

# The Legislative Branch

- I. Constitutional powers
  - A. Article 1, section 8 (enumerated powers)
    - 1. To lay and collect taxes, duties, imports, and excises
    - 2. To borrow money
    - 3. To regulate commerce with foreign nations and among states
    - 4. To establish rules for naturalization and bankruptcy
    - 5. To coin money
    - 6. To fix the standard on weights and measures
    - 7. To establish a post office and post roads
    - 8. To issue patents and copyrights
    - 9. To create courts (other than the Supreme Court)
    - 10. To define and punish piracies
    - 11. To declare war
    - 12. To raise and support an army and navy
    - 13. To provide for a militia
    - 14. To exercise exclusive legislative powers over the District of Columbia and other federal facilities.
    - 15. Special powers reserved to
  - B. “Necessary and proper” clause, also known as the “elastic” clause gives Congress power to “make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the united States.
- II. Senate
  - A. 2 senators from each state; must be 30 years old, a resident of the U. S. for 9 years, and a citizen of the state from which they are elected
  - B. Elected directly by the voters in the state (17<sup>th</sup> Amendment, 1913)
  - C. Unlimited number of 6 year terms
  - D. Vice President of the U. S. is the President of the Senate
  - E. Ceremonial leadership is a president **pro tempore**, usually the most senior of the majority party
  - F. Actual leadership is divided between
    - 1. Majority leader
      - a. Head of the majority party in the Senate
      - b. Had the right to be heard first on the floor of the Senate on any issue
      - c. Directs the majority whip who is a floor leader who musters votes on individual bills
    - 2. Minority leader
      - a. Leader of the minority party in the Senate
      - b. Is generally consulted in party members who serve on major committees in the Senate
      - c. Directs the minority whip, the floor leader on pieces of legislation
  - G. After the House of Representatives have impeached a federal official, that person is tried in the Senate

- H. The Senate has the exclusive right to declare war
- III. House of Representatives
  - A. Representatives must be 25 years old, be a resident of the U. S. for 7 years, and be a citizen of the state and district from which they are elected
  - B. Unlimited 2 year terms
  - C. In 1911 the size of the House of Representatives was limited to 435; this calls for occasional reapportionment based on population in which Congressional districts are re-drawn to reflect the changes in population.
  - D. Leader of the House, specified in the Constitution, is the Speaker who is elected by the members and is usually the head of the majority party
  - E. Powers of the Speaker of the House
    - 1. Recognizing members who wish to speak
    - 2. Ruling on questions of parliamentary procedure
    - 3. Appointing members to select and conference committees
    - 4. Directing business on the floor
    - 5. Exercising political and behind-the-scenes influence
    - 6. Appointing members of the committees who appoint members to standing committees
    - 7. Exercising substantial control over which bills get assigned to which committees
    - 8. Appointing the party's legislative leaders
  - F. All bills dealing with money must begin in the House of Representatives
  - G. The House of Representatives have the exclusive responsibility for impeachment
- IV. Committees and Subcommittees
  - A. Standing Committees
    - 1. Permanent committees extremely important to formulating legislation
    - 2. The Senate currently has 16 standing committees and 86 subcommittees
      - a. Agriculture, Nutrition, and Forestry
      - b. Appropriations
      - c. Armed Services
      - d. Banking, Housing, and Urban Affairs
      - e. Budget
      - f. Commerce, Science, and Transportation
      - g. Energy and Natural Resources
      - h. Environment and Public Works
      - i. Finance
      - j. Foreign Relations
      - k. Governmental Affairs
      - l. Judiciary
      - m. Labor and Human Resources
      - n. Rules and Administration
      - o. Small Business
      - p. Veterans' Affairs
    - 3. The House of Representatives currently has 19 standing committees and 140 subcommittees
      - a. Agriculture
      - b. Appropriations

- c. Banking and Financial Services
  - d. Budget
  - e. Commerce
  - f. Economic and Educational Opportunities
  - g. Government Reform and oversight
  - h. House Oversight
  - i. International Relations
  - j. Judiciary
  - k. National Security
  - l. Resources
  - m. Rules
  - n. Science
  - o. Small Business
  - p. Standards of Official Conduct
  - q. Transportation and Infrastructure
  - r. Veterans' Affairs
  - s. Ways and Means
- B. Joint Committees
1. Consist of members from both the Senate and the House
  2. They investigate issues such as the Iran-Contra affair
  3. They oversee institutions such as the Library of Congress
- C. Conference Committees
1. Consist of members from both the Senate and the House
  2. Formed exclusively to hammer out differences between House and Senate versions of similar bills
  3. After a Conference Committee has worked on a bill and sent it back to the Senate and House, no amendments can be attached, the bill can simply be approved or rejected
- D. Select Committees
1. Are formed for specific purposes and are usually temporary such as the Select Committee that investigated the Watergate Scandal.