

Assessing the power and significance of Congress

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The powers of Congress are laid down in Article I Section 8 of the United States Constitution, and they provide for a Congress which is very significant in terms of capability in the US political system.

Congress is made up of 535 members -100 senators and 435 representatives. Each chamber has its own exclusive powers as well as those that are shared between the two.

Firstly, it is important to analyse the power and significance of Congress as a legislative body. The main job of Congress is to pass laws. The two houses are co-equal in the passing of legislation. All bills must pass fully through both houses, and any amendments must be agreed to produce a single version of the bill before it can be signed by the President and enacted into law. Each house has a slightly different procedure for debating bills, but in the end, most bills are debated simultaneously in both houses and agreements reached on the final version.

Related to the passing of legislation is Congress' power to overturn a presidential veto. The President has the constitutional power to veto a bill. This means that he can send it back to Congress unsigned if he disagrees with it. The President may do this more often if one or both houses are controlled by the opposing party who wish to pass legislation which is not in tune with the President's wishes. However, Congress has the power to overturn such a veto with two-thirds majority agreement from both houses. If this is achieved, then the bill passes and is automatically enacted. This is one example of the US system of "separation of powers", where each branch of government is separate and has checks and balances on the other branches. In this case, Congress has a check on the executive with the power to overturn a veto.

Also, Constitutional amendments must be approved by a two-thirds majority in both houses before being passed on to the states for ratification. This is a significant power as it keeps a check on over-enthusiastic executives who may try to start an amendment and then pressurise the states into ratifying it.

These are all powers that both houses of Congress hold and which they use both for normal lawmaking and also as a check and balance on the executive. However, there are also many more powers that are vested either in the House of Representatives or the Senate which play a very important role in Congress' power and significance.

First and foremost (and this is probably one of the most important powers that the House of Representatives has over the other two branches of government) is the power of the “purse strings”. In simple terms, this means that the House controls the dispersal of funds from the Treasury in the context of legislation which requires funds from the budget. This is a very large burden, especially on the Appropriations Committee, which is charged with this task. However, it also gives an incredible amount of power to the people on the committee as well as the House as a whole. This power comes from the Founding Fathers, who considered the House to be the best part of government to distribute funds, as it was the only elected chamber of Congress at the time.

Secondly, the House has the power to impeach any member of the executive or judicial branches. Again, this places extraordinary power into the hands of the 435 representatives. It also keeps a check on executive and judicial members, and this check has proved to be very valuable, as in the case of three federal judges who were impeached in the 1980s. The House also impeached President Clinton in 1998, but he got through a Senate impeachment trial and carried on as president.

Thirdly, the House can elect the President if the Electoral College becomes deadlocked (i.e. no one candidate gains an absolute majority). While this may seem like an important power, it has to date been only used twice – in the 1800s.

The Senate’s exclusive powers, on the other hand, are sometimes seen as much more prestigious and important, and the first two powers certainly seem to follow this argument.

Firstly, the Senate has the power to confirm nearly all presidential appointments by a simple majority. These appointments include all to the judicial branch and most to the executive branch. This check on its own means that appointees cannot be too extreme with their views either one way or another, otherwise they may be defeated in a Senate confirmation hearing, which would be very embarrassing for the President who nominated them for the job. During a confirmation hearing, the Senate sifts through every detail of the nominee and decides whether they will be suitable for the job. When a new President is elected, a lot of hearings will take place as all Cabinet members are vetted.

Secondly, the Senate has the power to ratify all treaties that the President negotiates and signs. This in itself is a major check on foreign policy, which is often dictated through treaties. However, a Senate controlled by the opposing party can sometimes be only too happy to reject a treaty, especially if members have not been kept informed of developments. As a result, Presidents these days rarely sign treaties to avoid a humiliation at the hands of the Senate, and have therefore switched to signing “executive agreements”, which are not covered under the Constitutional meaning of treaties and therefore have no ratification process. Some see this as a

circumvention of checks and balances which have been put in place to stop an executive from becoming too powerful.

Thirdly, the Senate has the power to try any person who is impeached by the House. Through this trial, the Senate can remove the impeached person from office, which includes the President. This power, though rarely ever used, can be a very effective bargaining tool, especially if many members of the Senate feel that the President has acted in an unlawful way. This is why President Nixon was nearly impeached and had to leave office.

Lastly, if the Electoral College is deadlocked, the Senate has the power to choose the Vice President (along with the House, which chooses the President). As the Electoral College rarely ever gets deadlocked, this power is mostly included for completeness and to be used in very rare circumstances.

As is seen from the quite long list of Congressional powers, the legislative branch of government in the United States has a lot of power and definitely a lot of significance within US politics as well as citizen's everyday lives. The system of checks and balances is well implemented with numerous powers given for the sole intent of preventing other branches from extending their own powers.

In conclusion, the United States Congress is extremely powerful and significant, and is a branch of government that any President would only ignore at their peril.