

# REPORT

Study visit to the US Congress and the United Nations

9-17 May 2011



Report on the Study Visit by Officers of Rajya Sabha Secretariat to the US  
Congress and the United Nations

9-17 May 2011

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## **CHAPTER I**

### **INTRODUCTION**

1. Human civilizations have evolved in different parts of the world and developed the institutions and systems to run their affairs. The innate desire in man to learn and improve the existing system has led to many scientific and technological developments. With the progress of science and technology, the frontier of knowledge got expanded, signifying limitless human quest to understand the working of institutions in various countries over time. Learning from the best practices of one another becomes a much preferred and credible way of institution building in democracies.

1.1 As part of the exchange programme for the officers of the Rajya Sabha Secretariat with the parliaments of other countries, a study visit was organized to the United States Congress – the oldest democracy of the world from 9 May to 12 May 2011. The opportunity was also utilised to visit the United Nations Headquarters in New York on 16 May 2011.

1.2 During our visit to US Congress, we exchanged ideas with various officials and staff. We were fascinated to see the use of modern technology, a mammoth infrastructure and the support system provided to the Members of the US Congress.

1.3 Officers of the delegation got an opportunity to visit the chamber of House of Representatives of United States. It was fascinating to see the use of modern technology for efficiently discharging duties by the Reporters of the House. They demonstrated the use of electronic shorthand typing machine which helps them to type about 260 words per minute. They prepare the proceedings of the House without any delay and after following the due process upload the same to the web.

1.4 We also got an opportunity to visit Maryland General Assembly which is the State Legislature of Maryland. This is one of the fiftieth states of the United States. Each state have its own constitution, government and code of laws. Interestingly Maryland General Assembly meets three months in a year to transact legislative business and pass the state annual budget. And, in rest of the year, the Members of the General Assembly pursue their own vocations. It was also interesting to observe that the media was allowed in both the chambers – Maryland State Senate and the House of Delegates.

1.5 The programme schedule was very meticulously drawn and well structured by the official of our Embassy in Washington. At the Embassy of India at Washington we were

given the overview of the United States Congress; we also had a tour of the capitol visitor centre, besides meeting with the important officials of the Congress including Congressional Research Service (CRS) and committee officials. We could understand that there is a considerable influence of caucuses in America. Caucuses are informal congressional group and organisation of members with shared interest in specific issues or philosophies. There are House India caucus and Senate India caucus which play an important part to protect and promote India's interests in US Congress. In particular, India caucuses help facilitation of trade and commerce with India as also important concerns like promotion of Indian culture in the United States and help creation of better opportunities for higher education and jobs etc.

1.6 Chapter II gives in brief an overview of the United States Congress whereas Chapter III gives information about the Committee system in the United States with particular reference to some of the standing committees with which we (the officials of the Rajya Sabha Secretariat) interacted. Chapter IV deals with the Ethics Committee in the House of Representative and in Senate. Chapter V deals with the Budget process in USA. Chapter VI gives in brief about the salary and allowances provided to the Members of the House and the Senate. Chapter VII deals with the Congressional caucus in Indian and Indian Americans. Chapter VIII deals with the Congressional Research Service which plays an important role in providing research support to both the Members of Congress and Committees. Chapter IX in nutshell informs about the historian of Senate of the United States whose job is to present impartial information about the history. Chapter X deals with the Maryland State Assembly of US.

1.7 Chapter XI gives a brief account of the United Nations – a global organization of the nations with the aim to facilitate cooperation in international law, security, environmental protection, economic development, social progress, human rights and preservation and enhancement of world peace.

## CHAPTER II

### UNITED STATES CONGRESS – AN OVERVIEW

2. The US federal government has three distinct branches – a legislative, an executive and a judiciary. The United States' Congress is the legislative branch of the federal government which is bicameral. Article 1 of the United States mentions "all legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives."

#### **Powers of Congress**

2.1 The Constitution grants numerous powers to Congress. Enumerated in Article I, Section 8, these, *inter-alia*, include the powers to levy and collect taxes; to coin money and regulate its value; provide for punishment for counterfeiting; establish post offices and roads, promote progress of science by issuing patents, create federal courts inferior to the Supreme Court, combat piracies, 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 to make laws necessary to properly execute powers. Many disputes have come up over the years giving rise to debates for limiting the powers of the federal government. These disputes have often been the subject of lawsuits that have ultimately been decided by the United States Supreme Court.

#### **Structures and qualifications**

##### *House of Representatives*

2.2 The House of Representatives consist of 435 members each of whom represents a congressional district. The number of representatives each state has in the House is based on each state's population. All representatives serve a two-year term. To become a representative of the House an individual must be at least 25 years of age and must have been a US citizen for at least seven years. Elections for House are held every two years.

#### **Elections**

2.3 435 Representatives of the House are elected by first-past-the-post method from each district of the United States. Special House elections can occur between if a member dies or resigns during a term. There are six non-voting members consisting of five delegates and one

resident commissioner one each from the territories of American Samoa, District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands. A resident commissioner from Puerto Rico (elected for a four-year term) and Delegates are elected for a term of two years.

## **Senate**

2.4 The Senate has 100 members, elected for a six year term in dual-seat constituencies (two from each state), with one-third being renewed every two years. A senator must be at least 30 years old, must have been a citizen of the United States at least for the past nine years and must be (at the time of the election) an inhabitant of the state he or she seeks to represent. The method of voting is first-past-the-post where the highest polling candidate is elected.

2.5 Senators represent the entire state, covering a broader and diverse population whereas House of Representatives represent a specific area within a state called a congressional district.

## **Differences in the powers of the House and Senate**

2.6 The Senate must approve (*i.e.* “advise and consent”) many important Presidential appointments including cabinet officers, federal judges, department secretaries (heads of federal executive branch departments), US military and naval officers and ambassadors to foreign countries and other federal officers. All legislative bills for the purpose of raising revenue must originate in the House of Representatives. However, the approval of both chambers of Congress is required to pass any legislation. The legislation becomes a law when signed by the President. The Congress has the power to remove the President, federal judges, and other federal officers from office. The House of Representatives and Senate have different roles in this process. The House must first vote to “impeach” the official in effect serving as prosecutor. The Senate has the sole power to conduct impeachment trials as to whether the official should be removed from office, thereby serving as jury and judge. Although two Presidents – Andrew Johnson and Bill Clinton have been impeached by the House of the Representatives but none of them was removed following trial in the Senate.

2.7 In the House Rules Committee determines times for debates whereas in Senate debates are governed by “Unanimous Consent” or Cloture Vote (60 Senators needed).

## **Major functions of Congress**

### **(i) Law making**

2.8 A bill becomes a law in Congress through a complex process. Only a member of the Congress (House or Senate) can introduce a bill for consideration. The bill is then referred to a congressional committee that has jurisdiction over the subject matter of the bill. The committee (or relevant sub-committee) will study the bill, examine witnesses and hold hearings, debate the bill's contents and finally vote on whether or not it should be released. Once the committee has reported the bill out, it is scheduled for the discussion in the house. There are different procedures for the floor in the House and the Senate. In the House, the Committee on Rules issues rules for consideration of the Bill, time allotment for the bill and potential for floor amendments in the House. However, in Senate majority and minority leaders generally determine in floor schedule in "unanimous consent". The bill is put on a calendar to be voted on, debated or amended. If the House passes the bill by a simple majority *i.e.* 218 out of 435, the bill goes to another house *i.e.* Senate. The Senate also assigns the bill to its committee for examination and report. The committee prepares a report on the bill and sends it back to the parent house for debating and voting. Again a simple majority *i.e.* 51 out of 100 is required in Senate to pass the bill. If the bill has passed in both the House and Senate with different versions, the two chambers versions of the bill must be reconciled. This generally takes place in the Conference Committee. A conference committee consists of senior members of the House and Senate, works out the differences between the House and Senate versions of the bill. The revised bill again goes to the House and Senate for final approval. If both the House and Senate have approved the bill in identical form, the government printing office prints the revised bill in a process called enrolling. The revised bill is sent to the President for signature. The President may sign or veto it. Once the President has signed the bill, it becomes a law. If the President vetoes the bill, it can be overridden by a two-thirds vote both in the House and Senate and then it becomes a law.

### **(ii) Oversight Authority**

2.9 In addition to legislative responsibilities, Congress is responsible for seeing that the laws are administered properly. Members receive feedback on the success of public policies through constituency service and experiences of the constituents. However, most of the oversight and investigation works of members are carried out in the committees. Committees

and members can review the action taken by the department and agencies through hearings, studies and information communications with agencies and those effected by any programme or policy. Members and committees also get an opportunity to review during the process of authorisation and appropriation of funds to the executive branch, departments and agencies.

2.10 The purpose of Congressional oversight is 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.

**(iii) Consensus building**

2.11 The Congress has a mechanism for sorting out differences on various issues specially relating to a piece of legislation. Such issues are resolved in a conference committee which is appointed by the House of Representatives and Senate. The function of the conference committees is to draft a compromise bill that is acceptable to both the Houses of Congress. Both Houses of Congress must eventually pass the identical legislation to become a law.

**(iv) Confirmation powers**

2.12 The Senate must approve the presidential appointment including cabinet officers, federal judges, department secretaries (heads of federal executive branch departments), US military and naval officers and ambassador to foreign countries.

2.13 The Constitution also gives the Senate the power to approve, by a two-thirds vote, treaties made by the executive branch. The Senate may also amend a treaty or adopt changes to a treaty. However, the President may also enter into executive agreements with foreign nations that are not subject to Senate approval.

**Leadership**

2.14 Some members of Congress hold leadership positions within their chamber. Leadership responsibilities include leading negotiations within the party to formulate party positions on legislative issues, mediating political conflicts among Members of the same party, persuading Members to join in voting coalitions, keeping count as voting blocs form, participating in decisions to set the legislative agenda for the chamber, and negotiating agreements on when to schedule, and how to consider, specific bills on the floor. Representatives and Senators may also hold the position of chairman or ranking minority member on a committee or sub-committee, and have responsibility, or participate in the

process of, scheduling of that committee's business and selecting the issues that will compose the committee or sub-committee's agenda. Some Representatives and Senators also participate as leader in their respective caucus or conferences.

### **Committees**

2.15 Committees are very important in congressional set-up. Both the House of Representatives and the Senate have their own committees. Most of the work of Congress is transacted through committees and sub-committees. The committees and sub-committees gather information, compare and evaluate legislative alternatives, identify policy problems and propose solutions to them of the measures which fall under their jurisdiction. The Congressional committees monitor ongoing governmental operations, identify issues for legislative review and recommend courses of action to their parent body. Congressional committees provide invaluable informational services to Congress by investigating and reporting.

### **Party Whips**

2.16 The Whips work within their own party and are enforcers whose main function is to ensure that party members vote in accordance with the official party policy on key issues.

### **Interest groups**

2.17 There are various interest groups such as trade associations, lobbyist firms, advocacy groups. Interest groups which play a vital role in influencing the decisions of Congress. The efforts of the interest groups result in hearing the voice of the overlooked and unrepresented groups. The ability among these groups to influence Congress varies depending upon their size, scope etc. However, their aim is to motivate Congress to act in a way to promote their interest on a particular issue. These interest groups utilize media campaigns, conduct polls and publish policy details.

### **Congressional support system**

2.18 Members of Congress are supported by their personal staff who do legislative research, prepare materials for the member to study, manage constituency correspondence, handle media relations and perform administrative and clerical functions. Members are given funds to maintain office, payroll and expense account and to supervise work in Washington, state or district offices. Every representative is authorised to have up to 18 full time and four

half time positions to assist them in their duties. In the Senate, the number of authorised staff varies according to the population of the state, a Senator represents. In addition to the personal staff, Congress gets research support from the Congressional Research Service on all current and emerging issues. The Congress also gets support from two agencies – the Congress Budget Office which provides Congress with budget-related information, reports on fiscal, budgetary and programmatic issues and analysis of budget policy options, costs and effects. The Government Accountability Office assists Congress in reviewing and monitoring the activities of government by conducting independent audits, investigations, and evaluations of federal programmes.

### **Media and Congress**

2.19 The media in Washington is influential because it encompasses not only electronic media but also nationally read newspapers, specialized newspapers and journals that focus on the political scene prevailing in the country. Media also covers the proceedings of the Congress – House of Representatives and Senate from their respective press galleries. The committee proceedings are open for US media. The media helps to build public opinion, draw attention to current legislative debates and hold law makers accountable for their actions.

## CHAPTER III

### THE COMMITTEE SYSTEM IN THE US CONGRESS

3. Over the years, the work of Congress has grown both in volume and complexity. Due to the high volume and complexity of its work, Congress divides its legislative, oversight and internal administrative task among committees and sub-committees. Within assigned subject areas, committees and sub-committees gather information, compare and evaluate legislative alternatives, identify policy problems and propose solutions to them, select, determine the text of, and report out measures for the full chambers to consider, monitor executive branch performance of duties (oversight), and look into allegations of wrongdoing (investigation). A congressional committee handles specific duty rather than the general duties of Congress. Congressional committees are also called “little legislature”. As “little legislature” 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. Since it is not possible for a member of Congress be an expert on all matters and subject areas that come before Congress, Congressional committees provide invaluable informational services to Congress by investigating and reporting on various subjects particularly specialized subjects.

3.1 The modern committee system came into existence after passing of the Legislative Reorganization Act of 1946. The act restructured 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. At present, there are 21 permanent committees in the House of Representatives and 20 in the Senate. The House and Senate have their own committees and related rules of procedures which are similar but not identical. Each committee adopts its own rules addressing organizational, structural and procedural issues. Thus within a chamber there is a considerable variation among panels.

#### **Structure and Organisation**

3.2 There are three types of committees – Standing, Select and Joint.

### **Standing Committee**

3.3 Standing committees are permanent panels. Standing committees have legislative jurisdiction therefore they consider bills and issues and recommend measures for consideration by the respective chambers. They also have oversight responsibility to monitor agencies, programmes, and activities within their jurisdiction, and in some cases in areas that cut across committee jurisdictions. Most standing committees recommend authorized levels of funds for government operations and for new and existing programmes within their jurisdiction. Standing committees also have jurisdiction over appropriations (in the case of the Appropriations Committees), taxation (in the case of the House Ways and Means and Senate Finance Committees) and various revenues.

### **Select Committee**

3.4 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 because a particular event generates interest in an investigation. A select committee may be permanent or temporary (all current select committees in the House and Senate are considered permanent committees). However, the Senate sometimes uses the term special committee in place of select committee.

### **Joint Committee**

3.5 Joint committees are permanent panels that include members from both the House and Senate, which generally conduct studies or perform housekeeping tasks rather than consider measures. A conference committee is a temporary joint committee formed to resolve differences in between House and Senate passed versions of a particular measure. Conference committees draft compromises between the positions of the two chambers, which are then submitted to the full House and Senate for approval.

### **Sub-committees**

3.6 Subcommittees are formed by most committees to share specific tasks which fall within the jurisdiction of the full committee. Subcommittees are responsible to, and work within the guidelines established by their parent committees. Standing committees usually

create subcommittees with legislative jurisdiction to consider and report bills on a particular issue.

### **Composition**

3.7 Party leaders generally determine the size of committees and the ratio of majority to minority members on each of them. Each party is primarily responsible for choosing its committee leaders and assigning its Members to committees. Each committee assigns its members to its subcommittees from the members of the main committee. Members, especially in the House, tend to specialize in the issues of their assigned committees.

### **Leadership**

3.8 The chair of a committee exercises tremendous authority. A chair determines committee's agenda presides during meetings and controls most funds allocated by the chamber to the committee. However, there are several rules which allow other members of the committee to play a part in controlling the business of the committee if the majority of the members decide they can call a meeting of the committee. Even the senior minority member of the committee often participates in the chair's regulation of the committee. Also a subcommittee has a chair and a senior minority member who oversee the affairs of their panel. The chamber and party caucus rules ensure that a single member should not be given full and subcommittee chair or ranking minority positions. The Republican of the House can serve a chair (or making a senior minority member) of a committee or subcommittee for more than three consecutive terms and no Senate republican may serve more than six years as chair and six years as ranking member of any standing committee. However, they may be given waivers.

### **Staff**

3.9 Approximately 2000 aides provide professional, administrative and clerical support to committees. Their main job is to assist in writing, analyzing, amending and recommending measures to the full chamber as well as overseeing the executive branch's implementation of laws and operation of programmes. The committees receive funds for their expenses including the hiring of staff. The resources and staff are controlled by the chair of a committee. However in general a portion of staff and resources must be shared with the minority party members. Each committee sets staff pay levels within limits contained in chamber salary policies.

## Oversight

3.10 The committees also conduct oversight to assure that programmes initiated by the legislators are properly executed by those administering programmes. Some committees specially in the House establish separate oversight subcommittees to oversee the implementation of various programmes within their jurisdiction. Each chamber has also assigned oversight responsibility for certain issues and programmes to specific committees which cut across committee jurisdictions.

## Current committees

3.11 There are 21 permanent committees in the House of Representatives, and 20 in the United States Senate. There are four joint committees consisting of members from both the Houses on matters of mutual jurisdiction and oversight.

3.12 The size of the committees of the House of Representatives is large as compared to Senate. Senate rules fix the maximum size for many of its committees while the House determines the size and composition of each committee when the new Congress is formed.

3.13 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. However, while assigning a committee to a member, his or her area of expertise, the interests of their constituents and seniority is taken into consideration. Political favours also often come into play in committee assignments.

3.14 The committees of House of Representatives, Senate and joint committees are under:

House of Representatives		Senate		Joint	
(i)	Agriculture	(i)	Agriculture, Nutrition and Forestry	(i)	Conference
(ii)	Appropriations	(ii)	Appropriations	(ii)	Economic
(iii)	Armed Services	(iii)	Armed Services	(iii)	Library
(iv)	Budget	(iv)	Budget	(iv)	Printing
(v)	Education and the Workforce	(v)	Health, Education, Labour, and Pensions	(v)	Taxation
(vi)	Energy and Commerce	(vi)	Commerce, Science and Transportation		
(vii)	Ethics	(vii)	Ethics (Select)		
(viii)	Financial Services	(viii)	Finance		
(ix)	Foreign Affairs	(ix)	Foreign Relations		

House of Representatives		Senate		Joint
(x)	Homeland Security	(x)	Homeland Security and Governmental Affairs	
(xi)	House Administration	(xi)	Rules and Administration	
(xii)	Intelligence (Permanent Select)	(xii)	Intelligence (Select)	
(xiii)	Judiciary	(xiii)	Judiciary	
(xiv)	Natural Resources	(xiv)	Energy and Natural Resources	
(xv)	Veterans' Affairs	(xv)	Veterans' Affairs	
(xvi)	Small Business	(xvi)	Small Business and Entrepreneurship	
(xvii)	Transportation and Infrastructure	(xvii)	Banking, Housing, and Urban Affairs	
(xviii)	Science, Space, and Technology	(xviii)	Environment and Public Works	
(xix)	Ways and Means			
(xx)	Rules			
(xxi)	Oversight and Government Reform			
		(xix)	Indian Affairs	
		(xx)	Aging (Special)	

**Interaction with US officials of the following committees:**

The delegation met the officials of some important Committees of the House and the Senate and held wide ranging discussions on the matters being dealt with by the Committees. A brief on some of those committee's is as follows:

**1. Budget Committee**

3.15 The primary responsibility of the Budget Committee is the drafting and preparation of the Concurrent Resolution on the Budget, as the "budget resolution." This resolution sets the aggregate levels of spending and revenue that is expected to occur in a given fiscal year. Hence in each session of Congress, a budget resolution by law must be enacted by April 15. This resolution also gives to each committee of the House an "allocation" of "new budget authority." This allocation is important in the consideration of legislation on the floor of the House. If a bill comes to the floor to be considered and it causes an increase in spending above this allocation, it is subject to a point of order (under 302(f) of the Congressional Budget Act). This is true for discretionary spending (spending that is provided to the Federal

Government each year) and mandatory spending (spending such as entitlements where a beneficiary class is defined and a benefit is provided). If an entitlement is expanded and it has not been budgeted for in the budget resolution, it is subject to a point of order on the floor and, if not waived, will prevent it from being called up for consideration (if a Member of Congress stands before the body and makes the point of order).

3.16 In general, legislation is cleared of such problems prior to consideration through discussions between the House Parliamentarian, the House Leadership, and the House Budget Committee.

3.17 The committee holds hearings on federal budget legislation and congressional resolutions related to the federal budget process. The committee holds hearings on the President's annual budget request to Congress and drafts the annual Congressional Budget Resolution, which sets overall spending guidelines for Congress as it develops the annual federal appropriations bills. The committee also reviews supplemental budget requests submitted by the President, which cover items which for one reason or another were not included in the original budget request, usually for emergency spending. Recently, emergency budget supplementals have been used to request funding for the wars in Iraq and Afghanistan as well as for disaster recovery after Hurricanes Katrina and Rita. The committee may amend, approve, or table budget-related bills. It also has the power to enforce established federal budget rules, hold budget-related investigations. Additionally, the committee has oversight of the Congressional Budget Office.

## **2. Appropriations Committee**

3.18 The constitutional basis for House Appropriations Committee comes from article 1 section 9 and clause 7 of the US constitution which states: No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time. The Article clearly delegated power of appropriating money to Congress. It is widely recognized by political scientists as one of the "power committees," since it holds the power of the purse. It has inherent ability of controlling spending. It is one of the exclusive committees of the House because its members join no other committees. However, there is an exception to this as per house rule five Members of the Appropriations Committee must serve on the House Budget Committee – three for the Majority and two for the Minority. Its

sub-committee chairmen are often called "Cardinals" because of they exercise tremendous power over the budget.

3.19 Since Congress is elected from single-member districts, it is for the member to secure rewards for his or her district which may ensure his or her reelection. One way to achieve popularity in one's district is to bring it federal spending, thus creating jobs and raising economic performance. This type of spending is described by critics as pork barrel spending. The members of the Appropriations committee are better placed vis-à-vis other member in securing funds for their districts. They may also extend their cooperation in securing the funds for other members which may increase the stature of committee members in the House and help them gaining support for leadership positions or other honours.

3.20 The committee tends to be less partisan than other committees. While the minority party will offer amendments during committee consideration, appropriations bills often get significant bipartisan support, both in committee and on the House floor. This atmosphere can be attributed to the fact that all committee members have a deep interest because they know that legislation will contain money for their own districts. Conversely, because members of this committee can easily steer money to their home districts, it is considered very difficult to defeat a member of this committee at an election.

### **3. Committee of Ways and Means**

3.21 Committee of Ways and Means is the chief tax-writing committee of the United States House of Representatives. Members of the Ways and Means Committee are not allowed to serve on any other House Committees unless they apply for a waiver from their party's congressional leadership. The Committee has jurisdiction over all taxation, tariffs and other revenue-raising measures. The Committee has the responsibility for raising the revenue required to finance the Federal Government. Revenue raising measures include individual and corporate income taxes, excise taxes, estate taxes, gift taxes and other miscellaneous taxes. It also raises money for a number of other programmes including:

- Social Security
- Unemployment benefits
- Medicare
- Enforcement of child support laws
- Temporary Assistance for Needy Families, a federal welfare programme
- Foster care and adoption programmes

3.22 The U.S. Constitution requires that all bills regarding taxation must originate in the House of Representatives. Since House procedure is that all bills regarding taxation must go through this committee, the committee is very influential, as is its Senate counterpart, the U.S. Senate Committee on Finance.

3.23 The Ways and Means has always been one of the most important committees due to its wide jurisdiction. Though the members of the Committee lack the prospects for re-election, membership of the Committee is seen as an important position for two reasons - first, since its range of functions is so broad, members with a wide array of policy concerns often seek the position, simply to be able to influence policy decisions. Some recent major issues that have gone through this committee include welfare reforms, a Medicare prescription drug benefit, Social Security reform, George W. Bush's tax cuts, and trade agreements including the North American Free Trade Agreement (NAFTA) and the Central America Free Trade Agreement (CAFTA). Second, given the wide array of interests that are affected by the committee, a seat makes it very easy to collect campaign contributions.

#### **4. Committee on Oversight and Government Reform**

3.24 Committee on Oversight and Government Reform is the main investigative committee in the U.S. House of Representatives. The Committee's government-wide oversight jurisdiction and expanded legislative authority make it one of the most influential and powerful committees in the House. The Committee serves as Congress' chief investigative and oversight committee, and is granted broad jurisdiction. The chairman of the committee is the only committee chairman in the House with the authority to issue subpoenas without a committee vote. However, in recent history, it has become practice to refrain from unilateral subpoenas.

#### **5. Committee on Foreign Affairs**

3.25 The Committee on Foreign Affairs of the U.S. House of Representatives, also known as the House Foreign Affairs Committee, which has jurisdiction over bills and investigations related to the foreign affairs of the United States. It is less powerful than its Senate counterpart, the Senate Foreign Relations Committee, because the House committee does not consider the ratification of treaties or the confirmation of presidential appointments, such as are made for ambassador and Secretary of State.

## **6. Senate Committee on Budget**

3.26 Senate Committee on Budget was established by the Congressional Budget and Impoundment Control Act of 1974. It is responsible for drafting Congress's annual budget plan and monitoring action on the budget for the Federal Government. The committee has jurisdiction over the Congressional Budget Office.

## **7. The Senate Committee on Finance**

3.27 The Senate Committee on Finance (or Senate Finance Committee) is a standing committee of the United States Senate. The Committee concerns itself with matters relating to taxation and other revenue raising measures generally, and those relating to the bonded debt of the United States; customs, collection districts, and ports of entry and delivery; general revenue sharing; health programmes under the Social Security Act (notably Medicare and Medicaid) and health programmes financed by a specific tax or trust fund; national social security; reciprocal trade agreements; tariff and import quotas, and related matters thereto; and the transportation of dutiable goods. It is considered to be one of the most powerful committees in Congress. The role of the Committee on Finance is very similar to that of the House Committee on Ways and Means. The one exception in area of jurisdiction is that the Committee on Finance has jurisdiction over both Medicare and Medicaid, while the House Ways and Means Committee has jurisdiction only over Medicare. (The House Energy and Commerce Committee has jurisdiction over Medicaid.) The other difference in terms of power is that all revenue raising measures must originate in the House giving the Ways and Means committee a slight edge in setting tax policy. In addition to having jurisdiction over legislation the Committee has extensive oversight powers. It has authority to investigate, review and evaluate existing laws, and the working agencies that implement them.

3.28 Due to the Committee's wide jurisdiction, it is often considered an influential committee. A wide array of Senators, with differing policy concerns, seek membership on the Committee because of its role in setting tax, trade, and health policy.

## **8. Senate Committee on Appropriations**

3.29 The Senate Committee on Appropriations is a standing committee of the United States Senate. It has jurisdiction over all discretionary spending legislation in the Senate.

3.30 The Senate Appropriations Committee is the largest committee in the U.S. Senate, with 30 members. Its role is defined by the U.S. Constitution, which requires "appropriations made by law" prior to the expenditure of any money from the Treasury, and is therefore one of the most powerful committees in the Senate.

3.31 The chairman of the Appropriations Committee has enormous power to bring home special projects (sometimes referred to as "pork barrel spending") for his or her state as well as having the final say on other Senator's appropriation requests.

## **9. Senate Committee on Foreign Relations**

3.32 Senate Committee on Foreign Relations is a standing committee of the United States Senate. It is charged with leading foreign-policy legislation and debate in the Senate. The Foreign Relations Committee is generally responsible for overseeing (but not administering) and funding foreign aid programmes as well as funding, arms sales and training for national allies. The committee is also responsible for holding confirmation hearings for high-level positions in the Department of State. The committee has considered, debated, and reported important treaties and legislation, ranging from the purchase of Alaska in 1867 to the establishment of the United Nations in 1945. It also holds jurisdiction over all diplomatic nominations. Along with the Finance and Judiciary Committees, the Foreign Relations Committee is one of the oldest in the Senate. Its sister committee in the House of Representatives is the Committee on Foreign Affairs. Throughout its history the committee has been instrumental in developing and influencing United States foreign policy at different times, supporting and opposing the policy of presidents and the Secretaries of States.

## **10. Committee on Armed Services**

3.33 Committee on Armed Services is a committee of the Senate empowered with legislative oversight of the nation's military, including the Department of Defence, military research and development, nuclear energy (as pertaining to national security), benefits for members of the military, the Selective Service System and other matters related to defence policy. The Armed Services Committee was created as a result of the Legislative Reorganization Act of 1946 following U.S. victory in the Second World War. It merged the responsibilities of the Committee on Naval Affairs (established in 1816) and the Committee on Military Affairs (also established in 1816). Considered one of the most powerful Senate committees, its broad mandate allowed it to report some of the most extensive and

revolutionary legislation during the Cold War years, including the National Security Act of 1947.

3.34 According to the Senate Rules Committee, all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects are referred to the Armed Services Committee:- Aeronautical and space activities associated with the development of weapons systems or military operations, Common defence, Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone, Military research and development, National security aspects of nuclear energy, Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces etc.

## **11. Conference Committee**

3.35 A conference committee is a committee of the Congress appointed by the House of Representatives and Senate to resolve disagreements on a particular bill. The conference committee is usually composed of the senior Members of the standing committees of each House that originally considered the legislation. Conference committees operate after the House and the Senate have passed different versions of a bill. Conference committees exist to draft a compromise bill that both houses can accept. Both houses of Congress must eventually pass the identical legislation for the bill to become law.

3.36 After one house passes a bill, the second house will often pass the same bill, with an amendment representing the second house's work product. The second house will then send a message between houses to the first house, asking the first house to concur with the second house's amendment. If the first House does not like the second house's amendment, then the first house can disagree with the amendment of the second house, request a conference, appoint conferees, and send a message to that effect to the second house. The second house then insists on its amendment, agrees to a conference, and appoints conferees.

3.37 Each House determines the number of conferees from its House. The number of conferees need not be equal from each side. In order to conclude its business, a majority of both House and Senate delegations to the conference must indicate their approval by signing the conference report.

3.38 The House and Senate may instruct conferees, but these instructions are not binding on conferees.

3.39 Conference committees can be extremely contentious, particularly if the Houses are controlled by different parties. House rules require that one conference meeting be open to the public, unless the House, in open session, votes that such a meeting will also be closed to the public. But apart from this one open meeting, conference committees usually meet in private, and are dominated by the Chairs of the House and Senate Committees.

3.40 House and Senate rules forbid Conferees from inserting in their report any matter not committed to them by either House. But conference committees sometimes do introduce new matters. In such a case, the rules of each House provide that any Member may object through a point of order, although each House has procedures under which it can vote to waive the point of order. The House provides a procedure by which the offending provision may be stricken from the bill. Formerly, the Senate required a Senator to object to the whole bill as reported by the conference committee. If the objection was well founded, the Presiding Officer ruled, and the Senator could appeal against the ruling of the Chair. If the appeal was sustained by a majority of the Senate, it had precedential effect, eroding the rule on the scope of conference committees. Thus from fall 1996 through 2000, the Senate had no limit on the scope of conference reports, and some argued that the majority abused the power of conference committees. In December 2000, the Senate reinstated the prohibition of inserting matters outside the scope of conference. The rule changed again with the Honest Leadership and Open Government Act, enacted in September 2007. Now any single Senator may raise a procedural objection – a point of order – against subject matter newly inserted by the conference committee without objecting to the rest of the bill. Proponents of the measure may move to waive the rule. The affirmative vote of 60 Senators is required to waive the rule. If the point of order is not waived and the Chair rules that the objection is well-founded, only the offending provision is stricken from the measure, and the Senate votes on sending the balance of the measure back to the House.

## **CHAPTER IV**

### **ETHICS COMMITTEE**

#### **1. House Ethics Committee**

4. Both the House and the Senate have Ethics Committee's to regulate the conduct of the Members of the Congress. House Committee on Ethics has many functions, but they all revolve around the standards of ethical conduct for members of the House while performing their official duties. Under this authority, it:

- agrees on a set of rules that regulate what behaviour is considered ethical for members (rules relating to gifts, travel, campaign activities, treatment of staff, conflicts of interest, etc.);
- conducts investigations into whether members have violated these standards
- makes recommendations to the whole House on what action, if any, should be taken as a result of the investigations (e.g. censure, expulsion from the House, or nothing if the member is found not to be violating a rule); and
- provides advice to members before they (the members) take action, so as to avoid uncertainty over ethical culpability.

#### **Compliant and its redressal**

- (a) Complaint means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.
- (b) A complaint can be submitted under the signature of a Member. If the Member signs it, the Committee will enquire and determine whether the matter be investigated further or not.
- (c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.
- (d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is

submitted in good faith and warrants the review and consideration of the Committee.

## **2. Senate Ethics Committee**

4.1 The Senate Select Committee on Ethics is authorized to receive and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; recommend additional Senate rules or regulations to insure proper standards of conduct; and report violations of law to the proper federal and state authorities.

### **Complaint and its redressal**

- (a) Complaint, Allegation, or Information: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.
- (b) Definition of Preliminary Inquiry: A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.
- (c) Scope of Preliminary Inquiry:
- (d) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the

jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

- (e) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

## CHAPTER V

### ALLOWANCES OF THE MEMBERS OF CONGRESS

5. Allowances are provided to the Representatives and Senators to support them in their official and representational duties as members. These allowances cover official office expenses, staff, mail and other goods and services.

#### **House of Representatives**

5.1 The Speaker of the House gets \$223,500 per annum.

5.2 The Representatives get \$174,000 per annum.

5.3 Majority and minority leaders in the House receive a salary of \$193,400 per annum.

5.4 Each Member of the House of Representatives is provided with three allowances to spend on official duties, office, staff, and mail. These allowances are: personnel, official office expenses, and official mail (franked mail) called representational allowances. In the year 2010, as per the data of 2007, the total amount of allowance provided to Members of the House ranged from \$1,428,395 to \$1,759,575 with an average MRA of \$1,522,114. Members do not have to use all of the money allotted to them in their allowances.

5.5 *Personnel*: Each Member is allotted \$944,671 to hire up to 18 staff and four additional temporary, part-time staff in Washington DC and district officers. Any Staff cannot be paid more than \$168,411 per year.

5.6 *Official office expenses*: Office expenses may include travel costs, office equipments, district office rental, stationary and office supplies, telecommunications, printing, postage, computer services, and other office-related expenses. The official office expenses allowance component of the MRA varies for each member depending upon distance from Washington DC and population of the state. In 2010, a base allowance of \$256,574 was authorised for each Member.

5.7 *Official (franked) mail*: Each Member is allowed a certain allowance for sending mail as franked mail in the conduct of official business to assist them in their duties as Members of Congress. Use of the franked mail is the personal responsibility of each Member.

## **Senators**

5.8 President pro tempore of the Senate gets \$193,400 per annum.

5.9 The Senators get \$174,000 per annum.

5.10 Majority and minority leaders in the Senate receive a salary of \$193,400 per annum.

5.11 Like Members of the House Senators have three allowances to draw for personnel and official office expenses. These allowances are: administrative and clerical assistance, legislative assistance and official office expenses. These allowances vary depending upon the state population and distance from Washington DC.

5.12 *Administrative and clerical:* This allowance is allocated based on the size of the Senator's state. In 2010, the amount varies from \$2,453,206 for a Senator representing a state with a population less than 5 million to \$3,898,853 for a Senator representing a state with a population of 28 million or more.

5.13 *Legislative assistance:* In 2010, each Senator was authorised \$508,377 to appoint up to three legislative assistants, to be paid not more than \$169,459 each per annum.

5.14 *Official office expenses:* The official office expense allowance is determined by a number of variables including the distance of the Senator's state from Washington, DC, the population of the Senator's state, and the official mail allocation. Office expenses include official mail, interns, district offices, furniture, furnishings, and office equipments. In 2010, allowances ranged from \$128,585 to \$465,919.

## CHAPTER VI

### CONGRESSIONAL CAUCUS ON INDIA

#### House India Caucus

6. The delegation, besides meeting various officials of the Committees, had discussions with the officials of India caucus of the House as well as the Senate. A brief on the area of focus and the activities of the India caucus is given below:

6.1 The House India Caucus was formed in 1994 the mission of the caucus is the “facilitation of trade and commerce with India”, “visas”, and “the promotion of Indian culture in the United States”. The caucus strives to strengthen bilateral relation between the United States and India, promote trade with India, enhance economic development in India, opportunities of higher education, removing barriers between the two countries and improve overall standard of living for Indian and Indian Americans in USA.

6.2 The caucus focuses on following issues:

1. Indo-US Relations, including trade, security cooperation, global war against terrorism, and economic and humanitarian assistance.
2. Developments in India and the Indian Sub-Continent, including economic development, health care, inter-communal relations, the status of religious and other minorities, corruption, and the Tibetan exile community.
3. Issues of Interest to the Indian-American Community, including the facilitation of trade and commerce with India, small business, visas, education, health care, and the promotion of Indian culture in the United States.

6.3 The caucus will therefore seek to make the following efforts and engage in the following activities:

- Arrange regular briefings on legislative and policy initiatives and other issues of interest to Caucus members by U.S. officials, visiting officials from India and the Sub-Continent, leaders of the Indian-American community, and other experts on subjects of interest to the Caucus; one topic in particular would be the mutual problem of global terrorism that both the U.S. and India face.

- Providing regular summaries of ongoing developments in India, the Sub-Continent, and relating to the Indian-American community.
- Arranging a conference for Indian-American business leaders to discuss trade and economic development on the subcontinent with members of the Caucus.
- Organizing celebration of the creation of the India Caucus.
- Organizing events for Indian holidays, festivals, and other special occasions.

### **Senate India Caucus**

6.4 Similarly a new bipartisan organisation called 'Friends of India' has been formed in the US Senate, similar to the Congressional Caucus on India and Indian Americans in the US House of Representatives. This is the first time in the history of the US Senate that a country-focused caucus was constituted. The purpose of Senate India Caucus is to promote bilateral trade relationship between India and America, enhance economic development in India and the overall standard of living of Indians and Indian Americans in USA.

## CHAPTER VII

### CONGRESSIONAL RESEARCH SERVICE

#### **Introduction**

7. The Congress has evolved an elaborate system for meeting the research and information requirement of its Members which is provided by the Congressional Research Service (CRS). CRS has undergone enormous changes since its inception almost 100 years ago. In 1914, Congress passed legislation to establish a separate department within the library of Congress devoted solely to respond to congressional requests for information. It was then called the Legislative Reference Service. In 1970, Congress enacted the Legislative Reorganisation Act which changed the name of the Unit from the Legislative Reference Service to Congressional Research Service. The Act increased its resources and directed the service to devote more of its efforts to research and analysis that assisted Members of Congress. After passing this legislation, CRS started assisting Committees with the research and other assistance they need. Now CRS provides research and information services to both Members and Committees of Congress. The services provided by CRS are as a result of congressional directives and guidance.

#### **Objective of CRS**

7.1 The Congressional Research Service serves Congress by providing comprehensive and reliable legislative research and analysis that are timely, objective, authoritative and confidential and thereby contribute to an informed national legislature. CRS is the public policy research arm of the US Congress, within the Library of Congress, that offers research and analysis to Congress on all current and emerging issues of national policy. CRS makes no legislative or other policy recommendations to Congress; its mandate is to ensure that Members of the House of Representatives and Senate have the best possible information and analysis on which they can make the policy decisions for which the American people have elected them.

#### **Clientele**

7.2 CRS works exclusively and directly for Members of Congress (both the Senate and the House of Representatives), Congressional Committees and staff on a confidential and non-partisan basis. CRS is unique as its time and efforts are devoted to working exclusively

for Congress. Only Members and their Staff can place requests and attend the activities of CRS. While some CRS research and reports may reach American public, dissemination is at the discretion of congressional clients.

## **Workforce**

7.3 CRS has more than 700 employees which includes policy analysts, attorneys and information professionals at a variety of disciplines working in one of the six research divisions. The experts come from various disciplines *i.e.* law, economics, foreign affairs, defence, homeland security, public administration, health care, immigration, energy environmental protection, science and technology. These experts help CRS to work quickly and provide integrated analysis of various issues facing the Congress.

7.4 CRS is joined by two other congressional support agencies. The Congressional Budget Office provides Congress with budget-related information, reports on fiscal, budgetary, and programmatic issues, and analysis of budget policy options, costs, and effects. The Government Accountability Office assists Congress in reviewing and monitoring the activities of government by conducting independent audits, investigations, and evaluations of federal programmes.

## **Organisational Structure**

7.5 CRS has adopted an interdisciplinary and integrative approach to respond to requests from Congress. The Service seeks to define complex issues in clear and understandable ways, identify basic causes of the problems and highlights available policy choices. CRS is divided into six interdisciplinary research divisions each of which is further divided into subject specialist sections. These divisions are as under:

### **(i) American Law Division**

7.6 The American Law Division provides Congress with legal analysis and information on legal questions. Division lawyers work with federal, state and internal legal resources in support of the legislative, oversight and representational needs of Members and Committees of Congress. The division's work involves the constitutional framework of separation of powers, congressional-executive relations and federalism and various questions relating to administrative law, criminal law, constitutional law, civil rights, environmental law, business and tax law, international law etc. that may emerge during the legislative process. The

division also prepares the Constitution of the United States of America: Analysis and Interpretation (popularly known as the Constitution Annotated).

**(ii) Domestic Social Policy Division**

7.7 The Domestic Social Policy Division offers Congress research and analysis by using multiple disciplines in the broad area of domestic social policies and programmes. These issues include education and training, health care and medicine, social security, public and private pensions, welfare, nutrition, housing, immigration, civil rights, drug control, crime and criminal justice, labour and occupational safety, unemployment and workers' compensation, and other issues related to children, persons with disabilities, the aged, the poor, veterans, and minorities.

**(iii) Foreign Affairs, Defence, and Trade**

7.8 The Foreign Affairs, Defence and Trade Division is organised into seven regional and functional sessions. Analysts of the division follow worldwide political and economic developments for Congress, including US relations with individual countries and transnational issues such as terrorism, refugees, global economic problems, and global institutions such as the International Monetary Fund and the United Nations. They also address US foreign aid programmes, strategies and resource allocations in international debt, public diplomacy legislation on foreign relations, etc. They also do other work which includes national security policy, military strategy, weapons systems, military operations, defence acquisition, military compensation, military health, the defence budget, etc.

**(iv) Government and Finance Division**

7.9 The Government and Finance Division responds to congressional requests for assistance on all aspects of Congress. These include the congressional budget and appropriations process, the legislative process, congressional history, and the organisation and operations of Congress. The division covers the financial issues which include banking, financial institutions, insurance, and securities; taxation, public finance, fiscal and monetary policy, and the public debt.

**(v) Resources, Science, and Industry Division**

7.10 The Resources, Science, and Industry Division covers a lot of legislative issues for Congress involving natural resources and environmental management, science and

technology, and industry and infrastructure. Resources work of the division includes policy analysis on public land, environment, agriculture, food and fisheries, energy and minerals. Science coverage of the division includes policy analysis of civilian and military research, information and telecommunications, space, earth, sciences, and general science and technology. Support on industry issues includes policy analysis on transportation and transportation infrastructure issues, industrial market structure and regulation.

**(vi) Knowledge Service Group**

7.11 There are also a number of research sections of micro areas for each of these divisions. There is a Knowledge Service Group, which is comprised of information research professionals who along with CRS analysts and attorneys provide authoritative and reliable information research and policy analysis to Congress.

**Infrastructural Service**

7.12 The six research divisions are supported in their work by "infrastructure" offices.

**(i) Office of Communications**

7.13 The Office of Communications is responsible for coordinating and overseeing CRS communications with internal and external audiences. The office assists CRS staff in understanding how Service policies, procedures, decisions, and activities relate to the CRS mission of serving the Congress and how staff efforts fulfil that mission.

**(ii) Office of Congressional Affairs and Counsellor to the Director**

7.14 The Office of Congressional Affairs and Counsellor to the Director plans, develops, and coordinates matters relating to internal CRS policies, particularly as they affect the Service's relationship with congressional clients and other legislative support agencies.

**(iii) Office of Finance and Administration**

7.15 The Office of Finance and Administration oversees the financial, procurement and administrative programmes of the Service. This includes coordinating the strategic planning; preparing the budget request; formulating and executing the financial operating plan, etc.

**(iv) Office of Legislative Information**

7.16 The Office of Legislative Information develops and maintains the congressional Legislative Information System (LIS) that supports both the Congress and CRS staff, and manages the electronic research product system including the editing, processing, and production of CRS reports.

**(v) Office of Research**

7.17 The Office of Research coordinates and maintains oversight of the research function of the Service. It develops and implements strategic and operational frameworks for the CRS mission, promotes use of collaborative research approaches across disciplines and divisions, develops and implements Service-wide standards for the research quality that underpin authoritativeness, and oversees research management systems.

**(vi) Office of Technology**

7.18 The Office of Technology provides the information management capabilities and support required for CRS legislation-related activities, communications, and service to Congress. This includes planning, procurement, development, operations, and maintenance of the information technology infrastructure and systems required to support the CRS mission.

**(vii) Office of Workforce Management and Development**

7.19 The Office of Workforce Management and Development administers the Service's recruitment, staffing, and workforce development programmes, including succession planning, merit selection, and other employment programmes, special recruitment programmes, upward mobility programmes, diversity efforts, special recognition programmes, training, position classification, and performance management programmes and activities.

**Products/ Outputs of CRS**

7.20 Services rendered by CRS come in many forms. It produces a number of documents, the most common being the reports, memoranda, customized briefings, seminars, video taped presentations, information obtained from databases, and consultations in person and by telephone. CRS also provides information through its website, the floor agenda CRS

Products – a weekly information of CRS products likely to be discussed in the House and Senate, the legislative information system which provides Members of the Congress and their staff with access to most current and comprehensive legislative information.

### **Legislative Summaries**

7.21 CRS has a statutory responsibility for preparation of authoritative, objective, non-partisan summaries of introduced Bills and resolutions and memorandum of legislative information. Detailed summaries are written to incorporate changes made in the course of the legislative process. CRS office also prepares Act, bill relationships, subject terms and congressional record citation for debates and introductory remarks.

### **Support to Members and Committees throughout Legislative Process**

7.22 CRS supports the Members, committees, and leaders of the House of Representatives and Senate at all stages of the legislative process.

#### *Support to Members in the Legislative Process*

- CRS helps Members in evaluating the need for a new legislation before it is introduced. It contributes to the preliminary stage of a legislature in several ways. Members may ask CRS to provide background information and analysis on issues and events so that they can better understand the existing situation and then assess whether there is a problem requiring a legislative remedy.
- Members also request CRS to help them assess and compare legislative proposals, including the bills introduced by Members and proposals presented by executive branch officials, private citizens and organizations. It is within the purview of CRS to assess the intent, scope, and limits of the various proposals.
- If a Member decides to introduce a bill, CRS analysts can assist the Member (or his or her staff) in clarifying the purposes of the bill, identifying issues it may address, defining alternative ways for dealing with them, evaluating the possible advantages and disadvantages of each alternative, developing information and arguments to support the bill, and anticipating possible criticisms of the bill and responses to them.

- CRS also identifies national and international experts whom Members may consult on issues that concern them and sponsors programmes at which members meet with experts to discuss issues of broad interest to Congress.

#### *Support to Members in the Committee Process*

- When a bill is introduced in the House of Representatives or Senate, it is assigned to a permanent legislative committee with responsibility for that subject, and then usually to a sub-committee of the committee. When a sub-committee examines a bill, it usually begins by conducting public hearings on one or more days at which executive branch officials, other Members of Congress, representatives of private organizations, and even individual citizens present their views on the bill's merits. CRS analysts assist in this process by providing background information and reports, presenting a preliminary briefing to Members or staff, identifying potential witnesses, and suggesting questions that Members may consider asking the witnesses.
- After the hearings on a bill, the sub-committee or committee meets to debate and vote on amendments to it. CRS staff may attend these meetings to serve as a non-partisan source of expert information available to all Members. CRS specialists may assist the committee in preparing some sections of the report.
- During the committee and floor consideration stage of the legislative process, CRS assists Representatives and Senators in several ways, in addition to providing background information to assist Members in understanding the issues a bill addresses. CRS attorneys can help clarify legal effects the bill may have. CRS policy analysts work with Members in deciding whether to propose amendments and then in making certain that their amendments are designed and phrased to achieve the desired results. CRS also helps Members prepare for the debate by providing data and other information that they can use to support the positions they have decided to take.
- When the House and Senate first pass a bill, they usually have some disagreement. All these disagreements must be resolved before the legislative process is completed. For the most important bills, the two Houses usually agree to create a temporary conference committee composed of both Representatives and Senators, most of whom had been involved in developing the bill initially in the committees of the House and Senate. There is a different conference committee for each major bill; the purpose of the committee is to reach

compromises that settle all the disagreements between the Houses concerning that bill. CRS analysts contribute to this last stage of the legislative process by helping identify the issues to be resolved, by clarifying and comparing the positions of the two houses on each issue, and by identifying different ways in which the legislative disagreements could be resolved.

- Throughout the legislative process, CRS offers timely and confidential assistance to all Members and committees that request it, limited only by CRS's resources and the requirements for balance, non-partisanship and accuracy.
- Besides assisting in the legislative domain, CRS attempts to assess emerging issues and developing problems so that it remains prepared to assist the Congress if and when it becomes necessary. Although it rarely conducts field research, CRS assists committees in other aspects of their study and oversight responsibilities. In addition, it offers numerous courses, including legal research seminars, legislative processes, the budget processes, and the work of district and state staff. At the beginning of each Congress, CRS also provides an orientation seminar for new Members.

7.23 In brief, the work profile of the CRS almost encompasses the entire gamut of providing research and analysis, providing data and information, making presentation and briefing, preparing background information, attending committee meetings, identifying potential witnesses, suggesting questions that Members may consider asking witnesses, assisting in drafting committee reports, providing clarifications on procedural matters, conducting seminars and orientation programmes, etc. The success of CRS hinges on the wholesome involvement of research personnel in the entire spectrum of work transacted by the committees.

7.24 From the points outlined in the above paragraphs, it may be discerned that CRS is a mammoth research organization whose establishment, mandate and obligations have strong statutory backing. The services provided by CRS are direct result of congressional directives and guidance. It has a well-laid out structure, well-defined mandate and well-trained workforce. Implementation of CRS model even partially, in our context, would require expansion of the mandate of the LARRDIS, considerable augmentation in its research capacities, besides redefining the pattern of engagement of research personnel in the committee work.

7.25 Undeniably, CRS has a well laid out structure, well defined mandate and well trained workforce. It has been the model research service for most of the democratic legislatures in the world.

## CHAPTER VIII

### HISTORIAN OF THE UNITED STATES CONGRESS

8. The historian of United States heads the United States historical office, which was created in 1975 to record and preserve historical information about the United States Senate. The office of the historian is managed by the professional historians who are experts. The office of the historians work closely with other federal government history offices, the academic historical community and specialists across the globe. The current historian of Senate is Donald A. Ritchie and Betty Koed is the Associate Senate Historian.

8.1 The historian of the United States House of Representatives is an official appointed by the United States House of Representatives to study and document its past. The post was first created in 1983. The recent appointee is Matthew Wasniewski, who was appointed by Nancy Pelosi in 2010.

#### **Senate historian**

##### **Purpose**

8.2 The historical office collects and provides information on important events, precedents, dates, statistics and historical comparison of current and past senate activities for use by members and staff, the media, scholars and the general public. The office assist researchers seeking access to Senate records and maintains automated information databases detailing locations of formers members' papers.

8.3 It conducts oral history, interviews with retired senior Senate staff and keep extensive information on former Senators. A collection of more than 30 thousand Senate related photographs and other illustrations is available for research and publication unit. The historical office and its staff has produced many publications over the years, covering all aspects of Senate history.

8.4 The historian has been responsible for educating school children and Senators. The Senate historian website provides scholars, students and learners with a very useful historical information about the Senate. Besides, it also provides a collection of 'historical minutes', brief discussions of significant episode in Senate history which are prepared by the Senate historian.

## CHAPTER IX

### BUDGET PROCESS

9. The process of preparing the budget for the United States Government is known as the budget process. The Budget and Accounting Act of 1921 established the statutory basis for an executive budget process by requiring the President to submit to Congress annually a proposed budget for the federal government. It also created the Bureau of the Budget [now as the Office of Management and Budget (OMB) in 1970] to assist him in carrying out his responsibilities and the General Accounting Office (renamed as Government Accountability Office in 2004) to assist Congress as the principal auditing agency of the federal government. The Congressional Budget and Impoundment Control Act of 1974 established the statutory basis for a congressional budget process. It also established the House and Senate Budget Committee and created the Congressional Budget Office to provide budgetary information to Congress.

#### **The President's budget request**

9.1 Congressional consideration of the federal budget begins once the President of the United States submits a budget request, which is formulated over a period of months with the assistance of the Office of Management and Budget, the largest office within the Executive Office of the President. The budget request includes funding requests for all federal executive departments and independent agencies.

9.2 The President submits the budget request each year to Congress for the following fiscal year. The law requires the President to submit a budget no earlier than the first Monday in January, and no later than the first Monday in February. Typically, Presidents submit budgets on the first Monday in February.

9.3 The President's budget request constitutes an extensive proposal of the administration's intended spending and revenue plans including any initiatives recommended by the President for the following fiscal year. The budget proposal includes volumes of supporting information intended to persuade Congress of the necessity and value of the budget provisions. In addition, each federal executive department and independent agency provides additional detail and supporting documentation to Congress on its own funding requests.

9.4 Within six weeks of the President's Budget submission, congressional committees are required to submit their "views and estimates" of spending and revenues within their respective jurisdictions to the House and Senate Budget Committees. The House and Senate Budget Committees are responsible for drafting budget resolutions. The budget resolution is an agreement between the House and Senate concerning the overall size of the federal budget and the general composition of the budget in terms of functional categories. The amounts in functional categories are translated into allocation to each committee with jurisdiction over spending in a process called "crosswalking" under Section 302 (a) of the Congressional Budget Act. Legislation considered by the House and Senate must be consistent with these allocations, as well as with the aggregate levels of spending and revenues. Following the traditional calendar, by April 1 both committees finalise their drafts and submit it to their respective houses for floor consideration and adoption. The House and Senate each consider those budget resolutions and are expected to pass them, possibly by April 15.

9.5 The budget resolution serves as a blueprint for the actual appropriation process. The appropriation committee of the House and Senate hold hearings and make sub-allocation to their sub-committees. Appropriation sub-committees draft and report appropriations bills. The House Appropriations Committee may report after May 15. The Senate Appropriations Committee may report after completion of action on budget resolution. The House and Senate must complete all action on appropriation bills prior to the start of the fiscal year (October 1).

9.6 The annual appropriation process provides funding for discretionary spending programmes through regular annual appropriation bills. Discretionary spending refers to those programmes that are subject to annual funding decisions in the appropriations process. If the Congress decides to lower funding for a programme of this type, it can simply reduce the annual appropriation. Most of the actual operations of the federal government are funded by discretionary spending *i.e.* the funding for the Department of Defence, the Federal Bureau of Investigation, the Internal Revenue Service and the Environmental Protection Agency. Congress enacts these measures prior to the beginning of each fiscal year (October 1). If the regular appropriations acts are not completed by October 1, then Congress adopts a continuing appropriations act, commonly referred to as a continuing resolution which provides stop gap funding. The appropriations act provides budget authority for the next fiscal year beginning October 1. Congress usually adopts one or more supplemental appropriations acts to provide additional funding for unexpected needs while the fiscal year is

in progress. Once appropriations committees pass their bills, they are considered by the House and Senate.

9.7 A Conference Committee resolves differences between House and Senate bills. However, it has to be passed in both chambers of Congress. Thereafter, it is sent to the President, who may sign the bill or veto. If he signs, the bill becomes law.

## **CHAPTER X**

### **MARYLAND STATE ASSEMBLY**

10. The United States Government is based on the principle of federalism in which power is shared between the federal government and the state governments. Maryland is one of the states of US. The Maryland General Assembly is the State Legislature of Maryland. It is bicameral – Maryland State Senate and the House of Delegates. The Senate has 47 Members and the House of Delegates has 141 representatives. The General Assembly meets each year for 90 days only to transact legislative business and to pass the State Annual Budget before it is adjourned. The Governor of the State has four year terms. Senate and House of Delegates also have four year terms. Each House elects its own officers, establishes rules for the conduct of its business and may punish or expel its own members.

#### **Qualification and Membership**

10.1 Each senator or delegate must be a citizen of Maryland. He/ she must be a resident of the state for at least one year preceding his/ her election. A Senator must be at least 25 years of age at the time of election and a Delegate at least 21 years.

#### **Elections and vacancies**

10.2 Members of Senate and House of Delegates are elected for four years. The term of Governor is also for four years. If a vacancy arises in the House owing to death, illness, resignation, disqualification or expulsion, the Governor appoints a replacement. However, the Government has to appoint a legislator whose name is cleared by the State Central Committee of the same political party.

10.3 There are 47 legislative districts relatively equal in population. Each legislative district elects one Senator and three Delegates.

10.4 Senate has the sole responsibility in the state legislative branch for confirming gubernatorial appointees to positions that require confirmation. After the Governor forwards his nomination to the Senate, the executive nomination committee reviews the nominee and makes a recommendation for confirmation or rejection to the Senate. The Senate also has sole responsibility for trying any person that have been impeached by the House of the Committees.

## **Salaries**

10.5 Maryland's Senators and Delegates receive \$53,500 in annual pay while presiding officers earn \$56,500. The pay is relatively less for the state legislatures. However, the fact remains that the General Assembly of Maryland meets once in three months in a year and most of the legislators hold additional jobs when the Assembly is not in session. Legislators of the General Assembly can also seek reimbursement for expenses related to meals and lodging during the legislative session, and also for certain travel expenses related to their duties at any point during the year. They also have access to benefits received by state employees including health and life insurance as well as retirement savings plans. Maryland has a voluntary legislator pension plan to which both Senators and Delegates have access.

10.6 The both President and the Speaker because of their duties and prerogatives can influence the legislative process. The President and Speaker appoint the Members of most Committees name their Chairs and Vice-Chairs except in the case of the Joint Committee on Investigation whose members elect their own officers. The President and the Speaker preside over the daily sessions of their respective chambers maintaining decorum and deciding points of orders.

## **Overview of the Legislative Process**

10.7 The Maryland Senate, as the Upper House of the Bi-cameral Maryland General Assembly shares with the Maryland House of the Delegates the responsibility of making laws in the State of Maryland. A bill can be introduced in either House of the General Assembly of Maryland. After introduction a bill is assigned to the appropriate policy committee. If a bill is introduced in Senate it receives the first of three constitutionally mandated readings on the floor of the Senate before being assigned to a Committee. The decision about whether legislation is to be passed is often made in the committees. The Committees can hold legislation and prevent it from reaching the Senate floor. The recommendations of Committees on bills carry enormous weight. It is rare for the Senate to approve legislation which has received a negative committee report. Once passed by the Senate the Bill is sent to the House of Delegates for consideration. If the House also approves the Bill without amendment it is sent to the Governor. If there is amendment, however, the Senate may either reconsider the Bill with amendments or ask for the establishment of Conference Committee to sort out differences in the versions of the bill passed by each chamber. Once a legislation is approved by both the Chambers it is forwarded to the Governor. The Governor may sign

or veto it. If it is signed it becomes a law and if it is vetoed both Senate and House of Delegates must vote by three-fifth majority to overturn it.

## **CHAPTER XI**

### **UNITED NATIONS**

11. A delegation of officers from the Rajya Sabha Secretariat also visited the United Nations at its Headquarters in New York. The magnificent building of the United Nations symbolises the faith reposed by its founding fathers for maintaining international peace and promoting cooperation among the nations. The galleries of the building leading to the General Assembly and Security Council depict the problems faced by the people in different regions of the world and coordinated efforts made by the United Nations to mitigate the suffering of the people. The General Assembly of the United Nations provide a view of a world parliament as it consists of 192 nations. The United Nations emblem shows the world held in the "olive branches of peace". A brief description of the genesis of the United Nations and functions of its principle organs is as follows:

11.1 The Second World War witnessed a massive destruction and loss of human lives besides causing economic crisis among the nations fighting wars. It was also realised by its founding fathers that the League of Nations could not deliver the goods and needed to be replaced by a stronger organisation. Under this backdrop, the United Nations was founded on 24 October 1945 after the ratification of the United Nations Charter by a majority of the original 51 member states. Over the years, the membership of the United Nations has expanded enormously from 51 nations to 192 as many nations have joined this global association.

#### **Aim of the United Nations**

11.2 The aim of the United Nations was to keep peace throughout the world; to develop friendly relations between nations; to work together to help people, live better lives, to eliminate poverty, disease and illiteracy in the world, to stop environmental destruction and to encourage respect for each other's rights and freedoms and to be a centre for helping nations to achieve these aims.

#### **Principles of the United Nations**

11.3 The principles of the United Nations is that all member states have sovereign equality, all the member states must obey the charter, they must try to settle their differences by peaceful means, countries must avoid using force or threatening to use force, the UN may not interfere in the domestic affairs of any country and the countries should try to assist the

United Nations. The United Nations has its own flag, its own post office and its own postage stamps. There are six official languages used at the United Nations – Arabic, Chinese, English, French, Russian and Spanish.

11.4 The United Nations system is based on the six principal organs (now five as Palau, the last remaining United Nations Trust territory got independence) General Assembly, Security Council, the Economic and Social Council, the Secretariat and the International Court of Justice. Four out of five principal organs are located in New York only. The International Court of Justice is located at the Hague. The other major agencies are based in the United Nations office in Geneva, Vienna and Nairobi whereas other United Nations institutions are spread throughout the world. These organisations provided a forum to member states to express their views and mobilise public opinion.

### **General Assembly**

11.5 The General Assembly is the main deliberative organ of the United Nations composed of 192 member countries. As a deliberative organ of the United Nations, the Assembly may make recommendations on any matter within the leaps of the United Nations except the matter of peace and security that are under Security Council. It is based on the principal of equality of all member countries as everyone of them has one vote in General Assembly. It has a regular session every year under a President elected from among the representatives of the member countries. Over a two week period at the beginning of each session, all members have the opportunity to address the assembly. As per the practice, the Secretary-General makes the first statement followed by the President of the Assembly.

11.6 The General Assembly has a system of special and simple majority. Important issues such as recommendations on peace and security, election of members to organs, admission, suspension, expulsion of members and budgetary matters require two-thirds majority of those present and voting. All other issues are decided by majority vote. However, the resolutions passed in the General Assembly are not binding on members except the approval of the budget. Despite the limitations of the power of the General Assembly, the work of the United Nations around the year derives largely from the mandate given by the General Assembly.

### **Security Council**

11.7 The primary responsibility of the Security Council under the United Nations charter is to maintain international peace and security. While the other organs of the United Nations

can only make recommendations on member governments, the Security Council has the power to make binding decisions on the member countries. The decision of the Security Council is known as Security Council resolutions.

11.8 The Security Council comprise 15 member states. The Council has five permanent members – US, Russia, UK, France and China and ten other members are elected by the General Assembly for two-year terms. They are Bosnia and Herzegovina (2011), Brazil (2011), Colombia (2012), Gabon (2011), Germany (2012), India (2012), Lebanon (2011), Nigeria (2011), Portugal (2012), and South Africa (2012). The Security Council has enormous power as each permanent member has a veto power. These permanent members can block any decision.

### **Economic and Social Council**

11.9 The Economic and Social Council (ECOSOC) assists the General Assembly in promoting international economic and social cooperation and development. The Economic and Social Council has 54 members elected for three year terms by the General Assembly. The President of the Council is elected for a one-year term and chosen from the small or middle powers represented on ECOSOC. ECOSOC meets once a year for a four-week session. Voting in the Council is by simple majority. Each member has one vote. The function of ECOSOC is to gather information, advise member states and make recommendations.

### **International Court of Justice**

11.10 The International Court of Justice located in the Hague, Netherland, is the principal judicial organ of the United Nations. It was established in 1945 by the United Nations charter. The statute of the International Court of Justice is the main document for constituting and regulating the Court. International Court of Justice has 15 judges elected by both the General Assembly and Security Council. Judges hold nine-year terms. It settles legal disputes between states and gives advisory opinion to the United Nations and to specialised agencies. The Court has heard cases related to war crimes, illegal state interference and ethnic cleansing.

## **Specialised Institutions**

11.11 There are many organisations and agencies of the United Nations that function to work on particular issues. Some of the most well-known agencies are International Atomic Energy Agency (IAEA), the Food and Agriculture Organisation (FAO), United National Educational, Scientific and Cultural Organisations (UNESCO), the World Bank and the World Health Organisation (WHO). It is through these agencies that the United Nations performs most of its humanitarian work.

## **Secretariat**

11.12 The Secretary-General is the head of the United Nations Secretariat, assisted by the staff of international civil servants. The staff provides services to other principal organs of the United Nations and administers the programmes and policies laid down by them. As international civil servants, staff members and the Secretary-General are answerable to the United Nations for their activities and take an oath not to seek or receive instructions from any government or outside authority. The United Nations charter provides that the staff be chosen by application of the "highest standards of efficiency, competence and integrity" with proper care for recruiting staff by giving representation to a wide geographical area. It has a staff of about 44,000 around the world drawn from over 180 countries. The Secretary-General alone is responsible for staff selection. Under the charter, each member state undertakes to respect its exclusive international character.

11.13 The Secretary-General is appointed by the General Assembly after the recommendation of the Security Council. There are no specific criteria for this post. However, it has been accepted that the Secretary-General shall be appointed on the basis of geographical rotation and that the Secretary-General shall not come from any of the five permanent Security Council states.

11.14 The Secretary-General who is the head of the Secretariat acts as the *de facto* spokesperson and leader of the United Nations. Mr. Ban Ki Moon is the present Secretary-General of the United Nations. The Secretary-General, however, is eligible for reappointment. The position of the Secretary-General as defined in the United Nations charter as the organisation's 'chief administrative officer'. The charter of the United Nations also states that the Secretary-General can bring to the Security Council's attention "any matter

which in his opinion may threaten the maintenance of international peace and security" thus the Secretary-General has to play a greater role at international level.

11.15 Since the establishment of the United Nations, the world has undergone enormous changes as many new nations after their independence joined the United Nations. There has been a constant demand from various quarters, for making the Security Council more democratic in its character. However, the United Nations had helped around 80 countries to get independence from colonial rule, preventing wars besides helping countries in socio-economic and humanitarian areas.

## CHAPTER XII

### OBSERVATIONS

12. The delegation had the opportunity to closely interact with some of the key officials of the US Congress on varied facets of the congressional functioning and felt that some of the practices obtaining in American Congress deserve special mention.

12.1 While visiting the Capitol Hill and the United Nations, it was fascinating to see the high level of professional competence and communication skills displayed by the officials in transmitting information to the visitors. We were pleased to see the technology-driven approach of the officials, who were equally well-versed with the history of the institution and also about the leaders who have had occupied various positions. Democracy is enriched when information about democratic institutions gets seamlessly disseminated to the people, giving them the rich sense of history and their shining legacy. It is in this context, we feel that the arrangement in place in our system for taking the visitors for show rounds needs to be seen in a much broader perspective of enriching democracy. We, in India, could transform this show-round of the Parliament from the present routine mundane exercise to a fascinating educative experience. We could train a team of officials and provide them with modern technological aids which would go a long way in disseminating information about the Indian Parliament, its leaders and putting the Indian Parliament in proper perspective.

12.2 The US Congress has developed a well-organised system to meet the research and information requirement of its Members. The Congressional Research Service (CRS) provides comprehensive and reliable legislative research and analysis support to the members that are timely, objective, authoritative and confidential. CRS provides research support both to the Members of Congress and Committees. An effort should be made to strengthen the existing structure of the research service in Rajya Sabha, besides augmenting their research capabilities to provide focussed, credible and independent research inputs to the committees.

12.3 Reporters in the House of Representatives make use of electronic shorthand typing machine which help them to note debates by typing 260 words per minute. The system helps the Reporters in discharging their responsibility efficiently and also in transmitting information faster to the Members of Congress and the public. The electronic typing machine known as stenographer could be introduced in Indian Parliament which will help the

Reporters not only discharge their responsibility efficiently but also help in making parliamentary proceeding available to the Members as well as the public faster.

12.4 The media plays an important part in creating public opinion; an interface between the representatives and people could be strengthened manifold through proactive media engagement. In US Congress, the committee proceedings are open to public and media. It makes the system transparent. In an emerging scenario, it may be prudent to permit chairmen of the committees to selectively open the proceedings of the committees in Indian Parliament to media and public by keeping adequate safeguards so that this does not impede the non-partisan and cross-party perspectives of the committee functioning.