

## The Legislature

The duty of the Legislative Branch is to make the laws of the nation. It consists of two houses, the House of Representatives and the Senate. Members of either house are referred to as Congressmen, Congresswomen, or Congresspeople. Often, Congressperson is used as a synonym for Representative; this is not quite proper usage, however, as a Senator may properly be called a Congressperson, too.

The so-called Lower House is the **House of Representatives**, or simply the House. The House is made up of members called Representatives. The qualifications for House members are spelled out in Article 1, Section 2:

- 25 years old or older
- Must have been a U.S. citizen for seven years
- Must live in the state he represents

Note that there is no restriction in terms of gender, race, class, social standing, or any other classification, for Representative.

Each state has a number of Representatives proportionate to the population of that state. Each state has at least one Representative, even if its population would not warrant one. The Constitution does not set a per-Representative ratio (except for the House's sessions up until the first census was taken), nor does it set a maximum limit to the number of Representatives. This number has been fixed by law, however, at 435. This number was set in 1911, and in current law, does not change even upon admission of new states (though the number can temporarily increase to accommodate new states until the next census). These 435 seats are divided among the states every ten years, following the Constitutionally-mandated decennial census. For details about how seats are apportioned, see the U.S. Census Website.

If a Representative's seat becomes vacant for any reason, the governor of that state must provide for a new election to fill the seat. Representatives serve for two years at a time, with new elections coming every second November. The entire House can theoretically be replaced each election. Representatives are chosen by the people in a direct election.

The Constitution mandates that the House choose a Speaker for itself. The Speaker presides over the proceedings of the House and is the highest position in the House leadership. Other leadership positions are the Majority and Minority Leaders, and the Majority and Minority Whips. The Minority Leader would generally be the Speaker if his party were the majority. The whips act as an interface between the leadership and the rank-and-file members.

**The Senate** is the Upper House. Its members are called Senators. The qualifications for Senators are spelled out in Article 1, Section 3:

- 30 years old or older
- Must have been a U.S. citizen for nine years
- Must live in the state he represents

Note that there is no restriction in terms of gender, race, class, social standing, or any other classification, for Senator.

Originally, Senators were appointed by the state legislatures. This method was chosen to allow the Senate to better offset the House, which the Framers felt would be impetuous, it being elected by the people. Senators are now chosen by the people in direct election; this provision was changed by the 17th Amendment.

Each state has two Senators, regardless of the size of the state. Currently, there are 100 Senators. A Senatorial term lasts six years; every second November, one third of the Senate comes up for reelection, leaving an experienced two-thirds in the Senate each time through the election cycle.

If a Senator's seat becomes vacant for any reason, the governor of that state must provide for a new election to fill the seat.

The Vice President of the United States is the President of the Senate. He is a non-voting member unless a vote of the Senate ends in a tie, in which case the Vice President casts the deciding vote. The Constitution understands that the Vice President will not always be available and provides for a President pro tempore (literally, a temporary president). Like the House, the Senate leadership also consists of Majority and Minority Leaders and Whips. In the Senate, the whips are officially known as the Assistant Leader.