

The Legislative Branch:

Congress



SECTION 1

The National Legislature

● ESSENTIAL QUESTIONS:

- 1) Why does the Constitution divide power between the two houses of Congress?
- 2) What is a term of Congress?
- 3) How have sessions of Congress changed over time?

WARM UP: DISCUSS THIS QUOTE!

"Wherever law ends, tyranny begins ..."

John Locke, in *Second Treatise on Government*,
Chapter 18: "Of Tyranny," 202 (1690)



Two Houses of Congress

The Constitution creates a **bicameral** (two-house) legislature for three reasons:

Historical: The British Parliament consisted of two houses since the 1300s, and many colonial assemblies were similar in form.

Practical: A bicameral legislature was necessary to compromise the Virginia and New Jersey plans of representation.

Theoretical: The Framers favored a bicameral Congress in order that one house might act as a check on the other.



Terms

A **term** is the length of time that officials serve after an election, as in a two- or six-year term.

The date for the start of each new term has been set by the Twentieth Amendment (1933) as “noon of the 3d day of January” of every odd-numbered year.

Sessions of Congress

A **session** is the regular period of time during which Congress conducts business.

- Congress **adjourns**, or suspends until the next session, each regular session as it sees fit.
- If necessary, the President has the power to **prorogue**, or adjourn, a session, but only when the two houses cannot agree on a date for adjournment.
- Only the President may call Congress into a **special session**—a meeting to deal with some emergency situation.



Comparative Government: Legislative Bodies

Legislative Bodies					
Country	Legislative Body	Houses if Bicameral	Number of Members	How Elected	Term of Office
 United States	Congress	House of Representatives	435	Direct popular vote	2 years
		Senate	100	Direct popular vote	6 years
 Costa Rica	Legislative Assembly		57	Direct popular vote	4 years
 France	Parlement	National Assembly	577	Direct popular vote	5 years
		Senate	321	Local electoral colleges	9 years
 Israel	Knesset		120	Direct popular vote	4 years
 Japan	Diet	House of Councillors	252	Direct popular vote	6 years
		House of Representatives	500	Direct popular vote	4 years
 Saudi Arabia	Consultative Council		90	Appointed by the king	4 years

Review

1. The practical reason behind establishing a bicameral legislature was

- (a) the necessity to find compromise between the New Jersey and Virginia plans.
- (b) the need to mimic existing British institutions.
- (c) a desire to break from all tradition.
- (d) requirements set by the British monarchy.

2. Special sessions of Congress

- (a) are called by the President to deal with some emergency situation.
- (b) are called whenever a senator filibusters.
- (c) are never called.
- (d) are used to handle the everyday business of Congress.

Exposing the Myths and Misconceptions about Congress

- **Students will:**
- Analyze Article I of the U.S. Constitution and explain why the Framers chose to organize the legislative branch in the manner they did; and respond to a specific criticism of Congress and explain the extent to which the criticized actions reflect characteristics of American democracy.
- **Materials Needed**
- **E-Learning Module: Public Criticisms of Congress**
http://congress.indiana.edu/modules/public_opinion/base.html
- Internet connection with Macromedia FLASH® enabled
- One copy of the [U.S. Constitution](#) per student
- **Procedure**
- 1) Review a copy of Article I of the Constitution. Make sure to understand how Congress is organized. Is the legislative process is too complicated? Explain why the Framers chose to organize the legislative branch in the manner they did. St
- 2) Divide into five groups. Each group will be assigned one of the following criticisms from the Public Criticisms E-Learning module: Criticism 4, Criticism 6, Criticism 9, Criticism 10, and Criticism 13. Each group will view and discuss its assigned criticism.
- 3) Each group will write a 150-word response to its assigned criticism. Think about the Framers and the U.S. Constitution when developing their responses. Each response should also discuss the extent to which the criticized actions reflect characteristics of American democracy and help to serve the public good.
- 4) Each group will share its responses to the assigned criticism. After each group presents its response, listen to the reply to the response in the Public Criticisms E-Learning module.
- Students will compare the posted responses to the criticisms with their own responses.

SECTION 2

The House of Representatives

- **ESSENTIAL QUESTIONS:**
- 1) What are the size and terms of the House of Representatives?
- 2) How are House seats reapportioned among the States after each census?
- 3) How can we describe a typical congressional election and congressional district?
- 4) What are the formal and informal qualifications for serving in the House?



Size and Terms

- The exact size of the House of Representatives, currently at **435 members**, is determined by Congress.
- The Constitution provides that the total number of seats in the House shall be **apportioned** (distributed) among the States on the basis of their respective populations.
- Members of the House of Representatives serve **two-year terms**.
- Although there have been recent movements to limit terms, there are no limits set on the number of terms a representative may serve.

Reapportionment

Article I of the Constitution directs Congress to **reapportion**—redistribute—the seats in the House after each decennial census.

- As the United States grew in population, the number of representatives in the House also grew.
- The Reapportionment Act of 1929 set the “permanent” size of the House at 435 members, and provided for “automatic reapportionment.”

Current Apportionment

Congressional Apportionment, 2003–2013



Congressional Elections

- **Congressional elections** are held on the Tuesday following the first Monday in November of each even-numbered year.
- **Off-year elections** are those congressional elections held between presidential elections.

Qualifications for House Members

- The Constitution says that a member of the House
 - (1) must be at least 25 years of age,
 - (2) must have been a citizen of the United States for at least seven years, and
 - (3) must have been an inhabitant of the State from which he or she is elected.
- The realities of politics also require some informal qualifications, such as party identification, name familiarity, gender, ethnic characteristics, and political experience.

Review

1. Members of the House of Representatives are elected for

- (a) two-year terms.
- (b) six-year terms.
- (c) four-year terms.
- (d) five-year terms.

2. The Constitution requires a member of Congress to be

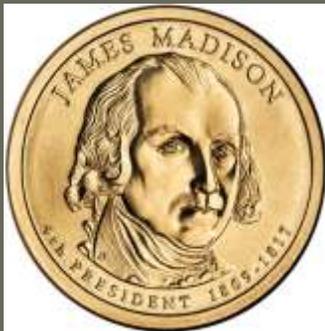
- (a) an inhabitant of the State from which he or she is elected.
- (b) a property-owning male.
- (c) a natural-born citizen.
- (d) at least 40 years of age.

The Senate

● ESSENTIAL QUESTIONS:

- 1) How does the size of the Senate differ from the size of the House?
- 2) How have States elected senators in the past and present?
- 3) How and why does a senator's term differ from a representative's term?
- 4) What are the qualifications for serving in the Senate?

WARM UP: ATTACK OR DEFEND THIS!



"In order to judge of the form to be given to this institution [the Senate], it will be proper to take a view of the ends to be served by it. These were,—first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led."

James Madison, debates in the Constitutional Convention, Philadelphia, Pennsylvania, June 26, 1787, from *Journal of the Federal Convention*, ed. E. H. Scott, pp. 241–42 (1893).

Size, Election, and Terms

- The Constitution says that the Senate “shall be composed of two Senators from each State.” Today’s Senate consists of **100 Senators**.
- Originally, the Constitution provided that senators were chosen by the State legislatures.
- In 1912 the **Seventeenth Amendment** was passed and called for the popular election of senators.
- Senators serve for **six-year terms**.
- The Senate is a **continuous body**, meaning that all of its seats are never up for election at the same time.

Qualifications for Senators

- The requirements for the U.S. Senate are higher than for the House of Representatives.
- The Constitution says that a Senator
 - (1) **must be at least 30 years of age,**
 - (2) **must have been a citizen of the United States for at least nine years, and**
 - (3) **must be an inhabitant of the State from which he or she is elected.**

Review

1. Senators are elected for

- (a) two-year terms.
- (b) eight-year terms.
- (c) four-year terms.
- (d) six-year terms.

2. The Senate is a continuous body, meaning that

- (a) Senators must continually reside in Washington, D.C.
- (b) all of its seats are always up for election every six years.
- (c) it never adjourns.
- (d) all of its seats are never up for election at one time.

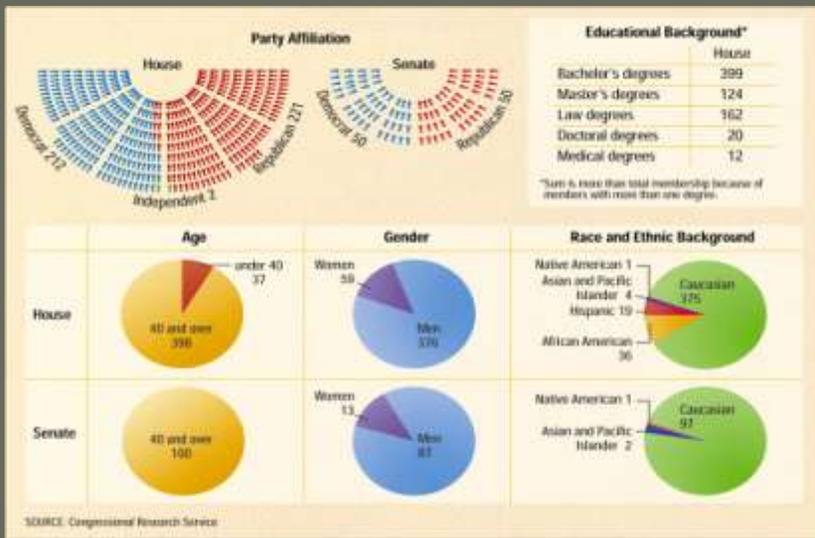
SECTION 4

The Members of Congress

○ ESSENTIAL QUESTIONS:

- 1) What are the personal and political backgrounds of the current members of Congress?
- 2) What are the duties of the job of serving in Congress?
- 3) How are members of Congress compensated, and what privileges do they have?

Profile of the 107th Congress



Representatives of the People

Senators and representatives are elected to represent people. As legislators, they have four voting options:

<p>Trustees</p> <p>Trustees believe that each question they face must be decided on its merits.</p>	<p>Delegates</p> <p>Delegates see themselves as agents of the people who elected them.</p>
<p>Partisans</p> <p>Lawmakers who owe their first allegiance to their political party are partisans.</p>	<p>Politicos</p> <p>Politicos attempt to combine the basic elements of the trustee, delegate, and partisan roles.</p>

Committee Membership and Public Servants

- As committee members, senators and representatives screen proposed laws before they are voted on.
- Another vital part of their committee work involves the **oversight function**.
- **Oversight** is the process by which Congress, through its committees, checks to see that the agencies of the executive branch are working effectively.
- Members of the House and the Senate also act as servants of their constituents.
- Requests from voters vary widely, and members of Congress take heed to many of them. Ignoring their constituencies would not bode well in the next election.

Compensation

- Today, senators and representatives are paid a salary of \$141,300 a year. Certain members, such as the Speaker of the House and the Senate's president *pro tem*, are paid more.
- The **franking privilege** allows members of Congress to mail letters and other materials postage-free by substituting their facsimile signature (frank) for the postage.
- **The Constitution says that Congress fixes its own "compensation."** Therefore, the only real limits to congressional pay are the President's veto and fear of voter backlash against a pay increase.

Membership Privileges

- Members of Congress are immune from arrest for noncriminal offenses while engaged in congressional business.
- More importantly, the **Speech and Debate Clause** (Article I, Section 6, Clause 1) protects representatives and senators from suits for libel or slander arising from their official conduct.

Review

1. Which of the following is a major role of members of Congress?

- (a) law enforcement
- (b) servant of their constituents
- (c) serving in the military
- (d) researching court cases

2. The franking privilege allows members of Congress to

- (a) purchase as many hot dogs as necessary while in office.
- (b) mail letters and other materials postage-free.
- (c) vote on legislation.
- (d) receive a pension upon retirement from Congress.

Today's Assignment: Complete a crossword puzzle on the Legislative Branch; Then create your own for a classmate to complete! **Requirements:**

- 1) Download or copy the crossword puzzle on the next slide and complete! Use your notes, Internet or textbook for help.
- 2) Using the vocabulary terms on pages 212-233, create your own crossword puzzle on the Legislative branch! Your puzzle must feature 20-25 terms. You can either hand-draw it or use the free crossword maker (choose "criss-cross") on puzzlemaker.com. Print or make 5 copies for other classmates to complete.

CROSSWORD PUZZLE

Across



2. The number of Members in each House needed to conduct business (218 in the House, 100 in the Committee of the Whole, 51 in the Senate).

3. An elected and duly sworn Member of the House of Representatives who is entitled to vote in the Chamber.

6. A call of the roll in the House or the Senate to determine whether a quorum is present, to establish a quorum, or to vote on a question.

8. The first ten amendments to the United States Constitution.

10. Symbol of the Office of the Sergeant at Arms.

Down



1. The document that outlines the United States government and its functions.

4. A person designated to act for or represent another or others; a deputy; representative, as in a political convention.

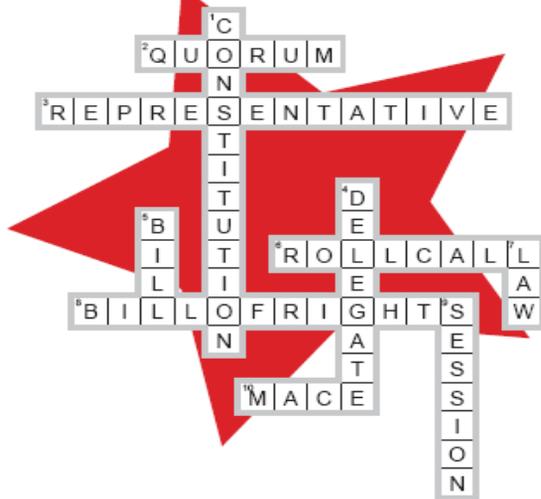
5. A proposed law requiring the approval of both Houses and the signature of the President to enact.

7. A rule of conduct established and enforced by the authority, legislation, or custom of a given community, state, or nation.

9. The period during which Congress assembles and carries on its regular business.

ANSWER SHEET

A Crossword Puzzle



The Scope of Congressional Powers

● ESSENTIAL QUESTIONS:

- 1) What are the three types of congressional power?
- 2) How does strict construction of the U.S. Constitution on the subject of congressional power compare to liberal construction?

Congressional Power

The Constitution grants Congress a number of specific powers in three different ways.

- (1) The **expressed powers** are granted to Congress explicitly in the Constitution.
- (2) The **implied powers** are granted by reasonable deduction from the expressed powers.
- (3) The **inherent powers** are granted through the Constitution's creation of a National Government for the United States.

Strict Versus Liberal Construction

Strict Constructionists

- **Strict constructionists**, led by Thomas Jefferson, argued that Congress should only be able to exercise (1) its expressed powers and (2) those implied powers absolutely necessary to carry out those expressed powers.

Liberal Constructionists

- **Liberal constructionists**, led by Alexander Hamilton, favored a liberal interpretation of the Constitution, a broad interpretation of the powers given to Congress.

Review

1. The Constitution grants all of the following powers to Congress EXCEPT

- (a) the expressed powers.
- (b) the inherent powers.
- (c) the monarchical powers.
- (d) the reserved powers.

2. Strict constructionists favored Congress exercising

- (a) only the expressed powers and those implied powers necessary to carry out the expressed powers.
- (b) unlimited power.
- (c) only the powers granted to it by State constitutions.
- (d) powers granted to Congress through acts of the President.

The Expressed Powers of Money and Commerce

● ESSENTIAL QUESTIONS:

- 1) What powers does Congress have to tax?
- 2) How does Congress use its power to borrow money?
- 3) How important is Congress's commerce power?
- 4) Why did the Framers give Congress the power to issue currency?
- 5) How does the bankruptcy power work?



The Power To Tax

The Constitution gives Congress the power:

“To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States....”



—Article I, Section 8, Clause 1

Limits on the Taxing Power

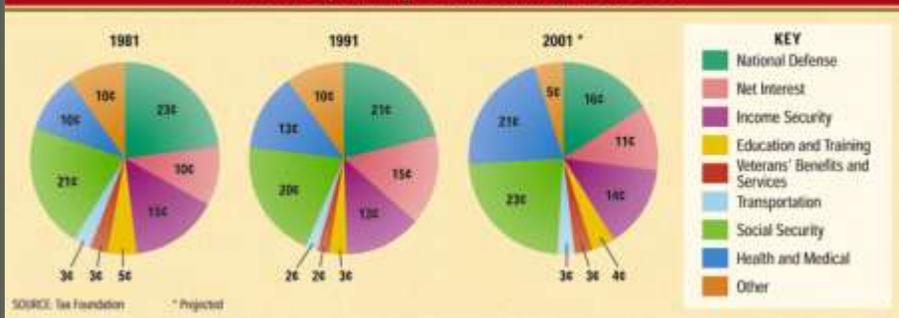
A tax is a charge levied by government on persons or property to meet public needs.

The Constitution places four limits on Congress's power to tax:

(1) Congress may tax only for public purposes, not for private benefit.	(2) Congress may not tax exports.
(3) Direct taxes must be apportioned among the States, according to their populations.	(4) Indirect taxes must be levied at a uniform rate in all parts of the country.

Federal Spending

Federal Spending of Tax Dollars, 1981-2001



The Borrowing Power

- **Article I, Section 8, Clause 2** gives Congress the power “[t]o borrow Money on the credit of the United States.”
- **Deficit financing** is the practice of spending more money than received in revenue and borrowing to make up the difference.
- The **public debt** is all of the money borrowed by the government over the years and not yet repaid, plus the accumulated interest on that money.

The Commerce Power

The **commerce power**—the power of Congress to regulate interstate and foreign trade—is granted in the Commerce Clause of the Constitution.

The Constitution places four limits on Congress’s use of the commerce power:

(1) Congress cannot tax exports.	(2) Congress cannot favor the ports of one State over those of any other in the regulation of trade.
(3) Congress cannot require that “Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.”	(4) Congress could not interfere with the slave trade (through 1808).

The Currency and Bankruptcy Powers

The Currency Power

- **Article I, Section 8, Clause 5** gives Congress the power “[t]o coin Money [and] regulate the value thereof.”
- **Legal tender** is any kind of money that a creditor must by law accept in payment for debts.

The Bankruptcy power

- **Article I, Section 8, Clause 4** gives Congress the power “[t]o establish...uniform Laws on the subject of Bankruptcies throughout the United States.”
- **Bankruptcy** is the legal proceeding in which the bankrupt person’s assets are distributed among those to whom a debt is owed.

Review

1. Which of the following is a limit on Congress’s power to tax?

- (a) only being allowed to tax for private purposes
- (b) not being allowed to tax imports
- (c) apportioning all direct taxes equally among the States based on population
- (d) only being allowed to tax businesses

2. The commerce power gives Congress the right to

- (a) regulate interstate and foreign trade.
- (b) establish proceedings for bankruptcies.
- (c) practice deficit financing.
- (d) create a national currency.

Go to http://congress.indiana.edu/learn_about/launcher.htm to complete this simulation! Click on the Interactive Module (shown below). Compare yours to the actual budgets!



Federal Budget Allocation

Sponsor: [The Henry Luce Foundation](#)
For Teachers: [Lesson Plans & State Standards](#)

One of Congress' major responsibilities is providing funds for federal programs. This activity allows you to try your hand at allocating the federal budget. You will first be asked how much money you think was allocated to categories such as defense, welfare, and the environment. Then you will see how much money Congress actually provided. Next, you will decide how the budget SHOULD be allocated, and then compare your spending priorities to those of other students.

Now...play Budget Hero!

- Go to http://marketplace.publicradio.org/features/budget_hero/. Play as different candidates/political parties at least three times. Write 150 words comparing/contrasting results. Q. According to your results, who has the best plans for the national budget?



Other Expressed Powers

● ESSENTIAL QUESTIONS:

- 1) What are the key sources of Congress's foreign relations powers?
- 2) How does the power-sharing agreement between Congress and the President on the issues of war and national defense work?
- 3) What other key powers can Congress exercise?

Foreign Relations and War Powers

- Congress has the inherent power to act on matters affecting the security of the nation.
- Congress's war powers are extensive and substantial, including: the power to raise and support armies, to provide and maintain a navy, and to organize, arm, and discipline the military.
- Congress also has the power to restrict the use of American forces in combat in areas where a state of war does not exist (War Powers Resolution of 1973).



Q: How has Congress influenced the course of the Iraq War?

Other Expressed Powers

Naturalization

Naturalization is the process by which citizens of one country become citizens of another.

The Postal Power

Article I, Section 8, Clause 7 says that Congress has the power “[t]o establish Post Offices and post Roads.”

Copyrights and Patents

A **copyright** is the exclusive right of an author to reproduce, publish, and sell his or her creative work.

A **patent** grants a person the sole right to manufacture, use, or sell “any new and useful art, machine, manufacture, or composition of matter.”

More Expressed Powers

Weights and Measures

Congress has the power to “fix the Standard of Weights and Measures” throughout the United States.

Judicial Powers

Congress may create all of the federal courts below the Supreme Court and structure the federal judiciary.

Congress may also define federal crimes and set punishment for violators of federal law.

Power Over Territories and Other Areas

Congress has the power to acquire, manage, and dispose of various federal areas.

One way of acquiring property is through **eminent domain**, the inherent power to take private property for public use.

Article I, Section 8

Congressional Powers Expressed in Article 1, Section 8

PEACETIME POWERS		WAR POWERS	
Clause	Provision	Clause	Provision
1	To establish and collect taxes, duties, and excises	11	To declare war; to make laws regarding captures on land and water
2	To borrow money	12	To raise and support armies
3	To regulate foreign and interstate commerce	13	To provide and maintain a navy
4	To create naturalization laws; to create bankruptcy laws	14	To make laws governing land and naval forces
5	To coin money and regulate its value; to regulate weights and measures	15	To provide for summoning the militia to execute federal laws, suppress uprisings, and repel invasions
6	To punish counterfeiters of federal money and securities	16	To provide for organizing, arming, and disciplining the militia and governing it when in the service of the Union
7	To establish post offices		
8	To grant patents and copyrights		
9	To create courts inferior to the Supreme Court		
10	To define and punish crimes at sea and violations of international law		
17	To exercise exclusive jurisdiction over the District of Columbia and other federal properties		
18	To make all laws necessary and proper to the execution of any of the other expressed powers		

Review

1. The process by which a citizen of one country becomes a citizen of another is known as

- (a) acquisition.
- (b) copyright law.
- (c) eminent domain.
- (d) naturalization.

2. All of the following are part of Congress's war powers EXCEPT

- (a) the power to provide and maintain a navy.
- (b) the power to raise and support armies.
- (c) the power of eminent domain.
- (d) the power to discipline the military.

The Implied Powers

- **ESSENTIAL QUESTIONS:**
- How does the Necessary and Proper Clause give Congress flexibility in lawmaking?
- What key developments have occurred in the battle over the implied powers of Congress?

The Necessary and Proper Clause

The **Necessary and Proper Clause** gives to Congress the 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, or in any Department or Officer thereof.”



—**Article I, Section 8, Clause 18**

The Battle Over Implied Powers

- The formation of the Bank of the United States spawned controversy between strict and liberal constructionists.
- In *McCulloch v. Maryland*, 1819, the formation of the Second Bank of the United States was challenged by strict constructionists.
- Chief Justice John Marshall ruled in favor of the Second Bank, giving sweeping approval to the concept of implied powers.



The Implied Powers of Congress



Review

1. The basis for the implied powers of Congress is found in

- (a) the Necessary and Proper Clause.
- (b) the Implied Clause.
- (c) the Articles of Confederation.
- (d) the Supremacy Clause.

2. The Supreme Court upheld the idea of implied powers in its ruling in

- (a) *Marbury v. Madison*, 1803.
- (b) *Dred Scott v. Sandford*, 1857.
- (c) *McCulloch v. Maryland*, 1819.
- (d) *Ex parte Milligan*, 1866.

WARM UP:

YOU HAVE 20 MINUTES TO COMPLETE THREE OF YOUR CLASSMATES' CROSSWORD PUZZLES!



- **Rules:** Be silent and do not help another student complete the crossword puzzle you created! If you are extra good, I might grant a small time extension! 10 points per crossword puzzle completed=30 point total!

The Nonlegislative Powers

- **ESSENTIAL QUESTIONS:**
- What is Congress's role in amending the Constitution and in deciding elections?
- What is Congress's impeachment power, and how has it been used in the past?
- What are Congress's executive powers?
- What is Congress's investigatory power?



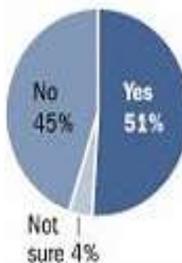
- Why was there discussion about impeaching President Bush?
Was this justified?

Déjà Vu?

Some Democratic activists cite poll results in pushing for President Bush's impeachment, but party leaders recall the backlash Republicans suffered from the effort to oust President Clinton.



George W. Bush



2005: George W. Bush

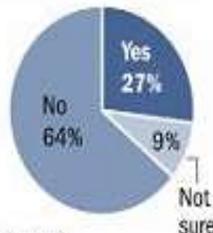
If the president didn't tell the truth about the reasons for the Iraq war, should Congress consider impeachment?



Bill Clinton

1998: Bill Clinton

If the president lied about having a sexual relationship with Monica Lewinsky, should he be impeached?



Source: Zogby International surveys of likely voters, Nov. 2005 and August 1998.

Constitutional Amendments and Electoral Duties

Constitutional Amendments

- **Article V** gives Congress the power to propose amendments by a two-thirds vote in each house.

Electoral Duties

- In certain circumstances, the Constitution gives Congress special electoral duties.
- If no candidate for President receives a majority in the electoral college, the House decides the election.
- If no candidate for Vice President receives a majority in the electoral college, the Senate decides the election.
- Also, if the vice presidency is vacated, the President selects a **successor**, who faces congressional approval by a majority vote in both houses.

Impeachment Power

- The Constitution grants Congress the power of removing the President, Vice President, or other civil officers from their office through **impeachment**.
- The House has the sole power to **impeach**, or bring charges against the individual.
- There is then a trial in the Senate. A two-thirds vote of the senators present is needed for conviction.
- The penalty for conviction is removal from office.

Comparing and Contrasting the Impeachment Cases of Presidents Andrew Johnson and Bill Clinton

Directions: Carefully read all of the articles about the impeachments of Andrew Johnson and Bill Clinton and then complete the graphic organizer below.

Focus Questions:	Andrew Johnson	Bill Clinton
Historical facts and evidence of each case, leading to the charges?		
The charges? Explain.		
The final vote count and decision in the House of Representatives and the Senate? Make sure to explain why the decisions were made.		
Your decision. If you were a member of the Senate who had to vote whether or not impeach each president, what would you decide? Explain your decision and be prepared to defend your position in class during a mock Senate session.		

Expanding your knowledge: Briefly explain the process for impeaching a president or government official. Do think impeachment is a necessary check on the power of the president, even if you did not necessarily agree with the decisions of the House of Representatives to impeach Johnson and Clinton? Explain your answers in 200 words on an attached sheet of paper.

Then, once everyone is ready, we hold two mock impeachment trials of Johnson and Clinton!

Presidential Impeachment Proceedings for Andrew Johnson Case (marked by red)

The United States Constitution states in Article II, Section 4: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Thus far in the history of the United States there have been three Presidential impeachment proceedings -- in 1868 against President Andrew Johnson for his removal of Secretary of War Edwin Stanton in violation of the Tenure of Office Act - 1974 against President Richard Nixon for the Watergate coverup (106 years after Johnson) - 1998-99 against President Bill Clinton for concealing an extramarital affair (24 years after Nixon).

Modern Impeachment Procedure: **You have 20-30 minutes to prepare!**

- Impeachment resolutions made by members of the House of Representatives are turned over to the House Judiciary Committee which decides whether the resolution and its allegations of wrongdoing by the President merits a referral to the full House for a vote on launching a formal impeachment inquiry.
- The entire House of Representatives votes for or against a formal impeachment inquiry, needing only a simple majority (a single vote) for approval.
- If approved, the House Judiciary Committee conducts an investigation to determine (similar to a grand jury) if there is enough evidence to warrant articles of impeachment (indictments) against the President. The Committee then drafts articles of impeachment pertaining to specific charges supported by the evidence. The Committee votes on each article of impeachment, deciding whether to refer each article to the full House for a vote.
- If the House Judiciary Committee refers one or more articles of impeachment, the entire House of Representatives votes on whether the article(s) merit a trial in the Senate, needing only a simple majority for approval.
- If the full House approves at least one article of impeachment, the President is technically impeached and the matter is referred to the U.S. Senate. The House then appoints members of Congress to act as managers (prosecutors).
- The trial of the President is held in the Senate with the Chief Justice of the U.S. Supreme Court presiding. The President can be represented by anyone he chooses. He may appear personally or leave his defense in the hands of his lawyers.
- The entire Senate may conduct the trial or it may be delegated to a special committee which would report all the evidence to the full Senate.
- The actual trial is conducted in a courtroom-like proceeding including examination and cross-examination of witnesses. During questioning, Senators remain silent, directing all questions in writing to the Chief Justice.
- After hearing all of the evidence and closing arguments, the Senate deliberates behind closed doors then votes in open session on whether to convict or acquit the President. The vote to convict must be by a two thirds majority, or 67 Senators. If this occurs, the President is removed from office and is succeeded by the Vice President. The Senate's verdict is final and there is no right of appeal.

Executive Powers

Appointments

- All major appointments made by the President must be confirmed by the Senate by majority vote.
- Only 12 of 600 Cabinet appointments to date have been declined.
- “Senatorial courtesy” is the practice in which the Senate will turn down an appointment if it is opposed by a senator of the President’s party from the State involved.

Treaties

- The President makes treaties “by and with the Advice and Consent of the Senate,... provided two thirds of the Senators present concur.”
- Presently, the President often consults members of the Senate Foreign Relations Committee.

Investigatory Power

Congress may choose to conduct investigations through its standing committees for several reasons:

(1) to gather information useful to Congress in the making of some legislation;	
(2) to oversee the operations of various executive branch agencies;	(3) to focus public attention on a particular subject;
(4) to expose the questionable activities of public officials or private persons;	(5) to promote the particular interests of some members of Congress.

Review

1. All of the following are nonlegislative powers of Congress EXCEPT

- (a) selecting the President if no candidate receives a majority in the electoral college.
- (b) nominating Cabinet positions and Supreme Court justices.
- (c) approving executive branch appointments.
- (d) proposing amendments to the Constitution.

2. Which of the following series of events is correct for the impeachment of a government official?

- (a) The Supreme Court holds hearings, the House votes to impeach, a trial is held in the Senate.
- (b) The Senate holds hearings, the Senate votes to impeach, a trial is held in the House.
- (c) The House holds hearings, the House votes to impeach, a trial is held in the Senate.
- (d) none of the above.



Congress Organizes

- **ESSENTIAL QUESTIONS:**
- How and when does Congress convene?
- What are the roles of the presiding officers in the Senate and the House?
- What are the duties of party officers in Congress?
- How are committee chairmen chosen, and what is their role in the legislative process?

Congress Convenes

- Congress convenes every two years—on January 3 of every odd-numbered year.
- The House has formal organizational meetings at the beginning of each term to determine committee membership and standing officers.
- The Senate, because it is a continuous body, has fewer organizational issues to address at the start of each term.
- When Congress is organized, the President presents a **State of the Union** message to a joint session of Congress. This message, in which the President reports on the state of the nation as he sees it, is given annually.



The Presiding Officers

The Speaker of the House

- The **Speaker of the House** is the presiding officer of the House of Representatives and the acknowledged leader of the majority party.
- The Speaker's main duties revolve around presiding over and keeping order in the House.
- The Speaker names the members of all select and conference committees, and signs all bills and resolutions passed by the House.

The President of the Senate

- The job of **president of the Senate** is assigned by the Constitution to the Vice President.
- The president of the Senate has many of the same duties as the Speaker of the House, but cannot cast votes on legislation.
- The **president pro tempore**, the leader of the majority party, is elected from the Senate and serves in the Vice President's absence.

Party Officers

The Party Caucus

- The **party caucus** is a closed meeting of the members of each party in each house which deals with matters of party organization.

The Floor Leaders

- The **floor leaders** are party officers picked for their posts by their party colleagues.
- The **party whips** assist the floor leaders and serve as a liaison between the party's leadership and its rank-and-file members.



Committee Chairmen and Seniority Rule

Committee Chairmen

- The **committee chairmen** are the members who head the standing committees in each chamber of Congress.
- The chairman of each of these permanent committees is chosen from the majority party by the majority party caucus.

Seniority Rule

- The **seniority rule**, an unwritten custom, holds that the most important posts will be held by those party members with the longest records of service in Congress.
- The head of each committee is often the longest-serving member of the committee from the majority party.

Composition of Congress

Representation by State, 107th Congress

	House		Senate			House		Senate			House		Senate	
	D	R	D	R		D	R	D	R		D	R	D	R
Alabama	2	5	0	2	Louisiana	2	5	2	0	Ohio	8	11	0	2
Alaska	0	1	0	2	Maine	2	0	0	2	Oklahoma	1	5	0	2
Arizona	1	5	0	2	Maryland	4	4	2	0	Oregon	4	1	1	1
Arkansas	3	1	1	1	Massachusetts	10	0	2	0	Pennsylvania	10	11	0	2
California	32	29	2	0	Michigan	9	7	2	0	Rhode Island	2	0	1	1
Colorado	2	4	0	2	Minnesota	5	3	2	0	South Carolina	2	4	1	1
Connecticut	3	3	2	0	Mississippi	3	2	0	2	South Dakota	0	1	2	0
Delaware	0	1	2	0	Missouri	4	5	1	1	Tennessee	4	5	0	2
Florida	8	15	2	0	Montana	0	1	1	1	Texas	17	13	0	2
Georgia	3	8	2	0	Nebraska	0	3	1	1	Utah	1	2	0	2
Hawaii	2	0	2	0	Nevada	1	1	1	1	Vermont	0	0	1	1
Idaho	0	2	0	2	New Hampshire	0	2	0	2	Virginia	4	6	0	2
Illinois	10	10	1	1	New Jersey	7	6	2	0	Washington	6	3	2	0
Indiana	4	6	1	1	New Mexico	1	2	1	1	West Virginia	2	1	2	0
Iowa	1	4	1	1	New York	18	12	2	0	Wisconsin	5	4	2	0
Kansas	1	3	0	2	North Carolina	5	7	1	1	Wyoming	0	1	1	1
Kentucky	1	5	0	2	North Dakota	1	0	2	0					

* 1 Independent

Review

1. The presiding officer of the House of Representatives is

- (a) the President.
- (b) the Speaker of the House.
- (c) the majority whip.
- (d) the president *pro tempore*.

2. The party whips are responsible for all of the following EXCEPT

- (a) serving as a liaison between party leaders and rank-and-file members.
- (b) presiding over the House or Senate.
- (c) informing the floor leader of anticipated vote counts in key decisions.
- (d) seeing that all members of the party are present for important votes.

Seek-A-Word

R	E	C	E	S	S	M	A	J	J	G	T	V	A	K	MACE
E	W	C	Z	M	E	Z	H	C	T	N	E	D	I	S	MEMBER
V	T	H	Z	M	O	O	E	L	T	T	X	E	Z	H	CAPITOL
I	A	Q	B	K	P	E	S	C	O	F	E	L	Q	I	BILL
T	B	E	N	P	R	F	U	V	A	P	L	E	D	E	LEGISLATION
A	R	B	E	O	H	Q	O	G	M	L	R	G	H	T	ACT
T	H	R	I	F	I	O	H	J	I	G	T	A	Q	W	REPRESENTATIVE
N	J	N	F	C	E	T	E	B	R	C	P	T	V	H	HOUSE
E	R	R	U	A	A	D	A	Q	O	U	N	E	P	I	FEDERAL
S	I	O	F	P	U	M	E	L	M	P	L	L	S	P	DELEGATE
E	M	Y	G	I	B	T	E	R	S	M	A	C	E	C	CONSTITUTION
R	W	O	E	T	E	M	Y	R	A	I	K	K	C	G	HOPPER
P	A	I	V	O	I	D	O	Z	A	L	G	J	L	G	LAW
E	L	X	X	L	K	P	J	M	L	L	Z	E	Y	W	VETO
R	C	O	N	S	T	I	T	U	T	I	O	N	L	X	RECESS

Directions:

- Find all of the words in the puzzle and then use ALL of the words in a well-organized paragraph of at least 150 words.

Committees in Congress

- **ESSENTIAL QUESTIONS:**
- How do the standing committees function?
- What are the duties and responsibilities of the House Rules Committee?
- What are the functions of joint and conference committees?



Standing Committees

- **Standing committees** are permanent panels in Congress to which bills of similar nature could be sent.
- Most of the standing committees handle bills dealing with particular policy matters, such as veterans' affairs or foreign relations.
- The majority party always holds a majority of the seats on each committee (the lone exception being the House Committee on Standards of Official Conduct).

Permanent Committees of Congress

Permanent Committees of Congress		
HOUSE STANDING COMMITTEES	JOINT COMMITTEES OF CONGRESS	SENATE STANDING COMMITTEES
Agriculture	Economic	Agriculture, Nutrition, and Forestry
Appropriations	The Library	Appropriations
Armed Services	Printing	Armed Services
Budget	Taxation	Banking, Housing, and Urban Affairs
Education and the Workforce		Budget
Energy and Commerce		Commerce, Science, and Transportation
Financial Services		Energy and Natural Resources
Government Reform		Environment and Public Works
House Administration		Finance
International Relations		Foreign Relations
Judiciary		Governmental Affairs
Resources		Indian Affairs
Rules		Judiciary
Science		Labor and Human Resources
Small Business		Rules and Administration
Standards of Official Conduct		Small Business
Transportation and Infrastructure		Veterans Affairs
Veterans Affairs		
Ways and Means		

Directions: Go to the site

<http://congress.indiana.edu/modules/flashVids/index.html>. Class will be divided into five groups and assigned to one of the video topics below. The group will watch the video and then provide a brief summary report to the class.

The screenshot shows a website interface with the following elements:

- URL: <http://congress.indiana.edu/modules/flashVids/index.html>
- Section Title: **HOW CONGRESS WORKS: THE INSIDER'S VIEW**
- Navigation Tabs: UNDERSTANDING CONGRESS, **WHAT GOES ON BEHIND THE SCENES**, **WHAT CONGRESS DOES**, and CITIZEN PARTICIPATION.
- Video Thumbnails:
 - Budget Process
 - Appropriations Process
 - Foreign Relations Committee
 - Armed Services Committee
 - Ways and Means Committee
- Footer: The Center On Congress At Indiana University and Close Up Foundation.

The House Rules Committee and Select Committees

The House Rules Committee

- The Rules Committee decides whether and under what conditions the full House will consider a measure.
- This places great power in the Rules Committee, as it can speed, delay, or even prevent House action on a measure.

The Select Committees

- **Select committees** are panels established to handle a specific matter and usually exist for a limited time.
- Most select committees are formed to investigate a current matter.

Joint and Conference Committees

- A **joint committee** is one composed of members of both houses.
- Examples of joint committees include the Joint Economic Committee, the Joint Committee on Printing, and the Joint Committee on the Library of Congress
- A **conference committee**—a temporary, joint body—is created to iron out differences between bills passed by the House and Senate before they are sent to the President.

Review

1. The House Rules Committee

- (a) establishes codes of conduct.
- (b) determines when and under what conditions the full House will consider a measure.
- (c) oversees the execution of bills once they are passed into law.
- (d) determines which members of the Senate may vote on a measure.

2. A conference committee is formed to

- (a) iron out differences in bills passed by the House and Senate before they are sent to the President.
- (b) hold press conferences.
- (c) appoint Supreme Court justices.
- (d) determine rules for debate.

Go to:

<http://congress.indiana.edu/modules/flashVids/index.html>



- **Directions:** Watch the two circled videos and then write a 200-word essay, comparing and contrasting caucuses to committees.

How a Bill Becomes a Law: The House

- **ESSENTIAL QUESTIONS:**
- What are the first steps in introducing a new bill to the House?
- What happens to a bill once it enters a committee?
- How do House leaders schedule debate on a bill?
- What happens to a bill on the House floor?
- What is the final step in passing a bill in the House?

Go to http://congress.indiana.edu/learn_about/launcher.htm to complete a simulation on an amendment concerning flag desecration! Click on the Interactive Module (shown below):



The Dynamic Legislative Process

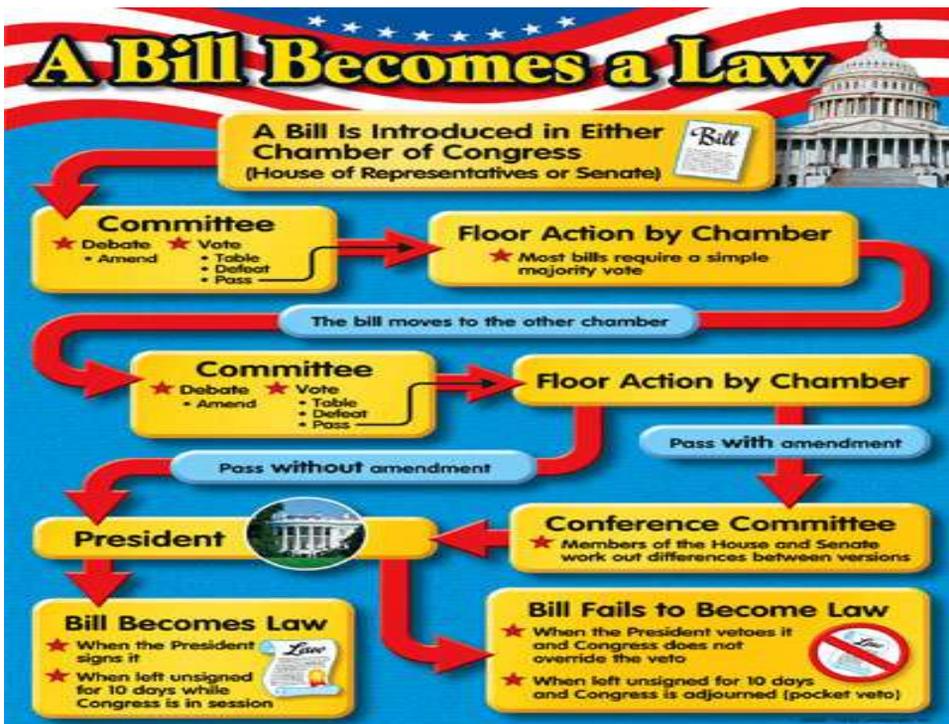
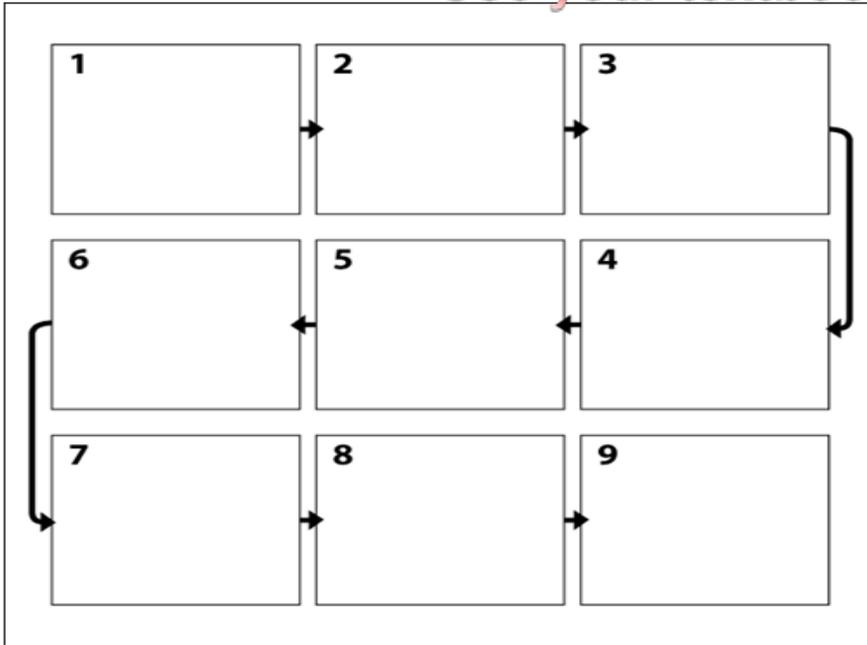
Sponsor: [The Henry Luce Foundation](#)
For Teachers: [Lesson Plans & State Standards](#)

The typical textbook description of the legislative process, though technically valid in some respects, is woefully inadequate in describing the fascinating, vibrant, often "messy" reality of how a bill becomes law. This module allows you to compare the typical textbook process with the more realistic "dynamic" process, and you will see how our untidy process has produced solid results.

- Use this module to complete the diagram: "How are laws made?"

How Laws Are Made

Use your textbook!



The First Steps

- A **bill** is a proposed law presented to the House or Senate for consideration.
- A bill or resolution usually deals with a single matter, but sometimes a **riders** dealing with an unrelated matter is included.
- The clerk of the House numbers each bill, gives it a short title, and enters it into the **House Journal** and the **Congressional Record** for the day. With these actions the bill has received its first reading.

Types of Bills and Resolutions

Types of Bills and Resolutions	
BILL	A proposed law or draft of a law; public bill applies to the entire nation; private bill applies only to certain people or places
JOINT RESOLUTION	A proposal for action that has the force of law when passed; usually deals with special circumstances or temporary matters
CONCURRENT RESOLUTION	A statement of position on an issue used by the House and Senate acting jointly; does not have the force of law; does not require the President's signature
RESOLUTION	A measure relating to the business of either house or expressing an opinion on a matter; does not have the force of law; does not require the President's signature

The Bill in Committee

Discharge Petitions

- Most bills die in committee, pigeonholed, or put away, never to be acted upon.
- If a committee pigeonholes a bill that a majority of the House wishes to consider, it can be brought out of committee via a **discharge petition**.

Gathering Information

- Most committees do their work through several **subcommittees**—divisions of existing committees formed to address specific issues.
- Committees and subcommittees often hold public hearings or make a junket (trip) to gather information relating to a measure.

Committee Actions

When a subcommittee has completed its work on a bill, it returns to the full committee. The full committee may do one of several things:

1. Report the bill favorably, with a “do pass” recommendation.	
2. Refuse to report the bill.	3. Report the bill in amended form.
4. Report the bill with unfavorable recommendation.	5. Report a committee bill.

Scheduling Floor Debate

- A bill is placed into one of five calendars before going to the floor for consideration:
 - 1. The Calendar of the Committee of the Whole House on the State of the Union
 - 2. The House Calendar
 - 3. The Calendar of the Committee of the Whole House
 - 4. The Consent Calendar
 - 5. The Discharge Calendar
- Before most measures can be taken from a calendar, the Rules Committee must approve that step and set a time for its appearance on the floor.

The Bill on the Floor

Committee of the Whole

- The **Committee of the Whole** includes all members of the House, however, they sit as one large committee and not as the House itself.
- When the Committee of the Whole resolves itself, the Speaker steps down and another member presides. General debate follows.

Debate

- Severe limits are placed on floor debate due to the House's large size.
- Majority and minority floor leaders generally decide in advance how they will split the time to be spent on a bill.

Voting on a Bill

There are four methods of taking a floor vote in the House:

1. During voice votes the Speaker calls for the “ayes” and then the “noes.”	2. In a standing vote, members in favor of for and then those opposed to the bill rise and then are counted by the clerk.
3. One fifth of a quorum can demand a teller vote, in which the Speaker names two tellers, for and against, and members pass by each one to be counted.	4. A roll-call vote may be demanded by one fifth of the members present.

Once a bill has been approved at second reading, it is **engrossed**, or printed in its final form. It is then read for a third time and a final vote is taken.

Complete the lesson:

“Appreciating Representation”

Note: You will complete Five Scenarios by yourself and then meet in committees (small groups) to vote on each issue. Then your committee will write bills for each, which every member must reach a consensus on. That’s five bills total! If you wish, you can go to the site http://clerkkids.house.gov/games/bill/index_bill.html to automatically build each bill! It’s rather fun! Then, print out your bills and present to class!

Go to http://congress.indiana.edu/learn_about/launcher.htm to complete a simulation on an amendment concerning flag desecration! Click on the Interactive Module (shown below):



The screenshot shows the website for The Center on Congress at Indiana University. The header includes the university name and a search bar. The main navigation menu has 'Learn About Congress' and 'About the Center'. The 'Learn About Congress' section is highlighted in green and contains the text 'Learn About Congress' and 'Interactive Learning Modules'. Below this, a description states: 'Developed for students as well as the general public, these interactive learning activities are designed to give you a fresh perspective on how the United States Congress works, your role in the process, and peoples' perceptions about Congress. To open the modules, click the graphic.' A graphic for the module 'How a Member Decides to Vote' is shown, with the sponsor 'The Paul Ogilje Foundation of Indiana' and 'For Teachers: Lesson Plans & State Standards'. A text box below the graphic reads: 'Members of Congress have many influences to draw upon when deciding how to vote for a bill: their conscience, input from constituents, party loyalty, and perhaps, pressure from the administration. In this module, you are a Member of Congress who will soon have to vote on a proposed Constitutional amendment to ban flag desecration. You will meet with all of the types of people who typically try to influence your thinking on a bill, including Members of your party, constituents, special interests, and the administration.'

Review

1. Riders are

- (a) measures attached to a bill dealing with an unrelated matter.
- (b) bills dealing with transportation matters only.
- (c) measures included in a bill that are unconstitutional.
- (d) none of the above.

2. All of the following are options for committees to take once they have finished reviewing a bill EXCEPT

- (a) refusing to report the bill.
- (b) reporting a bill in amended form.
- (c) reporting a committee bill.
- (d) passing the bill into law.

TODAY'S OBJECTIVES:

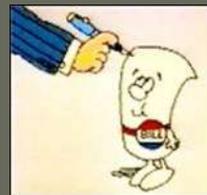
- **To finish up our legislative unit, by:**
 - 1) **Presenting your bills to the class for passage or veto (by me, President Cegielski).**
 - 2) **Play U.S. Government JINGO, a review game!**



SECTION 4

The Bill in the Senate

- How is a bill introduced in the Senate?
- How do the Senate's rules for debate differ from those in the House?
- What is the role of conference committees in the legislative process?
- What actions can the President take after both houses have passed a bill?



Introducing a Bill and Rules for Debate

Introducing a Bill

- Bills are introduced by senators, who are formally recognized for that purpose.
- Proceedings are much less formal in the Senate compared to the House.

Rules for Debate

- The major differences between House and Senate rules regard debate over measures.
- As a general matter, senators may speak on the floor for as long as they wish.
- This freedom of debate allows for the fullest possible discussion of matters on the floor.

Filibuster and Cloture

Filibuster

- A **filibuster** is an attempt to “talk a bill to death.”
- A senator may exercise his or her right of holding the floor as long as necessary, and in essence talk until a measure is dropped.

The Cloture Rule

- Rule XXII in the Standing Rules of the Senate deals with **cloture**, or limiting debate
- If at least 60 senators vote for cloture, no more than another 30 hours may be spent on debate, forcing a vote on a bill.

Conference Committees

- Any measure enacted by Congress *must* have been passed by both houses in identical form.
- If one of the houses will not accept the other's version of a bill, a conference committee is formed to iron out the differences.
- Once a conference committee completes work on a bill, it is returned to both houses for final approval. It must be accepted or rejected without amendment.

The President Acts

The Constitution provides four options for the President when he receives a bill:

- | | |
|--|--|
| 1. The President may sign the bill, and it then becomes law. | 2. The President may veto the bill, or refuse to sign it. The President's veto can be overridden by a two-thirds vote of the members present in each house. |
| 3. If the President does not act upon a bill within 10 days of receiving it, it becomes law. | 4. A pocket veto occurs if Congress adjourns within 10 days of submitting a bill and the President does not sign it. The bill then dies. |

Review

1. A filibuster is

- (a) a tool used by senators to speed up the process of passing legislation.
- (b) the name for a bill once it is signed into law.
- (c) a delay tactic in which a bill is talked to death.
- (d) an executive privilege that allows for the amending of passed bills.

2. All of the following are options for the President for dealing with a bill once he receives it EXCEPT

- (a) allowing it to become law by not acting upon it for 10 days.
- (b) signing the bill into law.
- (c) altering the bill and signing it into law.
- (d) vetoing the bill.

Complete:

- **“Interest Groups
How Would These Laws
Affect Your Life?”**

Interest Groups

How Would These Laws Affect Your Life?

From Games, Activities, and Simulations for Teaching Civics...
© Stevens & Shea.

Below is a series of proposed laws. Determine whether or not they would affect your life. If they would, tell in what way they would have an impact.

1. A bill is introduced to raise the tax on a gallon of gas.
2. Prison terms will be required for those convicted of selling "angel dust", regardless of the age of the offender.
3. License fees for truck operators are to be increased. The fees will go to improve road maintenance.
4. Eliminates state payment for abortions under welfare medical costs.
5. Requires installation of air pollution devices on old cars back to 1960.
6. Strikes by firemen and policemen will be illegal.
7. A bill that allows lobbyists to spend money on legislators without reporting the amount spent or on whom it was spent.
8. A bill that requires all new drugs and medicines to be tested for effectiveness before they can be marketed.
9. Legislation that will limit the amount of sugar that can be put into breakfast cereal. Any amount of sugar exceeding the limit will require the manufacturer to call the cereal candy.
10. A bill that requires all people to register with the government at the age of 18 for possible national service.

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Interest Groups

How Would A Legislator Vote?

From Games, Activities, and Simulations for Teaching Civics...
© Stevens & Shea.

In politics, money counts. Tell how each legislator who received one of the following contributions would be likely to vote on the issues below. Campaign Contributions

- A. Mobil Oil Company, \$1,500
- B. Farm Bureau, \$1,500
- C. Chamber of Commerce, \$1,500
- D. Real Estate Board, \$1,500
- E. Contractor's Association, \$1,500
- F. Minot Wire Manufacturing Company, \$1,200
- G. Truck Operators' Association, \$1,200
- H. Salzer Farms, \$500
- I. Teachers' Union, \$500
- J. Bankers' Political Action Committee, \$500
- K. National Organization of Women, \$500
- L. Stevens Steel (a local company), \$500
- M. Building Trades Council, \$500
- N. Police Officers' Association, \$250

1. A bill places limits on how much a city can expand. Prevents taking farmland and turning it into subdivisions. Forces cities to build upwards and fill in.

The legislator would likely to be
 for the bill
 against the bill
 can't tell

Why?

2. A bill that requires pollution control devices on furnaces that are used to make steel and melt the steel ingots for forging.

The legislator would likely to be
 for the bill
 against the bill
 can't tell

Why?

3. A bill that provides for stiff penalties for assaulting a police officer or teacher.

The legislator would likely to be

- for the bill
 against the bill
 can't tell

Why?

4. A bill that increases taxes on oil companies in order to limit excess profits.

The legislator would likely to be

- for the bill
 against the bill
 can't tell

Why?

5. A bill that requires businesses to tell the truth in advertising. Creates a commission to monitor advertising and prosecute offenders. Fines are imposed on those convicted.

The legislator would likely to be

- for the bill
 against the bill
 can't tell

Why?

Go to http://congress.indiana.edu/learn_about/launcher.htm to complete a simulation on an amendment concerning flag desecration! Click on the Interactive Module (shown below):



The Impact of Congress

Sponsor: The Alliance for Representative Democracy
For Teachers: [Lesson Plans & State Standards](#)

Contrary to many Americans' opinions, the work of Congress has a significant impact on their everyday lives. This colorful module walks you through a typical day, from the alarm clock ringing, going to school and work, and turning in at night. Pop-ups appear letting you know the role Congress had, as well as state and local government, with some aspect of the highlighted object.