**The Legislative Branch**

**[Adapted and expanded from**

**“The Legislative Branch” at Whitehouse.gov][[1]](#footnote-1)**

Established by Article I of the Constitution, the Legislative Branch consists of the House of Representatives and the Senate, which together form the United States Congress. The Constitution gives Congress the sole authority to enact federal legislation (make federal laws). As the Constitution invests the federal government with only limited powers, the Constitution, primarily Article I, Section 8, defines Congress’s list of powers. Among this list of enumerated federal powers is the authority to coin (or print) money, to make treaties and declare war, to raise and support armies, and to regulate interstate commerce. As part of its lawmaking authority, Congress also has investigative powers.

The House of Representatives is made up of 435 elected members and is based on each state’s population. In addition, there are 6 non-voting members, representing the District of Columbia, the Commonwealth of Puerto Rico, and four other territories of the United States. The presiding officer of the chamber is the Speaker of the House, who is elected by the Representatives. The Speaker is third in the line of succession to the Presidency.

Members of the House are elected every two years and must be 25 years of age, a U.S. citizen for at least seven years, and a resident of the state they represent.

The House has several powers assigned exclusively to it, including the power to initiate revenue bills, impeach federal officials, and elect the President in the case of an Electoral College tie or when no candidate receives a majority of the electoral votes.

The Senate is composed of 100 Senators, 2 for each state. As the part of Congress representing the states, Senators were initially chosen by state legislatures until the ratification of the 17th Amendment in 1913; they continue to represent the states but are now chosen by popular vote of the citizens of those states, for six-year terms. Senators’ terms are staggered so that about one-third of the Senate is up for reelection every two years. Senators must be 30 years of age, U.S. citizens for at least nine years, and residents of the state they represent.

The Vice President of the United States serves as President of the Senate and may cast the decisive vote in the event of a tie in the Senate.

The Senate has the sole power to confirm Presidential appointments and to ratify treaties, though, under the congressional power to regulate international commerce, the House’s approval is necessary for certain forms of trade agreements. In addition, the House must also approve appointments to the Vice Presidency. The Senate tries impeachment cases for federal officials referred to it by the House.

In order to pass legislation and send it to the President for his signature, both the House and the Senate must pass the same bill by majority vote. If the President vetoes a bill, they may override his veto by passing the bill again in each chamber with at least two-thirds of each body voting in favor.

# The Legislative Process

The first step in the legislative process is the introduction of a bill to Congress. Anyone can write the bill, but only members of Congress can introduce legislation. After a bill is introduced, it is referred to the appropriate committee for review. If the committee votes to approve the bill, it is sent to the floor of the House or Senate.

A bill must pass both houses of Congress before it goes to the President for consideration.

When receiving a bill from Congress, the President may sign it into law, and the bill is then printed in the Statutes at Large. If the President believes the law to be unconstitutional or bad policy, he may veto it and send it back to Congress. However, Congress may override the veto with a two-thirds vote of each chamber, at which point the bill becomes law and is printed.

There are two other options that the President may exercise. If Congress is in session and the President takes no action within 10 days, the bill becomes law. If Congress adjourns before 10 days are up and the President takes no action, then the bill dies and Congress may not vote to override. This is called a pocket veto, and if Congress still wants to pass the legislation, they must begin the entire process again.

# Powers of Congress

Congress is given significant, though limited, powers by the Constitution. All legislative power in the federal government is vested in Congress, meaning that it is the only part of the government that can make new laws or change existing laws. In implementing congressional law, executive branch agencies can issue regulations, and the president can issue executive orders instructing executive officials on how to implement law or organize the executive branch, but both agency regulations and executive orders are to be within and under the authority of laws enacted by Congress.

The President may veto bills Congress passes, but Congress may also override a veto by a two-thirds vote in both the Senate and the House of Representatives.

Article I of the Constitution lists the powers of Congress and the specific areas in which it may legislate; all other legislative power remains with the states. Congress is also able to enact laws deemed “necessary and proper” for the execution of the powers given to any part of the government under the Constitution.

Part of Congress’s exercise of legislative authority is the establishment of an annual budget for the government. To this end, Congress levies taxes and tariffs to provide funding for essential government services. If enough money cannot be raised to fund the government, then Congress may also authorize borrowing to make up the difference. Congress can also mandate spending on specific items: legislatively directed spending, commonly known as “earmarks,” specifies funds for a particular project, rather than for a government agency.

Both chambers of Congress have extensive investigative powers, and may compel the production of evidence or testimony toward whatever end they deem necessary. Members of Congress spend much of their time holding hearings and investigations in committee. Refusal to cooperate with a Congressional subpoena can result in charges of contempt of Congress, which could result in a prison term.

The Constitution assigns several powers solely to the Senate. The Senate ratifies treaties by a two-thirds supermajority vote and confirms the appointments of the President by a majority vote. The consent of the House of Representatives is also necessary for the ratification of trade agreements and the confirmation of the Vice President (when there is a vacancy in that office between elections.)

Congress also holds the sole power to declare war.

# Government Oversight

Oversight of the executive branch is an important Congressional check on the President’s power and a balance against presidential discretion in implementing laws and making regulations.

A major way that Congress conducts oversight is through hearings. The House

Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Government Affairs are both devoted to overseeing and reforming government operations, and each committee conducts oversight in its policy area.

Congress also maintains an investigative organization, the Government Accountability Office (GAO). Founded in 1921 as the General Accounting Office, its original mission was to audit the budgets and financial statements sent to Congress by the Secretary of the Treasury and the Director of the Office of Management and Budget. Today, the GAO audits and generates reports on every aspect of the government, ensuring that taxpayer dollars are spent with the effectiveness and efficiency that the American people deserve.

The executive branch also polices itself: Sixty-four Inspectors General, each responsible for a different agency, regularly audit and report on the agencies to which they are attached.

# Additional Responsibilities

The responsibilities of Congress do not end here. The men and women of the legislative branch need to be part of the communities that they represent and offer what are called​ *constituent services*​. This means that they help the people whom they represent, also known as ​*constituents.* ​This is accomplished by holding town hall meetings, speaking to various groups (e.g. visiting high schools, colleges, local organizations), helping local governments, nonprofits, small businesses, and research organizations find federal grants, and visiting sites to learn more about the needs of the communities.

Congressmen and women can help their constituents navigate interactions with federal agencies such as the Internal Revenue Service and U.S. Citizenship and Immigration Services. Congressional representatives can even help their constituents when it comes to filing complaints with against healthcare providers, landlords, businesses, and judges. But they do not just help with problems, they also offer student internships, help people with applications for benefits, and nominate students who wish to attend military academies.

The role of the men and women in Congress extends far beyond those duties listed in the Constitution. It is their job to get to know the people they represent so that they can best help them. Each representative may approach these jobs a little differently, and the responsibilities listed here are not exhaustive.

1. https://www.whitehouse.gov/about-the-white-house/the-legislative-branch/ [↑](#footnote-ref-1)