

CONSTITUTION 101

Module 6: Separation of Powers and Federalism

6.4 Info Brief

ARTICLE I — CONGRESS

INTRODUCTION TO THE CONSTITUTION'S TEXT

Let's begin—as we always do when interpreting the Constitution—with the Constitution's text.

The framers set out the basic structure of the national government—in other words, its three branches—in Articles I through III. [Article II](#) establishes the national government's executive branch—which is responsible for enforcing the laws. [Article III](#) sets up the nation's court system—with the Supreme Court at the top—which interprets the laws.

[Article I](#) establishes the national government's legislative branch—Congress. Within the national government, Congress is responsible for *making the laws*.

Article I is the longest part of the Constitution. That's because the Founding generation thought that Congress would be the most powerful—and most dangerous—branch of government.

The Constitution separates Congress into two houses. We call this “bicameralism”: the House of Representatives (with its representatives elected by the American people directly and with each state receiving a number of seats based on its overall population) and the Senate (with its senators originally selected by the state legislatures and each state —no matter its population—receiving two senators).

Today, there are 435 members of the U.S. House of Representatives. Representatives must be at least 25 years old. They serve for two-year terms. They can run for reelection.

In addition, there are 100 U.S. Senators; two for each state. Senators must be at least 30 years old. They serve for six-year terms—with one-third of the Senate elected every two years. Each Senator can run for reelection.

Finally, senators are now elected directly by the American people—*not* the state legislatures, as originally written into the Constitution in 1787. This is because of the 17th Amendment, which was ratified in 1913.

Article I also sets out the powers of Congress and lists certain limits to those powers.

Various constitutional amendments also granted Congress new powers through their enforcement clauses. For instance, the 15th Amendment granted Congress power to pass laws

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combating racial discrimination in voting. Congress used this power to enact the Voting Rights Act of 1965.

Big Idea: With Congress, the Founding generation set up a national legislature to make the nation's laws. They looked to create a new national legislature with more authority—and ability to act—than the one that came before it, but also one of limited powers.

HOW DOES CONGRESS WORK

But how does Congress work? How does a bill become a law? And what role do the other branches of the national government—the president and the courts—play in the legislative process?

These are big questions, and the Constitution lays out a demanding—often slow—process for passing new laws. This is by design.

The Founding generation thought that this slow process would promote deliberation and compromise and guard against abuses by powerful factions. Today, we would say “parties.”

To become a law, a new bill must survive both houses of Congress, the threat of a president's veto, and possible legal challenges inside the courts. That's hard to do!

The Founding generation's theory? Kill the bad ideas, revise the flawed ones, and refine the good ones. Over time, by slowing the process down, national policy would comply with the Constitution and promote the common good.

Here's how the process works today:

- Members in one house of Congress—either the U.S. House of Representatives or the U.S. Senate—introduce a bill. (Spending bills must start in the House of Representatives.)
- From there, both houses of Congress must pass the bill.
- Once the bill passes the House and the Senate, it's then sent to the president. The president then has the option to veto—in other words, reject—the bill.
 - If the president approves of the bill, then it becomes a law.

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- o If she vetoes it, then Congress has the power to override the president's veto by a two-thirds vote in each house of Congress. This is a really high bar—often requiring the support of members of *both* political parties. If Congress succeeds in overriding the president's veto, then the bill becomes a law.
- o If Congress fails to override the president's veto, then the bill does *not* become a law—even though *both* houses of Congress originally passed it.
- Finally, even after a bill becomes a law, people can go to court and challenge that law—arguing that it violates the Constitution. From there, the courts have the power to rule on whether a law is constitutional or unconstitutional. This is the power of judicial review.