

50. Why must tax bills originate in the House?

The constitutional provision that “all bills for raising revenue shall originate in the House of Representatives” (Article I, Section 7) is an adaptation of an earlier English practice. It was based on the principle that the national purse strings should be controlled by a body directly responsible to the people. So when the Constitution was formulated, the authority for initiation of revenue legislation was vested in the House of Representatives where the Members are subject to direct election every 2 years. However, the Constitution also guarantees the Senate’s power to “propose or concur with amendments as on other bills.”

51. Must all appropriation measures originate in the House?

Although the Constitution clearly delegates sole authority to originate tax measures to the House of Representatives, it makes no clear statement regarding the authority to originate appropriation measures. Despite occasional disputes between the House and Senate over such authority, the House customarily originates general appropriation bills. The Senate from time to time initiates special appropriation measures which provide funds for a single agency or purpose.

52. What is the difference between an authorization and an appropriation?

Authorizations and appropriations are separate and distinct parts of the Federal budget process. Authorizations are measures which establish Federal policies and programs, and may also make recommendations concerning the proper spending level for a program or agency. Those recommendations are acted upon in the form of appropriations, which provide specific dollar amounts for

agencies, programs, and operations. If an authorization specifies a spending level or upper limit, this amount acts as the maximum that an appropriation can provide. The rules of both the House and the Senate prohibit unauthorized appropriations.

53. What are the different types of appropriation measures?

Appropriations are provided in three different types of appropriation measures. Regular appropriation bills are a series of measures which together fund the bulk of Federal operations for a fiscal year (October 1–September 30). There is one regular appropriation bill for each of the 13 subcommittees of the House and Senate Appropriations Committees. A supplemental appropriation bill is a measure which provides funds if a need develops which is too urgent to be postponed until the next fiscal year. Finally, a continuing resolution is a measure which provides stop-gap funding if Congress is unable to complete action on one or more regular appropriation bills before the beginning of a fiscal year.

All regular appropriation bills as well as supplemental appropriation bills that fund more than a single agency or purpose are also referred to as general appropriation bills.

51. What is the congressional budget process?

The congressional budget process, established by the Congressional Budget and Impoundment Control Act of 1974, is the means by which Congress institutes and enforces an overall budgetary plan, including levels for total revenues, total spending and the deficit. This blueprint for all Federal spending is established in the form of a concurrent resolution on the budget. Funds are then allocated to congressional committees pursuant to this resolution. The rules of both the House and Senate prohibit spending in excess of these allocations. Any changes in law that are necessary to achieve these targets can be enacted in the form of a reconciliation bill.

55. What is sequestration?

Sequestration is an across-the-board cut in Federal spending pursuant to a Presidential order. A sequestration order can only be issued if Congress fails to meet a budgetary requirement, such as a deficit target or a spending limit. Sequestration was first established in 1985 by the Balanced Budget and Emergency Deficit Reduction Act, also known as the Gramm-Rudman-Hollings Act.

56. What are the powers of Congress as provided in the Constitution?

The Constitution (Article I, Section 8) empowers the Congress to levy taxes, collect revenue, pay debts and provide for the general welfare; borrow money; regulate interstate and foreign commerce; establish uniform rules of naturalization and bankruptcy; coin money and regulate its value; punish counterfeiters; establish a postal system; enact patent and copyright laws; establish Federal courts inferior to the Supreme Court; declare war; provide for Armed Forces; impeach and try Federal officers (Sections 2 and 3); and to have exclusive legislative power over the District of Columbia. In Article II, Section 2, the Senate is given the power to con-

sent to the ratification of treaties and confirm the nomination of public officials. Congress is also given the power to enact such laws as may be "necessary and proper" to implement its mandate in Article I, and in certain amendments to the Constitution.

57. What is the confirmation power of the Senate?

Under Article II of the Constitution, the President appoints, by and with the advice and consent of the Senate, ambassadors, other public ministers and consuls, Justices of the Supreme Court and Federal judges, and other Federal officers whose appointments are established by law, including the heads of executive branch departments and agencies and independent regulatory commissions. This means that while the President nominates the individuals of these important positions in the Federal Government, the Senate must confirm them before they officially take office. The Senate confirmation process can involve a background check of the nominee, often using information supplied by the Federal Bureau of Investigation; meetings between the nominee and individual Senators; hearings and a vote on the nomination by the committee with jurisdiction over the office; and debate and vote in the full Senate, where a majority is necessary to confirm the appointment.

58. What is the role of the Congress in the impeachment process?

Impeachment is the process by which the President, Vice President, Federal judges and Justices, and all civil officials of the United States may be removed from office. Officials may be impeached for treason, bribery, and other high crimes and misdemeanors.

The House of Representatives has the sole authority to bring charges of impeachment, by a simple majority vote, and the Senate has the sole authority to try impeachment charges. An official may be removed from office only upon conviction, which requires a two-thirds affirmative vote of the Senate. The Constitution provides that the Chief Justice shall preside when the President is being tried for impeachment.

59. Who controls use of the Armed Forces?

The Constitution (Article II, Section 2) states that the President is the Commander in Chief of the Army, Navy, and State Militias (now called the National Guard) when it is called into Federal service. Historically, Presidents have used this authority to commit U.S. troops abroad without a formal declaration of war. However, the Constitution reserves to Congress (Article I, Section 8) the power to raise and support the Armed Forces as well as the sole authority to declare war. These competing powers have been the source of controversy between the legislative and executive branches over warmaking. In 1973, Congress enacted the War Powers Resolution, which limits the President's authority to use Armed Forces abroad without specific congressional authorization, in an attempt to increase and clarify Congress' control over the use of the military abroad. But the resolution has proven controversial and has been largely circumvented by Presidents in the meantime.

In addition, the Armed Forces operate under the doctrine of civilian control, which means that only the President or statutory deputies (the Secretary and Deputy Secretary of Defense) can order the use of force. The chain of command is structured to insure that the military cannot undertake actions without civilian approval or knowledge.

60. What is the procedure to commit the country's military force to war?

The Constitution gives to Congress the authority to declare war; this has occurred on only five occasions since 1789, the most recent being World War II. But the President, as Commander in Chief, has implied powers to commit the Nation's military forces abroad, which has occurred on more than 200 occasions in U.S. history. Moreover, Congress may authorize the use of the military in specific cases through public law.

The War Powers Resolution, enacted on November 7, 1973, as Public Law 93-148, also tries to clarify these respective roles of the President and Congress in cases involving the use of Armed Forces abroad without a declaration of war. The President is expected to consult with Congress before using the Armed Forces "in every possible instance," and is required to report to Congress within 48 hours of introducing troops. Use of the Armed Forces is to be terminated within 60 days, with a possible 30-day extension by the President, unless Congress acts during that time to declare war or enact a specific authorization for use of the Armed Forces, to extend the 60-90 day period, or is physically unable to meet as a result of an attack on the United States.