

# The Constitution and Congress

# Section 4.1

## The Constitution and Congress

- Article I describes the Legislative Branch – Congress
- Compromise among delegates at Constitutional Convention
- Bicameral structure:
  - Lower house – ***House of Representatives*** (large states appeased)
  - Upper house – ***Senate*** (small states appeased)

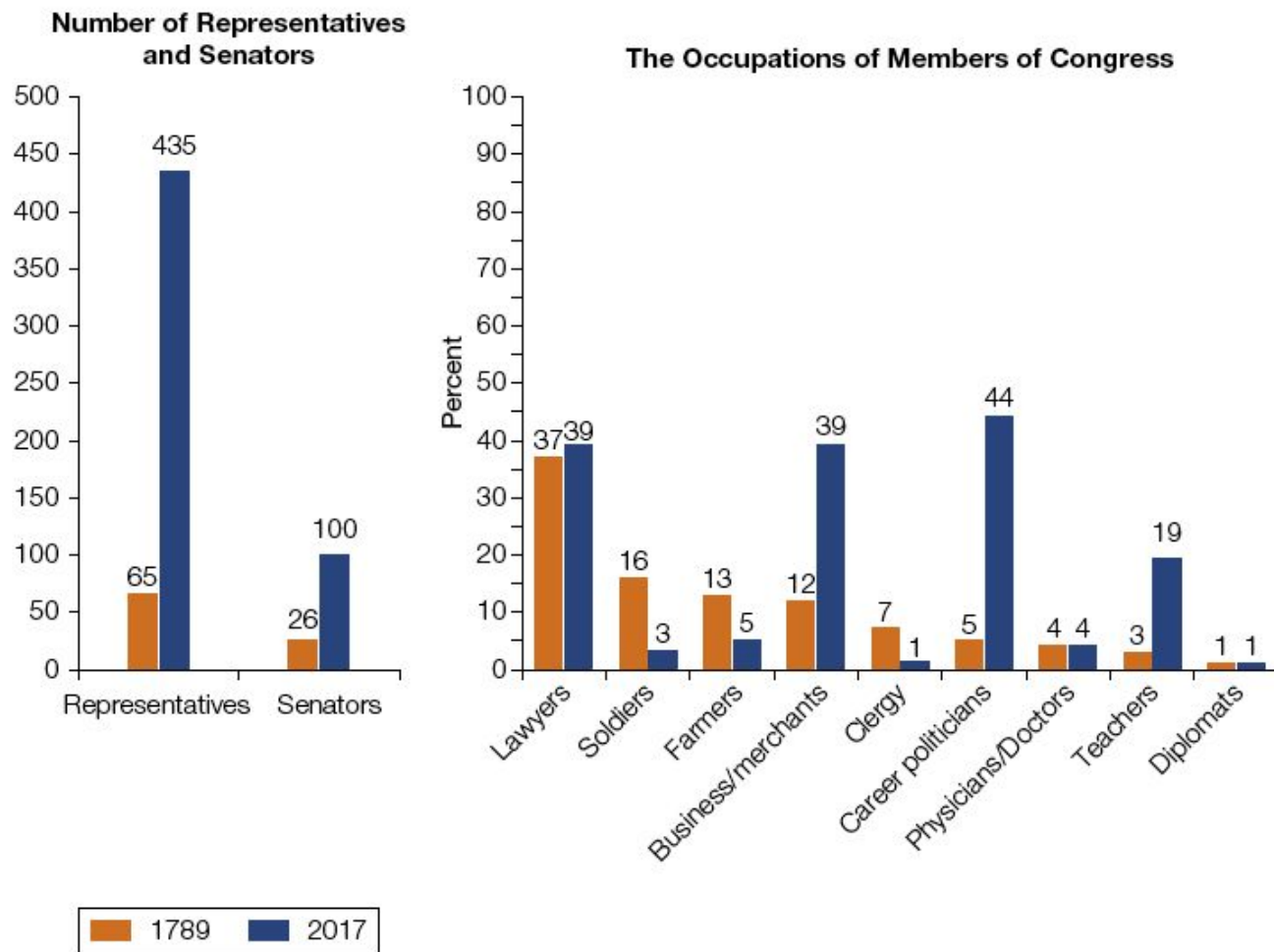
# The Constitution and Congress

**TABLE 4.1** The House of Representatives and the Senate Compared

	House of Representatives	Senate
Requirements for Membership	At least twenty-five years old	At least thirty years old
	Seven years of citizenship	Nine years of citizenship
	Resident of the state	Resident of the state
Service	Two-year terms, with unlimited number of terms	Six-year terms, divided into three classes, with unlimited number of terms
Constituency	District, apportioned to states by population	Entire state
Organization	More governed by rules, more formally structured, more power to individual leadership positions	Less governed by rules, more power to individual members, more informal
Goals	To be closer to voters' preferences	To be more insulated from voters' preferences

- “The people’s branch” – only branch originally directly elected by voters
- Close and accountable to people
  - Elected every 2 years
- More inclusive than the Senate
  - Requirements not as strict
- More strictly structured than the Senate
  - Debate time limited

- More stable branch
  - Insulated (protected from emotions and whims of voters)
  - Elected every 6 years (staggered so that 1/3 up for election every 2 years)
- Originally selected by state legislatures
  - “Billionaire’s club”
- ***Seventeenth Amendment*** replaced election by state legislatures with direct election by voters

**FIGURE 4.1****The Makeup of the First Federal Congress Compared to Today**

Note: Only one profession was listed for each member of the First Congress. Percentages do not total to one hundred, though, because of rounding. For the 115th Congress, members were allowed to list more than one job or profession in their careers. Percentages for the 115th Congress will not total to one hundred.

Data from the National Constitution Center, U.S. Census Bureau, *Congressional Quarterly*, and the Congressional Research Service.

# The Powers of Congress

## ***3 broad categories:***

- **Lawmaking**

- Most important power is to pass laws in areas of national policy

- **Budgeting**

- Sets the federal budget by appropriating funds for agencies and programs

- **Pork barrel spending:** allocation of monies to projects within districts or states

- Narrow focus (not for NATIONAL purposes)

- **Logrolling:** members of Congress trade votes to get their earmarks passed

- **Oversight**

- Ability of Congress to ensure laws are being followed with original intention or to investigate members of executive branch

## Enumerated Powers

	Both Chambers	House	Senate
Economic Policy	Create and collect taxes, coin money, borrow money, regulate the value of currency, and regulate interstate and foreign commerce. Power to create laws "necessary and proper" to carry out enumerated powers.	All bills to raise revenue must be generated in the House.	Propose budgetary amendments. In practice, the Senate has become a coequal partner in setting national revenue policy.
Foreign Policy	Regulate trade with other nations.		Confirm ambassadors with a majority vote and ratify treaties entered into by a president through a two-thirds vote.
National Security	Declare war, raise and support armies and a naval force, power to call up the military "to execute the laws of the Union, suppress Insurrections, and repel Invasions," define and punish piracies and felonies committed on the high seas.		

Enumerated Powers			
	Both Chambers	House	Senate
Other Powers Involving the Executive Branch		Issue articles of impeachment against the president, vice president, and other executive branch officers (Article I, Section 2 and Article II, Section 4).	Confirms presidential nominations of executive branch officers with a majority vote (Article II, Section 2) and convicts impeached officials with a 2/3 vote (Article I, Section 3 and Article II, Section 4).
Powers Involving the Judicial Branch	Create levels of the judicial branch below the Supreme Court, establish the number of Supreme Court justices (Article III, Section 1).	Issues articles of impeachment against members of the federal judiciary (Article I, Section 2).	Confirms nominees to the federal judiciary by a majority vote (Article II, Section 2). Senate tries members of the federal judiciary who have been impeached (Article I, Section 3).
Through the Necessary and Proper Clause			
	"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." (Article I, Section 8, Clause 18)		
Through Subsequent Amendments			
	Individual amendments (such as the Thirteenth, Fourteenth, and Fifteenth) grant Congress "the power to enforce, by appropriate legislation," those amendments.		



# Exercising Checks and Balances

- **War making:**
  - Congress – declares; Senate – ratifies treaties
    - POTUS – commander-in-chief and negotiates treaties
- **Judicial authority:**
  - Congress – creates lower federal courts, sets number of justices; Senate – “advice and consent” over nominees
- **Executive nominations (ambassadors, bureaucratic heads, cabinet secretaries):**
  - Senate – “advice and consent”
- **Impeachment (removal of federal officers):**
  - House of Representatives – charges (simple majority); Senate – holds trial and convicts (2/3)

# The Organization of Congress

# Speaker of the House of Representatives

- Only House leadership position described in Constitution
- Leader of the entire House (chosen by election of House members)
- Normally member of majority party
- Most powerful member
- Second in line of succession to the presidency
- Raises money for party members via PACs
- Controls House agenda and committee assignments

# Other House Leadership

- **Majority Leader:** second-in-command, assists the Speaker
  - Sets agenda for majority party
- **Majority Whip:** collects information about how individual members are planning to vote, corralling their support on key votes and setting party strategy in Congress
  - Assists the majority leader
- **Minority Leader:** leader of the party with the second-highest amount of seats
  - Coordinates minority party activity
- **Minority Whip:** same idea as majority, but for minority

# Senate Leadership

- Official leader Constitutionally is the **Vice President**
  - President of the Senate
  - Casts tie breaking vote
- **President Pro Tempore** presides over the chamber's proceedings when the VP is not present
  - Has no official power
  - Junior senators oversee day-to-day proceedings
- **Senate Majority Leader**
  - Head of the party with the most seats
  - Most powerful one person in the Senate, but not as powerful as Speaker
  - Shapes legislative agenda
- **Minority leader**: leader of the opposition party in Senate
- Both parties have whips

# Committees

- Membership is determined by party leaders and reflects the ratio of party membership in each chamber
- **Committee Chair:** head of committee, set the agenda, member of majority party, terms limited
- **Standing**
- **Joint**
- **Conference**
- **Select**

**TABLE 4.3 Standing Committees in the 115th Congress**

House of Representatives	Senate
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Budget	Banking, Housing, and Urban Affairs
Education and Workforce	Budget
Energy and Commerce	Commerce, Science, and Transportation
Financial Services	Energy and Natural Resources
Foreign Affairs	Environment and Public Works
Homeland Security	Finance
House Administration	Foreign Relations
Judiciary	Health, Education, Labor, and Pensions
Natural Resources	Homeland Security and Governmental Affairs
Rules	Judiciary
Science, Space, and Technology	Rules and Administration
Small Business	Small Business and Entrepreneurship
Transportation and Infrastructure	Veterans' Affairs
Veterans' Affairs	
Ways and Means	

Note: Does not include joint and select committees.

# Changing Face of Congress

- [2019 Congressional Demographics- PEW](#)