The Legislative Branch

Article I
Congress
House of Representatives

- Term: 2 years

- Qualifications
  - 25 years old
  - 7 years as a U.S. citizen
  - Resident of represented state
House of Representatives

- Number of representatives: 435

- Head of House of Representatives
  - Speaker of the House
    - Decides the committees each member will serve on
    - Decides the order in which bills will be heard
House of Representatives

- Special Powers of the House of Representatives
  - All money (appropriations) bills start here
  - Select the President in an Electoral College tie
  - Write the article of impeachment against high ranking officials
Senate

- Term of office: 6 years

- Qualifications:
  - 30 years old
  - 9 years a citizen of the U.S.
  - Resident of the represented state
Senate

- Number of Senators: 100

- Head of the Senate: U.S. Vice President

- Day to day head of Senate: President Pro Tempore

- Power: Decides committee members and order bill are debated.
Senate

☐ Special Powers

- Approves all treaties
- Approves all appointments
- Chooses the Vice President in an Electoral College tie
- Acts as the jury in all trials of impeachment
Congress

☐ Both houses:

☐ Must keep a Journal:
  ▢ The Congressional Record

☐ Must hold sessions at the same time:
  ▢ Sessions begin January 3rd each year

☐ Must have a quorum to do business:
  ▢ 51% of members present on the floor
Congress

- Both houses make their own rules for behavior and punishments
  - Censure: formally reprimand, written in the record
  - Fines and penalties may be set for some offenses
  - Expulsion: members with gross misconduct may be thrown out of office
Privileges and Compensation of Congress members:

- Salary $174,000 per year
- Medical and dental benefits
- Free office, parking, and trips to home state
- Staff budget
- Tax break on second home
- Franking privilege - free postage on all mail to constituents
Privileges and Compensation of Congress members:

Immunity or legal protection:
Cannot be sued of anything they say or write while carrying out their duties
Cannot be arrested for minor offenses while Congress is in session
May not hold in other political office at the same time
Powers of Congress

- Raise and collect taxes
- Borrow money
- Regulate commerce
- Set laws for Naturalization and Bankruptcy
- Coin Money
- Punish counterfeiting
- Post office
- Copyrights and patents
- Set up courts

- Declare war
- Establish the military and National guard
- Make rules and allot funds for the military and National guard
- Punish pirates
- Run Washington D.C. and all federal property
- Elastic clause- implied power
ELASTIC CLAUSE

- The necessary and proper clause gives Congress the power to make laws “necessary and proper” to carry out the delegated duties.

- Also known as the ‘elastic clause’ it stretches the power given Congress.
Powers denied Congress

- Congress cannot make laws concerning slave trade until 1808
- Cannot suspend the writ of Habeas Corpus—must show cause for holding a suspect *except* in wartime
- No ex post facto law—cannot punish a person for an act committed before there was a law against it.
Powers denied Congress

- No direct tax- the 16th amendment allows income tax
- No tax on exports
- All states must be treated the same
- Congress must approve all expenditures of the President through laws
- No titles of nobility
Powers denied the States

- Cannot coin money
- Cannot have a state militia, troops, or navy
- Cannot make treaties
- No ex post facto law
- Cannot suspend the Writ of Habeas Corpus
- No import or export tax
- No titles of nobility
- Cannot pass any law that the Federal government is not allowed to pass