



First Up!

Maybe it's just a coincidence that the first article of the Constitution creates the **legislative branch**. This branch of government creates our laws, or **legislation**. You probably also know the legislative branch as **Congress**. Our Founders created three co-equal branches of government. But let's face it, lawmaking is, well, important. And the legislative branch does more than just *legislate*.

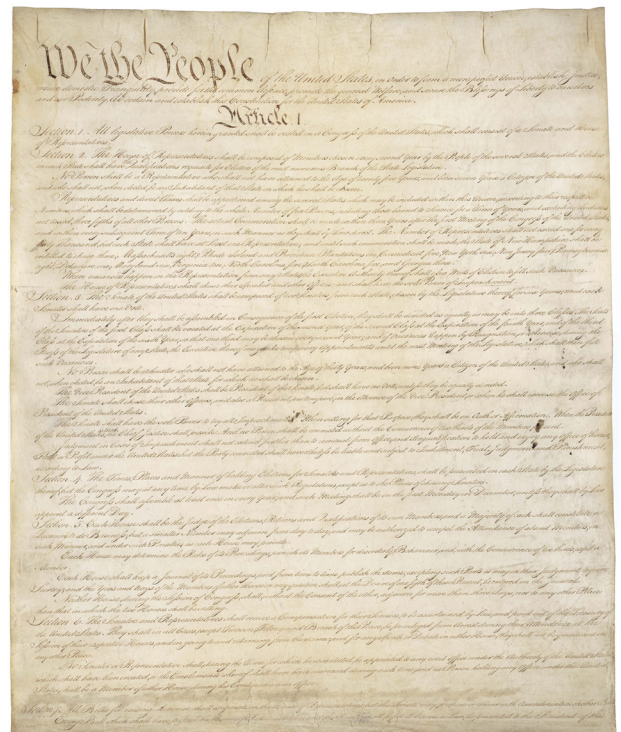
Expressed Powers

Article I of the Constitution gives the legislative branch two types of power, expressed and implied. **Expressed (or enumerated) powers** are powers that are named. If you skim the Constitution, you can find them listed word-for-word. Expressed powers include the power to raise taxes, propose changes to the Constitution, create federal courts and money, protect creative works through copyrights, establish a post office, and so much more. The legislative branch has 27 expressed powers. Not all of them have to do with lawmaking. Congress also has the power to declare war, approve presidential appointments and treaties, handle impeachment, and it works with the president to pass a federal budget each year.



Implied Powers

The Constitution also gives Congress the power to make laws that are "necessary and proper" for carrying out its expressed powers. This is how the legislative branch gets **implied powers**—powers that aren't listed in the Constitution line for line, but that Congress needs in order to do its job. This **"Necessary and Proper" Clause**, also known as the **Elastic Clause**, is found in Article I of the Constitution. It makes it possible for Congress to take whatever action is needed to make our country better and more secure. For instance, the Constitution says that Congress can borrow money, make and set the value for it, and collect taxes. In order to do these things, it became *necessary* for Congress to create a national bank—even though the Constitution didn't say directly that Congress could. Often implied powers are challenged in federal courts since it can be unclear whether Congress really has the authority to perform actions not clearly written out.

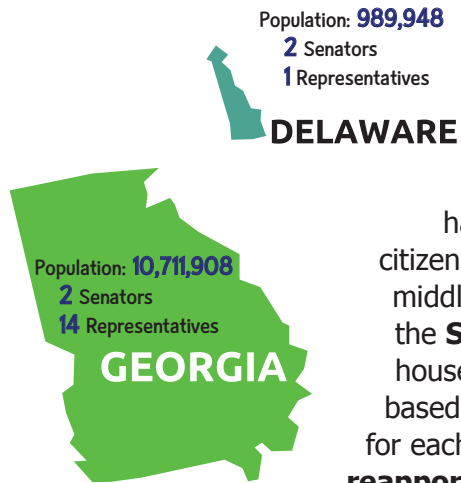
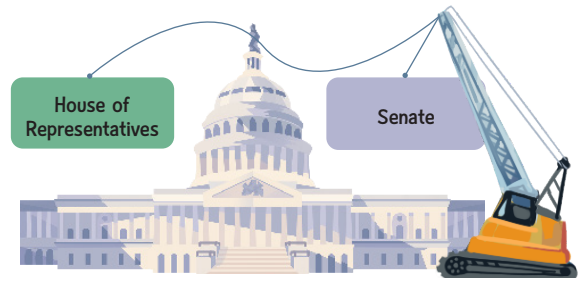


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Article I: Structure

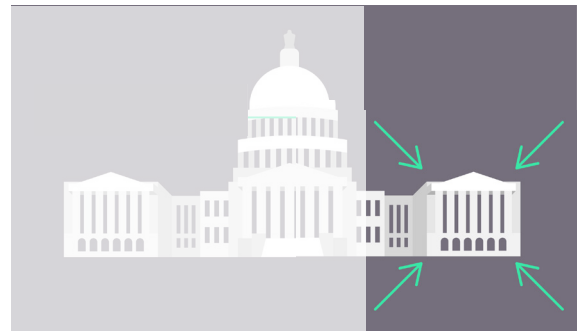
Article I of the Constitution also established the legislative branch's structure. It breaks Congress into two bodies, sometimes called **houses** and sometimes called **chambers**. This two-body structure is referred to as **bicameral**. Both houses work together to create laws. They also perform other responsibilities, sometimes together and sometimes independently.



Our bicameral legislature was our Founders' way of balancing what large and small states wanted when they created our government. With only one chamber, large states would have controlled Congress if representation had been based on population alone. If each state received the same number of representatives, small and large states would have had an equal voice. But would it be fair for states with more citizens per representative to have less say? The Founders met in the middle. **The Great Compromise** established an upper house called the **Senate** with equal representation for each state and a lower house called the **House of Representatives** with representation based on each state's population. The Senate has 100 members, two for each state. The House of Representatives has 435 voting members **reapportioned** (distributed) among the states every 10 years according to the census count of each state's population.

The Senate

Senators represent their entire state. They are elected in staggered six-year terms. Basically, one-third of the Senate is elected every two years, so there's less pressure on Senators to be influenced by short-lived opinions from the public. In fact, the Founders created the Senate as a way to balance Congress and stabilize the faster action of the House of Representatives. While House membership changes frequently, the Senate was designed to protect states' rights and be a more continuous, older, and more experienced body of representatives.

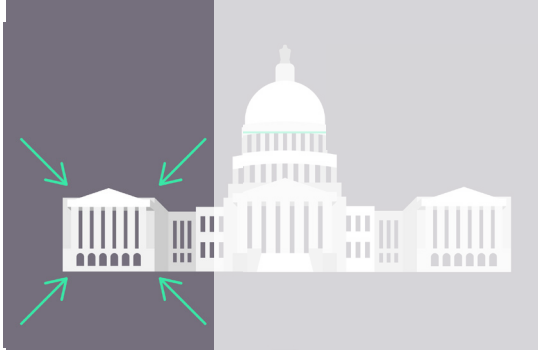


The Constitution has three requirements for someone to be a Senator:

A person must be at least 30 years old, must have been a citizen for at least 9 years, and must live in the state they will represent when they are elected.




Aside from passing bills, the Senate acts like a jury to try impeachment trials, approves treaties between the United States and other nations, and confirms presidential appointees (including presidential cabinet members and Supreme Court justices). Because of its size, the Senate also doesn't have to limit debate on new legislation. A Senator can talk for as long as they want about a bill. If a Senator uses the debate on purpose to stall or stop them from voting on the bill, their speech becomes known as a **filibuster**.



House of Representatives

The House of Representatives (usually just called the House) was designed to be able to respond to the will of the people. It's the only branch of government that has been directly elected by American voters since it was created. (Senators were originally elected by state legislatures.) House members are elected by and represent the people in one area of their state called a **district**. Voters elect House members every two years, which means that if representatives want to be reelected, they need to prove that they're working for what their constituents want.

Of course, the House and the Senate both write and pass legislation. Both bodies do most of their work in **committees**. Think of it as small group work. Committees are organized by topic and tasked with gathering information, reviewing and amending bills, keeping an eye on government operations, and making recommendations about the topics their committee oversees. But the House is different from the Senate in some ways. Bills about taxes start in the House. And only the House can impeach the president, a federal judge, or other federal official. It also has the job of electing the president in the event of an Electoral College tie.



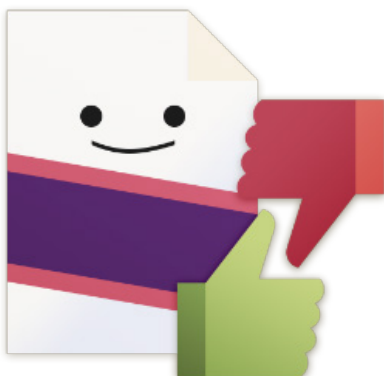
To be a member of the House of Representatives:

A person must be at least 25 years old, must have been a citizen for at least 7 years, and must live in the state they will represent when they are elected.

Bills must go through the proper committees before they can become laws. Committees in Congress are organized around special interests like:

- Health
- Agriculture
- Foreign Affairs
- Education
- Armed Services
- Environment
- Homeland Security
- Energy
- Small Business

Committees gather information, hold hearings, and write or revise bills. Most bills never make it out of committee and back to the floor for a full vote.



Because the House is larger than the Senate, things work differently there. When a bill is brought to the House floor for a vote, representatives must first agree to and pass a "rule" about it. The rule sets the amount of time that representatives can debate about the bill and if they will be allowed to offer amendments to it or not. Usually, time to discuss the bill is split between those who support it and those who do not. With 435 voting members plus five members representing Washington, D.C. and the U.S. territories, it's impossible for each member to speak on a bill, so representatives usually band together by choosing members with a similar view to speak.

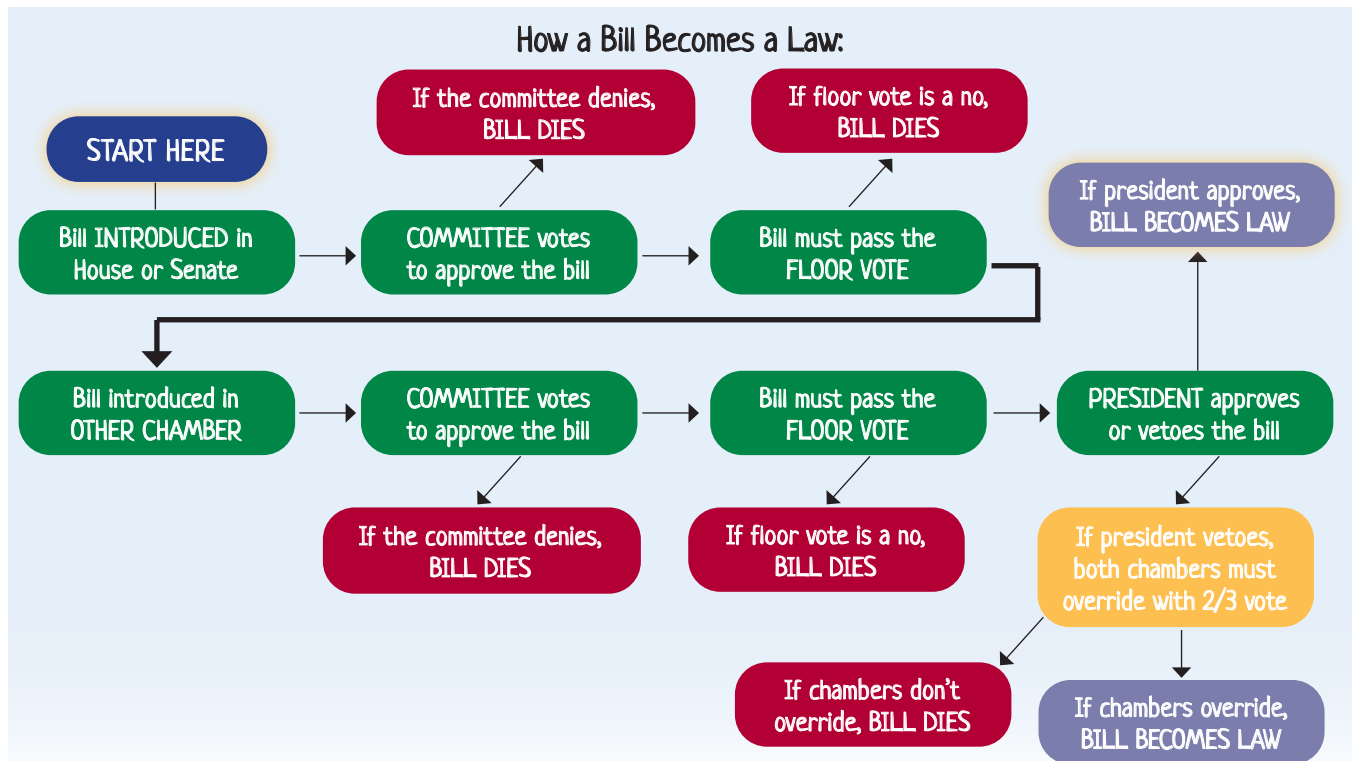
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The Truth about Lawmaking

Bills can start in the House or the Senate, but both chambers must agree to the same version of a bill before it can be sent to the President to be approved or vetoed. You might be wondering why it can sometimes seem like Congress has a hard time agreeing on bills, especially when those bills seem like perfectly good ideas to you and those around you.

Each Congress stays in session for about two years, and in that time anywhere from 10,000–16,000 bills are introduced! Less than 4% of them become laws. And while fewer bills are becoming laws, something interesting is happening. Bills are growing larger in length. So why do bills fail in Congress? Aren't our representatives supposed to deliver what the public wants? The simple answer is yes. But when it comes to government, the answers are never as simple as a textbook might make them seem.

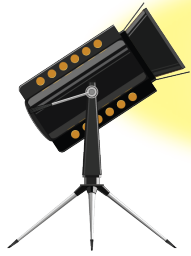


Slow by Design, Slow by Chance

The truth is that lawmaking takes a lot of time by design. A bill requires a **simple majority** (one more than half) in both houses before it can pass. That's 218 legislators in the House and 51 in the Senate, representing people with a diversity of ideals. So while you might think that a bill sounds like a good idea, that doesn't mean that everyone does.

Party politics affects the lawmaking process when the two main parties want a bill to tend to an issue in different ways. If Congress or the government is **divided**—meaning that the legislative branch or one house of Congress is controlled by one political party while the executive branch or other house is controlled by another—actually passing a bill can be especially difficult when parties can't find common ground or agree. For some Americans, this type of congressional "gridlock" is positive. It ensures that decision-making is careful, thoughtful, and well-supported. For others, it delays the changes and progress they hope to see the country make.

How fast do you want Congress to work? Would your answer change depending on the issue? Or if you talked to people who held views that are different from yours? While lawmaking can be slow (and there are downsides to that), a process enabling bills to pass too quickly could have its downsides as well.



Spotlight On: Keeping up with the Legislative Branch



Lawmaking may be messy, but Congress needs you. Here are some ways that you can get involved or keep up with what's happening in Congress:



Contact Your Legislator: This tried-and-true method ensures that your legislators know how you feel about issues and bills that matter to you. Wondering how to contact your senators or representatives? Try their website, a phone call, letter, or Tweet. You can also follow your legislators on social media to see what bills they're personally supporting or introducing in Congress.



Consult the Media: The media covers news on big congressional moves and legislation. Pick a few trusted sources and check-in on reports or commentary daily. You can even watch debates and floor proceedings in real time on networks like C-SPAN. If you're following one action in particular, be sure to consult networks that will present a variety of views to help avoid biased or slanted coverage.



Use the Web or an App: There are several websites and apps that can help you track what Congress is doing, what the votes are on a bill, if it gets passed, and the reasons why (or why not). You can also track how many times a bill gets introduced. Sometimes, bills have to be introduced several times before they actually make their way through the lawmaking process.



Propose an Idea for a Bill: See a problem that legislation can fix? Come up with a way a bill could address it. While only a representative or senator can introduce a bill in Congress, ideas can come from anyone, even you! And you can drum up support by having those who like your idea contact their legislators to let them know.



Campaign for Congress: Sure, you'll need to wait until you're of age, but a sure-fire way to keep up with Congress is to be there yourself. Run when you're old enough. You'll need to be at least 25 years old, a resident in the state that you'll represent, and a citizen of the United States for at least seven years to campaign for the House of Representatives. To run for the Senate, up the age requirement to 30 and the citizenship status to nine years. If running isn't your thing, you can always campaign for or make a donation to a candidate you believe in.

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A. Congressional Breakdown. What are the differences between the House and the Senate? Complete the graphic organizer using what you learned from the reading.

House of Representatives	Senate
Number of members	Number of members
Eligibility requirements (age, etc.)	Eligibility requirements (age, etc.)
Length of term	Length of term
Responsibilities	Responsibilities
Shared responsibilities	

B. Shaping Congress. Congress can be shaped by many factors. Some factors are constant, like the ones you identified in Activity A, while others change with the incoming class. Consider how the characteristics below might factor into how Congress works and what bills they decide to work on.

Members' term lengths

Age

Party membership

Diversity (characteristics that make people different like gender, race, etc.)

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C. Checks and Balances. The Constitution gives Congress certain enumerated powers so that it can check the power of our other branches of government. The chart shows checks on the executive branch (the President). How do you think these checks balance power in the government?

Legislative Check	How does it balance power in the government?
Approves treaties	
Approves presidential appointments	
Impeaches and tries federal officers	
Overrides a president's veto	
Controls the budget	

D. Lawmaking Part I. The diagram shows how a bill becomes a law. Read through it before moving to Part II of the activity.

1. The Proposal

A representative writes a bill and gets support from others in the House.

2. The Introduction

The bill is assigned a number and is read aloud on the House floor.

3. The Committee Report

The bill is sent to a committee for a close review. If the committee approves, the bill will be sent to all members of the House.

4. The Floor Debate

In the House chamber, members debate whether to support or oppose the bill. The bill is read again, and members suggest changes.

5. The Vote

If changes are made, the bill is read again. Then, the House votes on the bill. Representatives can vote "yes", "no", or "present" (if they don't want to vote on that particular bill).

6. The Hand-Off

The bill is sent to the Senate, where it goes through the same debate. Often, changes are made, and the Senate votes to approve the bill with the changes.

7. The Compromise

Members of the House and Senate form a "conference committee" to work out a compromise bill that both chambers can accept.

8. Another Vote

The House and Senate each vote on the compromise bill. The bill can't move on unless both chambers pass the exact same version.

9. To the President!

Finally, the bill lands on the president's desk. Three things could happen:

- The president signs the bill, and it becomes law.
- The president ignores the bill. If Congress is in session, the bill automatically becomes law after 10 days. If not, it doesn't.
- The president vetoes the bill. If this happens, Congress can override the veto if 2/3 of the members vote in favor.

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D. Lawmaking Part II. Use the diagram from Part I to evaluate the lawmaking process. Follow the directions and answer the questions.

1. At what step(s) in this process would it be best for you to contact your representative to let them know how you feel about a bill? Why?

2. Which steps provide oversight to the lawmaking process? In other words, which steps ensure that bills are carefully considered and will be in the best interest of the nation?

3. Choose one step and explain why it provides an oversight on the lawmaking process.

4. A bill can die at any step in this process. Which do you think is the hardest step to pass? Why?

5. Why do you think the same version of a bill must pass in the House and in the Senate?

6. What do you think of the lawmaking process? Should Congress change any of the steps? Why?

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E. Your Representative and You. Use the websites below to locate your congressional representatives. Then choose one representative and complete the chart and questions below.

Find your representative: <https://www.house.gov/representatives>

To see your representative's Voting Record for the previous year visit:
<https://www.govtrack.us/congress/votes#session=304>

Name:		Age:	
Representative:		Party:	
Year Elected:		Terms Served:	
Committee and Caucus Assignments:			
Issues Supported:			

1. Does this representative share your beliefs and ideals? How so?

2. Do you feel their actions in Congress are in line with their beliefs?

3. How would you rate their performance so far? Why?
