

# The Legislative Branch



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# Congress



- Legislative Branch of National Government
- Established in Article I of the Constitution
- Makes laws, ratifies treaties, impeachment, confirm presidential appointments, controls money
- Bicameral – two houses
  - House of Representatives
  - Senate

# Congress



- Delegated Powers – powers given to congress that are expressly written in the Constitution
  - Regulate interstate commerce
  - Coin Money
  - Levy taxes
  - Control Budget
  - Establish Federal courts inferior to Supreme Court
  - Raise and Maintain the Armed Forces
  - Declare War
  - Establish Post Office, etc.

# Congress



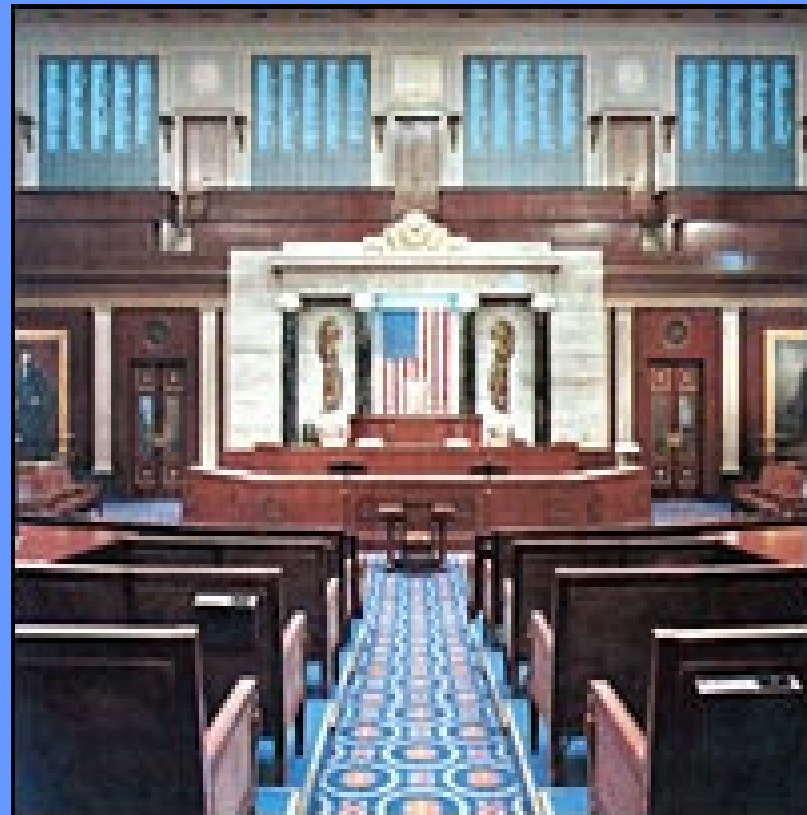
- Implied Powers – powers *not* expressly given to Congress in the Constitution but which are deemed “necessary and proper”
  - Necessary and Proper Clause (“elastic clause”)
    - Article I, Section 8
    - Grants Congress the power to “make all laws which shall be necessary and proper for carrying into execution the foregoing powers.”

# U.S. House of Representatives



# U.S. House of Representatives

- The “people’s house”
- 435 members
- Number of representatives from each state is determined by population
  - Indiana has 9
  - California has 53
- Census taken every 10 years to determine distribution of Representatives
- Washington DC, [Puerto Rico](#), [Guam](#), [American Samoa](#), and [Virgin Islands](#) have non-voting representatives
- \$174,000 per year



# Requirements for Representatives

- Article I, Section 2
- 25 years old
- US citizen for at least 7 years
- Must be resident of the state that he/she is elected to represent at the time of election
- 2 year term
- Can run indefinitely



# House Leadership

- Speaker of the House
- Voted in by the members of the House
- Presiding officer of the House
- Right to speak first
- Power to recognize members
- Indirectly determines what bills are brought to the floor
  - House Rules Committee
- Next in line behind Vice President to become President
- Sometimes called the “second most powerful person in Washington”



Speaker John Boehner (R-OH)



# House Leadership



- Majority Party Leader
  - Selected by the majority party
    - Party with the most members in the House
  - Speaks for the party on the floor
  - Organizes floor debate
  - Works up legislative support for bills
- Minority Party Leader

# Duties of the House of Representatives

- Devise or pass legislation (laws)
- Primary responsibility is to represent their constituents – residents of a district represented by an elected official.
  - Citizens should share their views with their representatives, so that representatives' views reflect the views of their constituents.
  - Congressmen represent constituents by voting for or against bills that are important to the citizens of their districts
- Exclusive powers to the House as granted by the Framers
  - Power to initiate revenue bills
  - Vote to impeach officials
    - Impeach – the legal statement of charges against an official, *not* removal from office
  - Elect the president in electoral college deadlocks

# U.S. Senate



# U.S. Senate



Old Senate Chamber

- The “upper house”
- 100 members
- Equal representation
  - 2 from each state
- \$174,000 per year

# Requirements for Senators

- Article I, Section 3
- 30 years old
  - 4 underage senators have been elected
- U.S. citizen for at least 9 years
- Must be resident of the state which he was elected to at the time of election
- 6 year term
- Elections come up every 2 years
  - 1/3 of the Senate is up for reelection every 2 years



# U.S. Senate Duties

- Mostly same as the house with some exceptions...
  - Ratifies foreign treaties by a 2/3 vote
  - Confirms presidential appointments, (for example: federal judges, cabinet members, ambassadors)
  - Power to conduct impeachment trials of the President or judges
    - 2/3 vote needed for conviction

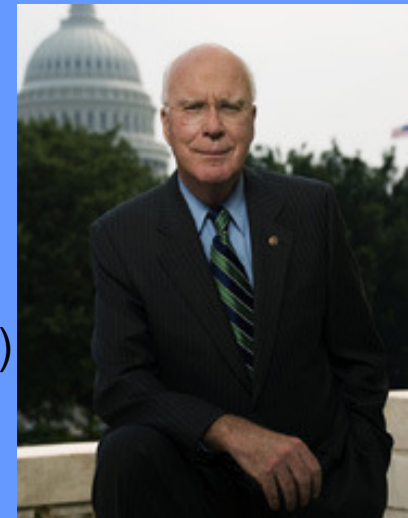


# Senate Leadership

- Vice President
  - Presides over the Senate (performing duties such as announcing the results of votes and announcing who may speak), holds the tie breaking vote (if there is a 50/50 split)
- President Pro Tempore
  - Presides over the Senate in the VP's absence
  - Usually the most senior member of the majority party



Vice President  
Joseph Biden



President Pro Tem  
Patrick Leahy (D-VT)

# U.S. Senate

- No Rules Committee or Speaker like the House
- Bills are subject to unlimited debate
  - Filibuster - a tactic where by a minority of Senators prevent a bill from coming to a vote by talking until other senators give in and the bill is withdrawn
    - Strom Thurmond once spoke for 24 hours to block passage of the Civil Rights Act of 1957
    - Cloture – limits debate to 30 hours, a 3/5 vote is needed
      - In effect, all bills must pass the Senate with a 3/5 majority or they can be blocked with filibuster



# Congress and the Committee System

- Most work in both houses is conducted in committee
  - Committees draft, review, analyze, and amend, and recommend legislation
  - There are about 10,000 bills introduced in Congress in each 2 year session
  - Committees “kill” about 90% of bills proposed
- The Senate has 16 standing committees
- The House has 20 standing committees



Congressional committees investigating 9/11 attacks hear from victims' families

# Legislative Checks and Balances – On Executive

- Can override a presidential veto with a 2/3 vote
- Can refuse Presidential appointments on ambassadors, judges, etc.
- A 2/3 vote is needed for ratification of a treaty with a foreign nation
- Can Impeach the President
- Can choose the President in case of an electoral college deadlock (House chooses the President, Senate chooses VP)



# Legislative Checks and Balances – On Judicial

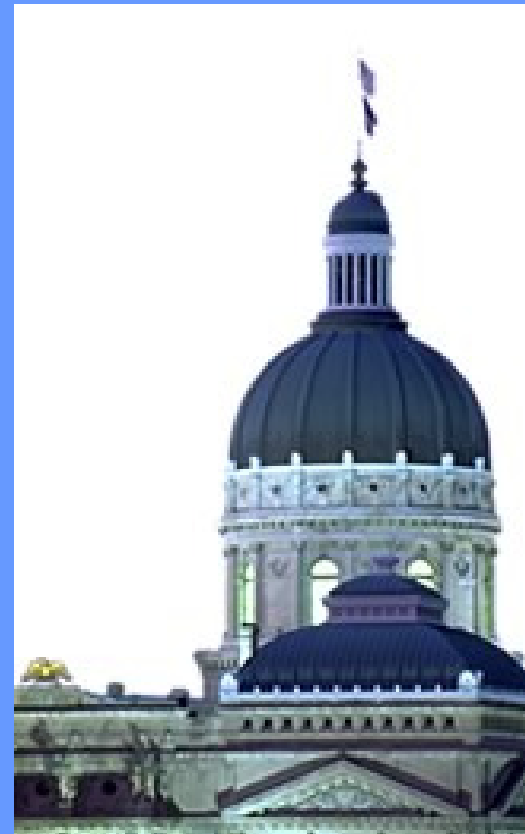
- Can Impeach Federal Judges
- Can establish Federal Courts lesser to the Supreme Court
- Can Block Presidential Nominations for Judges
- Can set the number of justices of the Supreme Court



# Federalism

## The Legislative Branch in Indiana

- The General Assembly
  - Bicameral – House and Senate
  - Generally, the same duties and responsibilities as our National Congress
  - Most laws we live under are state laws



# Federalism

## The Legislative Branch in Valparaiso

- City Council
  - Slightly different as they cannot pass laws, but they can establish ordinances, city procedures, appropriate money
  - 7 members

