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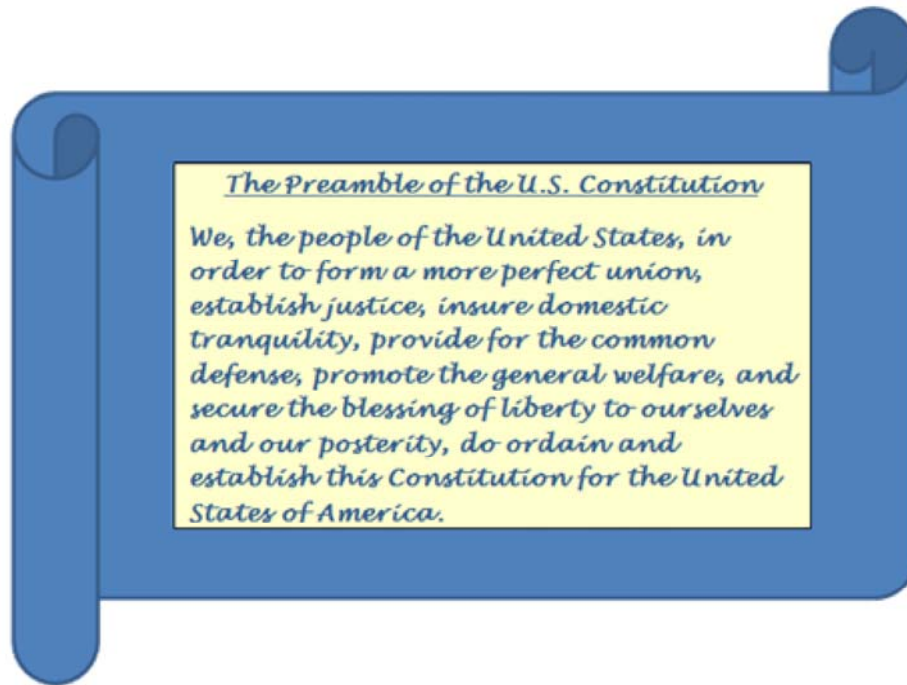
CONGRESS IN ACTION



A Joint Session of Congress in the House of Representatives

Unit Overview

The Preamble or introduction to the Constitution expresses the objectives of the document. It clarifies the intentions of the Founding Fathers, states the Constitution's purposes and stresses what the delegates of the Constitutional Convention hope to achieve.



The Preamble is followed by series of Articles or sections that define the United States plan for government. It is no accident that Article I discusses the functions and responsibilities of Congress. The Founding Fathers believed that the legislative branch should play a key role in the leadership of the new nation. However, like the executive and judicial branches, its powers were carefully checked and limited. What are the qualifications for the members of Congress? What powers do they have? Are there any “perks” to the job? Let’s see!



Go to Question 1.

The House and the Senate

The United States Congress is composed of the **House of Representatives** or lower house and the **Senate** or upper house. Both bodies have their own chambers in the **Capitol** but meet together for joint sessions in the House of Representatives on occasion. Both areas have balconies where private citizens can view Congress in action. Senators and Representatives are both part of the legislative branch of government but have different requirements for membership and responsibilities as indicated on the chart below.

	Senate	House of Representatives
Qualifications	At least 30 years of age U.S. citizen for 9 years Live in the state represented	At least 25 years of age U.S. citizen for 7 years Live in the state represented
Size	100 members	435 members

	Two from each state Elected by the entire state	Dependent on population Elected by their district
Length of Term	6 years	2 years
Constituents	Represents the citizens of the entire state.	Represents the citizens of a district within the state

The U.S. Capitol in Washington D.C. is a fascinating place to visit. Take a virtual tour by clicking on the link below.

<http://uschscapitolhistory.uschs.org/tour/02.htm>

Membership in the Senate is based on the principle of equality for all states regardless of size. Each state is represented by two Senators. Originally, the Constitution stipulated that Senators were to be appointed by state legislatures, but an amendment in 1913 allowed their direct election and strengthened the principle of popular sovereignty. The framers of the Constitution thought it was important that the Senate maintain some degree of continuity and provided for this. One-third of the Senate comes up for reelection every two years; this gives a continuum of at least two-thirds at all times.



U.S. Capitol: Senate Chamber

Unlike the Senate, membership in the House of Representatives is based on population with every state having at least one Representative. The Constitution explains how Representatives are to be apportioned in Article 1, Section 2, Clause 3. The Founding Fathers realized that a reasonably accurate count of the people of the United States was necessary if this concept was going to work. They required a census "...within every subsequent term of ten years." However, as the country grew, there was a concern that the House membership would become too large and too inefficient. Therefore, Congress set the number of Representatives at 435 in 1911. Today, each seat in the House

represents an average of 610,000 people. Every state is divided into districts, and a Representative is chosen from each one. When states gain or lose people, **redistricting** becomes necessary. If a state's population increases or decreases, the boundaries of districts change. Sometimes political parties or special interest groups try to manipulate the boundaries to favor a particular party or cause. Elbridge Gerry was influential in doing exactly that in 1812. The district's shape so resembled a salamander that people began to call it a "Gerry-mander". Similar attempts to change the composition of voting districts are still known **gerrymandering**.

U.S. Constitution: Article 1, Section 2, Clause 3

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South

To read Article 1 of the Constitution in its entirety, click on the link below or access the PDF

http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=010&const=01_art_01

[Constitution PDF](#)



Go to Questions 2 through 6.

The Power of Congress

The Constitution gives the Congress the power to carry out its primary function, which is to pass laws. Laws begin in the form of bills or suggestions for laws. They are written, discussed and debated by members of both the House and the Senate. Bills dealing with money must be introduced

in the House of Representatives. All other bills may begin either in the House or in the Senate. Each bill must be approved in the exact same form by both houses of Congress. It only becomes a law if it successfully survives a rigorous series of obstacles. Since it is actually easier to defeat a bill than to pass it, those opposing the legislation have the advantage. Winning a majority vote at each stage of the process almost always requires compromise and consensus building. This requires negotiation, compromise and consensus building among Congressmen. The Constitution gives Congress a broad-based list of **enumerated or expressed powers** in Article 1 Section 8. They include the authority to declare war, to raise armies, to coin money and to regulate trade. The link below or the PDF File offers a complete list of the enumerated powers as specified by the Constitution.

http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=010&const=01_art_01

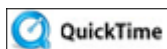
Constitution PDF

Clause 18, known as the **elastic clause**, gives Congress the flexibility to make laws that are “... necessary and proper” for efficient government. This gave the legislative branch certain **implied powers** that were not named in the Constitution but enabled Congress to handle circumstances that the Founding Fathers could not foresee. Congress has stretched the elastic clause many times throughout the course of American history to cover significant accomplishments such as the establishment of the Bank of the United States and the purchase of the Louisiana Territory.

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U.S. Constitution: Article 1, Section 8, Clause 18

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, or in any Department or Officer thereof.



The Process of Making Laws (02:29)

Passing laws gives Congress a great deal of authority and influence over American government. However, there are ways to keep this Congressional power from being abused. Once a bill is passed by both houses, it is sent to the President. If he chooses to sign it, the bill becomes a law on January 1 of the following year. The President can also veto the bill and send it back to Congress. The bill can become law in spite of the veto if Congress chooses to override it by a 2/3 vote. The judicial branch of the federal government can also check the law-making power of Congress by declaring laws unconstitutional. The Constitution itself also forbids Congress to pass laws that violate civil rights, confer titles of nobility or interfere with those areas of control reserved for the states.



President Barack Obama Signing a Bill into Law

The Constitution grants certain exclusive powers to both the House and the Senate. For example, revenue bills, which deal with funding and taxation, must begin in the House of Representatives. The House also has the authority to charge or **impeach** an elected official, including the President, with a simple majority vote. It is then the responsibility of the Senate to try the impeached individual, but a 2/3 vote is required for removal from office. The Senate confirms major Presidential appointments and approves treaties made by the President.



Go to Questions 7 through 12.

Leadership in Congress

Formality demands that each house of Congress choose its own leaders by a vote of the membership. However, this decision is really made informally by America's strongest political parties, the Republicans and the Democrats. Election results determine the majority party and the minority party. Although not all Congressmen vote along party lines, a majority in Congress helps a political party to achieve its agenda. It also enables the party to put its members in key positions of leadership.

- **Speaker of the House:** The Speaker of the House is the most powerful member of the House of Representatives. The Speaker is a member of the majority party but is usually not considered too extreme in his position on most issues. This promotes the compromise and consensus building necessary to reach agreement in Congress. The Speaker has many powers, but one of the most significant allows him/her to preside over House debates on proposed bills. This permits the Speaker to decide which Representatives can address the House from the floor and for how long.

- **President of the Senate:** The Vice President of the United States serves as president of the Senate but has little authority here. However, when Senators act on a piece of legislation, he does vote if there is a tie.
- **President *Pro Tempore*:** Since the Vice President's other duties often make it impossible for him to be available, the president *pro tempore* (temporary) presides over the Senate. This position is held by a high-ranking Senator from the majority party. Although it carries a great deal of prestige, it does not compare in importance to the Speaker of the House.
- **Majority and Minority Leaders:** Both the House and Senate select members of the majority and minority parties to serve as the strategists and spokespersons for their respective groups. Majority and minority leaders are often chosen based on their leadership style and seniority.
- **Majority and Minority Whips:** The term “whip” is borrowed from the British fox-hunting tradition. The “whipper in” was responsible for keeping the hounds together and on target during a hunt. Majority and minority whips in the House and Senate try to keep the members of their respective parties together and on target with legislation. They make sure party members are present for important votes and mobilize support for specific issues.



John Boehner Serving as Speaker of the House



Go to Questions 13 and 14.

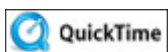
Committees in Congress

Because both houses of Congress are composed of large groups of people from various regions, backgrounds and constituencies, a system of committees is used to help carry out the work. Ranging in size from ten to sixty members, **standing or permanent committees** cover areas such as appropriations, the armed forces and foreign relations. Since these are broad topics, subcommittees are formed to address specific aspects. Other committees, known as **select committees**, are organized for a single purpose and for a limited time. They are often a response to a particular event such as a natural disaster or a terrorist attack. **Conference committees** also play significant roles in Congress. They are composed of members of both houses and reconcile different versions of the same bill. Once the members of these committees reach an agreement, the bill is returned to both houses of Congress for final consideration.



Armed Services Committee touring the USS Theodore Roosevelt

Committee assignments are based on a number of factors. The majority party decides the ratio of Democrats to Republicans on each committee. Although the number should reflect the overall party membership in each house, the majority party usually gives itself a few extra seats on important committees. Aside from their political party, Senators and Representatives may be placed on committees due to their seniority, areas of expertise or geographic sections of the country. Each committee is chaired by a Congressional member of the majority party. Committees and subcommittees often need more information when they are considering important issues. As a result, they often hold public hearings and request information from expert witnesses, concerned citizens and other government officials.



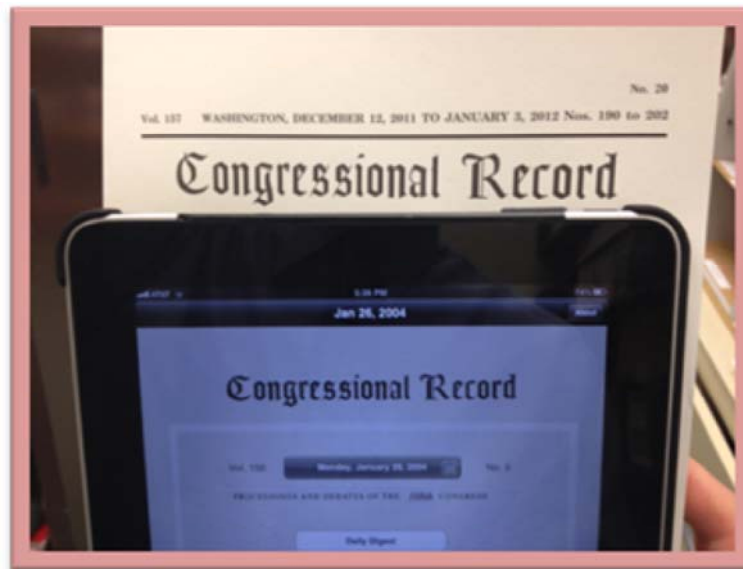


Go to Questions 15 and 16.

Congressional Benefits

Even though Senators and Representatives work on behalf of their states, they are paid through the national treasury. Therefore, they determine their own salaries and benefits. When Congress votes itself a pay raise, however, the increase cannot take effect until after the next election. The first Congressmen, who met in 1789, were paid \$6.00 per day for their service. Those who serve in Congress today earn \$165,200 as a base salary. In addition, members also receive a number of services and benefits. For example, Senators and Representatives receive expense accounts to pay for supplies and staff. They also are provided with office space near the Capitol along with travel expenses and healthcare. The **franking privilege** permits the free use of the postal service.

Congressmen are also entitled to certain legal rights the average citizen does not have. Under a constitutionally granted privilege called **congressional immunity**, members cannot be arrested while they are attending sessions of Congress or while traveling to and from them. Although they can be tried and convicted of criminal crimes, they are exempt from some civil suits as well as jury duty and minor traffic violations. When speaking in Congress, Senators and Representatives cannot be sued for slander or libel. Any remarks or speeches printed in the ***Congressional Record***, a daily journal of the activities of Congress, are also exempt from these charges.



Congressional Record in Printed and Electronic Form

Citizens are quick to note when these privileges are being abused. Members of Congress have made an effort to prevent their colleagues from taking advantage of their positions. The Senate and the House of Representatives have adopted written **codes of ethics**. These consist of rules for conduct

and guidelines for financial dealings. According to the Constitution, each house of Congress may punish its members for “disorderly behavior” and expel any offenders with a 2/3 vote.



Go to Questions 17 and 18.

What's Next?

The legislative branch of government, composed of the Senate and the House of Representatives, is a formidable force in American government. The Constitution gives Congress an extensive list of both expressed and implied powers but provides specific limits in the form of checks and balances. As a result, there are times when the President and the Supreme Court challenge the authority of Congress. The role of the presidency has grown extensively since the Constitution was written. The media, political parties and the need for specific policies have combined to make the President of the United States one of the most powerful individuals on earth. Before we look at this office in detail, review the terms and ideas from Unit 3.



Go to Questions 19 through 28.



Below are additional educational resources and activities for this unit.

[Unit 3 Advance Organizer](#)

[Unit 3 Application Activity](#)