

The Legislative Branch 立法部门

I. 我。 POWERS OF CONGRESS 国会的权力

- A.

Congressional authority is limited to those powers enumerated, or expressed, in the text of the Constitution. They may also be referred to as delegated powers. The enumerated powers of Congress are found in Article 1, Section 8.

国会的权力仅限于宪法文本中列举或明确规定的权力。这些权力也可称为授权力。国会的列举权力载于宪法第一条第八款。
- B.

Additionally, congressional power extends to legislation that is necessary and proper in order to effect policy under one or more of the enumerated powers. The Necessary and Proper (Elastic) Clause allows Congress to make laws related to a wide range of public policy issues using its implied powers.

此外，国会权力还延伸至为实施一项或多项列举权力所必需且适当的政策而制定的立法。必要且适当（弹性）条款允许国会运用其隐含权力，就广泛的公共政策问题制定法律。

Powers of Congress 国会的权力

Enumerated Power 列举权力	Description 描述	Examples of Implied Powers 默示权力的例子
1. The power to tax and spend. 1. 征税和支出的权力。	<p>Congress may collect money through taxes and may spend money to pay down the national debt, provide for the common defense and general welfare of the United States.</p> <p>国会可以通过税收筹集资金，并可以花费资金来偿还国债、保障美国的共同防御和公共福利。</p>	<p>– Every year, Congress creates and approves a budget for federal expenditures. 每年，国会都会制定并批准联邦支出预算。</p> <p>– Congress provides funding for medical care programs for the elderly (Medicare) and persons whose income falls below a minimum threshold (Medicaid). – 国会为老年人医疗保健计划（联邦医疗保险）和收入低于最低门槛的人（医疗补助）提供资金。</p> <p>– Federal funds are used for infrastructure projects, such as</p>

		<p>roads, bridges, and dams.</p> <p>联邦资金用于基础设施项目，例如道路、桥梁和水坝。</p>
<p>2. To borrow money on the credit of the United States.</p> <p>2. 以美国的信用为担保借款。</p>	<p>Congress may borrow money that the United States is then obligated to repay.</p> <p>国会可以借款，而美国有义务偿还这些款项。</p>	<p>– The U.S. Treasury Department issues marketable securities (such as bonds) that guarantee a specific return.</p> <p>– 美国财政部发行有市场价值的证券（例如债券），以保证特定的收益。</p>
<p>3. To regulate commerce with foreign nations, among the several states, and with the Indian tribes (Commerce Clause).</p> <p>3. 规范与外国、各州之间以及与印第安部落之间的商业活动（商业条款）。</p>	<p>Congress may make rules and laws to protect and promote the economic health of the United States as it relates to the stream of economic activity among the states and with other countries.</p> <p>国会可以制定规则和法律，以保护和促进美国的经济健康，尤其是在各州之间以及与其他国家之间的经济活动方面。</p>	<p>– The Civil Rights Act of 1964 allowed the federal government to prohibit discrimination based on race, color, religion, sex, or national origin.</p> <p>– 1964 年《民权法案》允许联邦政府禁止基于种族、肤色、宗教、性别或国籍的歧视。</p> <p>– Congress may ban the production of marijuana (Controlled Substances Act).</p> <p>国会可能会禁止生产大麻（《管制物质法》）。</p>
<p>4. To establish uniform rules for naturalization and to establish a uniform system of bankruptcy.</p> <p>4. 制定统一的入籍规则和统一的破产制度。</p>	<p>a. Congress creates rules and procedures for non-citizens to acquire United States citizenship.</p> <p>a. 国会制定规则和程序，使非公民能够获得美国公民身份。</p> <p>b. Congress creates a system of bankruptcy, which allows individuals or corporations to discharge their debts when they cannot pay.</p> <p>b. 国会设立破产制度，允许个人或公司在无力偿还债务时免除债务。</p>	<p>– Federal law prohibits the granting of U.S. citizenship to persons advocating world communism or the violent overthrow of the United States government.</p> <p>联邦法律禁止向鼓吹世界共产主义或以暴力手段推翻美国政府的人授予美国公民身份。</p> <p>– The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 was passed in order to protect creditors. It places restrictions on people and companies filing for bankruptcy.</p> <p>2005年通过的《破产滥用预防和消费者保护法》旨在保护债权人。该法对申请破产的个人和公司施加了限制。</p>
<p>5. To coin money and regulate its value.</p> <p>5. 铸造货币并调节其价值。</p>	<p>Only the national government may make U.S. currency. This function is carried out by the United States Mint.</p> <p>只有美国联邦政府才有权铸造美国货币。这项工作由美国铸币局负责执行。</p>	<p>– In 1791, the federal government chartered a federal bank to produce a standard form of currency.</p> <p>– 1791年，联邦政府特许成立了一家联邦银行，以发行标准货币。</p>
<p>6. To provide for the punishment of counterfeiting the coin or</p>	<p>In order to protect the value and integrity of U.S. currency, Congress</p>	<p>– Crimes relating to the crime of counterfeiting include</p>

securities of the United States. 6. 规定对伪造美国硬币或证券的行为进行处罚。	has enacted criminal laws to try and punish counterfeiters. 为了保护美国货币的价值和完整性，国会制定了刑事法律来惩罚伪造货币者。	possession or passing of a counterfeit document or possessing counterfeiting tools. 与伪造罪有关的犯罪包括持有或使用伪造文件或持有伪造工具。
7. To establish post offices and post roads. 7. 设立邮局和邮路。	Congress may create and fund a system of post offices for the distribution of mail. 国会可以建立并资助邮政系统，用于邮件分发。	– Numerous federal crimes, such as fraud and mailing controlled substances, relate to illegal uses of the postal service. – 许多联邦犯罪，例如欺诈和邮寄管制药品，都与非法使用邮政服务有关。
8. To promote science and the useful arts by guaranteeing to scientists, inventors, authors, and artists the exclusive right to profit from their creation for a period of time. 8. 为促进科学和实用艺术的发展，保证科学家、发明家、作家和艺术家在一段时间内享有从其作品中获利的专属权利。	Congress has created protections for various types of intellectual property, including copyrights, patents, and trademarks. The purpose is to encourage technological growth and cultural expression. 国会制定了多种知识产权保护措施，包括版权、专利和商标。其目的是为了鼓励技术发展和文化表达。	– Under Title 35 of the U.S. Code, patent holders may sue violators for patent infringement. – 根据美国法典第 35 篇，专利权人可以起诉侵权者侵犯专利权。 – Internet file sharing without the permission of the copyright holder is a crime under federal law. 未经版权所有者许可，在互联网上共享文件属于违反联邦法律的犯罪行为。
9. To create lower federal courts. 9. 设立下级联邦法院。	Congress may and has created numerous federal courts below the United States Supreme Court. 美国国会可以而且已经设立了许多下级联邦法院，这些法院均位于美国最高法院之下。	– Congress may set judicial salaries, make administrative decisions about the location and operations of courts, and fund judicial administration. 国会可以设定法官的薪金，对法院的选址和运作做出行政决定，并为司法行政提供资金。
10. To define and punish piracy, crimes committed on the high seas, and offenses against the Law of Nations. 10. 界定和惩处海盗行为、公海犯罪和违反国际法的行为。	Danger on the seas has always presented a threat to national security and commercial traffic. Congress has also been historically concerned with upholding international law. 海上危险始终对国家安全和商业运输构成威胁。国会历来也十分关注维护国际法。	– The Foreign Sovereign Immunities Act creates guidelines for when foreign governments or their agents may be sued in U.S. courts. 《外国主权豁免法》规定了何时可以在美国法院起诉外国政府或其代理人。 – The Torture Victim Protection Act allows torture victims to file suit against foreign governments in U.S. courts. 《酷刑受害者保护法》允许酷刑受害者在美法院对外国政府提起诉讼。
11. To declare war 11. 宣战	Only Congress may declare war on another country. The president, however, may commit military forces without congressional authorization	– The War Powers Act clarifies the relationship and powers of Congress v. the president with regard to use of the armed

	under the War Powers Act. 只有国会才能对其他国家宣战。然而，根据《战争权力法》，总统无需国会授权即可调动军队。	forces. 《战争权力法》明确了国会与总统在使用武装部队方面的关系和权力。
12. To raise and support an army; and 12. 组建和维持军队；以及 13. To raise and support a navy. 13. 组建和支持海军。 14. To administer the armed forces. 14. 管理武装部队。 15. To make rules for calling forth the militia as necessary. 15. 制定必要时召集民兵的规则。 16. To organize, arm, and discipline the militia. 16. 组织、武装和训练民兵。	– Congress holds the power to establish and maintain a military force. The power to fund military activities is an important check on the executive branch. 国会拥有建立和维持军队的权力。为军事活动提供资金的权力是对行政部门的重要制衡。 – The militia (local groups of armed volunteers) were considered part of the national defense apparatus at the time the Constitution was written. 在制定宪法时，民兵（地方武装志愿者团体）被视为国家防御体系的一部分。	– Congress has created other branches of the military to carry out specialized functions. Examples include the Air Force and the Coast Guard. 国会还设立了其他军事部门来执行专门职能。例如空军和海岸警卫队。 – The GI Bill (Servicemen's Readjustment Act of 1944) funded educational benefits for veterans and their families. – 1944 年的《退伍军人安置法案》（GI Bill）为退伍军人及其家属提供教育福利。
17. To govern the territory of the seat of the U.S. government. 17. 管辖美国政府所在地。	This provision removed control of the seat of the federal government (what would become Washington, D.C.) from any state. It required that the seat of the U.S. government would be a separate territory, governed directly by Congress. 这项条款剥夺了各州对联邦政府所在地（即后来的华盛顿特区）的控制权。它规定，美国政府所在地必须是一个独立的领土，由国会直接管辖。	– The District of Columbia Home Rule Act (1973) allocated direct governing responsibility for the District of Columbia to an elected mayor and city council. – 1973 年《哥伦比亚特区自治法》将哥伦比亚特区的直接治理责任分配给了民选市长和市议会。

- C. Inherent powers are those held by Congress that are neither enumerated nor implied.**
This category can be defined as those powers that obviously and automatically belong to the government of every sovereign state. They are understood to inherently (by nature) belong to every nation's government. Examples include the powers to:
- C. 固有权力是指国会所拥有的既未列举也未默示的权力。这一类别可以定义为每个主权国家政府显然且自动拥有的权力。人们普遍认为，这些权力是每个国家政府固有的（本质上的）。例如：**
1. control national borders
1. 控制国界
 2. acquire new territory
2. 夺取新领土
 3. put down revolutions
3. 镇压革命

D. The Constitution, in Article I Section 9, specifically prohibits the national government taking certain actions that are referred to as denied powers. For example, Congress is denied the authority to:

D. 《宪法》第一条第九款明确禁止联邦政府采取某些被称为“被剥夺权力”的行动。例如，国会被剥夺了以下权力：

1. tax exports

1. 出口税收

2. pass ex post facto laws or bills of attainder or violate the Bill of Rights

2. 通过事后法律或剥夺公民权利法案，或违反权利法案

3. suspend habeas corpus other than during times of rebellion or invasion

3. 除叛乱或入侵时期外，暂停人身保护令。

4. grant titles of nobility

4. 授予贵族头衔

E. Article I, Section 9, also contains the Emoluments Clause, which states that federal officials may not “accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State,” without the approval of Congress.

E. 第一条第 9 款还包含薪酬条款，该条款规定，未经国会批准，联邦官员不得“接受任何国王、王子或外国的任何礼物、薪酬、官职或头衔”。

1. An emolument is a payment or any thing of value.

1. 报酬是指支付的款项或任何有价值的东西。

2. The prohibition is broadly interpreted as barring any gift or thing of value “of any kind whatever.”

2. 该禁令被广泛解释为禁止赠送任何礼物或任何有价值的东西“无论种类如何”。

F. In addition, the Constitution, in Article I Section 10, outlines the specific powers that are denied to the states. The states may not:

F. 此外，《宪法》第一条第十款列明了各州被禁止行使的具体权力。各州不得：

1. tax imports or exports or interfere with contracts

1. 对进出口征税或干预合同

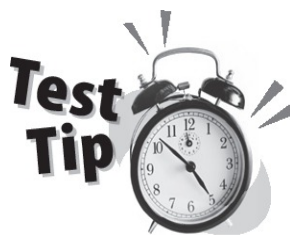
2. pass ex post facto laws, bills of attainder, or violate the Bill of Rights

2. 通过事后法、剥夺公民权利法案或违反权利法案

3. make treaties with other nations or declare war

3. 与其他国家缔结条约或宣战

- 4. print money
- 4. 印钞
- 5. grant titles of nobility
- 5. 授予贵族头衔



The many names for the different types of powers are often confusing for students (and teachers!). Enumerated, or expressed, powers are those that are specifically listed in the Constitution. These are also sometimes called delegated powers, because they were delegated or given to the federal government by the states. The term implied powers refers to the thousands of powers that are not explicitly listed in the Constitution, but that are suggested by those powers that are listed. Also, keep in mind that every implied power must be reasonably related to one or more of the enumerated powers. If Congress wants to claim an implied power under the Necessary and Proper Clause, it must be clearly related to at least one enumerated power. Many implied powers are based on multiple enumerated powers.

各种权力的名称繁多，常常令学生（以及教师！）感到困惑。 列举权力，或称明示权力，是指宪法中明确列出的权力。这些权力有时也被称为委托权力，因为它们是由各州委托或授予联邦政府的。默示权力指的是宪法中未明确列出的数千种权力，但这些权力可以从已列出的权力中推断出来。此外，请记住，每一项默示权力都必须与一项或多项列举权力合理相关。如果国会想要依据“必要且适当条款”主张某项默示权力，则该权力必须与至少一项列举权力明确相关。许多默示权力都基于多项列举权力。

II. 二、 CONGRESSIONAL STRUCTURE AND ELECTIONS

国会结构与选举

A. SENATE

A. 参议院

1. Senate Qualifications to Serve

1. 参议员任职资格

- a. 30 years old
- a. 30 岁
- b. 9 years citizenship
- b. 9 年公民身份
- c. residency in the state represented
- c. 在该州的居住情况

2. Term length: 6-year term (**Senate = Six**); there are no limits on the number of terms that a senator may serve.
2. 任期：6 年任期（**参议员 = Six**）；参议员的任期次数没有限制。
3. Senators are elected at-large, that is, they are elected by voters throughout an entire state. Senators serve as representatives of all people living within the geographic boundaries of their state, rather than as representatives of smaller divisions within the state.
3. 参议员由全州选民普选产生，也就是说，他们由全州选民选举产生。参议员代表居住在其所在州地理范围内的所有人民，而不是代表州内较小的选区。
4. Rather than hold elections for all 100 Senate seats every 6 years, the Framers designed a staggered election scheme in which one-third of Senate seats are up for election every 2 years. This concept created a continuous body, a system that promotes stability by ensuring that at least two-thirds of the membership would not change in any given election cycle.
4. 制宪者们并没有每六年举行一次参议院全部 100 个席位的选举，而是设计了一种交错选举方案，每两年改选三分之一的参议院席位。这一理念建立了一个连续的机构，通过确保在任何选举周期中至少三分之二的成员保持不变，从而促进了稳定性。

B. HOUSE OF REPRESENTATIVES

B. 众议院

1. House Qualifications to Serve
1. 房屋服务资格
 - a. 25 years old
 - a. 25 岁
 - b. 7 years citizenship
 - b. 7 年公民身份
 - c. residency in state (not district) in which their district is located
 - c. 居住地位于其所在选区所在的州（而非选区）
2. Term length: 2-year term; there are no limits on the number of terms a representative may serve.
2. 任期：2 年；代表的任期次数没有限制。
3. Unlike the Senate, the House is not designed as a continuous body; all 435 seats are up for election every 2 years. Since most members are reelected, massive membership changes do not generally occur.
3. 与参议院不同，众议院并非一个连续的机构；所有 435 个席位每两年改选一次。由于大多数议员都能连任，因此通常不会出现大规模的议员更迭。
4. Representatives (also sometimes called Congress members) are elected from single-member districts within states. They represent the residents of their districts.

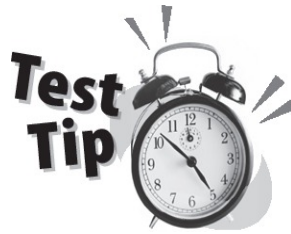
4. 众议员（有时也称为国会议员）由各州内的单议席选区选举产生。他们代表各自选区的居民。

C. CONGRESSIONAL DISTRICTS

C. 国会选区

1. The Constitution directs that each state shall receive in the House a number of seats proportional to its share of the population. Beyond this, states have the reserved power to determine the “Times, Places and Manner of holding Elections for Senators and Representatives.”
1. 宪法规定，各州在众议院的席位数量应与其人口比例成正比。除此之外，各州还保留决定“参议员和众议员选举的时间、地点和方式”的权力。
2. The number of House seats allocated to each state is recalculated every 10 years, based on the census count. The census is a national survey designed to quantify and collect data on the United States population.
2. 各州在众议院的席位数量每十年根据人口普查结果重新计算一次。人口普查是一项旨在量化和收集美国人口数据的全国性调查。
3. Following each census, the number of House seats allocated to each state is reapportioned, or redistributed, based on the percentage of the population living in each state. States may gain or lose seats.
3. 每次人口普查后，分配给各州的众议院席位数量将根据各州人口占总人口的百分比重新分配。各州可能会增加或减少席位。
4. Each state legislature then divides the state into congressional districts, a number of geographical areas with roughly equal populations, corresponding to the number of House seats held by the state. For the least populated states, with only one House seat, the district is the entire state.
4. 各州议会随后将本州划分为若干国会选区，这些选区是人口大致相等的地理区域，其数量与该州在众议院的席位数量相对应。对于人口最少、只有一个众议院席位的州，其选区即为整个州。
5. State legislatures have broad discretion in how district boundaries are constructed. Districts must be roughly equal in population and drawn based on racial considerations that are subject to strict scrutiny.
5. 各州立法机构在划分选区边界方面拥有广泛的自由裁量权。各选区的人口必须大致相等，并且选区划分必须基于种族因素，这些因素将受到严格审查。
6. Because state legislatures draw district maps, a party holding a majority in a given state legislature may draw the map to its advantage. That is, a majority party in a state legislature may manipulate district boundaries to elect to Congress a disproportionate number of members of that party. This practice is called gerrymandering.
6. 由于选区划分由州议会负责，因此在州议会中占据多数席位的政党可能会操纵选区划分，使其对自己有利。也就是说，州议会中的多数党可能会操纵选区边界，从而使该党在国会中拥有不成比例的席位。这种做法被称为“杰利蝟蝟”（gerrymandering）。

7. Gerrymandering is based on two basic principles: packing and cracking. Packing is the process of creating districts that include a large proportion of opposition voters, limiting their voting power by concentrating them in one or a small number of districts. Cracking is the process of spreading opposition voters among many districts, preventing them from having a majority in any of them.
7. 选区划分不公基于两个基本原则：集中和分散。集中是指将大量反对派选民集中在一个或少数几个选区，从而限制他们的投票权。分散是指将反对派选民分散到多个选区，防止他们在任何一个选区获得多数席位。
8. Some states use independent commissions to conduct the process of redistricting and avoid partisan gerrymandering.
8. 一些州使用独立委员会进行选区重划，以避免党派划分选区。



Be sure you know and understand the difference between reapportionment, redistricting, and gerrymandering. Reapportionment is the redistribution of the 435 House seats among the 50 states following the census. Redistricting is the drawing of new district boundaries within states. Gerrymandering is redistricting in such a way as to create an advantage for a party or other group.

请务必了解并理解重新分配席位、重新划分选区和选区划分不公之间的区别。重新分配席位是指根据人口普查结果，将众议院的 435 个席位重新分配给 50 个州。重新划分选区是指在各州内重新划分选区边界。选区划分不公是指通过重新划分选区，为某个政党或其他团体创造优势。

D. THE SUPREME COURT AND GERRYMANDERING

D. 最高法院与选区划分不公

1. *Baker v. Carr* (1962)

1. *Baker 诉 Carr 案* (1962 年)

- a. **Facts of the Case:** The district boundaries for the state legislature in Tennessee in the 1950s were based on outdated census data that did not reflect population shifts. As a result, there were substantial differences in the population sizes of each district, with rural districts having significantly smaller populations than urban districts. The Tennessee state constitution required redrawing districts every 10 years based on population shifts, but that requirement had not been followed. This resulted in malapportionment, or the creation of voting districts with significantly unequal populations. Because the votes of residents of different districts were of unequal weight in selecting political representation, Charles Baker, a resident of an urban district, argued that he and other voters in his district were being denied

“equal protection” guaranteed by the Fourteenth Amendment.

- a. **案件事实：** 20 世纪 50 年代，田纳西州议会的选区划分依据的是过时的普查数据，未能反映人口变化。因此，各选区的人口规模存在显著差异，农村选区的人口远少于城市选区。田纳西州宪法规定，每 10 年根据人口变化重新划分选区，但该规定并未得到执行。这导致了选区划分不公，即选区人口严重不均。由于不同选区居民的选票在选举政治代表时权重不同，居住在城市选区的查尔斯·贝克认为，他和选区内的其他选民被剥夺了第十四修正案保障的“平等保护”。
- b. **Constitutional Issue(s):** Does a Fourteenth Amendment equal protection challenge to a legislative districting plan represent a political question, which cannot be decided by the Court?
- b. **宪法问题：** 对立法选区划分方案提出的第十四修正案平等保护挑战是否属于政治问题，而政治问题不能由法院裁决？
- c. **Holding:** A Fourteenth Amendment equal protection challenge to the constitutionality of a districting plan does not present a political question. The federal district court may hear the case.
- c. **判决：** 对选区划分方案合宪性提出的第十四修正案平等保护挑战，不涉及政治问题。联邦地区法院可以受理此案。
- d. **Reasoning:** A political question is one that may not be decided by the courts for a variety of reasons. For example, the Constitution may grant final authority on a matter to another branch of government, or the courts may not be able to offer an appropriate remedy (solution). Although the Court had previously declined to decide the merits of cases related to redistricting, here the Court held that the issue of malapportionment did not present a political question. Because the case had been dismissed by the District Court without a trial, the Supreme Court did not consider whether the Tennessee districting scheme actually violated the plaintiffs' rights in this case. Importantly, *Baker v. Carr* established the precedent that districting plans could be challenged as a violation of the Equal Protection Clause of the Fourteenth Amendment, leading to the “one person, one vote” principle later articulated in *Reynolds v. Sims* (1964), which stated that electoral districts in state legislatures must be equal in population. The equal population precedent would later be applied to congressional districts in *Wesberry v. Sanders* (1964).
- d. **理由：** 政治问题是指由于各种原因，法院可能无法裁决的问题。例如，宪法可能将某一事项的最终裁决权授予政府的其他部门，或者法院可能无法提供适当的补救措施（解决方案）。尽管最高法院此前曾拒绝就与选区重划相关的案件的实质内容作出裁决，但在本案中，法院认为选区划分不公的问题并不属于政治问题。由于该案已被地方法院驳回，未经审判，最高法院并未审议田纳西州的选区划分方案是否确实侵犯了原告的权利。重要的是，*贝克诉卡尔案*确立了选区划分方案可作为违反第十四修正案平等保护条款的依据而受到质疑的先例，由此产生了后来在*雷诺兹诉西姆斯案*（1964 年）中阐明的“一人一票”原则，该原则规定州立法机构的选区人口必须相等。人口均等原则后来在*韦斯伯里诉桑德斯案*（1964 年）中被应用于国会选区。

2. *Shaw v. Reno* (1993)

2. *Shaw 诉 Reno 案*（1993 年）

- a. **Facts of the Case:** Following the 1990 census, North Carolina gained one seat in the House of Representatives, and a new congressional district map was drawn consisting of 12 districts. Under the Voting Rights Act of 1965, states, counties, and

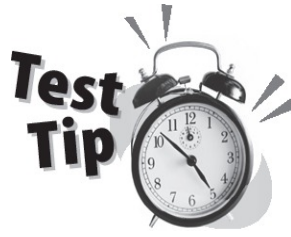
municipalities with a history of racial discrimination in voting rules were required to obtain the approval of the United States Attorney General before implementing new voting rules, including new congressional districts. (This provision of the Voting Rights Act of 1965 is no longer in effect.) In this case, North Carolina attempted to create two majority-minority districts, or districts in which a racial minority (African Americans) would compose a majority of the district. One of these districts was 160 miles long, primarily following a highway. The district bisected several existing communities and was, in some places, only as wide as the highway it followed. Five white voters sued, claiming that the district was drawn based on racial motivation in violation of the Equal Protection Clause.

- a. **案情概述：** 1990 年人口普查后，北卡罗来纳州在众议院增加了一个席位，并重新划分了国会选区，共分为 12 个选区。根据 1965 年《投票权法案》，历史上存在种族歧视投票规则的州、县和市在实施新的投票规则（包括新的国会选区划分）之前，必须获得美国司法部的批准。（1965 年《投票权法案》的这项规定现已失效。）在本案中，北卡罗来纳州试图设立两个少数族裔占多数的选区，即非裔美国人占多数的选区。其中一个选区长达 160 英里，主要沿一条公路延伸。该选区横穿多个现有社区，在某些地方甚至只与公路宽度相当。五名白人选民提起诉讼，声称该选区的划分是出于种族动机，违反了平等保护条款。
- b. **Constitutional Issue(s):** Does a plan of congressional redistricting drawn with the purpose of favoring a racial minority group violate the Equal Protection Clause of the Fourteenth Amendment?
- b. **宪法问题：** 以有利于少数族裔群体为目的而制定的国会选区重划方案是否违反了第十四修正案的平等保护条款？
- c. **Holding:** Congressional districts drawn solely on the basis of race violate the Equal Protection Clause of the Fourteenth Amendment.
- c. **判决：** 仅根据种族划分的国会选区违反了第十四修正案的平等保护条款。
- d. **Reasoning:** Although racial considerations may be a legitimate concern in many state-level decisions, efforts to segregate the voting public based on race alone may be divisive and have unintended negative consequences. The drawing of district boundaries based solely on race is a violation of the Fourteenth Amendment. The test for determining whether a district is based on race alone is whether its design can be reasonably understood as being based on other factors.
- d. **理由：** 虽然在许多州级决策中，种族因素可能是一个合理的考量，但仅基于种族划分选民的做法可能会造成社会分裂，并产生意想不到的负面后果。仅基于种族划分选区边界违反了第十四修正案。判断一个选区是否仅基于种族划分的标准是，其划分是否能够被合理地理解为基于其他因素。

Note: In *Rucho v. Common Cause* (2019), SCOTUS ruled that *partisan* gerrymandering claims (those involving districts drawn purely to advantage a political party) are political questions and may not be decided by federal courts. Federal courts may address districting cases involving population disparities (*Baker*) and racial gerrymandering claims (*Shaw*) because these violate Equal Protection guarantees. Partisan gerrymandering claims are nonjusticiable because a judicially manageable standard for resolving such claims does not exist. Furthermore, the Constitution assigns

responsibility for districting decisions to state legislatures and Congress.

注：在“鲁乔诉共同事业案”（*Rucho v. Common Cause*，2019）中，美国最高法院裁定，党派划分选区（即完全为了某个政党的利益而划分选区）属于政治问题，联邦法院无权审理。联邦法院可以处理涉及人口差异（贝克案）和种族划分选区（肖案）的案件，因为这些案件违反了平等保护原则。党派划分选区属于不可诉案件，因为目前尚无司法可操作的标准来解决此类案件。此外，宪法规定选区划分的决策权属于州立法机构和国会。



Expect to encounter questions asking you to differentiate between the two required Supreme Court cases related to redistricting and the Equal Protection Clause of the Fourteenth Amendment:

预计会遇到一些问题，要求你区分与选区重划和第十四修正案平等保护条款相关的两个最高法院必考案例：

- ▶ ***Baker v. Carr (1962): Courts may hear cases involving redistricting, leading ultimately to the one person one vote rule that district populations be roughly equal.***
- ▶ ***Baker v. Carr (1962)：法院可能会审理涉及重新划分选区的案件，最终导致一人一票的规则，即各选区的人口大致相等。***
- ▶ ***Shaw v. Reno (1993): Race may not be the only factor in drawing district boundaries.***
- ▶ ***Shaw 诉 Reno 案（1993 年）：种族可能不是划分选区边界的唯一因素。***

III. 三、HOW CONGRESS FUNCTIONS 国会如何运作

A. UNIQUE POWERS AND DUTIES OF EACH CHAMBER

A. 各议院的独特权力和职责

1. Although both houses have similar legislative duties and follow broadly similar procedures, the Framers allocated to each house of Congress specific duties related to its unique nature.
1. 虽然两院的立法职责相似，程序也大致相同，但制宪者根据国会两院的独特性质，为其分配了具体的职责。
2. The Senate represents broader constituencies (entire states) and offers more experience and stability, while House members are regarded as being closer, and therefore more responsive, to the people.
2. 参议院代表更广泛的选民群体（整个州），拥有更丰富的经验和更稳定的政治环境，而众议院议员被认为更贴近人民，因此更能回应人民的需求。

Unique Constitutional Powers and Duties of the Senate and the House of Representatives

参议院和众议院独特的宪法权力和职责

Senate 参议院	House of Representatives 众议院
ratifies treaties with a two-thirds vote 以三分之二的票数批准条约	initiates all revenue bills (taxes) 启动所有收入账单（税收）
conducts trials of impeached officials (needs a two-thirds vote for removal from office) 对被弹劾官员进行审判（罢免官员需要三分之二的投票支持）	has the authority to charge officials with impeachment by a majority vote 有权以多数票弹劾官员
chooses the vice president in case the Electoral College fails to produce a winner 如果选举团未能选出获胜者，则由副总统担任副总统。	chooses the president in case the Electoral College fails to produce a winner 如果选举人团未能选出获胜者，则由该机构选出总统。
ratifies presidential appointments (e.g., judges, ambassadors, cabinet secretaries) by majority vote 以多数票批准总统任命（例如，法官、大使、内阁部长）。	

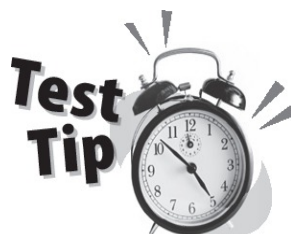
B. THE COMMITTEE SYSTEM

B. 委员会制度

1. The vast majority of the work related to the development of legislation is the result of work in congressional committees, especially standing committees.
1. 与立法发展相关的大部分工作都是国会委员会，特别是常设委员会的工作成果。
2. Every member of Congress is assigned to at least one standing committee. Long-term participation in specific standing committees allows members of Congress to develop expertise around particular policy areas.
2. 每位国会议员都至少被分配到一个常设委员会。长期参与特定常设委员会的工作，使国会议员能够在特定政策领域积累专业知识。
3. Note that the majority party holds a majority of votes in every committee, and a member of the majority party is always the chair of each committee.
3. 注意，多数党在每个委员会中都拥有多数票，并且多数党的成员总是每个委员会的主席。
4. Committees also conduct hearings related to both the lawmaking and oversight functions of Congress.
4. 各委员会还会举行与国会的立法和监督职能相关的听证会。

Committees in Congress 国会委员会

Type of Committee 委员会类型	Functions 函数
Standing (permanent) 常驻 (永久)	<p>Permanent groups that continue from one Congress to the next and focus on all bills related to a particular policy area. Membership in standing committees allows members to develop expertise around specific issues.</p> <p>常设委员会是指那些从上一届国会延续到下一届国会，专注于特定政策领域所有相关法案的常设团体。加入常设委员会可以让成员在特定议题上积累专业知识。</p> <p>Examples: Agriculture, Armed Forces, Budget, Education, Foreign Relations, Judiciary, Veterans Affairs</p> <p>例如：农业、武装部队、预算、教育、外交关系、司法、退伍军人事务部</p>
Subcommittee 小组委员会	<p>Smaller specialized divisions of larger committees that are created to divide the work and more efficiently work out details in bills.</p> <p>为分担工作、更高效地处理法案细节而设立的大型委员会下设的较小专门部门。</p>
Joint (permanent) 关节 (永久性)	<p>A limited number of committees with members from both chambers that have limited authority and frequently handle administrative housekeeping tasks or keep tabs on specific policy areas. They inform Congress, but do not introduce legislation.</p> <p>数量有限的委员会，成员来自参众两院，权限有限，通常负责处理行政事务或监督特定政策领域。它们向国会提供信息，但不提出立法提案。</p> <p>Examples: Joint Economic Committee, Joint Committee on the Library of Congress, Joint Committee on Taxation</p> <p>例如：联合经济委员会、国会图书馆联合委员会、联合税务委员会</p>
Conference (temporary) 会议 (临时)	<p>Temporary groups composed of members of both the House of Representatives and the Senate created to reconcile different versions of the same bill. This is necessary because bills must pass the House and Senate with identical wording.</p> <p>为协调同一法案的不同版本，众议院和参议院分别成立了由两院议员组成的临时小组。这是必要的，因为法案必须在众议院和参议院以完全相同的措辞获得通过。</p>
Select or Special (generally temporary) 特选或特殊 (通常为临时性)	<p>Usually temporary groups formed for specific purposes such as to investigate a particular issue and that rarely work on legislation. Often focus on collecting data and examining potential policy options. Some select committees are more permanent in nature such as the ones on Aging, Ethics, and Intelligence.</p> <p>通常情况下，这些小组是为特定目的而成立的临时机构，例如调查某个特定问题，很少参与立法工作。它们通常专注于收集数据和研究潜在的政策选项。一些专门委员会则具有更常设的性质，例如老龄问题委员会、伦理委员会和情报委员会。</p> <p>Examples: The Watergate Select Committee (officially the Select Committee on Presidential Campaign Activities, established in 1973) and the House Select Committee on Energy Independence and Global Warming, which existed from 2007–2011.</p> <p>例如：水门事件特别委员会（正式名称为总统竞选活动特别委员会，成立于1973年）和众议院能源独立和全球变暖特别委员会（成立于2007年，成立于2011年）。</p>



It is important that you are familiar with a few of the important standing committees in Congress. There will definitely be questions related to them on the exam.

熟悉国会中几个重要的常设委员会非常重要。考试中肯定会涉及相关问题。

Important Standing Committees in Congress

国会重要常设委员会

House of Representatives 众议院	Senate 参议院
Rules: responsible for putting bills on the calendar; setting limits for the amount of time for debate; and specifying whether amendments can be added 规则制定者： 负责将法案列入议程；设定辩论时间限制；以及规定是否可以添加修正案。	Armed Services: oversees issues relating to the military and Department of Defense 武装部队： 负责监督与军队和国防部相关的事宜。
Ways and Means: responsible for reviewing all bills that would raise or lower revenue (taxes) 筹款委员会： 负责审查所有可能增加或减少财政收入（税收）的法案。	Foreign Relations: plays a key role in establishing international policy, evaluating treaties, and approving appointments related to foreign policy and diplomacy 外交关系： 在制定国际政策、评估条约以及批准与外交政策和外交相关的任命方面发挥着关键作用。
Judiciary: responsible for beginning the process for impeachment of federal officials 司法部门： 负责启动对联邦官员的弹劾程序。	Judiciary: responsible for the initial steps in the confirmation of all federal judges 司法部门： 负责所有联邦法官确认程序的初步步骤。

C. LEADERSHIP

C. 领导力

- Before each new Congress convenes, the Democratic Caucus and the Republican Conference (membership of each party in each house) meet to select leaders and committee chairs. Leadership positions in Congress are then determined by strict party votes. The majority party holds all of the key leadership positions, including committee chairs, and the majority party has the most members on every committee. The leadership teams of each party work to advance the party's platform and coordinate deal-making efforts when issues result in a division within the party or within the House or Senate.
- 每届新一届国会召开前，民主党党团和共和党代表大会（分别由两院两党成员组成）会举行会议，选举领导人和委员会主席。国会领导层职位由各党派严格投票决定。多数党占据所有关键领导职位，包括委员会主席，并且在每个委员会中都拥有最多席位。各党派的领导团队致力于推进本党纲领，并在党内或参众两院出现分歧时协调谈判。

2. Leadership of the House of Representatives

2. 众议院领导层

- The presiding officer is the Speaker of the House, who controls the calendar, sets the agenda, and assigns bills to committees. The Speaker is second in the order of presidential succession according to the Twenty-fifth Amendment.
- 主持会议的官员是众议院议长，他负责掌控议程、制定议程并将法案分配给各个委员会。根据第二十五修正案，众议院议长在总统继任顺序中位列第二。

- b. The majority floor leader manages the legislative process and coordinates the party strategy to get bills important to the party caucus passed.
- b. 多数党领袖管理立法程序，协调党的策略，以使对党团重要的法案获得通过。
- c. The majority whip assists the party by building coalitions, counting potential votes, and influencing members to vote with party leadership. No vote is held before the whip informs party leadership of the likely outcome.
- c. 党鞭通过建立联盟、统计潜在选票以及影响党员投票支持党领导层来协助党。在党鞭将可能的结果告知党领导层之前，不会举行任何投票。
- d. Committee chairs are the powerful leaders of the standing committees who have the power to kill a bill by not reporting it to the full House.
- d. 委员会主席是常设委员会的有力领导人，他们有权不向众议院全体会议报告法案，从而否决该法案。
- e. The minority party leadership consists of a minority party floor leader and a minority whip that coordinate the legislative strategy of the party out of power.
- e. 少数党领导层由少数党领袖和少数党党鞭组成，负责协调在野党的立法策略。

3. Leadership of the Senate

3. 参议院领导层

- a. The presiding officer of the Senate, according to the Constitution, is the president of the Senate, who is also the U.S. vice president. The position of president of the Senate is largely ceremonial. The U.S. vice president appears in the Senate on opening day and for the State of the Union Address, and casts a vote only in the instance of a tie.
- a. 根据宪法，参议院的主持官员是参议院议长，他同时也是美国副总统。参议院议长的职位主要是礼仪性的。美国副总统会在参议院开幕日和国情咨文演讲时出席，并且只有在票数相等时才会投票。
- b. The president pro tempore ("for the time") presides over the Senate in the absence of the vice president (almost always) and is third in the order of presidential succession, after the vice president and the Speaker of the House. This largely symbolic role is typically given to the longest-serving member of the majority party.
- b. 临时议长（“暂时的”）在副总统缺席时（几乎总是如此）主持参议院会议，在总统继任顺序中位列第三，排在副总统和众议院议长之后。这一主要具有象征意义的职位通常由多数党中任职时间最长的成员担任。
- c. The most powerful position in the Senate is the majority party leader, who schedules legislation and coordinates the majority party strategy along with the majority whip.
- c. 参议院中最有权势的职位是多数党领袖，他负责安排立法议程，并与多数党党鞭协调多数党的战略。
- d. Committee chairs are the leaders of the standing committees who have the power to kill a bill by not reporting it to the full Senate.

- d. 委员会主席是常设委员会的领导人，他们有权不将法案提交参议院全体会议审议，从而否决该法案。
- e. The Senate minority party leadership consists of a minority party floor leader and a minority whip that coordinate the legislative strategy of the party out of power.
- e. 参议院少数党领导层由少数党领袖和少数党党鞭组成，负责协调在野党的立法策略。

IV. 四、THE LEGISLATIVE PROCESS: HOW A BILL BECOMES A LAW

立法程序：法案如何成为法律

- A.** Bills may only be introduced by members of Congress. (The president may not introduce legislation; he or she may only request that Congress do so.) Both houses follow similar procedures in processing legislation. Each house, however, has its own unique rules and procedures, so the path that legislation follows from introduction to passage can vary widely.
- A.** 只有国会议员才能提出法案。（总统不得提出法案；他/她只能要求国会提出法案。）两院在处理法案时遵循类似的程序。然而，每院都有其独特的规则和程序，因此法案从提出到通过的路径可能大相径庭。
1. Bills may be introduced in either house, although revenue bills, those that propose to generate government income through the imposition of taxes or fees, must constitutionally be introduced first in the House.
 1. 法案可以在两院中的任何一院提出，但收入法案（即通过征收税款或费用来产生政府收入的法案）必须按照宪法规定首先在众议院提出。
 2. Members of the House introduce bills by putting them into the *hopper*, a box on the floor of the House. In the Senate, bills are introduced by submission to clerks on the Senate floor.
 2. 众议院议员将法案放入议事厅内的议事箱（漏斗）中提出法案。参议院议员则将法案提交给参议院议事厅内的书记员。
 3. A bill must be passed by each house of Congress in identical form before it may be submitted to the president to be signed into law.
 3. 一项法案必须经国会两院以相同形式通过，才能提交总统签署成为法律。
 4. Incumbent members of both houses derive an advantage in campaigning for re-election as a result of their ability to direct federal funds to their states and districts. The practice of generating legislation that produces income for their districts is known as *pork barrel spending*, as it is often excessive and unnecessary, but proves a member's ability to "bring home the bacon."
 4. 由于能够将联邦资金拨给各自所在的州和选区，两院现任议员在竞选连任时都拥有优势。这种通过立法为选区带来收入的做法被称为“猪肉桶支出”，因为它往往过度且不必要，但却能证明议员有能力“为家乡拉拢利益”。
 5. The term *logrolling* refers to trading votes, or "you vote for my bill and I will vote for yours." This practice is a feature of both chambers.

5. “利益交换”指的是投票互惠，或者“你投票支持我的法案，我就投票支持你的法案”。这种做法在参众两院都很常见。

B. In both houses, bills are next assigned to the standing committee with the appropriate jurisdiction and subject matter expertise to evaluate and work on the bill. Occasionally, most often in the House, multiple committees may work on parts of bills.

B. 在两院，法案接下来都会分配给具有相应管辖权和专业知识的常设委员会进行评估和审议。有时，尤其是在众议院，多个委员会可能会共同审议法案的某些部分。

C. Committee Consideration

C. 委员会审议

1. Committee chairs set each committee's agenda. That is, they decide which bills the committee will attempt to pass through Congress during the session. Committees are always chaired by a member of the majority party in the chamber.

1. 各委员会主席负责制定委员会的议程。也就是说，他们决定委员会在会期内将尝试在国会通过哪些法案。委员会主席始终由议院多数党成员担任。

2. For practical and political reasons, most bills are not reported by the committee. Bills that are not placed on a committee's agenda (or pigeonholed) normally die in committee. In the House, a bill can be removed from committee and brought directly to the floor using an instrument called a discharge petition, which requires majority support of the full membership. The process is rarely successful, however, as it requires disloyalty to the party agenda on the part of at least some majority party members.

2. 出于实际和政治原因，大多数法案都不会提交委员会审议。未被列入委员会议程（或被搁置）的法案通常会在委员会中夭折。在众议院，一项法案可以通过一种名为“解除委员会审议请愿书”的程序从委员会移交至全体议员审议，该请愿书需要全体议员的多数支持。然而，这一程序很少成功，因为它需要至少部分多数党成员对党派议程的背叛。

3. Committee action generally begins with a hearing, during which policy experts and interested parties may give testimony about the subject under consideration. Hearings inform members of Congress, the press, and the public about proposed legislation and its impact. Committee members, of course, also seek input on legislation from other sources.

3. 委员会的运作通常始于听证会，政策专家和相关人士可在听证会上就审议事项作证。听证会旨在让国会议员、媒体和公众了解拟议立法及其影响。当然，委员会成员也会从其他渠道征求对立法的意见。

4. Subcommittees—smaller, more specialized subgroups within committees—may play roles in revising proposed bills.

4. 小组委员会——委员会内规模较小、更专业的小组——可以在修改拟议法案方面发挥作用。

5. A *markup* follows. This is a meeting in which the committee discusses the proposed legislation, makes changes, and produces a final draft for floor consideration. The bill that comes out of the committee may be essentially the same as the original bill, or it

may be substantially rewritten in committee.

5. 接下来是**审议阶段**。在这个会议上，委员会讨论拟议的立法，进行修改，并形成最终草案供全体会议审议。委员会最终通过的法案可能与原法案基本相同，也可能在委员会内部进行大幅修改。

D. Following committee consideration, bills are placed on calendars for floor debate. This is done through different mechanisms in each house, but in both cases, the process is directed by the majority party.

D. 委员会审议通过后，法案将被列入议程，供全体议员辩论。两院的程序略有不同，但无论在哪一院，这一过程都由多数党主导。

E. Procedures for debating and passing bills on the floor of each chamber are similar. In both houses, a quorum, or a majority of the membership, must be present in order to conduct business. Each chamber, however, has its own set of procedural rules. Following are the most significant differences in debate between the two houses of Congress.

E. 两院在议事厅辩论和通过法案的程序基本相同。两院均需达到法定人数（即多数议员）才能进行议事。然而，两院各自拥有一套程序规则。以下是国会两院在辩论方面的主要区别。

1. House Procedures

1. 房屋规章制度

a. Procedures in the House, because of its membership size (435), are more formal and debate more limited than in the Senate.

a. 由于众议院的成员人数较少（435人），其程序比参议院更加正式，辩论也更加有限。

b. Most bills are considered under the suspension of the rules procedure, which limits debate to 40 minutes, does not allow members to propose amendments to bills, and requires two-thirds approval for passage of legislation.

b. 大多数法案都是按照暂停规则程序审议的，该程序将辩论时间限制在40分钟以内，不允许议员提出法案修正案，并且需要三分之二的议员批准才能通过立法。

c. Other bills are debated under a special rule created by the House Rules Committee, sometimes called the traffic cop committee of the House.

c. 其他法案根据众议院规则委员会制定的特殊规则进行辩论，该委员会有时被称为众议院的交通警察委员会。

d. Each special rule sets forth specific limitations on debate for the bill in question, including time limits and restrictions on offering amendments.

d. 每项特别规则都规定了对相关法案的辩论的具体限制，包括时间限制和对提出修正案的限制。

e. After a special rule is adopted, the House generally considers the bill as the Committee of the Whole. That is, the entire House becomes a committee, allowing for consideration of amendments under a more relaxed and efficient set of rules. (This procedure also allows for work to take place without a quorum present.) The Committee of the Whole then reports to the full House of Representatives (itself)

where amendments may be adopted and the bill voted on.

- e. 特别规则通过后，众议院通常以全体委员会的形式审议法案。也就是说，整个众议院组成一个委员会，允许在更为宽松高效的规则下审议修正案。（此程序也允许在没有法定人数的情况下开展工作。）全体委员会随后向众议院全体会议（即众议院本身）报告，由众议院全体会议通过修正案并对法案进行表决。
- f. In the House, some votes may be taken by voice (members vote “aye” or “nay” in response to the question, and the Speaker announces the winner of the vote), but most votes are taken via an electronic voting system, which records each member’s vote.
- f. 在众议院，有些投票可以通过口头表决进行（议员们对问题投“赞成”或“反对”票，议长宣布投票结果），但大多数投票是通过电子投票系统进行的，该系统会记录每位议员的投票。

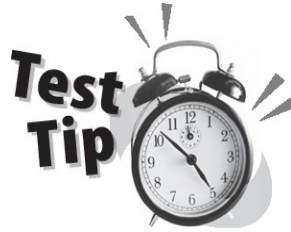
2. Senate Procedures

2. 参议院程序

- a. Procedures in the Senate are characterized by less formality than those of the House. In fact, there is no formal limit on debate in the Senate, which proudly considers itself to be the most democratic body in the world.
- a. 参议院的议事程序比众议院的程序更为随意。事实上，参议院对辩论时间没有正式的限制，并自豪地认为自己是世界上最民主的机构。
- b. In terms of legislative procedure, the Senate must first agree to bring a bill to the floor, usually through unanimous consent.
- b. 就立法程序而言，参议院必须首先同意将一项法案提交全体会议审议，通常是通过一致同意的的方式。
- c. Because Senate rules do not allow for a simple majority to terminate debate, senators may engage in a filibuster. The filibuster is a tactic by which one or more senators may threaten to extend debate on an issue to prevent a vote. A senator signals the intent to filibuster by placing a hold—a request to delay floor debate—on a bill.
- c. 由于参议院规则不允许以简单多数票终止辩论，参议员可以采取阻挠议事策略。阻挠议事是指一位或多位参议员威胁要延长对某一议题的辩论，以阻止投票表决。参议员通过搁置法案（即请求推迟全体辩论）来表明其阻挠议事的意图。
- d. Originally, a filibuster would bring a halt to Senate business through sustained debate. Starting in 1970, however, Senate rules were changed to create a two-track system, under which the chamber could consider other business while filibustered bills are pending.
- d. 最初，阻挠议事是指通过持续辩论来阻止参议院的议事进程。然而，从1970年开始，参议院规则进行了修改，建立了双轨制，允许参议院在阻挠议事的法案待决期间审议其他事项。
- e. A filibuster may be ended using cloture, a procedure under which debate may be terminated by a 60-vote supermajority. The practical effect of these procedures, particularly in a partisan environment, is that bills frequently require sixty votes for

passage in the Senate.

- e. 阻挠议事可以通过终止辩论程序来结束，该程序允许以 60 票的绝对多数票终止辩论。这些程序的实际效果，尤其是在党派斗争激烈的环境下，是法案通常需要在参议院获得 60 票才能通过。
- f. Votes may be taken by voice, standing, or by roll call, in which each senator's vote is on the record.
- f. 投票可以口头表决、起立表决或唱名表决，每位参议员的投票都会被记录在案。



You may encounter a question that requires you to identify constitutional powers unique to each house. Be aware that most House and Senate procedures and rules, e. g., filibuster, cloture, Committee of the Whole procedures, Rules Committee procedures, discharge petitions, and others, are not discussed in the Constitution. How the houses of Congress conduct business is only broadly described in the Constitution. For unique constitutional powers of each house, see the “Unique Constitutional Powers and Duties of the House and the Senate” chart earlier in this chapter.

你可能会遇到需要你识别参众两院各自特有的宪法权力的问题。请注意，大多数参众两院的程序和规则，例如阻挠议事、终止辩论、全体委员会程序、规则委员会程序、解除职务请愿书等等，宪法中都没有明确规定。宪法对国会两院的运作方式仅作了概括性的描述。关于参众两院各自特有的宪法权力，请参阅本章前面的“参众两院特有的宪法权力和职责”图表。

- F. Before a bill can become law, it must be passed in identical form in both houses. Most often, however, House and Senate versions of a bill have differences, which must then be reconciled. This is done in a conference committee, a committee made up of members of both houses who work out a compromise bill that can be passed in identical form in both houses.
- F. 法案必须经参众两院以相同形式通过才能成为法律。然而，大多数情况下，参众两院的法案版本存在差异，需要进行协调。这项工作由联席会议委员会完成，该委员会由参众两院议员组成，负责制定一项双方都能通过的妥协法案。
- G. Once a bill has been passed in identical form in both houses, it goes to the president for a signature. There are four possible scenarios at this point.
- G. 一旦法案在参众两院以相同形式获得通过，就会提交总统签署。此时可能出现四种情况。
 - 1. If the president signs the bill, it becomes law.
 - 1. 如果总统签署该法案，它就成为法律。
 - 2. The president may veto the bill, or refuse to sign the bill and return it to Congress with an explanation of his or her objections. A veto may be overridden by a two-thirds vote of both houses. In the event of an override, the bill becomes law without the

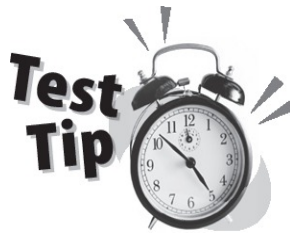
president' s signature. Otherwise, the bill dies.

2. 总统可以否决该法案，即拒绝签署该法案并将其退回国会，同时解释其反对理由。总统的否决可由参众两院三分之二的多数票推翻。如果总统的否决被推翻，该法案无需总统签署即可生效。否则，该法案将失效。
3. The president may refuse to sign or veto the bill, in which case it will become law in 10 days without his or her signature.
3. 总统可以拒绝签署或否决该法案，在这种情况下，即使没有总统的签署，该法案也将在 10 天内生效。
4. If Congress adjourns within the 10-day period, however, the bill dies. This is called a pocket veto.
4. 然而，如果国会在 10 天期限内休会，该法案即告失效。这被称为搁置否决。

Comparing the Senate and the House

参议院与众议院的比较

	Senate 参议院	House of Representatives 众议院
Representation 表示	states 各州	population 人口
Membership 会员资格	100	435
Election 选举	at-large 全员	single-member districts 单议席选区
Qualifications 资格	30 years old 30岁 9 years' citizenship 9年公民身份 resident of state 该州居民	25 years old 25岁 7 years' citizenship 7年公民身份 resident of state 该州居民
Term Length 任期长度	6 years 6年	2 years 2年
Unique Powers 独特能力	advice & consent: ratifies treaties, confirms judicial appointments, confirms other executive appointments, conducts impeachment trials 咨询与同意权：批准条约、确认司法任命、确认其他行政任命、进行弹劾审判	revenue bills, brings impeachment charges, chooses president in event of Electoral College failure 税收法案、提出弹劾指控、在选举人团投票失败时选出总统
Debate Rules 辩论规则	filibuster, cloture, holds, unanimous consent 阻挠议事、终止辩论、搁置、一致同意	Rules Committee, Committee of the Whole, discharge petitions 规则委员会、全体委员会、解除职务申请
Procedures 程序	less formal 不太正式	more formal 更正式
Partisanship 党派倾向	less partisan 支持者们	more partisan 更具党派色彩
Policy Focus 政策重点	focus on foreign policy 关注外交政策	focus on taxes and revenues 重点关注税收和收入
	proposed amendments to bills generally do not need to be related to bill content 拟议的法案修正案通常无需与法案内容相关。	proposed amendments must be related to bill content 拟议的修正案必须与法案内容相关。



Questions that ask you to integrate material from different units are common on the AP® exam, so be aware of these relationships as you study. Also, certain themes, or principles, are applicable to many areas of content. For example, be prepared to describe examples of majoritarian and pluralist features of Congress today.

AP®考试中经常会出现要求你整合不同单元知识点的题目，因此在学习过程中要留意这些知识点之间的联系。此外，某些主题或原则适用于多个学科领域。例如，你需要准备好描述当今国会中多数主义和多元主义的特征。

Majoritarian examples: 多数派的例子：

- **A majority (of those present) is required for the passage of a bill in the House and Senate.**
- **众议院和参议院通过法案需要获得出席议员的多数票。**
- **Quorum in the form of a majority is needed for debate and vote.**
- **辩论和投票需要达到法定人数（即多数票）。**
- **The majority party in each chamber holds the chairs of all committees and dominates the legislative process.**
- **各议院的多数党都掌控着所有委员会的主席，并主导着立法程序。**

Pluralist examples: 多元主义的例子：

- **Lawmaking often depends on compromise between competing interests through logrolling, bargaining, and coalition building.**
- **立法往往依赖于相互竞争的利益之间的妥协，通过利益交换、讨价还价和建立联盟来实现。**
- **Pork barrel legislation benefits only specific groups rather than the majority.**
- **政治分肥法案只惠及特定群体，而非大多数人。**
- **The filibuster allows minority interests in the Senate to have a greater influence.**
- **阻挠议事规则允许参议院中的少数派利益拥有更大的影响力。**
- **Standing committee memberships and the formation of iron triangles leads members to focus on specific policy areas and influences them to support specific interests.**
- **常设委员会成员资格和“铁三角”的形成导致成员专注于特定的政策领域，并影响他们支持特定的利益。**

V. 五、 THE FEDERAL BUDGET 联邦预算

A. BUDGET PROCESS

A. 预算流程

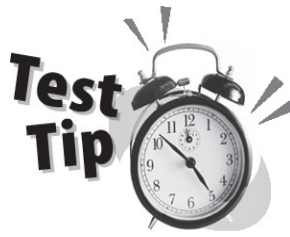
1. Working with the executive branch, Congress must generate a budget each year to fund all of the activities, programs, and services carried out by the federal government. The budget includes three broad categories of spending.
1. 国会必须与行政部门合作，每年制定预算，为联邦政府开展的所有活动、项目和服务提供资金。预算包括三大类支出。
 - a. Discretionary spending, or federal agency spending, is funding for various agencies and programs, which the government is not obligated to fund to a certain level. Congress has discretion, or the ability to decide how much federal money should be spent. Discretionary spending accounts for about one-third of federal spending.
 - a. 可自由支配支出，或称联邦机构支出，是指政府没有义务按一定比例拨款用于各个机构和项目的资金。国会拥有自由裁量权，可以决定联邦资金的支出额度。可自由支配支出约占联邦支出的三分之一。
 - b. Interest on the national debt, which Congress must pay and cannot change, generally makes up less than 10 percent of the budget.
 - b. 国会必须支付且不能改变的国家债务利息，通常占预算的不到 10%。
 - c. Mandatory spending is spending required by law. It includes Social Security, Medicare, veterans' benefits, and other entitlements, or benefits to which certain people are guaranteed by law, and makes up over half of all funding.
 - c. 强制性支出是指法律规定的支出。它包括社会保障、医疗保险、退伍军人福利和其他法律保障特定人群享有的权利或福利，占有资金的一半以上。
2. The Office of Management and Budget (OMB): The OMB, part of the executive branch, begins the budget process by reviewing all of the monetary requests from each of the federal agencies and combining them into the president's proposed budget. The OMB estimates, based on taxes and spending, whether the government will have a surplus or budget deficit and sends the proposed budget to Congress. Although Congress has the power to reduce entitlements, this is extremely politically difficult and rarely done.
2. 管理和预算办公室（OMB）：OMB 隶属于行政部门，其预算流程始于审查各联邦机构的资金申请，并将这些申请汇总成总统的预算提案。OMB 根据税收和支出情况估算政府的财政盈余或赤字，并将预算提案提交国会。尽管国会有权削减福利支出，但这在政治上极其困难，很少实施。
3. Congressional Budget Office (CBO): The CBO, which was created by Congress, analyzes the president's proposed budget and provides economic data to Congress.
3. 国会预算办公室（CBO）：国会预算办公室由国会创建，负责分析总统提出的预算，并向国会提供经济数据。
4. Congressional Review: Standing budget committees in each chamber make changes and create budget resolutions. Budget resolutions are passed by each house.
4. 国会审查：两院的常设预算委员会负责修改预算并制定预算决议。预算决议需经两院通过。
5. House and Senate versions of the budget go to conference committee for reconciliation (compromise).
5. 众议院和参议院的预算版本将提交联席会议委员会进行协调（妥协）。

6. The budget resolution is not a law. It provides guidelines or goals for spending.
Spending bills, also called appropriations bills, are passed to fulfill the budget targets.
6. 预算决议并非法律。它为支出提供指导方针或目标。支出法案（也称拨款法案）的通过是为了实现预算目标。
7. Appropriations bills are then sent to the president for approval.
7. 拨款法案随后送交总统批准。

B. FACTORS INFLUENCING THE BUDGET

B. 影响预算的因素

1. All money the government spends must come from either revenue (government income, mostly produced by taxes) or borrowing (the government takes on debt).
1. 政府支出的所有资金都必须来自收入（政府收入，主要来自税收）或借贷（政府承担债务）。
2. Each annual budget passed by Congress produces either a surplus (the government spends less than it is generating in revenue) or a deficit (the government spends more than it is generating in revenue).
2. 国会通过的每一项年度预算要么产生盈余（政府支出少于其收入），要么产生赤字（政府支出多于其收入）。
3. A defining feature of the modern budget process is the tension between mandatory spending, which increases over time, and discretionary spending.
3. 现代预算流程的一个显著特点是强制性支出（随着时间的推移而增加）与可自由支配支出之间的紧张关系。
4. As entitlement costs increase, discretionary spending must decrease unless taxes are raised, or the government is willing to take on more debt.
4. 随着福利支出增加，除非提高税收或政府愿意承担更多债务，否则可自由支配的支出必然减少。
5. Reducing discretionary spending is unpopular because discretionary spending pays for many important programs that benefit citizens and businesses.
5. 减少可自由支配支出是不受欢迎的，因为可自由支配支出用于支付许多对公民和企业有益的重要项目。
6. Taking on debt is politically difficult because both debt and interest must be paid in the future and this may hamper economic growth.
6. 举债在政治上是困难的，因为债务和利息都必须在未来偿还，这可能会阻碍经济增长。
7. Raising taxes is unpopular.
7. 提高税收是不受欢迎的。



Students are sometimes confused by the relationship between “deficit” and “debt.” A budget deficit is the amount by which the government’s expenditures exceed its revenues in a given year. The national debt is the total amount the government owes. Each year of deficit spending contributes to the national debt.

学生有时会对“赤字”和“债务”之间的关系感到困惑。预算赤字是指政府在特定年份的支出超过其收入的金额。国债是指政府所欠债务的总额。每年的赤字支出都会增加国债。

VI. 六、 IDEOLOGY IN THE POLITICAL PROCESS

政治进程中的意识形态

A. IDEOLOGICAL DIVISIONS (PARTISANSHIP)

A. 意识形态分歧（党派之争）

1. Members of Congress usually try to support their political party’s goals if possible, and partisanship in Congress has been increasing.
1. 国会议员通常会尽可能地支持自己政党的目标，国会的党派之争日益加剧。
2. Congress is organized by political party. The majority party leaders dominate the workings of Congress and ensure most benefits come to majority party members.
2. 国会由政党组织。多数党领导人主导国会的运作，并确保多数党成员获得最大利益。

B. DIVIDED GOVERNMENT

B. 分裂的政府

1. When the majority party in Congress is different from the party of the president, it is often difficult to pass legislation, resulting in gridlock.
1. 当国会多数党与总统所属政党不同时，立法往往难以通过，导致僵局。
2. The president may convince members of Congress to compromise on legislation because it is unlikely that Congress would have the two-thirds supermajority needed to override a veto.
2. 总统可能会说服国会议员在立法上做出妥协，因为国会不太可能拥有推翻总统否决所需的三分之二的绝对多数。

C. COALITIONS IN CONGRESS

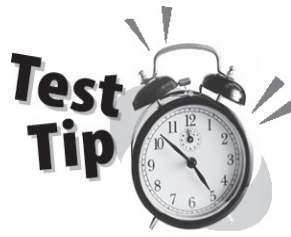
C. 国会中的联盟

1. Coalitions are formed when groups and individuals within Congress join together to advance a set of policy goals that they could not successfully promote alone. Coalitions may be based on ideology, economics, geography, or other factors. Winning alliances are able to place issues on the legislative agenda and guide their policies through Congress.
1. 当国会内部的团体和个人联合起来推进他们单独无法成功实现的政策目标时，联盟就形成了。联盟的形成可能基于意识形态、经济、地理或其他因素。成功的联盟能够将议题纳入立法议程，并引导其政策在国会获得通过。
2. Coalitions tend to form more readily in the Senate than in the House. This is due in part to term lengths. House members count on being re-elected every two years and may be more hesitant to displease their constituencies, which may be more partisan. Senators, on the other hand, serve for six years, and they serve entire states, which may encompass greater diversity of opinion.
2. 参议院比众议院更容易形成联盟。这部分是由于任期长短不同。众议员指望每两年连任，因此可能更不愿得罪选民，而选民的党派倾向可能更为强烈。另一方面，参议员任期六年，他们代表整个州，这其中可能包含更多元化的意见。

D. VIEWS OF THE PROPER ROLE OF A REPRESENTATIVE

D. 对代表恰当角色的看法

1. **Delegate:** A member of the House or Senate votes based on the preferences of the majority of his or her constituents. This view reflects participatory democracy.
1. **代表：**众议院或参议院议员根据其选民的大多数意愿进行投票。这种观点体现了参与式民主。
2. **Trustee:** A member of the House or Senate votes based on his or her conscience in the best interest of society, even if this results in choices that do not please a majority of his or her constituency. Members of Congress may have more access to information about issues from hearings and debate and may be better informed than their constituents. This view reflects elite democracy.
2. **受托人：**众议院或参议院议员根据自身良知，以社会最佳利益为出发点进行投票，即使这意味着他们的选择可能无法取悦大多数选民。国会议员可能通过听证会和辩论获得更多相关信息，因此可能比他们的选民更了解情况。这种观点体现了精英民主的本质。
3. **Politico:** This model is a hybrid of the trustee and delegate models of representation. A member of the House or Senate follows the preferences of his or her constituents (delegate model) or his or her conscience and informed decision (trustee model), depending on the issue and the degree of public concern about a particular policy decision.
3. **Politico：**这种模式是受托人和委托人两种代表模式的混合体。众议院或参议院议员会根据具体议题和公众对特定政策决定的关注程度，选择遵循选民的意愿（委托人模式）或基于良知和充分了解后做出的决定（受托人模式）。



Members of Congress may not always be acting on some combination of the delegate and trustee models. You may encounter questions relating to the motivations of legislators in various situations. Be aware that lawmakers are also influenced by the goals of their political party (partisanship) and the effect of interest groups. However, be cautious of answers that appear cynical (distrustful of the integrity or sincerity of a person or thing). For example, legislators are not “bribed” by interest groups; interest group campaign donations help them to gain “access” to lawmakers.

国会议员并非总是按照代表和受托人模式的某种组合行事。您可能会遇到与立法者在不同情况下的动机相关的问题。请注意，立法者也会受到其所在政党的目标（党派立场）和利益集团的影响。然而，要警惕那些听起来愤世嫉俗（对个人或事物的正直或真诚表示怀疑）的回答。例如，立法者并非被利益集团“收买”；利益集团的竞选捐款只是帮助他们“接触”立法者。