

Against this background, we turn to an examination of the specific constitutional objections which were put to rest in Atkins.

A. The Bicameral Legislative Power. In rejecting the contention that the legislative veto mechanism before it contravened the bicameralism mandated by the U.S. Constitution, 21 the Court noted that the Constitution itself makes specific grants of authority to a single House of Congress acting alone, e.g., impeachment, judging the election and qualifications of its members, determining its own rules, and punishing its members for unacceptable behavior; and, further, that each House of Congress has long engaged in other practices which are not specifically granted in the Constitution, viz., expressing its opinion through simple resolutions, carrying on investigations, and acting through committees with respect to many matters, including which bills to take up and consider, whether and when to report matters to the floor, or how far to carry an investigation. 22 Thus, the Court concluded that the bicameralism mandated by the U.S. Constitution:

"... does not automatically call for affirmative bicameral action every time a legislative power or function is being exercised or authorized. The purpose of the clause is to locate the central source of legislative authority in Congress, rather than the Executive or the judiciary. But the clause does not itself, as a textual matter, mechanically direct the manner in which Congress must exercise the legislative power. On that problem, the core purpose of the clause must, of course, be taken into account (as it is in appraising the extent of appropriate delegation), but there are also other pertinent considerations, including the reach of the separation-of-powers doctrine and of the necessary and proper clause, as well as the constitutional sphere of the Executive. There is no textual or linguistic solution, which declares, in self-operating fashion, that everything Congress can do or authorize under article I, section 1, must necessarily be done by itself through a statute passed by both Houses, or through other bicameral action. Article I, section 1, does indeed call upon Congress to confine itself to legislative matters, but the clause allows some measure of leeway for the manner which Congress fulfills the legislative function.

Just as we conclude that Congress may perform in a manner that does not require affirmative bicameral action, we likewise decide that the one-House veto here in controversy—being