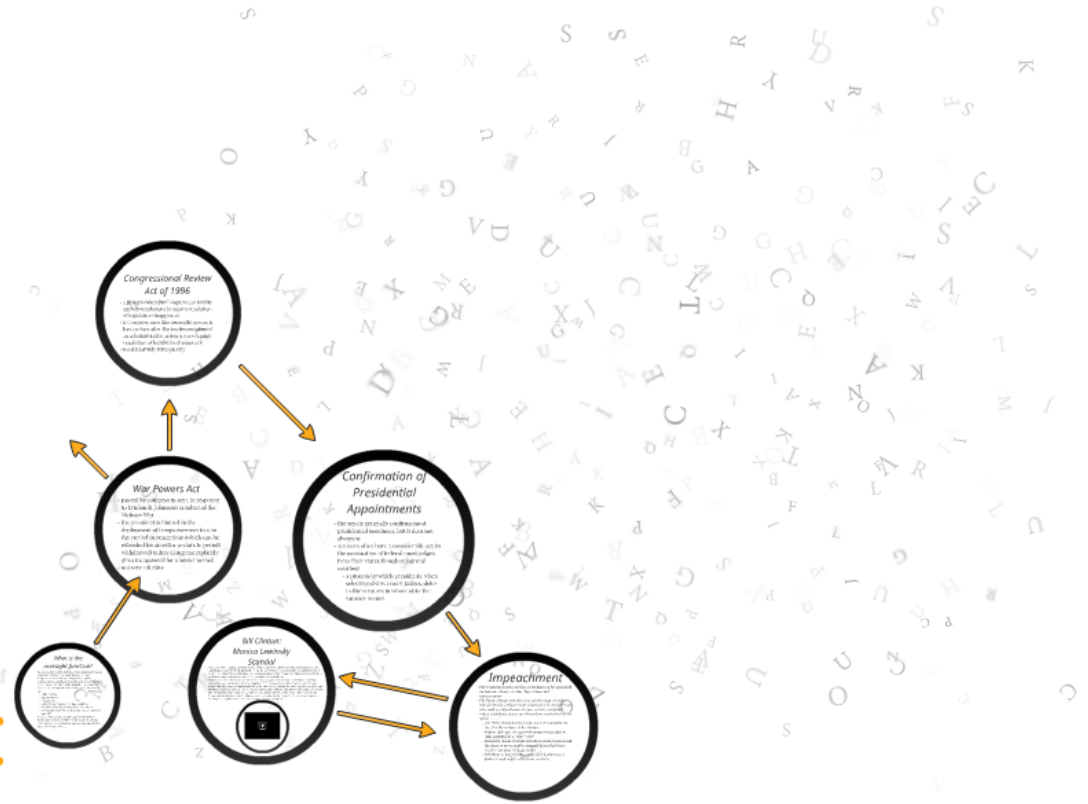


The Oversight Function

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What is the oversight function?

- the review, monitoring, and supervision of federal agencies, programs, activities, and policy implementation
- Congress exercises this power largely through its congressional committee system; however, oversight, which dates to the earliest days of the Republic, also occurs in a wide variety of congressional activities and contexts such as:
 - authorization
 - appropriations
 - investigative
 - legislative hearings by standing committees
 - specialized investigations by select committees
 - reviews and studies by congressional support agencies and staff
- these hearing regulate executive power and monitor discrepancies in law, but they are also in place to ensure civil liberties and to inform the people of anything that has gone awry in government.



War Powers Act

- passed by congress in 1973, in response to Lyndon B. Johnson's conduct of the Vietnam War
- the president is limited in the deployment of troops overseas to a 60 day period in peace time (which can be extended for an extra 30 days to permit withdrawal) unless Congress explicitly gives its approval for a longer period
- not very effective

Congressional Review Act of 1996

- a process whereby Congress can nullify agency regulations by a joint resolution of legislative disapproval
- if Congress uses this oversight power, it has 60 days after the implementation of an administrative action to pass a joint resolution of legislative disapproval
- used relatively infrequently

Confirmation of Presidential Appointments

- the senate generally confirms most presidential nominees, but it does not always is
- senators often have a considerable say in the nomination of federal court judges from their states though senatorial courtesy
 - a process by which presidents, when selecting district court judges, defer to the senators in whose state the vacancy occurs

Impeachment

- The Constitution specifies that a president can be impeached for treason, bribery, or other "high crimes and misdemeanors"
- The House of Representatives has voted to impeach only 17 federal officials, of those 7 were convicted and removed from office and 3 resigned before the process was completed
- Only 4 resolutions against presidents have resulted in further action:
 - John Tyler: charged with corruption and misconduct in 1843; the House rejected the charges
 - Andrew Johnson: charged with serious misconduct in 1868; acquitted by a 1 vote margin
 - Richard M. Nixon: charged with obstruction of justice and the abuse of power in 1974; resigned before the House voted on articles of impeachment
 - Bill Clinton: charged with perjury and obstruction of justice in 1998; acquitted by 10 vote margin

Impeachment Process



Impeachment Process

HOUSE

Impeachment session

Convened by House speaker if poll of representatives shows at least $\frac{2}{3}$ in favor.

House adopts policies establishing procedures for the impeachment process

The House adopts, by constitutional majority vote, policies establishing procedures for, and governing the conduct of, the impeachment process.

OPTIONAL

House may create a special committee, hire investigators and special counsel

The committee can meet, subpoena and examine witnesses, documents and other relevant materials.

House floor action

House considers a resolution containing Articles of Impeachment. The House then votes on each article. If any article receives a $\frac{2}{3}$ vote, the official is impeached. House then submits Articles of Impeachment to the Senate.

OPTIONAL If committee recommends impeachment to the House

The committee prepares a resolution containing Articles of Impeachment.

SENATE

Serves copy of Articles of Impeachment on impeached officer

The impeached official is suspended from duties pending outcome of Senate trial.

Convenes for the purpose of an impeachment trial

Establishes rules of procedure and swears oath to do justice

A $\frac{2}{3}$ vote is required to convict on one or more Articles of Impeachment.

Effect of judgment

Impeached officer may be suspended or removed and disqualified to hold any state office. Suspended official is disqualified from receiving the salary of the office. Impeached official is acquitted if Senate fails to meet $\frac{2}{3}$ vote requirement.

SOURCE: State Office of Legislative Research and General Counsel

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