CHAPTER 5

The Legislative Branch

CIVICS DICTIONARY

apportion  select committee

gerrymandering  joint committee

term limits  conference

franking privilege  committee

immunity  seniority system

expulsion  elastic clause

censure  implied power

session  treason

caucus  impeachment

majority party  ex post facto law

minority party  bill of attainder

Speaker  writ of habeas

corpus  constituent

floor leader  appropriation bill

party whip  act

president pro tempore  quorum

bill  roll-call vote

committee  filibuster

standing  cloture

committee  pocket veto

subcommittee

As you know, the federal government is divided into three branches—executive, legislative, and judicial. The framers of the Constitution discussed this to make sure no one branch became too powerful. The legislative branch is the Congress. The work done by the Congress is the government. The Congress consists of the House of Representatives and the Senate. The institution that sets the rules for operating a legislative branch is the legislative branch.
Do you remember where you were on January 3 of this year? Every year on that day in Washington, D.C., representatives, senators, clerks, and congressional staffs take their places in the Capitol Building for the start of a new session of Congress. What is the role of the members of Congress during each session? Under the Constitution, it is the responsibility of the legislative branch to make the nation’s laws. Thus Congress decides issues such as how large the U.S. armed forces will be and whether federal taxes will rise. Each session lawmakers make decisions that affect your life, your school, and your community.

**STUDY GUIDE**
- How many people serve in Congress, and what are their qualifications?
- How is Congress organized, and what are its powers and limitations?
- How does a bill become a law?

---

**Senate and House of Representatives**

As you know, the work of the federal government is divided among three separate branches—the legislative branch, the executive branch, and the judicial branch. The framers of the Constitution believed the legislative branch was so important that they discussed it first, in Article 1 of the Constitution.

**Two Houses of Congress**

The work of the legislative branch is carried out by the Congress of the United States. Congress is the lawmaking body of the federal government. The Constitution provides that the Congress shall be composed of two houses—the Senate and the House of Representatives.

The leaders who drew up the U.S. Constitution in 1787 had two main reasons for creating a lawmaking body of two houses, or a bicameral legislature. First, a lawmaking body of two houses would help to check and balance the work of this branch of the government. Having two houses to share the responsibility of making the nation’s laws allows each house to check the actions of the other. As a result, there is less danger that Congress will pass laws in haste or pass laws that are not needed or wanted by the people.

Second, the framers established a bicameral legislature to settle a dispute between the large and the small states. As you have learned, the smaller states feared they would be dominated by the larger ones. The dispute was settled by the Great Compromise. It provided that the states be represented equally in the Senate and according to the size of their populations in the House of Representatives.

**House of Representatives**

The House of Representatives, or the House as it is often called, has 435 members. It is the larger of the two houses of Congress. Members of the House are called representatives. According to the Constitution, the number of representatives each state can elect to the House is based on the size of the state’s population. Each state, regardless of its population size, is entitled to at least one representative.

Originally, each state elected one representative for every 30,000 people living in the state. In the first Congress, which met in 1789, there were 65 representatives in the House. Then, as new states joined the union and the
nation's population increased, membership in the House grew. To prevent the membership from growing too large, in 1929 Congress limited the size of the House to 435 members. Today each member of the House represents on average more than 500,000 people.

**How Membership Is Divided**

Every 10 years, after the census is taken, Congress determines how the 435 seats in the House are to be apportioned, or distributed. Congress itself divides these seats among the states according to population.

If a state's population decreases from one census to the next, the number of its representatives may be reduced. Likewise, states whose populations grow may be entitled to more representatives. The total size of the House, however, cannot be more than 435 members. The map on this page shows the number of representatives each state sends to the House as a result of the 1990 census.

**Congressional Districts**

Each representative is elected from a congressional district. Each state legislature is responsible for dividing the state into as many congressional districts as it has members in the House. The boundaries must be drawn so that each district is nearly equal in population.

State legislators sometimes draw district lines that favor a particular party. This practice is called *gerrymandering*. For example, a state legislature might draw district lines that place Democratic voters in a majority in as many districts as possible. Gerrymandering often results in oddly shaped districts.

**Election of Representatives**

Elections for members of the House of Representatives are held in November of each even-numbered year. All representatives are elected for two-year terms. If a representative dies or resigns before the end of a term, the governor of the representative's home state must call a special election to fill the vacancy.

**Senate**

The Senate is the smaller of the two houses of Congress. The Constitution provides that each state, regardless of size, has two senators. The two senators from each state are elected for a term of six years. Each state, therefore, has two senators, regardless of its population. After these terms expire, there is a new election every two years. Senators are not subject to term limits.

**Qualifications**

The Constitution specifies that senators must be at least 30 years of age and have been a citizen of the United States for at least nine years. All senators serve in the Senate for the same term, and they cannot vote on their own election.
state, regardless of size, be represented in the Senate by two members, or senators.

The first Senate consisted of 26 senators, representing the 13 original states. As the number of states in the United States increased, membership in the Senate grew. Today the Senate has 100 members—two senators elected from each of the 50 states. Each senator represents his or her entire state.

Senators are elected to Congress for six-year terms. Elections for senators, like those for representatives, are held in November of each even-numbered year. Only one third of the Senate’s membership comes up for election every two years. Therefore, a new Senate begins its work with at least two thirds of the members having experience in the Senate.

The senator from each state who has served the longer period of time is the state’s senior senator. If a senator dies or resigns before the end of a term of office, the governor of the state may appoint someone to fill the vacancy until the next regular election or until a special state election is held.

Recently, there has been a drive to limit the number of terms members of Congress can serve. In 1995, however, the Supreme Court ruled that such term limits are unconstitutional, because the Constitution reserves to the people the right to choose federal lawmakers.

Qualifications of Members

The Constitution lists the qualifications that members of Congress must meet. The following are qualifications for members of the House. A representative must

- be at least 25 years old,
- have been a U.S. citizen for at least seven years, and
- be a legal resident of the state he or she represents. (Usually a representative lives in the district from which he or she is elected. The Constitution does not, however, make this a requirement for office.)

The qualifications for members of the Senate differ slightly from those for members of the House. The Constitution lists the following qualifications for senators. A senator must

- be at least 30 years old,
- have been a U.S. citizen for at least nine years, and
- be a legal resident of the state he or she represents.

In addition to these qualifications, members of Congress traditionally have shared other characteristics. For example, they usually have had previous political experience, often in their state legislatures. Most members of Congress also have been active members of community and volunteer organizations.

Many members of Congress are lawyers, businesspeople, bankers, or educators. Senators tend to be older than representatives. In 1995, nearly half of the representatives were under the age of 50. In contrast, only 15 senators were under the age of 50.

Traditionally, most members of Congress have been white men. In recent years the number of women, African Americans, Hispanic Americans, Asian Americans, and Native Americans in Congress has increased. In 1995, for example, there were 47 women in the House and 8 women in the Senate. Forty African Americans served as representatives. However, the numbers of women and ethnic minorities in Congress remain far below their percentages in the population.

Salary and Benefits

Each member of Congress receives a yearly salary of $133,600. For years the power of Congress to set its own salary has been a matter of heated debate. In response to this debate, the Twenty-seventh Amendment to the Constitution was ratified in 1992. The amendment states that no increase in congressional pay can take effect until after the next congressional election. This condition allows voters to respond to the proposed increase.

All members of Congress have offices in the Capitol Building and receive an allowance to pay staff members. Members receive free
The Congress of the United States

<table>
<thead>
<tr>
<th>The Senate</th>
<th>The House of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Senators (2 from each state)</td>
<td>435 Representatives (based on state populations)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of Term</th>
<th>When Elected</th>
<th>Required Age</th>
<th>Citizenship</th>
<th>Legal Residence</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senators</td>
<td>6 years</td>
<td>One third of Senate elected every 2</td>
<td>At least 30 years old</td>
<td>U.S. citizen at least 9 years</td>
<td>Resident of state where elected</td>
</tr>
<tr>
<td>Representatives</td>
<td>2 years</td>
<td>Entire House elected every 2</td>
<td>At least 25 years old</td>
<td>U.S. citizen at least 7 years</td>
<td>Resident of state where elected</td>
</tr>
</tbody>
</table>

Members of Congress cannot be arrested when they are in Congress or are on their way to or from a meeting of Congress, unless they have committed a serious crime. This congressional immunity, or legal protection, ensures that no one can interfere needlessly with federal lawmakers as they perform their duties.

Members of Congress cannot be sued for anything they say while they are speaking in Congress. This provision in the Constitution is intended to protect their freedom to debate.

Rules of Conduct

Both houses of Congress have the right to decide who shall be seated as members. That is, if the Senate or the House of Representatives questions the constitutional qualifications of a newly elected member, the member may not be seated in Congress until an investigation of the charges is made. The Supreme Court must review the actions of Congress in this regard. Congress seldom has to refuse to seat one of its members.

The House and Senate have passed strict codes of conduct for their members. For example, members of Congress may not use campaign funds for personal expenses. Also, there is a limit on the amount of outside income they may earn. In addition, members of Congress are required to make a full disclosure of their financial holdings.

Serious misconduct by a member of the Senate or House may result in expulsion from office by a vote of two thirds of the senators or representatives. Expulsion of a member means that the person must give up his or her seat in Congress. Grounds for expulsion are limited to serious offenses, such as treason or other conduct unbecoming a member of Congress.
Less serious offenses may bring a vote of censure, or formal disapproval of a member's actions. A censured member must stand alone at the front of the House or Senate and listen as the charges are read.

SECTION 1 REVIEW

1. Define or identify the following terms: apportion, gerrymandering, term limits, franking privilege, immunity, expulsion, censure.

2. How many members sit in the House of Representatives, and when are elections for the House held? How many members sit in the Senate, and how long do senators serve?

3. Compare the qualifications for members of the House and Senate.

4. What salary do representatives and senators receive? How does the Twenty-seventh Amendment affect the power of Congress to set its own salary?

5. How does Congress deal with misconduct by members?

6. THINKING CRITICALLY How might term limits help Congress better serve the needs of the American people? How might such limits hurt the ability of Congress to serve the people? Write a position statement agreeing or disagreeing with the Supreme Court's decision on the issue of congressional term limits.

How Congress Is Organized

Beginning with the first Congress in 1789, each Congress has been identified by number. Thus the Congress that began its term in 1789 was known as the First Congress. The Congress that began its term in 1997 is called the 105th Congress.

Terms and Sessions

In each term of Congress, there are two regular sessions, or meetings. The first session begins on January 3 in the odd-numbered year following the congressional election in November. The second session begins on January 3 of the next year.

Each session may last as long as Congress wishes. In the past, sessions usually lasted from January 3 until August or September. In recent years, the growing workload has led to longer sessions. Both houses of Congress agree on the date to adjourn, or end, the session.

Occasionally, serious problems arise after Congress has adjourned its regular session. In such cases, the president of the United States can recall Congress to meet in a special session. Usually, the president calls both houses into special session. The president may decide, however, to call only one of the two houses.

Under certain circumstances, the House of Representatives and the Senate will meet together. This is known as a joint session of Congress. For example, a joint session will be called if the president wants to address Congress. Such sessions are often televised.

Organization

The Constitution provides for only three congressional officers. First, it directs the House of Representatives to select a presiding officer. Second, it names the vice president of the United States as president of the Senate. Third, it calls for the selection of a senator to preside in the vice president's absence. These are the only directions given by the Constitution about the organization of Congress.

Over the years, Congress has developed procedures to organize itself. Shortly after the opening day of each term, the Republican and Democratic members in each house gather
separately in private meetings. These private meetings are called party **caucuses**. At these caucuses, the Republican members of each house choose their own leaders, and the Democratic members choose theirs.

The political party that has more members in each house is known as the **majority party**. The political party that has fewer members is called the **minority party**.

**Leaders of the House**

According to the Constitution, the presiding officer of the House of Representatives is the **Speaker** of the House. The Speaker is the most powerful officer in the House. No representative may speak until called on, or recognized, by the Speaker. The Speaker also greatly influences the order of business in the House.

The Speaker, because of these important responsibilities, is paid $171,500 a year. The Speaker is always a member of the majority party. Like other leaders in the House and Senate, the Speaker is usually a longtime member of Congress.

House members also choose a number of other leaders. At their private caucuses, House Democrats and Republicans each choose a floor leader and a party whip. The **floor leader** of each party guides the party’s proposed laws through Congress. The floor leader of the majority party is called the majority leader. The floor leader of the minority party is the minority leader. Each floor leader is assisted by a **party whip**, who tries to persuade members to vote for party-sponsored legislation.

**Leaders of the Senate**

The Constitution provides for the vice president of the United States to serve as the presiding officer of the Senate. The vice president, however, is not a senator and therefore cannot take part in Senate debates. The vice president may vote only in the case of a tie.

In recent years, the vice president has had many other responsibilities and has spent little time in the Senate. During the vice president’s absence, the Senate is presided over by the **president pro tempore**, a president “for the time being.” This leader is elected by the members of the Senate. The president **pro tempore** is by custom the longest-serving member of the majority party.

The most powerful officers of the Senate are the majority leader and the minority leader. Like the majority leader, the minority leader is appointed by his party’s members. The minority leader, however, is not a member of the majority party, and must try to persuade Senate members to vote against the majority leader’s bills.

Every year Congress receives thousands of bills, or proposals for laws. Congress can’t be expected to read and consider every one. Instead, the members are divided into smaller groups or **committees**.

Most of Congress’s committees study all bills. Congress. They prepare their work for the House and Senate and conduct investigations and hearings.

Standing **committees**, or groups of members that specialize in a particular area. In the House, the **Standing Committee on Finance** is responsible for tax laws. It determines what taxes are and what the rates should be. The **Judiciary Committee** deals with laws concerning the court system.

Before a bill is introduced into Congress, it is carefully studied by the **Standing Committee on Finance**. The committee votes for or against the bill as a whole. In the House, the **Judiciary Committee** also takes a vote to approve the bill. If the committee does not approve the bill, it is dead.
leader. Like the floor leaders of the House, the majority leader and the minority leader are elected in party caucuses. They, too, are assisted by party whips.

Committees
Every year Congress has to consider thousands of bills, or proposed laws. Members of the First Congress could have read each of the 268 bills they considered. Today Congress handles around 8,000 bills in a two-year term. It would be impossible for all members of each house to consider every bill that is proposed. Therefore, the members divide their work among many smaller groups, or committees.

Most of the work of Congress is done in committees. The congressional committees study all bills before they are considered by Congress. To obtain information needed to do their work, committees hold meetings and conduct investigations.

Standing Committees Each house of Congress has a number of permanent committees, or standing committees. As you can see in the chart on page 78, the Senate has 17 standing committees and the House has 19. Each committee is responsible for a special area. In the House, for example, the Ways and Means Committee handles all matters concerning taxes. In the Senate, bills related to taxes go to the Finance Committee.

Before any bill is considered by Congress, it is carefully studied by a standing committee. The committee holds special meetings, or hearings, to gain information on the positive and negative aspects of a bill. Committee members may revise a bill. It is then sent to the entire membership for consideration, with the committee’s recommendation for or against it. This recommendation usually determines whether the members will or will not approve the bill.

Subcommittees Each standing committee is divided into subcommittees. These subcommittees deal with specific issues in the area handled by the committee as a whole. For example, the subcommittees of the Senate Foreign Relations Committee include those on Africa, Asia, and Europe.
Select Committees From time to time, each house of Congress will appoint select committees to deal with issues that are not handled by the standing committees. Select committees have investigated government scandals, for example. After holding hearings on a problem area, a select committee recommends solutions that may lead to new laws. Select committees are disbanded when they have finished their work.

Joint Committees Congress also has committees made up of an equal number of representatives and senators. These joint committees are set up when the two houses of Congress decide they can take care of certain matters better by working together.

Conference Committees Another kind of House-Senate committee is known as a conference committee. This is formed to work out a compromise when the House and Senate pass different versions of the same bill. Each conference committee is temporary and considers only one bill.

Committee Membership Each member of the House usually serves on only one of the major standing committees. This enables each representative to specialize in one subject area. In the Senate, each senator serves on at least two major standing committees. Members of Congress seek assignment to these major standing committees.

The membership of the standing committees is divided in proportion to the number of members each party has in each house. If the Senate contains 60 Republicans and 40 Democrats, a ten-member committee would include six Republicans and four Democrats. Thus the majority party has a great advantage over the minority party. It is able to control much of a committee’s work.

Each party in each house of Congress has its own committee on committees. This group nominates, or names, members of the party to serve on the various standing committees. A party caucus then reviews the nominations. Loyal party members and longtime members of Congress usually are rewarded with important committee assignments.

Committee Chairpersons Because congressional committees are so important, their chairpersons are very powerful.
Chairpersons decide when a committee will meet and when it will hold hearings. They create subcommittees and hire and fire committee staff. Their importance gives them great influence in Congress.

How does someone reach this position? For many years, the post of committee chairperson automatically went to the member of the majority party who had the most years of service on the committee. This seniority system was a long-established custom.

Some people believe the seniority system works well. They say it assures experienced leadership. In recent years, however, some people have questioned the use of seniority in choosing committee chairpersons. Critics believe that younger members with fewer years of service might provide new ideas and more active leadership.

As a result of such criticism, Congress has changed its method of selecting chairpersons. The majority party in each house now chooses the heads of committees by secret vote in a party caucus. The person with the longest service, however, is almost always chosen.

**Congressional Staffs**

Congressional staffs include special assistants, clerks, and secretaries. Members of Congress need large staffs to run their offices in Washington and in their home districts or states. Their staffs also provide information on bills being considered by Congress and help keep senators and representatives informed on important issues. Furthermore, congressional staffs keep members of Congress informed on what the people they represent think about issues under consideration.

### Section 2 Review

1. Define or identify the following terms: session, caucus, majority party, minority party, Speaker, floor leader, party whip, president *pro tempore*, bill, committee, standing committee, subcommittee, select committee, joint committee, conference committee, seniority system.

2. When does each session of Congress begin? How long does each regular session of Congress last, and how is a date of adjournment chosen?

3. For what three congressional positions does the U.S. Constitution provide? How are the leaders in each house of Congress chosen?

4. Why does Congress work through committees? What usually determines whether Congress will approve a bill?

5. How are committee assignments made? Who usually receives the most important congressional committee assignments?

6. **Thinking Critically** How should committee chairpersons be chosen? Write a statement that outlines what you believe is the best method for choosing chairpersons. Include the reasons why you believe your system will be both efficient and democratic.

### The Powers of Congress

The U.S. Congress is very powerful. Under the Constitution, Congress's most important responsibility is to make laws. These laws do not simply tell us what we can and cannot do. They affect us in other ways as well. For example, laws passed by Congress determine how high taxes will be. They provide for the building of highways and dams. They decide what military equipment to sell to other nations. Congress's actions affect the lives of millions of people in the United States and throughout the world.
Powers Granted to Congress
Article 1, Section 8, of the Constitution lists the powers granted to Congress. As you know, these powers are called delegated powers because they are granted, or delegated, to Congress by the Constitution. Delegated powers give Congress the right to make laws in five important areas.

Financing Government Congress can raise and collect taxes, borrow money, and print and coin money. It can use the funds it collects to pay the debts of the United States and to provide for the nation’s defense and for the general welfare.

Regulating and Encouraging U.S. Trade and Industry Congress can regulate trade with foreign nations and among the states. It can also help U.S. businesses by setting a uniform standard of weights and measures and by passing laws that protect the rights of inventors. Congress also establishes post offices and builds roads that help business and industry in the nation. Congress can set punishments for piracy and other major crimes committed against U.S. ships on the high seas.

Defending the Nation Congress has the power to declare war and to maintain an army and a navy. It also can provide for a citizen army that can be called to duty during wartime or national emergencies.

Enforcing Laws Congress can pass laws concerning such crimes as counterfeiting and treason. To ensure that these and other federal laws are upheld, Congress can establish a system of national courts.

Providing for Growth Congress has the power to govern the nation’s territories and to provide for the admission of new states. Congress also has the power to regulate immigration and to pass naturalization laws. Naturalization laws make it possible for aliens to become U.S. citizens.

The Elastic Clause
The last power listed in Section 8 of Article 1 is among the most important and far-reaching. It states that Congress has the power “to make all laws which shall be necessary and proper for carrying into execution [carrying out] the foregoing powers.”

This statement is the necessary and proper clause, also called the elastic clause. It is called the elastic clause because it allows Congress to stretch the delegated powers listed in the Constitution to cover many other subjects. The clause has permitted Congress to pass laws on situations that developed long after the Constitution was written.

For example, Congress has set up national military academies to train army, navy, and air force officers. The Constitution does not specifically give Congress this power. Congress, however, argues that the academies are “necessary and proper” for it to carry out its constitutional right to establish an army and a navy. Congress claims that this clause of the U.S. Constitution implies, or suggests, that...
Congress has the right to establish military academies to train military officers. For this reason, the powers that Congress claims under the elastic clause are called **implied powers**.

**Power to Impeach**

The Constitution gives Congress other powers in addition to lawmaking. One of Congress’s most important powers is its power to accuse high federal officials of serious crimes against the nation and to bring them to trial. The highest officials in the government—including the president, vice president, and federal judges—may be removed from office if they are found guilty of serious crimes such as **treason**, an act that betrays or endangers one’s country.

The charges against the accused official must be drawn up in the House of Representatives. The list of charges is read before the entire House. Then the representatives vote. If a majority of them vote in favor of the list of charges, the official is formally accused, or impeached, and will be put on trial. The procedure of drawing up and passing the list of charges in the House is called **impeachment**.

The trial on the impeachment charges is held in the Senate. During this trial, the Senate becomes a court. The vice president usually acts as the judge. If the president is impeached, however, the chief justice of the Supreme Court presides instead. In this case the vice president cannot preside because he or she would become president if the president were found guilty.

The members of the Senate act as the jury. They hear the evidence and examine all witnesses. They then vote on the guilt or innocence of the official. Two thirds of the Senate must find the official guilty before he or she can be dismissed from office.

The impeachment process has been used rarely. Altogether, 15 federal officials have been impeached. Only seven of them, all judges, were found guilty and dismissed from office. Only one president, Andrew Johnson, has ever been impeached. At his impeachment trial in the Senate in 1868, President Johnson was found not guilty by only one vote. In 1974 the threat of impeachment caused President Richard M. Nixon to resign from office. [See “Case Study: Watergate” on pages 44–45.]

### Special Powers

The Constitution gives each house of Congress a number of special powers. The House of Representatives has three special powers:

- The House alone can start impeachment proceedings.
- All bills for raising money must start in the House.
power to decide when Congress has reached beyond the powers granted to it by the Constitution. [You will read more about this in Chapter 7.] When the Court rules that Congress has passed a law that exceeds Congress’s constitutional powers, this law has no force.

Another limit on Congress’s powers is the Tenth Amendment to the Constitution. It declares that the states shall keep all the powers not specifically granted to the national government. These powers, as you recall, are the reserved powers. They include the states’ authority with regard to elections, education, and marriage.

In addition, Article 1, Section 9, of the Constitution denies certain powers to Congress. The Constitution specifically forbids Congress from the following.

**Passing Ex Post Facto Laws** A law that applies to an action that took place before the law was passed is called an *ex post facto law*. For example, it is not against the law today to buy and sell foreign automobiles. If tomorrow Congress forbids the buying and selling of foreign cars, a person cannot be arrested for having bought or sold one of these cars in the past.

**Passing Bills of Attainder** A law that sentences a person to jail without a trial is called a *bill of attainder*. The Constitution provides that anyone accused of a crime must be given a trial in a court of law.

**Suspending the Writ of Habeas Corpus** A person accused of a crime has the right to a *writ of habeas corpus*. This writ is a court order requiring that the accused person be brought to court to determine if there is enough evidence to hold the person for trial. If Congress had the right to suspend, or set aside, the writ of habeas corpus, a person might be kept in jail indefinitely with no formal charges being brought. The only exception to this rule is in times of rebellion or invasion.

**Taxing Exports** Goods that are sent to other countries are called exports. A tax on exports domestic or on imports from other countries is called an export tax.

**Parliament of Rights** The first Parliament of Rights is the one that enacts the laws that individuals believe violate their rights.

**Favoring the States** Congress cannot favor one state over another. Congress cannot pass any law that serves the interests of some states but violates others.

**Grant of Freedom** Americans are equal. The Constitution establishes a system with rights.

**Writ of Execution** No money should be spent. The Constitution must pass the money for the preceding year.

**Other**
Over the years, the Constitution has expanded and amended. Some have grown more powerful and others have grown more limited.

Help is the most important. The government is to serve and to be served by the people in their best interests. These letters are called letters of recommendation. Members of Congress may request letters for others to vote for or against a bill.
exports would harm the nation’s foreign and domestic trade. Congress can, however, tax imports—goods that are brought into the country from abroad.

**Passing Laws Violating the Bill of Rights**  As you recall, the Bill of Rights, the first 10 amendments to the Constitution, spells out the rights and freedoms of all U.S. citizens. Congress may not pass any law that violates these rights.

**Favoring Trade of a State**  Congress cannot pass laws giving a state or group of states an unfair trade advantage. Of course, Congress can pass laws regulating trade, but these laws must apply equally to all states.

**Granting Titles of Nobility**  Americans believe that all people are created equal. Therefore, they are opposed to establishing a noble class, or small group of persons with rights superior to those of other citizens.

**Withdrawing Money Without a Law**  Congress must pass a law telling how money shall be spent and the exact amount to be spent before public funds are made available. This limitation means that Congress must pass additional laws to provide the money for carrying out the other laws it passes.

**Other Roles of Congress**

Over the years, the job of members of Congress has expanded greatly. Their responsibilities have grown to include roles that were not anticipated in the Constitution.

**Helping Constituents**  One of the most important jobs of members of Congress is to serve the interests of the people who live in their home districts or states. These people are called constituents.

Members of Congress receive thousands of letters from their constituents every week. Some of this mail gives opinions on issues. Other letters ask a representative or senator to vote for or against a certain bill.

Most mail is from people asking for help. For example, a veteran with a disability may complain that the government has mislaid his claim. The owner of a small company may ask how to apply for a government contract.

**Conducting Investigations**  Another important responsibility of Congress is its power to conduct investigations. Either house of Congress may investigate national issues. The purpose of these investigations usually is to determine whether a new law is needed or if an existing law is being carried out as Congress intended.
How a Bill Becomes a Law

Each day that Congress is in session, an interesting scene takes place. As the members of the House enter their legislative hall, some of them approach the front of the chamber. They drop papers into a box on the clerk's desk. This box is called the hopper. The papers dropped into it by the members are bills, or written proposals for laws.

Of course, not all these proposals become laws. The process of getting a law passed is long and difficult. This sometimes makes us think that government is not responsive enough. In the long run, however, the careful process helps ensure that the nation's laws will be good laws.

The Idea for a Bill Begins

Each year the Senate and the House of Representatives consider thousands of bills. These bills may be introduced in either chamber. The only exception to this rule is an appropriation bill, or bill approving the spending of money. An appropriation bill must originate in the House of Representatives. Every bill must be passed by both houses of Congress before it can be signed by the president and become a law. A law is also known as an act.

Where do the ideas for these bills begin? Ideas can come from the following sources.

From U.S. Citizens The people are a powerful force in influencing laws. When a large number of constituents requests a law, a representative or senator usually introduces a bill containing the constituents' ideas.

From Organized Groups Members of Congress sometimes introduce bills because they are requested to do so by certain groups. For example, businesspeople may want to limit competition from industries in other countries. Labor groups may call for laws establishing improved working conditions or higher hourly wages.

From Committees of Congress Many bills begin in Congress itself. Suppose that a congressional investigating committee conducts a study of certain kinds of crime. Its findings convince the committee that the federal government needs a new law for crime control. The committee can then draw up a bill and introduce it in Congress.

From Members of Congress Members of Congress often become experts in certain fields. A member who has experience with farming issues, for example, may introduce a bill to fund an agriculture program.

From the President The president has great influence on bills introduced in Congress. Early in each session of Congress, the president appears before a joint session of the two houses to deliver a speech on the state of the nation. In this speech the president recommends laws that the president believes are needed to improve the nation's well-being. Many of these ideas are soon introduced as bills by members of Congress.

An Idea Becomes a Bill

Although anyone can suggest an idea for a bill, only members of Congress can introduce the bill itself. Suppose, for example, that a group of citizens favors the creation of a new national park. The citizens write to their senators and representatives to explain their idea. The leader of the group arranges for a meeting with one of the senators or representatives to discuss the group's idea in more depth.

At this meeting the leader of the group provides facts and figures on the subject and urges that a bill be introduced. If the senator or representative is convinced that the group's idea is a good one, he or she may agree to introduce the bill in Congress.

To learn how a bill becomes a law, follow the progress of the national park bill as it is considered first by the House of Representatives and then by the Senate.

The Bill in the House

How does the bill in the House get to the House? A bill is carefully written by representatives, written by a draftsperson, or written by a senator or representative's staff.

After the bill is written, it is given a number, such as HR 1234. The number stands for House of Representatives. The place among members of Congress.

What happens when a bill is introduced? It is usually referred to a committee. The committee works on the bill and may make changes. It may even kill the bill. If the committee approves, the bill goes to the floor of the House for a vote. If the bill passes, it goes to the Senate.
How Ideas for Bills Begin

The Voters favor a certain bill.

Individual Members of Congress introduce a bill they favor.

Large Groups of Americans ask for a certain bill.

Congressional Investigating Committees recommend a bill.

The President urges certain laws in speeches to Congress.

The Bill Is Introduced in the House

How does the representative introduce this bill in the House? First the proposed bill is carefully written out. Bills are not always written by representatives. In fact, many bills are written by a committee, by the group that suggested the bill, or by an assistant on the representative’s staff.

After the bill is dropped into the hopper, it is given letters and a number. Suppose that the bill to create a new national park is marked HR 1215. The letters HR indicate that the bill is being considered by the House of Representatives. The number 1215 indicates the bill’s place among all the bills introduced in this session of Congress.

What happens to the bill after it is introduced? It is sent to a standing committee for study. Usually the subject of the bill determines which committee will study it. In some cases, two committees may want to study the bill. The Speaker of the House decides to which committee the bill will be sent.

The Bill Is Sent to Committee

In the case of HR 1215, the Speaker sends the bill to the House Resources Committee. This committee deals with all bills concerning the national park system.

Each bill is given careful attention by the committee to which it is sent. Many bills are found to be unnecessary. These are set aside and are never returned to the House for action. In this way the committees reduce the amount of legislation Congress must consider.
Bills are sent to congressional committees for study after they are introduced. Here, a House committee makes changes to a bill under consideration.

The Committee Holds Hearings

HR 1215 is not set aside. Instead, the House Resources Committee holds hearings on the bill. Most committee hearings are open to the public. Some important hearings are shown on television.

At the hearings the committee calls witnesses to testify for and against the bill. These witnesses give committee members the information they need to recommend that the bill be accepted, rejected, or changed. Testimony from witnesses, letters from citizens, and evidence that committee members gather from many other sources all help the committee reach a decision on the bill.

The Committee Studies the Bill

In the case of HR 1215, the Resources Committee decides to change parts of the bill in certain ways. Members rewrite paragraphs and add new sections. When they are finished, the bill is very different from the one they originally received. The majority of committee members decide to recommend that the House pass the bill as amended, or changed, by the standing committee.

The House Considers the Bill

When HR 1215 is reported out of committee and sent back to the House of Representatives, it is placed on the House calendar. The calendar is the schedule that lists the order in which bills are to be considered. In an emergency a bill can be moved up on the calendar so that action may be taken quickly.

HR 1215 must be given three readings in the House of Representatives. By the time its turn comes on the calendar, the first reading has already occurred. It took place when the Speaker first read the title of the bill to the House before sending it to the appropriate standing committee. The second reading will occur while the bill is debated.
How a Bill Becomes a Law

This chart shows a bill that begins in the House of Representatives.

House of Representatives

Representative
A representative introduces the bill.

Clerk of the House
The clerk reads the bill’s title to the House, gives the bill a number, and has it printed.

Speaker of the House
The speaker of the House sends the bill to the proper committee.

House Committee
The committee or one of its subcommittees holds hearings on the bill, and may amend, kill, or approve the bill. If the full committee approves the bill, it is placed on the House calendar.

Floor of the House
The bill is read and debated. The House amends it, returns it to the House committee for revision, or approves it and sends it to the Senate.

Sent to the Senate

Passed by the House

Conference Committee
The conference committee iron outs differences between the House and Senate versions of the bill. It returns the revised bill to both houses for approval.

The same procedure is followed when a bill begins in the Senate.

Senate

Clerk of the Senate
The bill is given a number, its title is read, and it is printed.

Presiding Officer of the Senate
The presiding officer of the Senate sends the bill to the proper committee.

Senate Committee
The committee or one of its subcommittees holds hearings on the bill, and may amend, kill, or approve the bill. If the full committee approves the bill, it is placed on the Senate calendar.

Floor of the Senate
The bill is read and debated. The Senate amends it, returns it to the House committee for revision, or approves it. If the Senate approves a version different from the House version, the bill is sent to a conference committee of the House and Senate.

President
The president signs or vetoes the bill or allows it to become law without signing it. Congress can override a veto by a two-thirds vote of both houses.
The Rules Committee decides how much time will be given to debate this bill. The time to be spent in debate, or discussion, is divided evenly between those members who are in favor of the bill and those members who are against the bill.

For the debate, the House usually acts as a Committee of the Whole. As one large committee, the House can act less formally and turn the meeting into a work session. The bill now is given its second reading. A clerk reads a paragraph, and then amendments may be offered. Debate on each amendment is usually limited to five minutes for each member who speaks. A vote is then taken on the amendment. It is usually a voice vote with all members in favor saying “yea” and all those opposed saying “nay.”

Each paragraph of the bill is read and amended in similar fashion until the entire bill has been considered. When the House meets again in formal session, a member may demand a “quorum call.” A quorum, or majority of the members, must be present in Congress to do business.

The House Votes on the Bill
When a quorum is present, the House is ready for the third reading. This reading is usually by title only. Any member may demand, however, that the bill be read in its entirety. The vote is then taken. A majority of the members present is needed to pass a bill.

On important bills a roll-call vote is usually taken. Each member’s name is called and a record is made of his or her vote. The bill to create a new national park, as amended, passes the House. But it is not yet a law. Like all bills, it must now be considered by the other house of Congress, the Senate.

The Senate Acts on the Bill
In the Senate, the bill is called S 2019. The way in which a bill is handled in the Senate is similar to the process followed in the House. Bill S 2019 is read by title, for its first reading. It is then sent to the Senate Energy and Natural Resources Committee.

After holding hearings, the committee revises S 2019. The committee then recommends that the bill be passed by the Senate.

The senators usually are not limited in their debate, as are members of the House of Representatives. In the Senate, speeches may last a long time. To prevent the Senate from taking a vote on a bill, some senators have talked for many hours, thereby “talking the bill to death.” This method of delay by making lengthy speeches is called a filibuster. Debate in the Senate can be limited only if three fifths of the full Senate vote to limit it. Limit on debate in the Senate is called cloture.

After the members of the Senate finish their debate on S 2019, a roll call is taken. Bill S 2019 passes. What happens next?

The House and the Senate Agree on the Final Bill
When a bill passes the House and Senate in identical form, it is ready to be sent to the president. Usually, however, the two houses pass different versions of the same bill. If a bill is changed in any way, it must be sent back to the house in which it originated for another vote. In the example of the national park bill, the House of Representatives does not agree to the Senate changes. When this happens, a conference committee must be called.

A conference committee meets to reach an agreement on the bill. The committee is made up of an equal number of senators and representatives. The committee members from each house may have to give up something to reach a compromise.

Finally, a compromise bill is sent back to both houses. Usually both houses approve the work of the conference committee.

The President Approves the Bill
The bill as passed by both houses is sent to the president of the United States. The president may take one of the following actions:

1. The president may sign the bill, thus making it a law.
2. The president may veto the bill. The veto may be overrulled by a two-thirds vote in both houses. If this does not happen, the bill does not become a law.
3. The president can pocket veto the bill, allowing it to become a law if the Congress adjourns without a quorum for ten days after Congress has adjourned.

The president can also send a bill to Congress with changes or recommend that Congress changes the bill. If Congress does not change the bill, it becomes a law. If Congress passes a different version of the bill, it goes back to the White House for approval. If the president does not approve the bill, it becomes a law unless Congress overrides the veto.

The powers of the president include the power to sign the bills into law, to veto bills, and to pocket veto bills. The president’s veto power is limited by the Constitution.

The Constitution requires that the president’s veto must be signed within ten days of the receipt of the bill, unless Congress is in session, and the president is notified of the bill’s passage. If Congress adjourns within ten days after the president’s receipt of the bill, the president can pocket veto it.

The president can also send a bill to Congress with changes or recommend that Congress changes the bill. If Congress does not change the bill, it becomes a law. If Congress passes a different version of the bill, it goes back to the White House for approval. If the president does not approve the bill, it becomes a law unless Congress overrides the veto.

The president’s power to veto legislation is limited by the Constitution. The president can veto only legislation that has been passed by both houses of Congress. If Congress sends a bill to the president, the president has ten days to sign the bill into law or to veto it. If the president does not sign the bill within ten days, it becomes law. If Congress adjourns within ten days after the president’s receipt of the bill, the president can pocket veto it.

The president can also send a bill to Congress with changes or recommend that Congress changes the bill. If Congress does not change the bill, it becomes a law. If Congress passes a different version of the bill, it goes back to the White House for approval. If the president does not approve the bill, it becomes a law unless Congress overrides the veto.

The president’s power to veto legislation is limited by the Constitution. The president can veto only legislation that has been passed by both houses of Congress. If Congress sends a bill to the president, the president has ten days to sign the bill into law or to veto it. If the president does not sign the bill within ten days, it becomes law. If Congress adjourns within ten days after the president’s receipt of the bill, the president can pocket veto it.

The president can also send a bill to Congress with changes or recommend that Congress changes the bill. If Congress does not change the bill, it becomes a law. If Congress passes a different version of the bill, it goes back to the White House for approval. If the president does not approve the bill, it becomes a law unless Congress overrides the veto.

The power of the president to veto legislation is limited by the Constitution. The president can veto only legislation that has been passed by both houses of Congress. If Congress sends a bill to the president, the president has ten days to sign the bill into law or to veto it. If the president does not sign the bill within ten days, it becomes law. If Congress adjourns within ten days after the president’s receipt of the bill, the president can pocket veto it.

The president can also send a bill to Congress with changes or recommend that Congress changes the bill. If Congress does not change the bill, it becomes a law. If Congress passes a different version of the bill, it goes back to the White House for approval. If the president does not approve the bill, it becomes a law unless Congress overrides the veto.
may take one of three possible actions on a bill from Congress:

1. The president may sign the bill and declare it to be a law.
2. The president may refuse to sign the bill and send it back to Congress with a message giving the reasons for rejecting it. This action, as you know, is called a veto.
3. The president may keep the bill for 10 days without signing it. If Congress is in session during this 10-day period, the bill becomes a law without the president’s signature. If Congress is not in session, however, and the president does not sign the bill within 10 days, the bill does not become a law. Instead, the bill has been killed by a pocket veto.

The president does not use the veto often. Although Congress can pass a bill over a presidential veto by a two-thirds vote of both houses, it is very difficult to obtain the necessary votes. In the case of the national park bill, it becomes a law and goes into effect after the president signs it.

The long and involved process of making laws may be slow, but it prevents hasty legislation while providing a way for the federal government to pass needed laws.

**SECTION 4 REVIEW**

1. Define or identify the following terms: appropriation bill, act, quorum, roll-call vote, filibuster, cloture, pocket veto.
2. From what sources do the ideas for bills introduced into Congress originate?
3. What happens after a bill is introduced in the House?
4. What happens if the two houses pass different versions of the same bill?
5. What three possible actions can the president take on a bill that has been passed by both houses of Congress?

**6. THINKING CRITICALLY** Imagine that you head a citizens’ group that has submitted a proposal to Congress to reduce the amount of violence shown on television. Your representative has introduced a bill on your group’s behalf, and the bill has just had its first reading in the House. Write a letter to the members of your group updating them on the bill’s status. Describe the stages through which the bill must now pass before it becomes a law. Be sure to tell the group how it can become further involved in the lawmaking process.

**CHAPTER 5 SUMMARY**

The legislative, or lawmaking, branch of the federal government is called Congress. It consists of two houses, the House of Representatives and the Senate. Each state is represented in the Senate by two senators. The number of representatives each state elects to the House of Representatives is based on the size of the state’s population.

Congress meets for two regular sessions in each of its terms. The two houses organize their work and operate in similar ways. Much of the work of Congress is done by various types of committees.

Congress has been given many important powers by the Constitution. The delegated powers set forth specific functions of Congress. The elastic clause, meanwhile, allows Congress to exercise powers suggested but not specifically granted to it. These are called implied powers. The Constitution also limits the powers of Congress. It reserves certain powers for the states and specifically forbids some powers to Congress.

Congress considers thousands of bills each year. To become a law, each bill must be passed by both houses of Congress before being signed by the president.
Vocabulary Workshop

1. What official actions may Congress take against a member for misconduct?
2. What is the term for a long speech used to delay a vote in the Senate?
3. Who heads the Senate in the absence of the vice president?
4. Why does the Senate use cloture?
5. What are the permanent committees of Congress called, and how many such committees are found in each house?
6. Why is the necessary and proper clause also called the elastic clause?

Reviewing Main Ideas

1. Why did the framers of the Constitution create a bicameral national legislature?
2. What qualifications must members of Congress have?
3. In what five areas does Congress have the power to make laws, and what are the special powers of each house?
4. What powers are forbidden to the Congress by the Constitution?
5. Why is most of the work of Congress done through committees?
6. How does a bill become a law?
7. What can Congress do if the president vetoes a bill?

Thinking Critically

1. Debate on a bill being considered in the House usually is limited to five minutes for each person who wants to speak. The Senate has no such limit on debate. Why do you think this is so?
2. The Senate has fewer members than the House, provides a longer term of office than the House, and often receives more media attention than the House. Do you think these factors affect how responsive the Senate is to the needs of the people?
3. What are the advantages to the American people of having a lengthy and complex lawmaking process? the disadvantages?

Citizenship in Your Community

Individual Project

Choose one of the people who serve your state as a representative or senator in Congress. Write a profile of this individual. Be sure to provide background information, such as place of birth, education, and occupation. Also provide information on the person's political experience: offices held, length of service in Congress, political party membership, and positions on key issues.

Building Your Portfolio

The first step of your unit portfolio project (see page 135) is to write a bill outlining the changes you propose to make Congress more efficient and responsive. It might be helpful to show your proposed changes in a two-column chart. In one column list current membership requirements, procedures, and organizational structures for Congress. In the second column describe how you would change (or keep) each item in the first column. Your bill should summarize the chart's information and explain the purpose and reasoning behind each change. Place your bill and your chart in your individual portfolio for later use.