

Federal government of the United States

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The **federal government of the United States** is the central United States governmental body, established by the United States Constitution. The federal government has three branches: the legislative, executive, and judicial. Through a system of separation of powers and the system of "checks and balances," each of these branches has some authority to act on its own, some authority to regulate the other two branches, and has some of its own authority, in turn, regulated by the other branches.^[1] The policies of the federal government have a broad impact on both the domestic and foreign affairs of the United States. In addition, the powers of the federal government as a whole are limited by the Constitution, which, per the Tenth Amendment, gives all power not directed to the National government, to the State level, or to the people.

The seat of the federal government is in the federal district of Washington, D.C.

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Legislative branch

The United States Congress is the legislative branch of the federal government. It is bicameral, comprising the House of Representatives and the Senate. The House of Representatives consists of 435 voting members, each of whom represents a congressional district and serves for a two-year term. In addition to the 435 voting members there are five non-voting members, consisting of four delegates and one resident commissioner. There is one delegate each from the District of Columbia, Guam, Virgin Islands, and American Samoa, and the resident commissioner

United States



This article is part of the series:
Politics and government of the United States

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is from Puerto Rico.^[2] House seats are apportioned among the states by population; in contrast, each state has two Senators, regardless of population. There are a total of 100 senators (as there are currently 50 states), who serve six-year terms (one third of the Senate stands for election every two years). Each congressional chamber (House or Senate) has particular exclusive powers—the Senate must give "advice and consent" to many important Presidential appointments, and the

House must introduce any bills for the purpose of raising revenue. However, the consent of both chambers is required to make any law. The powers of Congress are limited to those enumerated in the Constitution; all other powers are reserved to the states and the people. The Constitution also includes the "Necessary and Proper Clause", which grants Congress the power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Members of the House and Senate are elected by first-past-the-post voting in every state except Louisiana and Washington, which have runoffs.

The Constitution does not specifically call for the establishment of Congressional committees. As the nation grew, however, so did the need for investigating pending legislation more thoroughly. The 108th Congress (2003-2005) had 19 standing committees in the House and 17 in the Senate, plus four joint permanent committees with members from both houses overseeing the Library of Congress, printing, taxation, and the economy. In addition, each house can name special, or select, committees to study specific problems. Because of an increase in workload, the standing committees have also spawned some 150 subcommittees.

Powers of Congress

The Constitution grants numerous powers to Congress. These include the powers to levy and collect taxes, provide for common defense and promote the pursuit of liberty; to coin money and regulate its value; provide for punishment for counterfeiting; establish post offices and roads, promote progress of science, create courts inferior to the Supreme Court, define and punish piracies and felonies, declare war, raise and support armies, provide and maintain a navy, make rules for the regulation of land and naval forces, provide for, arm, and discipline the militia, exercise exclusive legislation in the District of Columbia, and make laws necessary and proper to execute the powers of Congress.

Congressional oversight

Congressional oversight is intended to prevent waste and fraud, protect civil liberties and individual rights, ensure executive compliance with the law, gather information for making laws and educating the public, and evaluate executive performance.^[3]

It applies to cabinet departments, executive agencies, regulatory commissions, and the presidency. Congress's oversight function takes many forms:

- Committee inquiries and hearings
- Formal consultations with and reports from the President
- Senate advice and consent for presidential nominations and for treaties

Elections

- Presidential elections
- Midterm elections

- Democratic
- Republican
- Third parties

Subdivisions

- State government
 - Governors
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 - State Courts
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Other countries • Atlas

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- House impeachment proceedings and subsequent Senate trials
- House and Senate proceedings under the 25th Amendment in the event that the President becomes disabled or the office of the Vice President falls vacant
- Informal meetings between legislators and executive officials
- Congressional membership: each state, is allocated a number of seats based on its representation (or ostensible representation, in the case of D.C.) in the House of Representatives. Each state is allocated two Senators regardless of its population. At the present time, the District of Columbia elects a non-voting representative to the House of Representatives along with American Samoa, the U.S. Virgin Islands, and Guam.

Executive branch

All executive power in the federal government is vested in the President of the United States, although power is often delegated to the Cabinet members and other officials. The President and Vice President are elected as 'running mates' for a maximum of two four-year terms by the Electoral College, for which each state, as well as the District of Columbia, is allocated a number of seats based on its representation (or ostensible representation, in the case of D.C.) in both houses of Congress.

President



The Executive branch consists of the President and delegates. The President is both the head of state and government, as well as the military commander-in-chief (only when called into actual military services), chief diplomat and chief of party. The President, according to the Constitution, must "take care that the laws be faithfully executed." The President presides over the executive branch of the federal government, a vast organization numbering about 4 million people, including 1 million active-duty military personnel. The current president is Barack Obama.

The President may sign legislation passed by Congress into law, or may veto it, preventing it from becoming law unless two-thirds of both houses of Congress vote to override the veto. The President may, with the consent of two-thirds of the Senate, make treaties with foreign nations. The President may be impeached by a majority in the House and removed from office by a two-thirds majority in the Senate for "treason, bribery, or other high crimes and misdemeanors." The President may not dissolve Congress or call special elections, but does have the power to pardon, or release, criminals convicted of offenses against the federal government (except in cases of impeachment), enact executive orders, and (with the consent of the Senate) appoint Supreme Court justices and federal judges.

Vice President

The Vice President is the second-highest executive official of the government. As first in the United States presidential line of succession, the Vice President becomes President upon the death, resignation, or removal of the President, which has happened nine times in U.S. history. Their only other constitutional duty is to serve as President of the Senate and break any tie votes in the Senate.

Relationship with Congress

The relationship between the President and the Congress reflects that between the English monarchy and parliament at the time of the framing of the United States Constitution. While the President can directly propose legislation (for instance, the federal budget), he must rely on supporters in Congress to support and promote his legislative agenda. After identical copies of a particular bill have been approved by a majority of both houses of Congress, the President's signature is required to make these bills law; in this respect, the President has the power to veto congressional

legislation. Congress can override a presidential veto with a two-thirds majority vote from both houses. The ultimate power of Congress over the President is that of impeachment or removal of the elected President through a House vote, a Senate trial, and a Senate vote (by two-thirds majority in favor). Nearly every president is threatened with the idea of impeachment, but only two Presidents (Andrew Johnson and Bill Clinton) have ever been successfully impeached, and neither was convicted by the Senate. Richard Nixon was *not* impeached in connection with the Watergate scandal, although the House Judiciary Committee had approved articles of impeachment against Nixon at the time he resigned.

The President makes around 2,000 executive appointments, including members of the Cabinet and ambassadors, which must be approved by the Senate; the President can also issue executive orders and pardons, and has other Constitutional duties, among them the requirement to give a State of the Union Address to Congress from time to time (usually once a year). (The Constitution does not specify that the State of the Union address be delivered in person; it can be in the form of a letter, as was the practice during most of the 19th century.) Although the President's constitutional role may appear to be constrained, in practice, the office carries enormous prestige that typically eclipses the power of Congress. The Vice President is first in the line of succession, and is the President of the Senate *ex officio*, with the ability to cast a tie-breaking vote. The members of the President's Cabinet are responsible for administering the various departments of state, including the Department of Defense, the Justice Department, and the State Department. These departments and department heads have considerable regulatory and political power, and it is they who are responsible for executing federal laws and regulations.

Cabinet, executive departments, and agencies

The day-to-day enforcement and administration of federal laws is in the hands of the various federal executive departments, created by Congress to deal with specific areas of national and international affairs. The heads of the 15 departments, chosen by the President and approved with the "advice and consent" of the U.S. Senate, form a council of advisers generally known as the President's "Cabinet". In addition to departments, there are a number of staff organizations grouped into the Executive Office of the President. These include the White House staff, the National Security Council, the Office of Management and Budget, the Council of Economic Advisers, the Office of the U.S. Trade Representative, the Office of National Drug Control Policy and the Office of Science and Technology Policy. The employees in these United States government agencies are called federal civil servants.

There are also independent agencies such as the United States Postal Service, the National Aeronautics and Space Administration (NASA), the Central Intelligence Agency (CIA), the Environmental Protection Agency, and the United States Agency for International Development. In addition, there are government-owned corporations such as the Federal Deposit Insurance Corporation and the National Railroad Passenger Corporation.

By law, each agency must submit an annual Section 300 report to the President's Office of Management & Budget.^[4]

This is part of a larger set of more extensive annual requirements called Circular A-11. Section 300 specifically covers planning, budgeting, acquisition, and management of capital assets. The details on how agencies collect and share information and how they are upgrading and improving their information technology decisions are becoming increasingly important. Within Section 300 there is a special exhibit called Exhibit 53 which gives extensive details on agency information technology investments. These investments make up most of the information technology investments from the annual budgets. For the fiscal year 2008's budget, that spending exceeds \$66.4 billion.^[5]

Judicial branch

The Supreme Court is the highest court in the federal court system. The court deals with matters pertaining to the federal government, disputes between states, and interpretation of the United States Constitution, and can declare legislation or executive action made at any level of the government as unconstitutional, nullifying the law and creating precedent for future law and decisions. Below the Supreme Court are the courts of appeals, and below them in



turn are the district courts, which are the general trial courts for federal law.

Separate from, but not entirely independent of, this federal court system are the individual court systems of each state, each dealing with its own laws and having its own judicial rules and procedures.

The supreme court of each state is the final authority on the interpretation of that state's laws and constitution. A case may be appealed from a state court to the U.S. Supreme Court only if there is a federal question (an issue arising under the U.S. Constitution, or laws/treaties of the United States). The relationship between federal and state laws is quite complex; together, they form the U.S. law.

The federal judiciary consists of the U.S. Supreme Court, whose justices are appointed for life by the President and confirmed by the Senate, and various "lower" or "inferior courts," among which are the courts of appeals and district courts.

The first Congress divided the nation into judicial districts and created federal courts for each district. From that beginning has evolved the present structure: the Supreme Court, 13 courts of appeals, 94 district courts, and two courts of special jurisdiction. Congress retains the power to create and abolish federal courts, as well as to determine the number of judges in the federal judiciary system. It cannot, however, abolish the Supreme Court.

There are three levels of federal courts with *general jurisdiction*, meaning that these courts handle criminal cases and civil law suits between individuals. The other courts, such as the bankruptcy courts and the tax court, are specialized courts handling only certain kinds of cases. The bankruptcy courts are branches of the district courts, but technically are not considered part of the "Article III" judiciary because their judges do not have lifetime tenure. Similarly, the tax court is not an Article III court.

The U.S. district courts are the "trial courts" where cases are filed and decided. The United States courts of appeals are "appellate courts" that hear appeals of cases decided by the district courts, and some direct appeals from administrative agencies. The Supreme Court hears appeals from the decisions of the courts of appeals or state supreme courts (on constitutional matters), as well as having original jurisdiction over a very small number of cases.

The judicial power extends to cases arising under the Constitution, an Act of Congress, or a U.S. treaty; cases affecting ambassadors, ministers, and consuls of foreign countries in the U.S.; controversies in which the U.S. government is a party; controversies between states (or their citizens) and foreign nations (or their citizens or subjects); and bankruptcy cases. The Eleventh Amendment removed from federal jurisdiction cases in which citizens of one state were the plaintiffs and the government of another state was the defendant. It did not disturb federal jurisdiction in cases in which a state government is a plaintiff and a citizen of another state the defendant.

The power of the federal courts extends both to civil actions for damages and other redress, and to criminal cases arising under federal law. Article III has resulted in a complex set of relationships between state and federal courts. Ordinarily, federal courts do not hear cases arising under the laws of individual states. However, some cases over which federal courts have jurisdiction may also be heard and decided by state courts. Both court systems thus have exclusive jurisdiction in some areas and concurrent jurisdiction in others.

The Constitution safeguards judicial independence by providing that federal judges shall hold office "during good behaviour"; in practice, this usually means they serve until they die, retire, or resign. A judge who commits an offence whilst in office may be impeached in the same way as the President or other officials of the federal government. U.S. judges are appointed by the President, subject to confirmation by the Senate. Another Constitutional provision prohibits Congress from reducing the pay of any judge. Congress is able to set a lower salary for all future judges that take office after the reduction, but may not decrease the rate of pay for judges already in office.

Elections and votings

Suffrage, commonly known as the ability to vote, has changed significantly over time. In the early years of the United States, voting was considered a matter for state governments, and was commonly restricted to white men who owned land. Direct elections were mostly held only for the U.S. House of Representatives and state legislatures, although what specific bodies were elected by the electorate varied from state to state. Under this original system, both senators representing each state in the U.S. Senate were chosen by a majority vote of the state legislature. Since the ratification of the Seventeenth Amendment in 1913, members of both houses of Congress have been directly elected.

Today, partially due to the Twenty-sixth Amendment, U.S. citizens have almost universal suffrage from the age of 18, regardless of race, gender, or wealth, and both Houses of Congress are directly elected. The only exception to this is the disenfranchisement of convicted felons, and in some states former felons as well.

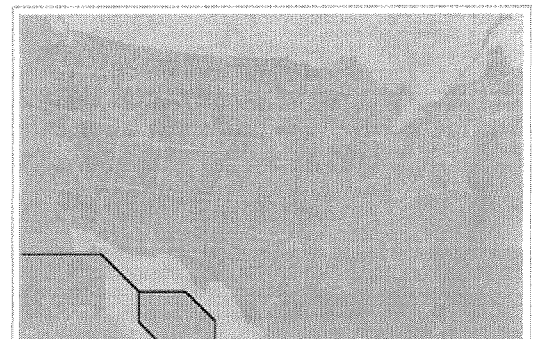
Currently, the national representation of territories and the federal district of Washington, D.C., in Congress is limited: residents of the District of Columbia are subject to federal laws and federal taxes, but their only congressional representative is a non-voting delegate. Residents of U.S. territories have varying rights; for example, residents of Puerto Rico do not pay federal taxes (on local income), but cannot vote for President and have no voting representatives in Congress.

State, tribal, and local governments

The state governments tend to have the greatest influence over most Americans' daily lives. The Tenth Amendment to the United States Constitution guarantees their general plenary powers, versus the limited enumerated powers possessed by the federal government; as a result, they handle the majority of issues most relevant for most individuals within their jurisdiction. Because state governments lack the power to print currency, they must raise revenue either through taxes or bonds (both of which are politically unpopular). As a result, state governments tend to impose severe budget cuts at any time the economy is faltering, which are strongly felt by the public they are responsible for.^[6]

Each state has its own written constitution, government, and code of laws. There are sometimes great differences in law and procedure between individual states, concerning issues such as property, crime, health, and education. The highest elected official of each state is the Governor. Each state also has an elected state legislature (bicameralism is a feature of every state except Nebraska), whose members represent the voters of the state. Each state maintains its own state court system. In some states, supreme and lower court justices are elected by the people; in others, they are appointed, as they are in the federal system.

As a result of the Supreme Court case *Worcester v. Georgia*, Indian tribes are considered "domestic dependent nations" that operate as sovereign governments subject to federal authority but, generally and where possible, outside of the influence of state governments. Hundreds of laws, executive orders, and court cases have modified the governmental status of tribes vis-à-vis individual states, but the two have continued to be recognised as separate bodies. Tribal capacity to operate robust governments varies, from a simple council used to manage all aspects of tribal affairs, to large and complex bureaucracies with several branches of government. Tribes are empowered to form their own governments, with power resting in elected tribal councils, elected tribal chairpersons, or religiously appointed leaders



United States, showing states, divided into counties (parishes in Louisiana; boroughs in Alaska). Note that Alaska and Hawaii are shown at different scales, and that the Aleutian Islands and the uninhabited Northwestern Hawaiian Islands are omitted from this map.

(as is the case with pueblos). Tribal citizenship (and voting rights) is generally restricted to individuals of native descent, but tribes are free to set whatever membership requirements they wish.

The institutions that are responsible for local government in states are typically town, city, or county boards, water management districts, fire management districts, library districts, and other similar governmental units which make laws that affect their particular area. These laws concern issues such as traffic, the sale of alcohol, and the keeping of animals. The highest elected official of a town or city is usually the mayor. In New England, towns operate in a direct democratic fashion, and in some states, such as Rhode Island and Connecticut, counties have little or no power, existing only as geographic distinctions. In other areas, county governments have more power, such as to collect taxes and maintain law enforcement agencies.

See also

President

- Cabinet
- Executive order
- Federal Executive Departments
- President's Executive Office

Courts

- Bankruptcy courts
- Courts of appeals
- District courts
- Federal courts
- Federal judicial circuit
- Federal judicial district
- Supreme Court

Law

- Constitution
- Governmental designations for places
- U.S. Code
- U.S. Law

Agencies

Some agencies are legislative, some are executive, some are judicial.

- Federal agencies
- Independent agencies

States and territories

- Political divisions
- U.S. states
- U.S. territory

Comparison

- Comparison of United States and British governments

Web site and works

- U.S. Government Web Portal for Businesses
- U.S. Government Web Portal for Citizens
- Copyright status of work by the U.S. government

Notes

- [^] Thomson, Jeri; Davis, Zoe (2001-10) (PDF), *Presidential Vetoes, 1989–2000* (<http://www.senate.gov/reference/resources/pdf/presvetoes.pdf>), <http://www.senate.gov/reference/resources/pdf/presvetoes.pdf>, retrieved on 2008-07-30
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- [^] Whitehouse.gov (May 2007). *Report on Information Technology (IT) Spending for the Federal Government For Fiscal Years 2006, 2007, and 2008* (<http://georgewbush-whitehouse.archives.gov/omb/budget/fy2008/>). Press release. <http://georgewbush-whitehouse.archives.gov/omb/budget/fy2008/>. Retrieved on 2008-07-28.
- [^] "A brief overview of state fiscal conditions and the effects of federal policies on state budgets" (<http://www.cbpp.org/10-22-03sfp4.pdf>) (PDF). Center on Budget and Policy Priorities. 2004-05-12. <http://www.cbpp.org/10-22-03sfp4.pdf>. Retrieved on 2008-07-30.

External links

- USA.gov (<http://www.usa.gov/>) official U.S. Government portal
- U.S. Government (<http://www.youtube.com/watch?v=http://www.youtube.com/USGovernment>) at YouTube
- Government Information: Directories and Manuals (<http://ucblibraries.colorado.edu/govpubs/us/direct.htm>) from *UCB Libraries GovPubs*

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United States Cabinet

From Wikipedia, the free encyclopedia

The **United States Cabinet** (usually referred to as **the President's Cabinet** or simplified as **the Cabinet**) is composed of the most senior appointed officers of the executive branch of the federal government of the United States. Its existence dates back to the first American President, George Washington, who appointed a Cabinet of four people (Secretary of State Thomas Jefferson; Secretary of the Treasury Alexander Hamilton; Secretary of War Henry Knox; and Attorney General Edmund Randolph) to advise and assist him in his duties. Cabinet officers are nominated by the President and then presented to the United States Senate for confirmation or rejection by a simple majority. If approved, they are sworn in and begin their duties. Aside from the Attorney General, and previously, the Postmaster General, they all receive the title *Secretary*. Members of the Cabinet serve at the pleasure of the President.

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 - 1.1 Confirmation requirement
 - 1.2 Other constitutional references
 - 1.3 The Cabinet in federal law
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 - 2.1 Recent decline in influence
 - 2.2 Line of succession
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Constitutional and legal basis

Confirmation requirement

Article Two, Section 2 of the U.S. Constitution says that the President

United States



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Presidency

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- **Cabinet**
- Federal agencies

Judiciary

- Federal courts
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Elections

"...shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Other constitutional references

Article Two of the Constitution provides that the President can require "the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices."^[1] The Constitution did not then establish the names (or list or limit the number) of Cabinet departments; those details were left to the Congress to determine.

Later, upon addition of the 25th Amendment to the Constitution, a provision was created allowing the Vice President and "a majority of the principal officers" of the executive branch departments to transmit a notice (to the Speaker of the House and the Senate President pro tempore) that the President is unfit for office. If the President contests this finding, the Congress is directed to settle the matter.

United States Cabinet nominees are chosen from a large pool of potential candidates. One of the few qualification restrictions is set out in the Ineligibility Clause of Article One of the Constitution: "no person holding any office under the United States, shall be a member of either house during his continuance in office." Accordingly, a sitting member of the United States Congress must resign his or her seat to accept a Cabinet appointment. This clause also bars any member of Congress from holding an executive office that was created by law during his or her current term in Congress.

This constitutional separation between the executive and the legislative branches is the opposite of the British parliamentary cabinet system, where members of the Cabinet are required by convention to be sitting members of the legislature.

The Cabinet in federal law

There is no explicit definition of the term "Cabinet" in either the United States Code or the Code of Federal Regulations. However, there are occasional references to "cabinet-level officers" or "secretaries", which when viewed in context appear to refer to the heads of the "executive departments" as listed in 5 U.S.C. § 101 (<http://www.law.cornell.edu/uscode/5/101.html>).

Under 5 U.S.C. § 3110 (<http://www.law.cornell.edu/uscode/5/3110.html>) federal officials are prohibited from appointing family members to certain governmental posts, including seats in the Cabinet. Passed in 1967, the law was a response to John F. Kennedy's appointment of Robert F. Kennedy to the post of Attorney General.

Significance

Recent decline in influence

- Presidential elections
- Midterm elections

- Democratic
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- Third parties

Subdivisions

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Indicative of the Cabinet's relative unimportance in contemporary American government, President Obama did not meet with his assembled Cabinet until a full three months into his administration.^[2]















During a meeting of the President's Cabinet, members are seated according to the order of precedence, with higher ranking officers sitting closer to the center of the table. Hence, the President and Vice President sit directly across from each other at the middle of the oval shaped table. Then, the Secretaries of State and Defense are seated directly to the right and left, respectively, of the President and the Secretary of Treasury and the Attorney General sit to right and left, respectively, of the Vice President. This alternation according to rank continues, with Cabinet-rank members (those not heading executive departments, the Vice President excluded) sitting at the very ends, farthest away from the president and vice president.








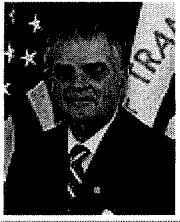







The Cabinet is also important in the presidential line of succession, which determines an order in which Cabinet officers succeed to the office of the president following the death or resignation of the president. At the top of the order of succession are the Vice President, Speaker of the House and President pro tempore of the Senate, and Secretary of State. Because of this, it is common practice not to have the entire Cabinet in one location, even for ceremonial occasions like the State of the Union Address, where at least one Cabinet member does not attend. This person is the designated survivor, and he or she is held at a secure, undisclosed location, ready to take over if the President, Vice President, Speaker of the House, President pro tempore of the Senate, Secretary of State and the rest of the Cabinet are killed.

See also: Confirmations of Barack Obama's Cabinet

Secretary Gates was previously confirmed by the Senate (as President Bush's Secretary of Defense) and therefore did not need to be re-confirmed.


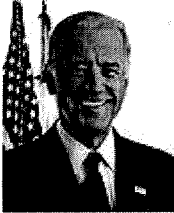








				in Office
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Department	Office	Incumbent	Image	since
 Department of State	Secretary of State	Hillary Rodham Clinton		January 21, 2009
 Department of the Treasury	Secretary of the Treasury	Timothy Geithner		January 26, 2009
 Department of Defense	Secretary of Defense	Robert Gates		December 6, 2006
 Department of Justice	Attorney General	Eric Holder		February 2, 2009
 Department of the Interior	Secretary of the Interior	Ken Salazar		January 21, 2009
 Department of Agriculture	Secretary of Agriculture	Tom Vilsack		January 21, 2009
 Department of Commerce	Secretary of Commerce	Gary Locke		March 24, 2009
	Secretary of Labor	Hilda Solis		February 24, 2009

 Department of Labor				
 Department of Health and Human Services	Secretary of Health and Human Services	Kathleen Sebelius		April 28, 2009
 Department of Housing and Urban Development	Secretary of Housing and Urban Development	Shaun Donovan		January 26, 2009
 Department of Transportation	Secretary of Transportation	Ray LaHood		January 22, 2009
 Department of Energy	Secretary of Energy	Steven Chu		January 21, 2009
 Department of Education	Secretary of Education	Arne Duncan		January 21, 2009
 Department of Veterans' Affairs	Secretary of Veterans' Affairs	Eric Shinseki		January 21, 2009
 Department of Homeland Security	Secretary of Homeland Security	Janet Napolitano		January 21, 2009

Department of Homeland Security			
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Cabinet-level officers

Department	Office	Incumbent	Image	in Office since
 Office of the Vice President	Vice President of the United States	Joe Biden		January 20, 2009
 Executive Office of the President	White House Chief of Staff	Rahm Emanuel		January 20, 2009
 Office of Management and Budget	Director of the Office of Management and Budget	Peter Orszag		January 20, 2009
 Office of the U.S. Trade Representative	United States Trade Representative	Ron Kirk		March 18, 2009
 Environmental Protection Agency	Administrator of the Environmental Protection Agency	Lisa P. Jackson		January 22, 2009
				January 22,

 United States Mission to the United Nations	Ambassador to the United Nations	Susan Rice		2009
 Council of Economic Advisers	Chair of the Council of Economic Advisors	Christina Romer		January 28, 2009

Salary

Main article: Executive Schedule

Cabinet officials receive an amount of pay determined by Title 5 of the United States Code. Some cabinet-level officials, including the Vice President and the White House Chief of Staff have their salaries determined differently.

Former Cabinet departments

- Department of War (1789–1947): subsumed into new Department of Defense.
- Department of the Navy (1798–1947): subsumed into new Department of Defense.
- Post Office Department (1829–1971), headed by the Postmaster General: reorganized as the United States Postal Service, an independent executive agency.

Renamed Cabinet offices

- Secretary of Foreign Affairs: created in July 1789 and renamed "Secretary of State" in September 1789.^[3]
- Secretary of Commerce and Labor: created in 1903 and renamed "Secretary of Commerce" in 1913 when its labor functions were transferred to the new Secretary of Labor.
- Secretary of Health, Education, and Welfare: created in 1953 and renamed "Secretary of Health and Human Services" in 1979 when its education functions were transferred to the new Secretary of Education.

Executive officials no longer of Cabinet rank

- Director of the Federal Emergency Management Agency (1996–2003): created as an independent agency in 1979, raised to Cabinet rank in 1996^[4], and subsumed into the newly created Department of Homeland Security in 2003.
- Director of Central Intelligence (1995–2001)^{[5][6][7]}
- Director of the Office of National Drug Control Policy (1993–2009)^{[8][9]}
- Administrator of the Small Business Administration (1994–2001)^{[10][11]}

Proposed Cabinet departments

- U.S. Department of Commerce and Industry (proposed by business interests in the 1880s)
- U.S. Department of Agriculture and Labor (proposed by members of U.S. Congress)
- U.S. Department of Public Welfare (proposed by President Warren Harding)
- U.S. Department of Natural Resources (proposed by former President Herbert Hoover, the Eisenhower administration, President Richard Nixon and the GOP national platform in 1976)
- U.S. Department of Peace (proposed by Congressman Dennis Kucinich)
- U.S. Department of Social Welfare (proposed by President Franklin Roosevelt)
- U.S. Department of Public Works (proposed by President Franklin Roosevelt)
- U.S. Department of Conservation (proposed by Interior Secretary Harold L. Ickes)
- U.S. Department of Urban Affairs (proposed by President John F. Kennedy)
- U.S. Department of Business and Labor (proposed by President Lyndon Johnson)
- U.S. Department of Community Development (proposed by President Richard Nixon; to be chiefly concerned with infrastructure)
- U.S. Department of Human Resources (proposed by President Richard Nixon; essentially a revised Department of Health, Education, and Welfare)
- U.S. Department of Economic Development (proposed by President Richard Nixon; essentially a consolidation of the Departments of Commerce and Labor)
- U.S. Department of Environmental Protection (proposed by Senator Arlen Specter)
- U.S. Department of International Trade (proposed by the Heritage Foundation)
- U.S. Department of Global Development (proposed by the Center for Global Development and others)
- U.S. Department of Culture (proposed by Quincy Jones)^[12]

Lists of Cabinets

See also: List of United States Cabinets

See also

- Kitchen Cabinet
- Black Cabinet
- List of US Cabinet Secretaries who have held multiple cabinet-level positions
- List of first African Americans to hold U.S. Cabinet Secretaryships
- List of first women to hold U.S. Cabinet Secretaryships
- List of United States political appointments that crossed party lines
- Living former cabinet members

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- Official site of the President's Cabinet (<http://www.whitehouse.gov/government/cabinet.html>)
- U.S. Senate's list of cabinet members who did not attend the State of the Union Address (since 1984) (<http://www.senate.gov/artandhistory/history/resources/pdf/StateUnionCabinet.pdf>)

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United States congressional committee

From Wikipedia, the free encyclopedia

A **congressional committee** is a legislative sub-organization in the United States Congress that handles a specific duty (rather than the general duties of Congress). Committee membership enables members to develop specialized knowledge of the matters under their jurisdiction. As "little legislatures," committees monitor on-going governmental operations, identify issues suitable for legislative review, gather and evaluate information, and recommend courses of action to their parent body. Woodrow Wilson once said "...it is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work."^[1]

Congress divides its legislative, oversight, and internal administrative tasks among approximately 200 committees and subcommittees. Within assigned areas, these functional subunits gather information; compare and evaluate legislative alternatives; identify policy problems and propose solutions; select, determine, and report measures for full chamber consideration; monitor executive branch performance (oversight); and investigate allegations of wrongdoing.^[2]

Over the last two centuries and a half, the growing autonomy of committees has fragmented the power of each congressional chamber as a unit. This centrifugal dispersion of power has, without doubt, weakened the Legislative Branch relative to the other branches of the Federal government, i.e. the Executive Branch, the courts, and the bureaucracy. In his oft cited, *History of the House of Representatives*, written in 1961, the American scholar, George B. Galloway (1898-1967) said of the Congress: "In practice, Congress functions not as a unified institution, but as a collection of semi-autonomous committees that seldom act in unison." Galloway went on to cite committee autonomy as a factor interfering with the adoption of a coherent legislative program.^[3] That autonomy remains a characteristic feature of the committee system in Congress today.

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History of congressional committees

The modern committee structure stems from the Legislative Reorganization Act of 1946, the first and most ambitious restructuring of the standing committee system since the committee system was first developed. The 1946 act reduced the number of House committees from 48 to 19 and the number of Senate committees from 33 to 15. Jurisdictions of all committee were codified by rule in their respective chambers, which helped consolidate or eliminate many existing committees and minimize jurisdictional conflicts.

The Joint Committee on the Organization of Congress, a temporary committee established in 1993 to conduct a policy and historical analysis of the committee system, determined that while the 1946 Act was instrumental in streamlining

the committee system, it did fail to limit the number of subcommittees allowed on any one committee. Today, Rules in the U.S. House of Representatives generally limit each full committee to five subcommittees, with the exception of Appropriations (12 subcommittees), Armed Services (7), Foreign Affairs (7), and Transportation and Infrastructure (6).

^[4] There are no limits on the number of subcommittees in the U.S. Senate.

Congress has convened several other temporary review committees to analyze and make recommendations on ways to reform and improve the committee system. For example, the Legislative Reorganization Act of 1970 led to further reforms to open Congress to further public visibility, strengthen its decision-making capacities, and augment minority rights. The 1970 Act provided for recorded teller votes in the House's Committee of the Whole; allowed minority party committee members to call their own witnesses during a day of hearings; established the Senate Committee on Veterans' Affairs; and enhanced the research capabilities of two legislative support agencies: the Congressional Research Service and the General Accounting Office.

History of Senate committees

The first Senate committee was established April 7, 1789, to draw up Senate rules of procedure. In those early days, the Senate operated with temporary select committees, which were responsive to the entire Senate, with the full Senate selecting their jurisdiction and membership. This system provided a great deal of flexibility, as if one committee proved unresponsive, another could be established in its place. The Senate could also forego committee referral for actions on legislation or presidential nominations. These early committees generally consisted of three members for routine business and five members for more important issues. The largest committee established during the 1st Congress had eleven members, and was created to determine salaries of the president and vice president. Also in the first session, the entire membership of the Senate was divided into two large committees, with half the senators on the committee to prepare legislation establishing the federal judiciary and the other half on the committee to define the punishment of crimes against the United States.

Over time, this system proved ineffective, so in 1816 the Senate adopted a formal system of 11 standing committees with five members each. Three of those committees, the Finance, Foreign Relations and the Judiciary Committees exist largely unchanged today, while the duties of the others have evolved into successor committees. With the advent of this new system, committees are able to handle long-term studies and investigations, in addition to regular legislative duties. According to the Senate Historical Office, "the significance of the change from temporary to permanent committees was perhaps little realized at the time." With the growing responsibilities of the Senate, the committees gradually grew to be the key policy-making bodies of the Senate, instead of merely technical aids to the chamber.

By 1906, the Senate maintained 66 standing and select committees—eight more committees than members of the majority party. The large number of committees and the manner of assigning their chairmanships suggests that many of them existed solely to provide office space in those days before the Senate acquired its first permanent office building, the Russell Senate Office Building. There were so many committees that freshman Senator Robert LaFollette of Wisconsin was assigned chairmanship of the Committee to Investigate the Condition of the Potomac River Front at Washington. According to LaFollette, he "had immediate visions of cleaning up the whole Potomac River front. Then [he] found that in all its history, the committee had never had a bill referred to it for consideration, and had never held a meeting." In 1920, the Congressional Directory listed nearly 80 committees, including the Committee on the Disposition of Useless Papers in the Executive Departments. By May 27, 1920, the Russell Senate Office Building had opened, and with all Senate members assigned private office space, the Senate quietly abolished 42 committees.^[5]

Today the Senate operates with 20 standing and select committees. These select committees, however, are permanent in nature and are treated as standing committees under Senate rules.

History of House committees

The first House committee was appointed on April 2, 1789 to "prepare and report such standing rules and orders of

proceeding" as well as the duties of a Sergeant-at-Arms to enforce those rules.^[6] Other committees were created as needed, on a temporary basis, to review specific issues for the full House. The House relied primarily on the Committee of the Whole to handle the bulk of legislative issues. In response to the House's need for more detailed advice on certain issues, more specific committees with broader authority were established. One of the first was a three-member committee on April 29, 1789 "to prepare and report an estimate of supplies . . . and of nett^[7] produce of the impost." The Committee on Ways and Means followed on July 24, 1789 during a debate on the creation of the Treasury Department over concerns of giving the new department too much authority over revenue proposals. The House felt it would be better equipped if it established a committee to handle the matter. This first Committee on Ways and Means had 11 members and existed for just two months. It later became a standing committee in 1801, a position it still holds today.^[8]

Types of committees

There are three main types of committees—standing, select or special, and joint.^[2]

Standing committees are permanent panels identified as such in chamber rules (House Rule X, Senate Rule XXV).

Because they have legislative jurisdiction, standing committees consider bills and issues and recommend measures for consideration by their respective chambers. They also have oversight responsibility to monitor agencies, programs, and activities within their jurisdictions, and in some cases in areas that cut across committee jurisdictions.

Most standing committees recommend funding levels—authorizations—for government operations and for new and existing programs. A few have other functions. For example, the Appropriations Committees recommend legislation to provide budget authority for federal agencies and programs. The Budget Committees establish aggregate levels for total spending and revenue that serve as guidelines for the work of the authorizing and appropriating panels.

Select or special committees are established generally by a separate resolution of the chamber, sometimes to conduct investigations and studies, and, on other occasions, also to consider measures. Often, select committees examine emerging issues that don't fit clearly within existing standing committee jurisdictions, or which cut across jurisdictional boundaries. A select committee may be permanent or temporary (all current select committees in the House and Senate are considered permanent committees). Instead of select, the Senate sometimes uses the term special committee (as in the Special Committee on Aging).

Joint committees are permanent panels that include members from both chambers, which generally conduct studies or perform housekeeping tasks rather than consider measures. For instance, the Joint Committee on Printing oversees the functions of the Government Printing Office and general printing procedures of the federal government. The chairmanship of joint committees usually alternates between the House and Senate. A conference committee is a temporary joint committee formed to resolve differences between competing House and Senate versions of a measure. Conference committees draft compromises between the positions of the two chambers, which are then submitted to the full House and Senate for approval.

On the joint committee system that has prevailed for many decades in New England -- in the legislatures of Connecticut, Maine and Massachusetts -- and on reform along somewhat similar lines for the standing committee system of the U.S. Congress, see Struble's work as cited below.^[9]

Other committees are also used in the modern Congress.

- **Subcommittees** are formed by most committees to share specific tasks within the jurisdiction of the full committee. Subcommittees are responsible to, and work within the guidelines established by, their parent committees. In particular, standing committees usually create subcommittees with legislative jurisdiction to

consider and report bills. They may assign their subcommittees such specific tasks as the initial consideration of measures and oversight of laws and programs in the subcommittees’ areas.

- **Committee of the whole** — used by the House of Representatives, but not the modern Senate
- **Conference committee** — are joint, ad hoc groups formed to work out the differences between similar bills from both houses.

Current committees

In the House of Representatives, there are 21 permanent committees, and 20 in the United States Senate. Four joint committees operate with members from both houses on matters of mutual jurisdiction and oversight.

Committees in the House of Representatives generally have more members, due its larger size, as compared to the smaller 100-member Senate. Senate rules fix the maximum size for many of its committees, while the House determines the size and makeup of each committee every new Congress.

The roster of each committee is officially approved by a full vote of its house. However those decisions (including who will serve as chair of each committee) are actually made by the party leadership. Considerations in making the assignments include each member's areas of expertise, the interests of their constituents, and seniority. Political favors also often come into play in committee assignments.

House of Representatives	Senate	Joint
<div><ul style="list-style-type: none">■ Agriculture■ Appropriations■ Armed Services■ Budget■ Education and Labor■ Energy and Commerce■ Financial Services■ Foreign Affairs■ Homeland Security■ House Administration■ Intelligence (Permanent Select)■ Judiciary■ Natural Resources■ Oversight and Government Reform■ Rules■ Science and Technology■ Small Business■ Standards of Official Conduct■ Transportation and Infrastructure■ Veterans' Affairs■ Ways and Means■ <i>(Whole)</i></div> <div>(click here for complete list with</div>	<div><ul style="list-style-type: none">■ Aging (Special)■ Agriculture, Nutrition and Forestry■ Appropriations■ Armed Services■ Banking, Housing, and Urban Affairs■ Budget■ Commerce, Science and Transportation■ Energy and Natural Resources■ Ethics (Select)■ Environment and Public Works■ Finance■ Foreign Relations■ Health, Education, Labor, and Pensions■ Homeland Security and Governmental Affairs■ Indian Affairs■ Intelligence (Select)■ Judiciary■ Rules and Administration■ Small Business and Entrepreneurship■ Veterans' Affairs</div> <div>(click here for complete list with subcommittees)</div>	<div><ul style="list-style-type: none">■ <i>(Conference)</i>■ Economic■ Library (established 1806)■ Printing■ Taxation</div>

subcommittees)

Reform of congressional committee system

As might be expected, scholars and citizen reformers are generally more critical, and propose more fundamental forms of reform, than spring from within the congressional power structure, where political self-interest associated with incumbency tends to quench the flame of reform. Ways to democratize and to streamline the committee system include making it easier to bypass committee chairman, and indeed to circumvent the semi-autonomous standing committee system altogether when a committee obstructs the legislative process by withholding a bill from floor debate and majority decision. One approach to reform is to facilitate the process whereby committee decisions are brought to the floor of the whole House or Senate. Another approach is increasing the power and purview of joint committees, where the interest of each chamber in controlling its own bills would cause members of Congress to look askance at joint committee autonomy. The idea is that the two parent bodies acting as units would be inclined to hold joint committees accountable and to afford critical scrutiny to committee decisions. A combination of such approaches, along with other reforms, are set forth with detailed analysis in, Robert Struble, Jr., *Treatise on Twelve Lights*, chapter seven, in the subsection, Procedural Reforms Within Congress. (<http://www.tell-usa.org/totl/07-%20Accountability,%20Efficiency%20&%20Cuts.htm#Part3>)

See also

- List of Committees of the United Kingdom Parliament
- Discharge petition

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(<http://www.senate.gov/artandhistory/history/common/briefing/Committees.htm>)".

- *This article incorporates public domain material from the United States Government document "the Final Report of the Joint Committee on the Organization of Congress, December 1993 (<http://www.rules.house.gov/archives/jcoc2.htm>)".*

External links

- Via National Archives and Records Administration:
 - Committee Resource Guide: Committees of the U.S. Senate (<http://www.archives.gov/legislative/finding-aids/reference/senate/index.html>)
 - Guide to the Records of the U.S. Senate at the National Archives (Record Group 46) (<http://www.archives.gov/legislative/guide/senate/table-of-contents-short.html>)
 - Guide to the Records of the U.S. House of Representatives at the National Archives, 1789-1989 (Record Group 233) (<http://www.archives.gov/legislative/guide/house/table-of-contents-short.html>)
 - Chapter 23. Records of the Joint Committees of Congress 1789-1968 (Record Group 128) (<http://www.archives.gov/legislative/guide/house/chapter-23.html>)
- Committees in the House of Representatives (<http://www.house.gov/house/CommitteeWWW.shtml>)
- Committees in the United States Senate (http://www.senate.gov/pagelayout/committees/d_three_sections_with_tasers/committees_home.htm)
- Rules and Precedents of the House (http://rules.house.gov/house_rules_precedents.htm)
- Standing Rules of the Senate (<http://rules.senate.gov/senaterules/>)

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United States congressional hearing

From Wikipedia, the free encyclopedia

Congressional hearings are the principal formal method by which committees collect and analyze information in the early stages of legislative policymaking. Whether confirmation hearings — a procedure unique to the Senate — legislative, oversight, investigative, or a combination of these, all hearings share common elements of preparation and conduct. Hearings usually include oral testimony from witnesses, and questioning of the witnesses by members of Congress. George B. Galloway termed congressional hearings a goldmine of information for all the public problems of the United States.^[1] A leading authority on U.S. government publications has referred to the published hearings as "the most important publications originating within Congress."^[2] Hearings were not published generally until the latter part of the 19th Century, except some early hearings (generally of special investigative committees) were published in the series that are part of the Serial Set. Published hearings did not become available for purchase from the United States Government Printing Office until 1924 and were not distributed to depository libraries until 1938.^[3]

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Types of hearings

Legislative hearings

Committees hold legislative hearings on measures or policy issues that may become public law. Sometimes a committee holds hearings on multiple measures before ultimately choosing one vehicle for further committee and chamber action. Hearings provide a forum where facts and opinions can be presented from witnesses with varied backgrounds, including Members of Congress and other government officials, interest groups, and academics, as well as citizens likely to be directly or indirectly affected by the proposal.

Oversight hearings

Oversight hearings review or study a law, issue, or an activity, often focusing on the quality of federal programs and the performance of government officials. Hearings also ensures that the executive branch's execution goes with legislative intent, while administrative policies reflect the public interest. Oversight hearings often seek to improve the efficiency, economy, and effectiveness of government operations. A significant part of a committee's hearings workload is dedicated to oversight. For example, on a single day, May 8, 1996, the Senate Committee on Energy and Natural Resources held an oversight hearing to look into a recent increase in gasoline prices; the Committee on

Governmental Affairs held an oversight hearing on the Internal Revenue Service; the Committee on Health, Education, Labor and Pensions held an oversight hearing on the implementation of the Family and Medical Leave Act; and the Committee on Indian Affairs held an oversight hearing on the impact of a recent Supreme Court case involving Indian gaming. Many committees oversee existing programs in the context of hearings on related legislation, or routinely perform oversight when it is time to reauthorize a program, so oversight hearings may be combined with legislative hearings.

Investigative hearings

Investigative hearings share some of the characteristics of legislative and oversight hearings. The difference lies in Congress's stated determination to investigate, usually when there is a suspicion of wrongdoing on the part of public officials acting in their official capacity, or private citizens whose activities suggest the need for a legislative remedy. Congress's authority to investigate is broad and it has exercised this authority since the earliest days of the republic. Its most famous inquiries are benchmarks in American history: Credit Mobilier, Teapot Dome, Army-McCarthy, Watergate, and Iran-Contra. Investigative hearings often lead to legislation to address the problems uncovered. Judicial activities in the same area of Congress's investigation may precede, run simultaneously with, or follow such inquiries.

Confirmation hearings

Confirmation hearings on presidential nominations are held in fulfillment of the Senate's constitutional "advise and consent" responsibilities. Each Senate committee holds confirmation hearings on presidential nominations to executive and judicial positions within its jurisdiction. These hearings often offer an opportunity for oversight into the activities of the nominee's department or agency. While the vast majority of confirmation hearings are routine, some are controversial. Similarly, the Senate, as required by the Constitution, must consent to the ratification of treaties negotiated by the executive branch with foreign governments. In October 1999, for example, the Committee on Foreign Relations and the Committee on Armed Services held hearings on the Comprehensive Nuclear Test Ban Treaty. Also that year the Committee on Foreign Relations held hearings on ratifying tax treaties with Estonia, Venezuela, Denmark, and other nations. Although not as numerous as confirmation hearings, these hearings also allow the Senate to meet its constitutional responsibilities in an important area of public policy.

Field hearings

Field hearings are Congressional hearings held outside Washington. The formal authority for field hearings is found implicitly in the chamber rules. Senate Rule XXVI, paragraph 1 states that a committee "is authorized to hold hearings ... at such times and places during the sessions, recesses, and adjourned periods of the Senate" as it sees fit. Otherwise, there is no distinction between field hearings and those held in Washington. In the 106th Congress, for example, the Committee on Commerce has held a field hearing in Bellingham, Washington, on a liquid pipeline explosion in that city, and the Committee on Energy and Natural Resources has held a field hearing in Albuquerque, New Mexico, on a bill to review the ability of the National Laboratories to meet Department of Energy standards. While field hearings involve some matters different from Washington hearings, most of the procedural requirements are the same. However, funding for committee travel must meet regulations established by the Senate Committee on Rules and Administration.

Subpoenas and depositions

Most individuals respond favorably to an invitation to testify, believing it to be a valuable opportunity to communicate and publicize their views on a question of public policy. However, if a person will not come by invitation alone, a committee or subcommittee may require an appearance through the issuance of a subpoena (Rule XXVI, paragraph 1). Committees also may subpoena correspondence, books, papers, and other documents. Subpoenas are issued infrequently, and most often in the course of investigative hearings.

Closing a hearing

The vast majority of committee hearings are open to the public, as required under Senate rules. But a hearing, like other committee meetings, may be closed for specific reasons stated in Senate rules (Rule XXVI, paragraph 5(b)). A committee may close a hearing if it (1) involves national security information; (2) concerns committee personnel, management, or procedures; (3) invades the personal privacy of an individual, damages an individual's reputation or professional standing, or charges an individual with a crime or misconduct; (4) reveals identities or damage operations relating to law enforcement activities; (5) discloses certain kinds of confidential financial or commercial information; or (6) divulges information that other laws or regulations require to be kept confidential. The Senate rules also contain a specific procedure for closing a hearing. By motion of any Senator, if seconded, a committee may close a session temporarily to discuss whether there is a need to close a hearing for any of the reasons stated above. If so, the committee can close the hearing by majority roll call vote in open session. By this procedure, a committee can close a hearing or a series of sessions on a particular subject for no more than 14 calendar days.

Source

- CRS Report RL30548, Hearings in the U.S. Senate: A Guide for Preparation and Procedure, by Richard C. Sachs (http://lugar.senate.gov/services/pdf_crs/Hearings_in_the_U.S._Senate.pdf).

References

1. ^ George G. Galloway. "Development of the Committee System in the House of Representatives." *American Historical Review*, Vol. LXV, No.1 (Oct. 1959), p.26
2. ^ L.S. Schemeckebier and Roy Eastin. *Government Publications and Their Use*, 2nd revised edition. Washington D.C., Brookings Institution (1969), p.166
3. ^ Anne M. Boyd and R. E. Rips. *United States Government Publications*. New York, H.W. Wilson (1949), p.56

Links

- U.S. Congressional Bibliographies (<http://www.lib.ncsu.edu/congbibs/>) (enumerates and describes meetings held by Congressional committees since 1985)
- white paper by Andrea Severson on the history of hearings and their publication (<http://academic.lexisnexis.com/pdf/HearingsWhitePaper.pdf>)

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Congressional oversight

From Wikipedia, the free encyclopedia

Congressional Oversight refers to oversight by the United States Congress of the Executive Branch, including the numerous U.S. federal agencies.

Contents

- 1 Congressional Research Service (CRS) Report for Congress^[1]
- 2 Report on the Organization of Congress^[2]
- 3 Congressional control of agencies
- 4 Congressional Oversight Training
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Congressional Research Service (CRS) Report for Congress^[1]

Congressional Oversight refers to the review, monitoring, and supervision of federal agencies, programs, activities, and policy implementation. Congress exercises this power largely through its standing committee system. However, oversight, which dates to the earliest days of the Republic, also occurs in a wide variety of congressional activities and contexts. These include authorization, appropriations, investigative, and legislative hearings by standing committees; specialized investigations by select committees; and reviews and studies by congressional support agencies and staff.

Congress's oversight authority derives from its "implied" powers in the Constitution, public laws, and House and Senate rules. It is an integral part of the American system of checks and balances.

Report on the Organization of Congress^[2]

Oversight is an implied rather than an enumerated power under the U.S. Constitution. The government's charter does not explicitly grant Congress the authority to conduct inquiries or investigations of the executive, to have access to records or materials held by the executive, or to issue subpoenas for documents or testimony from the executive.

There was little discussion of the power to oversee, review, or investigate executive activity at the Constitutional Convention of 1787 or later in the Federalist Papers, which argued in favor of ratification of the Constitution. The lack of debate was because oversight and its attendant authority were seen as an inherent power of representative assemblies which enacted public law.

Oversight also derives from the many and varied express powers of the Congress in the Constitution. It is implied in the legislature's authority, among other powers and duties, to appropriate funds, enact laws, raise and support armies, provide for a Navy, declare war, and impeach and remove from office the President, Vice President, and other civil officers. Congress could not reasonably or responsibly exercise these powers without knowing what the executive was doing; how programs were being administered, by whom, and at what cost; and whether officials were obeying the law and complying with legislative intent.

The Supreme Court of the United States made legitimate the oversight powers of Congress, subject to constitutional

safeguards for civil liberties, on several occasions. In 1927, for instance, the High Court found that in investigating the administration of the Justice Department, Congress was considering a subject "on which legislation could be had or would be materially aided by the information which the investigation was calculated to elicit."

Congressional control of agencies

If Congress loses faith in an agency, Congress can respond in a number of ways. Congress can pass a law to overrule agency decisions, or to narrow the agency's jurisdiction. Congress can use its appropriations power to restrict the agency's funding. Congress can also narrow the agency's regulatory authority. For example, in the 1980s Congress narrowed the EPA's regulatory discretion using detailed substantive criteria to limit EPA rulemaking.^[3]

Congressional Oversight Training

The CRS (<http://www.loc.gov/crsinfo/whatscrs.html>) and the Project On Government Oversight (<http://www.pogo.org/>), an independent nonprofit watchdog, train Congressional staff how to conduct effective oversight.

See also

- The Government Accountability Office (GAO), assists Congressional Oversight by monitoring the executive branch and reporting to Congress.
- Oversight hearings

External links

- CRS Congressional Oversight Manual (PDF) (<http://www.fas.org/sgp/crs/misc/RL30240.pdf>)
- CRS Report for Congress 97-936, 2001 (PDF) (<http://www.senate.gov/artandhistory/history/resources/pdf/CRS.Oversight.pdf>)
 - Updated January 3, 2006 (<http://www.fas.org/sgp/crs/misc/97-936.pdf>)
- Final Report of the Joint Committee on the Organization of Congress, 1993 (<http://www.rules.house.gov/archives/jcoc2aq.htm>)
 - Congressional Oversight (<http://www.rules.house.gov/archives/jcoc2aq.htm>)
- The General Principles of Congressional Oversight, House Committee on Rules (http://www.rules.house.gov/archives/comm_gp_cong_oversight.htm)
- Project On Government Oversight Congressional Oversight Training Series (<http://www.pogo.org/p/x/cots.html>)

Footnotes

- ¹ ^ CRS Report for Congress 97-936, 2001 (<http://www.senate.gov/artandhistory/history/resources/pdf/CRS.Oversight.pdf>)
- ² ^ Final Report of the Joint Committee on the Organization of Congress - Congressional Oversight (<http://www.rules.house.gov/archives/jcoc2aq.htm>)
- ³ ^ CONGRESS, THE SUPREME COURT, AND THE QUIET REVOLUTION IN ADMINISTRATIVE LAW, 1988 Duke Law Journal 819.

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United States federal courts

From Wikipedia, the free encyclopedia

(Redirected from Federal Courts of the United States)

The **United States federal courts** comprises the Judiciary Branch of government organized under the Constitution and laws of the federal government of the United States. See also United States federal judge.

Contents

- 1 Categories
- 2 Levels of U.S. federal courts
- 3 Related organizations
- 4 Limitations on U.S. federal courts
- 5 Study of U.S. federal courts
- 6 See also
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Categories

The courts are one of the three coequal branches of the federal government, and include:

- General trial courts:
 - United States district courts
- Courts with geographic-based appellate jurisdiction:
 - The eleven numbered United States Circuit Court of Appeals
- Court of last resort:
 - **Supreme Court of the United States** (which primarily has appellate jurisdiction but also has original jurisdiction over a very narrow range of cases)
- Courts with original jurisdiction over specific subject matter:
 - United States bankruptcy courts
 - United States Tax Court
 - United States Court of Private Land Claims
 - United States Court of International Trade
 - United States Court of Federal Claims
 - United States Foreign Intelligence Surveillance Court
- Courts with appellate jurisdiction over specific subject matter:
 - United States Court of Appeals for Veterans Claims
 - United States Court of Appeals for the Armed Forces
 - United States Court of Appeals for the Federal Circuit

United States



This article is part of the series:
Politics and government of the United States

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Judiciary

- **Federal courts**
 - Supreme Court
 - Courts of Appeals
 - District Courts

While federal courts are generally created by the United States Congress under the constitutional power described in Article III, many of the specialized courts are created under the authority granted in Article I. Much greater power is vested in Article III courts because these courts are much more independent of Congress and the President. If Article I courts were able to exercise that level of power, the balance of power between the branches of government would be threatened.

Article III requires the establishment of a Supreme Court and permits the Congress to create other federal courts, and place limitations on their jurisdiction. In theory, Congress could eliminate the entire federal judiciary except for a single Supreme Court Justice (who would be the Chief Justice by default), although the 1st Congress immediately established a system of lower federal courts through the Judiciary Act of 1789.

Levels of U.S. federal courts

The United States district courts are the general federal trial courts, although in many cases Congress has passed statutes which divert original jurisdiction to the above-mentioned specialized courts or to administrative law judges (ALJs). In such cases, the district courts have jurisdiction to hear appeals from such lower bodies.

The United States courts of appeals are the federal intermediate appellate courts. They operate under a system of mandatory review which means they *must* hear all appeals from the lower courts.

The Supreme Court of the United States is the supreme court (court of last resort). It generally is an appellate court that operates under discretionary review, meaning that the Court, through granting of writs of certiorari, can choose which cases to hear. There is generally no mandatory right of appeal to the Supreme Court. In a few unusual situations (like lawsuits between state governments or some cases between the federal government and a state) it sits as a court of original jurisdiction. Such matters are generally referred to a designated individual (usually a sitting or retired judge or well-respected attorney) to sit as a special master and report to the Court with recommendations.

Related organizations

The Judicial Conference of the United States is the policymaking body of the U.S. federal courts. The Conference is responsible for creating and revising federal procedural rules pursuant to the Rules Enabling Act.

The United States Marshals Service is responsible for providing protection for the federal judiciary and transporting federal prisoners.

The Supreme Court Police provide security for the Supreme Court building.

Limitations on U.S. federal courts

The Supreme Court has interpreted the Constitution as placing some additional restrictions on the federal courts. For example, the doctrines of mootness, ripeness, and standing prohibit district courts from issuing advisory opinions. Other doctrines, such as the abstention doctrine and the *Rooker-Feldman* doctrine limit the power of lower federal

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courts to disturb rulings made by state courts. The *Erie* doctrine requires federal courts to apply substantive state law to claims arising from state law (which may be heard in federal courts under supplemental or diversity jurisdiction). In difficult cases, the federal courts must either guess as to how a state court would decide the issue or "certify" the issue to a state court if the state has provided for such a procedure.

Notably, the only federal court that can issue proclamations of federal law that bind state courts is the Supreme Court itself. Decisions of the lower federal courts on issues of federal law are persuasive but not binding authority in the states in which those federal courts sit.^[1]

Study of U.S. federal courts

Most U.S. law schools offer an elective course that focuses specifically on the powers and limitations of U.S. federal courts, with coverage of topics such as justiciability, abstention doctrines, the abrogation doctrine, and habeas corpus.

See also

- Courts of the United States (outline of all state and federal courts in the United States)
- State supreme court
- State court
- CM/ECF
- Uniformity and jurisdiction in U.S. federal court tax decisions
- United States Marshals Service

References

- ↑ *People v. Leonard*, 40 Cal. 4th 1370, 1416 (<http://online.ceb.com/calcases/C4/40C4t1370.htm>) (2007) (Ninth Circuit decisions on federal law do not bind Supreme Court of California).

External links

- The Federal Judiciary (official U.S. government site) (<http://www.uscourts.gov/>)
- Federal Court Concepts, Georgia Tech (<http://www.catea.org/grade/legal/>)
- Federal District Court Case Filings (<http://dockets.justia.com/>)
- Creating the Federal Judicial System ([http://www.fjc.gov/public/pdf.nsf/lookup/creating.pdf/\\$File/creating.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/creating.pdf/$File/creating.pdf)) (PDF)
- History of the Courts of the Federal Judiciary (<http://www.fjc.gov/history/home.nsf>)

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