The Legislative Branch

Lesson 1: Structure of Congress

ESSENTIAL QUESTION
Why do people create, structure, and change governments?

GUIDING QUESTIONS
1. Why is Congress composed of a House of Representatives and a Senate?
2. Why are members of Congress assigned to work on committees?

Terms to Know
- Senate: the upper house of the United States Congress
- House of Representatives: the lower house of the United States Congress
- Constituent: a voter that a member of Congress represents
- Occur: to happen or take place
- Census: a count of the population
- Adjust: to change or modify
- Gerrymander: to draw congressional district lines to favor one party
- Majority party: party that holds the most seats
- Minority party: party that does not hold the majority
- Seniority: years of service

What Do You Know?
In the first column, answer the questions based on what you know before you study. After this lesson, complete the last column.

<table>
<thead>
<tr>
<th>Now...</th>
<th>Later...</th>
</tr>
</thead>
<tbody>
<tr>
<td>How big is Congress?</td>
<td></td>
</tr>
<tr>
<td>How does Congress do its work?</td>
<td></td>
</tr>
</tbody>
</table>

The Two Houses of Congress
Article I of the Constitution describes the United States Congress. It says that Congress should have two parts. These parts are called the Senate and the House of Representatives. The Senate has equal representation, two senators for each state. The House of Representatives has proportional representation. Each state has one or more representatives, depending on its population.

Each member of Congress is elected by his or her constituents to make laws for the country. A constituent (kuhn•STIHCH•wuhnt) is a person represented by a legislator.

Members of Congress gather in the U.S. Capitol, in Washington, D.C. A Congress lasts for a term, or time period, of two years. Each Congress is numbered.
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Lesson 1: Structure of Congress, *Continued*

The First Congress met from 1789 to 1791, and the 112th Congress met from 2011 to 2013.

Each term of Congress is divided into two meetings called sessions. A joint session occurs when the House and Senate meet together. Congress may also hold a special session during times of crisis.

Representatives serve for two years. They can be re-elected at the end of that time and can serve an unlimited number of terms. Today, there are 435 members in the House of Representatives. The number of representatives for each state is based on how many people live in that state. To find this number, a census, or population count, is taken every ten years. Congress uses the count to adjust the number of representatives each state has in the House.

Each state is divided into congressional districts. One representative is elected from each district. The law says that each district must include about the same number of voters. Sometimes state lawmakers gerrymander districts, however. That means the district lines are drawn to help one party gain voting strength. If most of a state’s representatives are Republican, they can draw the lines to make oddly shaped districts that have more Republican than Democratic voters.

2. Place a two-tab Foldable along the dotted line. Label the top tab *Senate (upper house)* and the bottom tab *House of Representatives (lower house)*. On the front, list the number of members in each part of Congress. On the reverse, explain what that number represents.

3. In your own words, what opinion about gerrymandering is expressed in the cartoon?

   __________________________
   __________________________
   __________________________

? Analyzing Visuals

4. How many members are there in the House? The Senate?

   __________________________
   __________________________

✓ Reading Check

Gerrymandering after a census often leads to oddly shaped districts such as this one, shown in an 1812 cartoon.

There are 100 members, two from each of the 50 states, in the Senate. Each senator represents the entire state, not just one district. Senators serve a six-year term. Like representatives, they can be re-elected when their term ends.
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Lesson 1: Structure of Congress, Continued

In both the House and the Senate, the **majority party** is the party that holds more than half the seats. The other party is called the **minority party**.

When a term begins, the House and the Senate each choose leaders. They play a large role in getting bills, or drafts of new laws, passed. The majority and minority leaders in each house push bills along and try to win votes. This table shows the most important leaders in Congress.

<table>
<thead>
<tr>
<th>Congressional Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>House of Representatives</strong></td>
</tr>
<tr>
<td>Speaker of the House</td>
</tr>
<tr>
<td>Majority leader</td>
</tr>
<tr>
<td>Minority leader</td>
</tr>
<tr>
<td>Party whips</td>
</tr>
</tbody>
</table>

Both houses have a presiding officer. In the House this is the Speaker. The Speaker of the House has great power. She or he leads House sessions and heads the majority party. The Speaker also guides proposed laws through the House and leads debates. If anything happens to both the president and vice president, the Speaker is next in line to become president.

The Senate's presiding officer is the vice president. He or she, unlike the Speaker of the House, can vote only to break a tie. The president pro tempore (proh•TEHM•puh•ree) leads the Senate when the vice president is absent. He or she is from the majority party and is usually the member who has served the longest. **Pro tempore** means “for the time being.”

Party “whips,” or assistant leaders, help the majority and minority leaders. They make sure legislators are present for key votes.

The Committee System

In each session, Congress looks at thousands of bills. It is a huge job. To make it easier, the work is shared among many small groups called committees. Committees do most of the work of Congress. The table on the next page shows the three types of committees in Congress.

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**Vocabulary**
5. Explain the difference between the **majority party** and the **minority party**.

**Identifying**
6. What title is given to the leader of the House of Representatives?

**Mark the Text**
7. Underline the words that tell you what **pro tempore** means.

**Defining**
8. What is a party **whip**?

---

What is the **minority leader**?
Types of Committees

<table>
<thead>
<tr>
<th>Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standing committee</td>
<td>A permanent committee, such as those dealing with agriculture, commerce, and veterans’ affairs</td>
</tr>
<tr>
<td>Select committee</td>
<td>A temporary committee that deals with special issues; meets until it completes the assigned task</td>
</tr>
<tr>
<td>Joint committee</td>
<td>A committee that includes members of both houses; meets to work on specific problems</td>
</tr>
</tbody>
</table>

Newly elected senators and representatives try to get on committees that are important to the people they serve. Senators from a farming area might want to be on the agriculture committee. Those who have many factories in their districts might want to be on the labor committee.

Party leaders decide who should be on which committee. They look at members’ preferences and skills. They also look at seniority, or years of service. Members who have served the longest usually get to sit on the most interesting committees.

The longest-serving majority committee member usually becomes the chairperson. The committee chairperson has an important job with a lot of power. Chairpersons decide when and if a committee will meet. They also decide which bills will be studied and who will serve on each subcommittee. The longest-serving committee member from the minority party leads the members of that party. He or she is called the ranking minority member.

Check for Understanding
Name the two houses of Congress.

1. __________
2. __________

List three kinds of congressional committees.

3. __________
4. __________
5. __________

9. What are the three types of committees?
   __________
   __________
   __________

10. Study the chart. Which type of committee would be formed to investigate possible causes of the financial crisis in 2008?
    __________

11. Explain the seniority system in Congress.
    __________
    __________
    __________

12. Place a two-tab Foldable along the line. Title the tabs Congress and Committees. Write five or more facts about each on both sides of the tabs.
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Lesson 2: Powers of Congress

ESSENTIAL QUESTION
Why do people create, structure, and change governments?

GUIDING QUESTIONS
1. What kinds of lawmaking powers were given to Congress by the Constitution?
2. What powers does Congress have to check the powers of the other branches of government?

Terms to Know
expressed power a power of Congress that is listed in the Constitution
enumerated power another name for a power of Congress that is listed in the Constitution
implied power a power of Congress that the expressed powers point to
elastic clause part of the Constitution that says Congress has implied powers
nonlegislative power a power that is not related to making laws
impeach to accuse officials of wrongdoing
writ of habeas corpus an order that makes sure prisoners are told why they are being held
bill of attainder a law that punishes a person without a trial
ex post facto law a law that makes an act a crime after the act has been committed
regulate to manage or control

What Do You Know?
In the first column, answer the questions based on what you know before you study. After this lesson, complete the last column.

<table>
<thead>
<tr>
<th>Now...</th>
<th>Later...</th>
</tr>
</thead>
<tbody>
<tr>
<td>How is congressional power limited?</td>
<td></td>
</tr>
<tr>
<td>How can Congress act as a check on the power of the president?</td>
<td></td>
</tr>
</tbody>
</table>

Legislative Powers
The Constitution gave Congress the power to make laws for the United States government. These lawmaking powers include the power to coin money and regulate, or manage, commerce. Commerce is the buying and selling of goods. All of Congress’s duties that are actually listed in the Constitution are called expressed powers or enumerated powers. In Article I, Section 8, Clause 18, the Constitution also says that Congress has implied powers. These are powers that are not written in the Constitution. Instead they are implied, or pointed to, by the expressed powers.
They are things that Congress needs to do to carry out its expressed powers.

Clause 18 is also called the **elastic clause**. It allows Congress to stretch its powers or do whatever is “necessary and proper” to use its expressed powers. For example, the Constitution does not say that Congress can create an air force. However, the elastic clause lets Congress do so as part of its expressed power to support an army and a navy.

Congress has many expressed and implied powers. The graphic organizer below lists some of the expressed powers.

### Other Powers and Limits

The most important job of Congress is to make laws, but it also has other duties. To do these other jobs, Congress has **nonlegislative powers**. The most important nonlegislative powers are the ones that allow Congress to check other branches of the government. Some nonlegislative powers include:

- suggesting amendments to the Constitution.
- approving or rejecting the president’s choices for Supreme Court justices, federal judges, and ambassadors. This is done only by the Senate.
- impeaching federal officials.
To impeach means to accuse a person of doing something wrong. The House may impeach any federal official, even the president. The Senate then decides whether that person is guilty. If two-thirds of senators agree the official is guilty, he or she must leave office.

Only two presidents have been impeached: Andrew Johnson in 1868 and Bill Clinton in 1998. The Senate did not find them guilty, so they were not removed from office.

The Constitution also lists the things that Congress may not do. Congress may not

- pass laws that go against the Constitution. A law that does not allow freedom of religion would go against the Constitution, for example.
- favor one state over another.
- tax exports.
- tax business between states.
- block the **writ of habeas corpus** (HAY•bee•uhs KAWR•puhs). This is an order that makes sure prisoners are told why they are being held.
- pass **bills of attainder**. These are laws that punish a person without a trial.
- pass **ex post facto laws**. These laws make an act a crime after the act has been committed.

Congress cannot override certain powers set aside for the states. For example, states control their own school systems.

Congress is also part of the system of checks and balances. For example, Congress makes laws, but the Supreme Court can decide whether those laws go against the Constitution. The president can veto bills passed by Congress. On the other hand, Congress can override a president’s veto.

Check for Understanding

Name two of the powers given to Congress by the Constitution.

1. __________________________
2. __________________________

Name two ways that Congress’s powers are checked by other branches of government.

3. __________________________
4. __________________________
The Legislative Branch

Lesson 3: How Congress Works

ESSENTIAL QUESTION
Why do people create, structure, and change governments?

GUIDING QUESTIONS
1. What are the qualifications for becoming a member of Congress?
2. How do members of Congress exercise their responsibilities?

Terms to Know
franking privilege  the special right members of Congress have to send job-related mail without paying postage
lobbyist  a person hired to influence government decisions
draft  to make a rough version or outline
estimate  to judge the approximate value or amount of a thing
casework  the work of helping people deal with the federal government
pork-barrel project  when a representative gets government money for projects in one district or state

What Do You Know?
In the first column, answer the questions based on what you know before you study. After this lesson, complete the last column.

<table>
<thead>
<tr>
<th>Now...</th>
<th>Later...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who can become a member of Congress?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What else does Congress do besides make laws?</td>
</tr>
</tbody>
</table>

Qualifications and Staffing
To become a member of Congress, a person must meet certain requirements. These requirements are listed in the Constitution. They are different for members of the House and Senate. The chart below shows what they are.

<table>
<thead>
<tr>
<th>Qualifications for Congress</th>
<th>Requirement</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>30 years old</td>
<td>25 years old</td>
<td></td>
</tr>
<tr>
<td>Residency</td>
<td>Live in the state you plan to represent</td>
<td>Live in the state you plan to represent</td>
<td></td>
</tr>
<tr>
<td>U.S. Citizenship</td>
<td>9 years</td>
<td>7 years</td>
<td></td>
</tr>
</tbody>
</table>

Listing
1. What three requirements must a person meet to be a member of the Senate or the House of Representatives?
   ___________________________________________
   ___________________________________________
Once a person is elected to Congress, he or she has many benefits. In addition to their salary, representatives and senators also enjoy

- free office space, free parking, and free trips home.
- the **franking privilege**: members can send job-related mail at no cost.

Members of Congress also have immunity, or legal protection in certain situations. This is not meant to allow members of Congress to break the law. It allows them to debate and talk freely without fear.

Members of Congress have a huge workload. To get everything done, they hire people to help them. Members of a congressperson's personal staff include:

- clerks
- administrative assistants
- research assistants

Personal staffs work both in Washington and in the congressperson's home state. They answer questions from voters and help them deal with federal government agencies. They also research bills and talk to reporters. Another job of staff members is to meet with lobbyists. **Lobbyists** are people who represent interest groups. They contact government officials to try to influence, or shape, policy making.

Some assistants are students. They are usually from the member's district and volunteer their time. They get to learn about Congress as they help with research, deliver messages, and do other office tasks.

Committee staff members are assistants who help keep committee work running smoothly. They schedule committee hearings. They **draft**, or outline, bills.

Congress also has several agencies to help with its work. These agencies include the Library of Congress, the Government Accountability Office (GAO), and the Congressional Budget Office (CBO).

The Library of Congress has a copy of every book published in the United States. Members of Congress and their staffs use these books for research. The GAO looks at federal programs and suggests ways to improve how the government spends money. The CBO helps plan the nation’s budget. When Congress or the president has an idea for a new program, this office **estimates**, or tries to figure out, how much the program will cost.
Congress at Work

Congress is best-known for making laws. That is why members of Congress are called “lawmakers.” But our lawmakers also do other work. A great deal of time is spent on casework, or helping people deal with the federal government. Members of Congress get many requests from the voters. Voters ask for help with all sorts of things, from understanding laws to finding a late Social Security check.

Staff members spend hours each day on casework. If they cannot find answers or get results, the senator or representative will step in. Lawmakers want to help people. They know that casework does other good things, such as:

- helping them build public support for reelection
- allowing them to see how well the executive branch handles programs like Social Security
- providing help to citizens dealing with the government

Members of Congress have another important job. They try to make sure that their state or district gets some federal money. The federal government distributes public-works money to states to use on projects such as highways, dams, and military bases. These projects create jobs and boost the local economy.

Only the executive branch can decide where federal money goes. But members of Congress try to sway those decisions. They also ask the voters to tell agency officials about their needs.

When a representative gets federal money that is mainly for one district or state, it is called a pork-barrel project. To understand this term, think of members of Congress dipping into the “pork barrel” (federal treasury, or money) and pulling out a piece of “fat” (a federal project for his or her district). Critics say that this is a waste of taxpayers’ money. Lawmakers believe that bringing money to their state helps their voters.

Check for Understanding

List two things that members of Congress do as part of their job.

1. 
2. 

Drawing Conclusions

6. Give an example of casework. Why is it important for legislators to do casework such as the example you gave?

Reading Check

7. Do you think pork-barrel projects are a good idea? Or should such projects be distributed evenly among states and districts?

Foldables

8. Place a one-tab Foldable along the line. Label the anchor tab Congress’s Benefits and Qualifications. Write five benefits and qualifications. Then choose one and explain on the back why Congress should have that benefit.
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Lesson 4: How a Bill Becomes a Law

ESSENTIAL QUESTION
Why do people create, structure, and change governments?

GUIDING QUESTIONS
1. What kinds of bills come before Congress?
2. How does a bill become a law?

Terms to Know
submit to offer for consideration
joint resolution a resolution passed by both houses of Congress that has the force of law if signed by the president
special-interest group a group of people who work together for a common cause
rider amendment to a bill that is unrelated to the subject matter of the bill
filibuster to talk a bill to death
cloture a vote by three-fifths of the Senate to limit debate on a bill
voice vote a voting method in which those in favor say 'Aye' and those against say 'No'
standing vote a vote in which members stand to be counted for or against a bill
roll-call vote a vote in the Senate in which senators give their vote as their name is called
pocket veto the president's power to kill a bill, if Congress is not in session, by not signing it for ten days.

What Do You Know?
In the first column, answer the questions based on what you know before you study. After this lesson, complete the last column.

<table>
<thead>
<tr>
<th>Now...</th>
<th>Later...</th>
</tr>
</thead>
<tbody>
<tr>
<td>What kinds of laws does Congress vote on?</td>
<td></td>
</tr>
<tr>
<td>What is a congressional bill?</td>
<td></td>
</tr>
</tbody>
</table>

Types of Bills
During each term of Congress, more than 10,000 bills are often submitted, or offered for consideration. Only a few hundred of them actually become laws. This should tell you that it is not easy to pass a law!

There are two kinds of bills. One is called a private bill. A private bill deals with one person or place. The other type of bill is called a public bill. It applies to the whole nation. A bill about taxes would be a public bill.
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Lesson 4: How a Bill Becomes a Law, Continued

Congress also considers resolutions. These are formal statements of lawmakers’ opinions or decisions. Many resolutions do not have the power of law. A joint resolution is an exception, however. This type of resolution must pass both houses of Congress. If the president signs the resolution, it becomes a law. Joint resolutions can be used to propose amendments to the Constitution. They can also be used to fund special projects, like natural disaster aid.

From Bill to Law

Every bill starts with an idea. Ideas for bills come from citizens, the president, and special-interest groups. A special-interest group is a group of people who work together for a common cause.

Only a member of Congress can introduce a bill. When a bill is first read, it is given a title and a number. These show which house proposed the bill and when it was introduced. The first bill in the Senate is labeled S.1. The first bill in the House is labeled H.R.1.

Next, the bill is sent to the correct standing committee. The committee decides if the bill should be passed on to the full House or Senate for a vote. The committee can take five actions on the bill:

• pass the bill
• make changes in the bill and suggest that it be passed
• replace it with a new bill on the same subject
• ignore the bill and let it die, also called “pigeonholing”
• kill the bill by a majority vote

If a bill makes it through committee, it will be debated by the full House or Senate. Members will argue its pros and cons and amendments will be considered. The House allows amendments only if they are directly related to the subject of the bill. The Senate allows its members to attach riders, or completely unrelated amendments, to a bill.

In the House there is a time limit set for how long a representative can talk about a bill. This limit is necessary because the House has so many members. Senators, however, can speak for as long as they wish. Senators sometimes use this freedom to filibuster a bill. To filibuster means to talk a bill to death. Senators can stop a filibuster with cloture. Cloture (KLOH•chuhr) is when three-fifths of the members vote to limit the time for debate to one hour for each speaker.
After debate, it is time to vote. A majority of members must vote for a bill for it to pass. The chart on the next page shows the different ways votes are taken in each house.

### Voting in Congress

<table>
<thead>
<tr>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>voice vote</td>
<td>members say “Aye” or “No” to a bill</td>
</tr>
<tr>
<td>standing vote</td>
<td>members stand to be counted for or against a bill</td>
</tr>
<tr>
<td>recorded vote</td>
<td>members’ votes are recorded electronically</td>
</tr>
<tr>
<td>roll-call vote</td>
<td>senators say “Aye” or “No” as their names are called</td>
</tr>
</tbody>
</table>

If a bill passes in one house, it is sent to the other. If a bill is defeated in either house, it dies. If both houses pass a different form of the same bill, a conference committee is formed. In this committee, members of both houses come up with one bill that everyone can agree on.

The approved bill is then sent to the president. The president can do one of three things:

1. sign the bill into law
2. veto, or refuse to sign, the bill
3. ignore the bill

An ignored bill becomes law after 10 days if Congress is in session. If Congress has adjourned, the bill dies. This is called a **pocket veto**.

Congress can pass a bill over a president’s veto. To do so, two-thirds of each house must vote to override the veto. This does not happen very often.

### Check for Understanding

**Name two places ideas for new bills come from.**

1. 
2. 

**Name two things that could happen to a bill when it goes to a committee for study.**

3. 
4. 

**Glue Foldable here**