseas to a sixty day period in peacetime unless Congress explicitly gives its approval for a longer period.
- Confirmation of Presidential Appointments
- The Impeachment Process