CHAPTER

5 The Legislative Branch

What's Your Opinion?

Build on What You Know

Every year on January 3, unless otherwise specified, representatives, senators, clerks, and congressional staff take their places in the Capitol Building in Washington, D.C., for the start of a new session of Congress. They reconvene to fulfill their constitutional responsibility of making the country's laws. Congress decides issues such as how large the U.S. armed forces will be and whether federal taxes will increase. Each session lawmakers make decisions that affect not only your life, your school, and your community but also national and world affairs.

Do you **agree** or **disagree** with the following statements? Support your point of view in your journal.

- Any U.S. citizen can become a congressmember.
- Congress would not be able to function without congressional committees.
- Congress should have the power to put federal officials on trial.

SECTION 1

The Senate and the House of Representatives

Read to Discover

1. How many members are in the House and Senate, respectively, and what is the term length for each position?
2. What are the qualifications and salaries for members of the House and of the Senate?
3. How does Congress deal with misconduct by its members?

Define

- apportioned
- gerrymandering
- term limits
- franking privilege
- immunity
- expulsion
- censure

Why Civics Matters

Congress is organized to allow fair representation of all the states. Use CNNfyi.com or other **current events** sources to find out how your state is represented in Congress. Record your findings in your journal.

Reading Focus

The legislative branch makes the country's laws. "Members of Congress are the human connection between the citizen and . . . government," noted one member of Congress. The framers discussed the legislative branch in Article I of the U.S. Constitution to emphasize that representatives of the people would govern the United States.

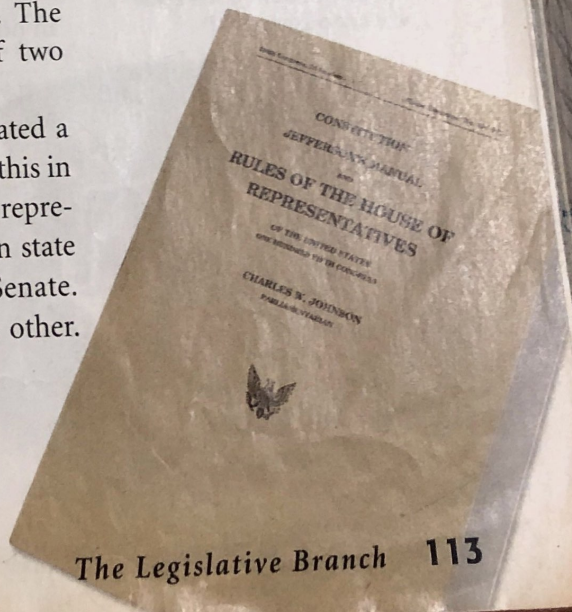
Two Houses of Congress

Congress is the lawmaking body of the federal government. The Constitution states that the Congress shall be composed of two houses—the Senate and the House of Representatives.

The leaders who drew up the U.S. Constitution in 1787 created a bicameral legislature, a lawmaking body of two houses. They did this in part to make sure that both small and large states would be fairly represented. Membership in the House of Representatives is based on state population, while each state is represented equally in the Senate. The system also allows each house to check the actions of the other. This system helps prevent Congress from passing laws in haste.

✔ **Reading Check** **Analyzing Information** Why does the Constitution specify a bicameral legislature?

House members must follow strict rules of conduct while in session.



The House of Representatives

The House of Representatives, or simply the House as it is often called, has 435 members. Members of the House are called representatives. According to the Constitution, the number of representatives each state can elect to the House is based on the size of that state's population. Each state is entitled to at least one representative.

How Membership Is Divided Every 10 years, after the census is taken, Congress determines how the seats in the House are to be **apportioned,** or distributed. Congress itself divides these seats among the states according to population. Originally, each state elected one representative for every 30,000 people living in the state. In the first Congress, which met in 1789, the Constitution allowed for 65 representatives in the House. As new states joined the Union and the country's population increased, membership in the House grew. In 1911, Congress limited the size of the House to 435 members. After the 2000 census, each member of the House represented about 646,000 people.

If a state's population decreases from one census to the next, the number of its representatives may be reduced. Likewise, states whose populations grow may be entitled to more representatives. The map on page 115 shows the number of representatives apportioned to each state as a result of the 2000 census.

Congressional Districts Each representative is elected by the voters in a congressional district. Each state legislature is responsible for dividing the state into as many congressional districts as it has members in the House of Representatives. District boundaries must be drawn so that each district is almost equal in population.

State legislators sometimes draw district lines that favor a particular political party, politician, or group of people. This practice is called **gerrymandering.** For example, a state legislature made up of mostly Democrats might draw district lines that place Democratic voters in a majority in as many districts as possible. Gerrymandering often results in oddly shaped districts.

Did You KNOW?

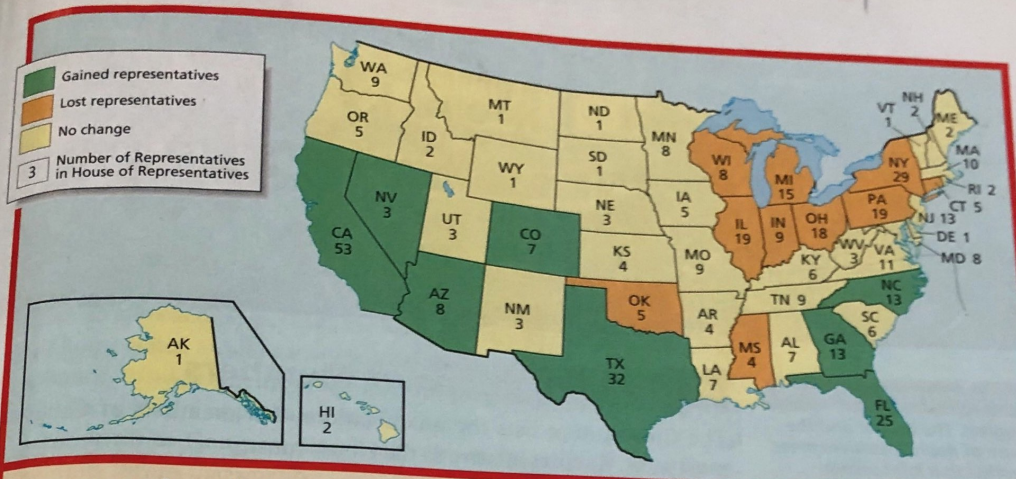
When Alaska and Hawaii became states in 1959, the membership of the House of Representatives was temporarily increased to 437. Since that time the membership has remained fixed at 435.

Interpreting the Visual Record

Compromise *The structure of Congress often makes it important for members to compromise with one another in order to pass legislation. Here Senator Henry Clay argues for the Compromise of 1850.* ***How does this image show Clay's importance during the compromise discussions?***

Electing Representatives Regular elections for members of the House of Representatives are held in November of each even-numbered year. All representatives are elected for two-year terms. If a representative dies or resigns before the end of a term, the governor of the representative's home state must call a special election to fill the vacancy.

✔ **Reading Check Finding the Main Idea** What are the purposes of apportionment, gerrymandering, and regular elections?



Congressional Representation After the 2000 Census

Interpreting Maps The number of representatives each state sends to the House of Representatives is adjusted as necessary following each census.

Skills Assessment **Places and Regions** What states gained representatives as a result of the 2000 Census, and in what parts of the country are these states located?

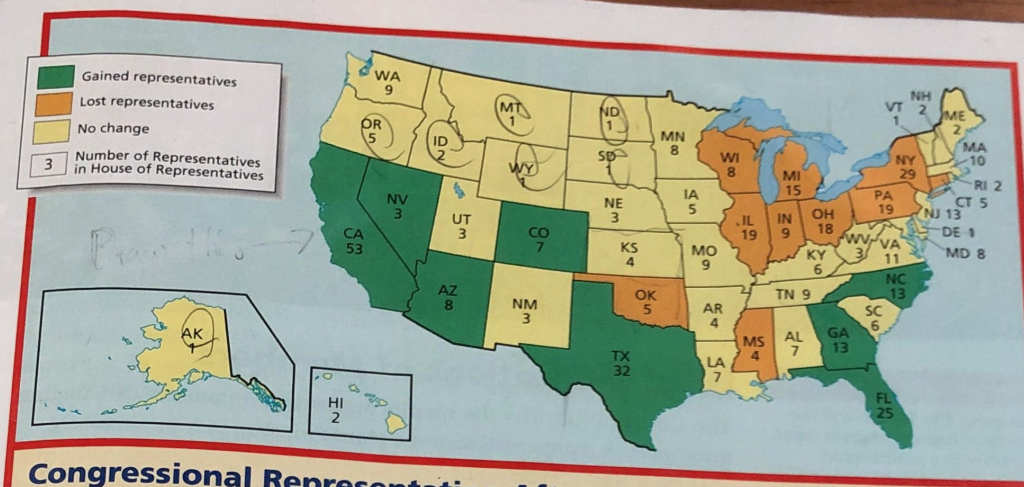
The Senate

The Senate is the smaller of the two houses of Congress. The Constitution requires each state, regardless of size, to be represented in the Senate by two senators. Today the Senate has 100 members—two senators from each of the 50 states. Each senator represents his or her entire state. Senators are elected to Congress for six-year terms. Elections for senators are held in November of each even-numbered year. Only one third of the Senate's membership comes up for election every two years. Therefore, a new Senate begins its work with at least two thirds of the members having prior experience.

The senator from each state who has served the longer period of time is the state's senior senator. If a senator dies or resigns before the end of a term of office, the seat must be occupied. Most states allow the governor to appoint someone to fill the vacancy until the next regular election or until a special state election is held.

Recently, many people have supported limiting the number of terms that members of Congress can serve. However, in 1995 the Supreme Court ruled that such **term limits** for federal offices are unconstitutional. The Constitution reserves to the people the right to choose their federal lawmakers, and term limits would infringe upon this right.

✔ **Reading Check** **Contrasting** How does the number of senators representing a state differ from the number of representatives?



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✔ **Reading Check** **Contrasting** How does the number of senators representing a state differ from the number of representatives?

U.S. citizen at least 9 years	Citizenship	U.S. citizen at least 7 years
Resident of state where elected	Legal Residence	Resident of state where elected

Interpreting Charts Each house of Congress has specific requirements for membership. ***How often are senators and representatives elected?***

Interpreting the Visual Record

Congress *The Senate and the House of Representatives meet together in a joint session when the president wishes to address Congress.* ***How does this image illustrate the size and importance of the Congress?***

Qualifications of Members

The Constitution lists the qualifications that members of Congress must meet. A representative in the House must

1. be at least 25 years old;
2. have been a U.S. citizen for at least seven years; and
3. be a legal resident of the state he or she represents. (Usually a representative lives in the district from which he or she is elected. However, the Constitution does not require this.)

The qualifications for members of the Senate differ slightly from those for members of the House. The Constitution lists the following qualifications for senators. A senator must

1. be at least 30 years old;
2. have been a U.S. citizen for at least nine years; and
3. be a legal resident of the state he or she represents.

In addition to these qualifications, members of Congress traditionally have shared other characteristics. For example, they usually have had previous political experience, often in their state legislatures. Most members of Congress also have been active members of community and volunteer organizations.

Many members of Congress are lawyers, businesspeople, public servants, or educators. Senators tend to be older than representatives. In 2001 the average age for representatives was 54. The average age for senators was 59.

In the past, most members of Congress have been white men. Yet, in recent years, the number of women, African Americans, Hispanic Americans, Asian Americans, and American Indians in Congress has increased. In 2001, for example, there were 61 women in the House and 13 women in the Senate. Thirty-eight African Americans served as representatives. However, the numbers of women and ethnic minorities in Congress remain well below their percentages in the population.

✔ **Reading Check** **Drawing Inferences and Conclusions** Why do you think so many educators, public servants, lawyers, and businesspeople become congressmembers?

The desks used in the Senate today are based on a design that is more than 100 years old.

From U.S. Citizens The people are a powerful force in influencing laws and lawmakers. When a large number of constituents requests a particular law, their congressmember usually introduces a bill that contains the constituents' ideas.

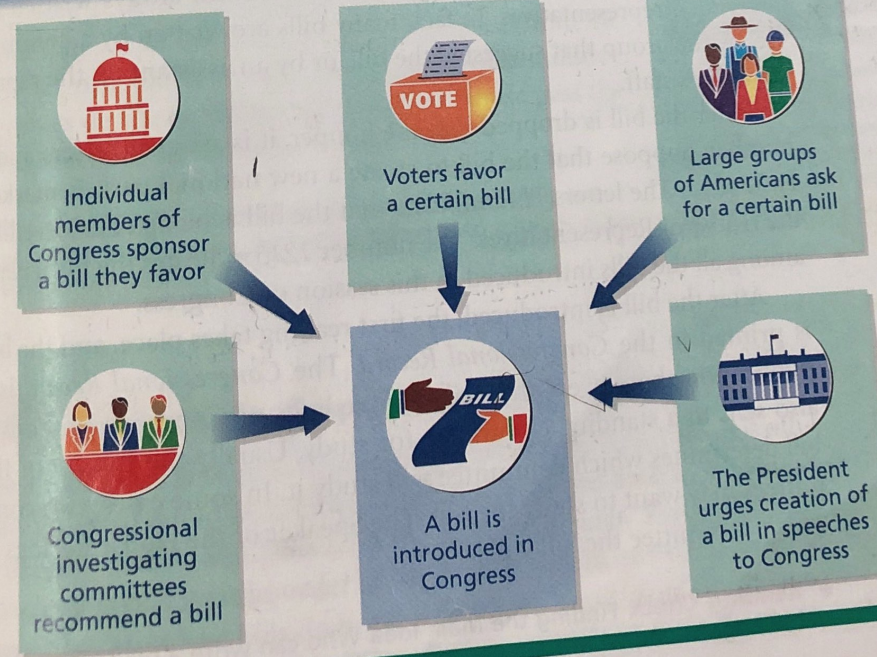
From Organized Groups Members of Congress sometimes introduce bills because certain groups ask them to do so. For example, businesspeople may want to limit competition from industries in other countries. Labor groups may call for laws establishing improved working conditions or higher hourly wages.

From Committees of Congress Many ideas for bills begin in Congress itself. Suppose that a congressional investigating committee conducts a study of certain kinds of crime. The committee may determine that the federal government needs to make a new law on crime control. The members can then draw up a bill and introduce it in Congress.

From Members of Congress Members of Congress often become experts in certain fields. A member who has experience with farming issues, for example, may introduce a bill to fund an agriculture program.

From the President The president has great influence on bills introduced in Congress. Early in each session, the president appears before a joint session of Congress to deliver the State of the Union address. In

How Ideas for Bills Begin



Interpreting Charts The ideas for new bills come from a variety of sources. **What are ways in which Congress introduces bills?**

How a Bill Becomes a Law

House of Representatives

Bill Introduction
A representative introduces the bill, which is given a number. The Speaker of the House then assigns the bill to the proper committee.

House Committee Hearings
The committee or one of its subcommittees holds hearings on the bill and may amend, kill, or approve the bill. If approved, the bill is placed on the House calendar.

House Floor Vote
The bill is read and debated. The House amends it, returns it to the House committee for revision, or approves the bill and sends it to the Senate.

Passed by the House, sent to the Senate

House Version

Final Version

Conference Committee Hearings
The conference committee irons out differences between the House and Senate versions of the bill and then returns the revised bill to both houses of Congress for approval.

Final Version

Senate Version

Senate

Bill Introduction
A bill arrives from the House or is proposed by a senator. The bill receives a number and then the presiding officer of the Senate sends it to the proper committee.

Senate Committee Hearings
The committee or one of its subcommittees holds hearings on the bill and may amend, kill, or approve the bill. If approved, the bill is placed on the Senate calendar.

Senate Floor Vote
The bill is read and debated. The Senate amends it, returns it to the House committee for revision, or approves the bill. If the Senate approves a version that is different from the House version, the bill is sent to a conference committee of the House and Senate.

Passed by the Senate

President Receives Bill
The president signs or vetoes the bill or allows it to become a law without signing it. Congress can override a veto by a two-thirds vote of each house.

Interpreting Charts *The House and Senate use similar procedures to approve or kill new bills.* ***What is the purpose of the conference committee?***

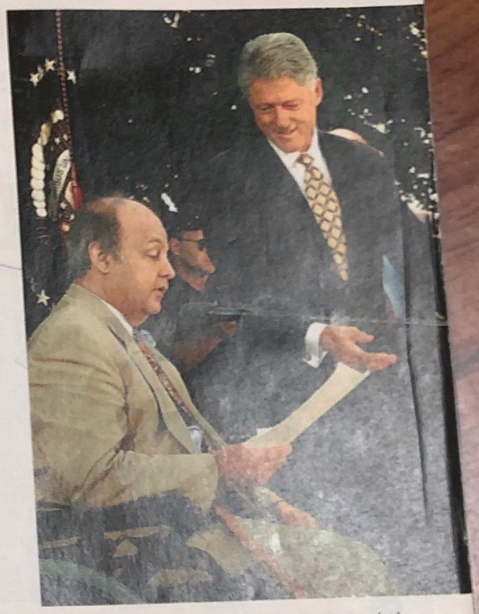
The President Approves the Bill

Once both houses have agreed upon and passed a final version of the bill, it is ready for the next step. The bill is sent to the president of the United States for approval. The president may take one of three possible actions on a bill from Congress.

1. The president may sign the bill and declare it to be a law.
2. The president may refuse to sign the bill. Instead, the bill is sent back to Congress with a message giving the president's reasons for rejecting it. This action is called a veto.
3. The president may choose to keep the bill for 10 days without signing or vetoing it. If Congress is in session during this 10-day period, the bill becomes a law without the president's signature. However, if Congress is not in session and the president does not sign the bill within 10 days, it does not become a law. Instead, the bill has been killed by a **pocket veto.** Presidents do not use the pocket veto often.

Congress has the power to pass a bill over a presidential veto by a two-thirds vote of both houses. However, it is usually difficult to obtain the necessary votes to override a presidential veto. In the case of this national park bill, the president signs it into law and it goes into effect afterward.

The long and involved process of making laws may be slow. Yet it does prevent hasty legislation while providing a way for the federal government to pass needed laws.



In 1993 President Clinton approved the Handgun Violence Prevention Act, also called the Brady Bill, after former presidential press secretary James Brady, shown at left.

✔ **Reading Check** **Drawing Inferences and Conclusions** Why is it important for the president to have final approval over congressional legislation? Why is political conflict in the United States generally less divisive than in other nations?

SECTION 4 Review

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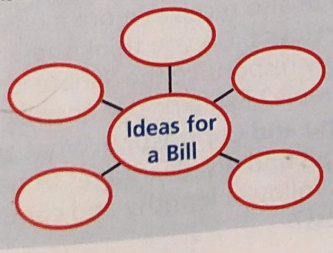
keyword: SZ3 HP5

1. Define and explain:
- appropriation bill
- act
- quorum
- roll-call vote
- filibuster
- cloture
- pocket veto

2. Summarizing Copy the graphic organizer below. Use it to identify the various sources for new legislation.



3. Finding the Main Idea
- **a.** What happens after a bill is introduced in the House?
- **b.** Explain the actions that the president can take on a bill that has been passed by both houses of Congress.

4. Writing and Critical Thinking
Sequencing Imagine that you are a senator who has been invited to visit your class. Write a presentation explaining the process a bill follows to become a law.

Consider:
- the stages through which the bill must pass to become a law
- how citizens can become involved in the process