

Date _____

THE LEGISLATIVE BRANCH

Powers of Congress

(See Article I, Section 8)

The Constitution gives the Congress (the House and the Senate) certain specific powers. Among those listed in Section 8 are the powers to tax, borrow money, regulate commerce (trade), and naturalization (the process by which one can become a United States citizen). Also included are the powers to coin money, establish a system of weights and measurements, establish a post office, declare war, and provide a military. These are many of the important powers specifically granted to the Congress.

Article 1, Section 8, Clause 18 is very important to the Congress. It is known as the "elastic clause." The elastic clause gives Congress the power "to make all laws which shall be necessary and proper" to carry out its responsibilities.

The powers given to Congress can be broken down into three areas: *enumerated* powers, *implied* powers, and *inherent* powers.

Enumerated powers are powers specifically given to the Congress by the Constitution. They are written. An example would be the power to declare war.

Implied powers are powers given to the Congress that are general. They are stated, but not enough information is given in the Constitution about details. An example would be: the Constitution in Article 1, Section 8, Clause 7 states, "To establish post offices and post roads." Obviously, more is needed to run the post office than just roads; there are the mail carriers, security, and buildings. The Constitution assumes that the Congress will take care of these matters, too.

Inherent powers are unlisted powers that a government must have simply because it exists as a government and needs to run its affairs smoothly. The best example of this is the need to conduct foreign affairs. The Constitution does not discuss foreign affairs, but because the United States is a country, we must deal with foreign countries diplomatically.



Congress is responsible for maintaining the military forces in the United States.

Government Packet

Date _____ Name _____

THE LEGISLATIVE BRANCH

Powers of Congress
≈ Challenges ≈

1. List and describe four powers given to the Congress by Article I, Section 8:

a) _____

b) _____

c) _____

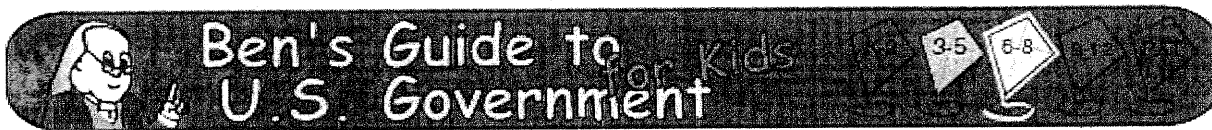
d) _____

2. What is the “elastic clause”? _____

3. Define enumerated powers and give an example. _____

4. Define implied powers and give an example. _____

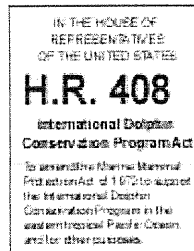
5. Define inherent powers and give an example. _____



How Laws Are Made

Laws may be initiated in either chamber of Congress, the House of Representatives or the Senate. For this example, we will track a bill introduced in the House of Representatives. For more information, try *How Our Laws Are Made* (Senate Document 105-14) [Text](#) (166k) [PDF](#) (327k).

1. When a Representative has an idea for a new law, s/he becomes the sponsor of that bill and introduces it by giving it to the clerk of the House or by placing it in a box, called the hopper. The clerk assigns a legislative number to the bill, with H.R. for bills introduced in the House and S. for bills introduced in the Senate. The Government Printing Office (GPO) then prints the bill and distributes copies to each representative.

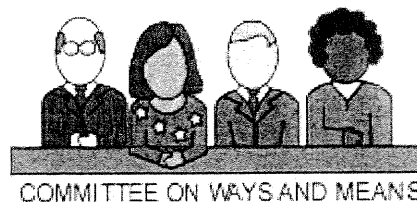


Let's track the bill history of the International Dolphin Conservation Act.



2. Next, the bill is assigned to a committee (the House has 22 standing committees, each with jurisdiction over bills in certain areas) by the Speaker of the House so that it can be studied.

The standing committee (or often a subcommittee) studies the bill and hears testimony from experts and people interested in the bill. The committee then may release the bill with a recommendation to pass it, or revise the bill and release it, or lay it aside so that the House cannot vote on it. Releasing the bill is called reporting it out, while laying it aside is called tabling.



3. If the bill is released, it then goes on a calendar (a list of bills awaiting action). Here the House Rules Committee may call for the bill to be voted on quickly, limit the debate, or limit or prohibit amendments. Undisputed bills may be passed by unanimous consent, or by a two-thirds vote if members agree to suspend the rules.



4. The bill now goes to the floor of the House for consideration and begins with a complete reading of the bill (sometimes this is the only complete reading). A third reading (title only) occurs after any amendments have been added. If the bill passes by simple majority (218 of 435), the bill moves to the Senate.

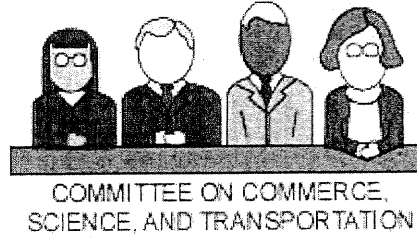


5. In order to be introduced in the Senate, a senator must be recognized as the presiding officer and announce the introduction of the bill. Sometimes, when a bill has passed in one house, it becomes

known as an act; however, this term usually means a bill that has been passed by both houses and becomes law.



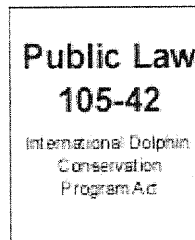
6. Just as in the House, the bill then is assigned to a committee. It is assigned to one of the Senate's 16 standing committees by the presiding officer. The Senate committee studies and either releases or tables the bill just like the House standing committee.



7. Once released, the bill goes to the Senate floor for consideration. Bills are voted on in the Senate based on the order they come from the committee; however, an urgent bill may be pushed ahead by leaders of the majority party. When the Senate considers the bill, they can vote on it indefinitely. When there is no more debate, the bill is voted on. A simple majority (51 of 100) passes the bill.



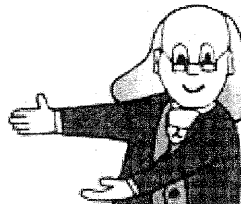
8. The bill now moves onto a conference committee, which is made up of members from each House. The committee works out any differences between the House and Senate versions of the bill. The revised bill is sent back to both houses for their final approval. Once approved, the bill is printed by the Government Printing Office (GPO) in a process called enrolling. The clerk from the introducing house certifies the final version.



9. The enrolled bill is now signed by the Speaker of the House and then the vice president. Finally, it is sent for presidential consideration. The president has ten days to sign or veto the enrolled bill. If the president vetoes the bill, it can still become a law if two-thirds of the Senate and two-thirds of the House then vote in favor of the bill.

To learn more, choose from the following:

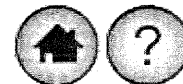
- Tracking Legislation:
The International Dolphin Conservation Act
- How Laws Are Made
Grades 3-5
Grades 9-12



A service of the Superintendent of Documents, U.S. Government Printing Office.

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Page Name: <http://bensguide.gpo.gov/6-8/lawmaking/index.html>



How Laws Are Made

Name: _____

Match the words in the first column to the best available answer in the second column.

- | | | |
|-------|---|---|
| _____ | Laws | 1) Number of standing committees in the House of Representatives |
| _____ | Hopper | 2) May be initiated in either chamber of Congress |
| _____ | Sponsor of bill | 3) Number of days the president has to act on a bill |
| _____ | 22 | 4) Recommend passing the bill or revising the bill or laying the bill aside |
| _____ | Standing committee | 5) Number of votes needed to override a presidential veto |
| _____ | 3 actions a standing committee may take | 6) Studies bill and hears testimony from experts and people interested in the bill |
| _____ | Tabling | 7) Bill that has been passed by both houses and becomes a law |
| _____ | Calendar | 8) Laying a bill aside |
| _____ | 218 | 9) Works out any differences between the House and Senate versions of the bill |
| _____ | Act | 10) Representative who has an idea for a new law |
| _____ | 16 | 11) Box where an introduced bill is placed |
| _____ | 51 | 12) Simple majority in the House of Representatives; needed for a bill to move on to the Senate |
| _____ | Conference committee | 13) Number of standing committees in Senate |
| _____ | 10 | 14) Simple majority in the Senate; number needed to pass a bill |
| _____ | 2/3 of Congress | 15) List of bills awaiting action |



THE EXECUTIVE BRANCH

Powers and Duties of the President

(See Article II, Section 2.3)

The job of the President is not an easy one. The Constitution spells out many different responsibilities, powers, and duties of the President and the executive branch. The powers of the President can be put into five categories: Commander in Chief, Chief Executive, Chief of State, Chief Legislator, and Chief of Party.

First, the President is the Commander in Chief of the United States Armed Forces. He is the number one military person in the United States. All decisions regarding the Army, Navy, Air Force, and Marines are the responsibility of the President. He can also call the National Guard (or state militias) from the individual states into the service of the United States.

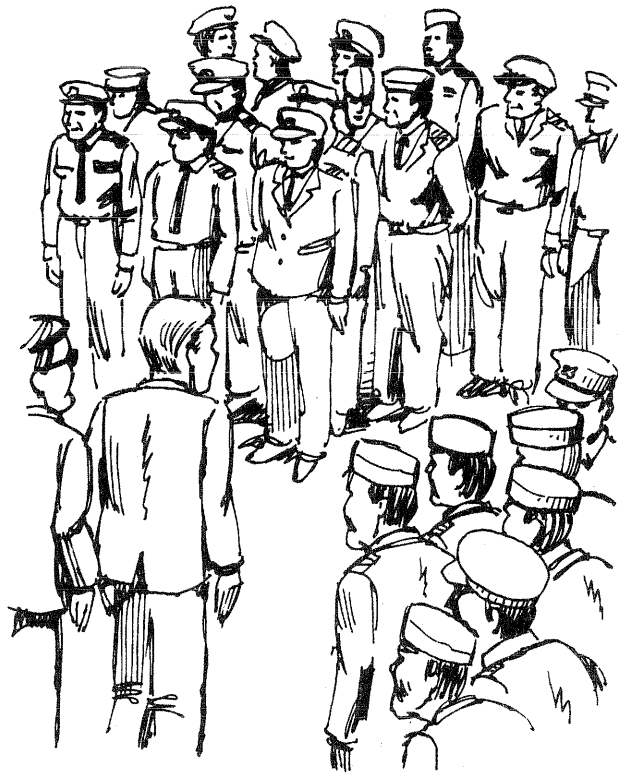
Secondly, the President is the Chief Executive. To run a country the size of the United States, you need many people doing many things. It is the job of the President as Chief Executive to make sure all of his cabinet, staff, and other employees are doing their jobs correctly.

The President is also the Chief of State. This responsibility was given to the President by the Constitution so that the United States would have one person in charge of all foreign relations. The President represents the United States when he or she travels to other countries to meet with foreign leaders. The President also greets and hosts other

foreign dignitaries when they visit the United States. The President may also make treaties with other countries, but the Senate must ratify, or approve, the treaty by a two-thirds vote.

Another duty of the President is that of Chief Legislator. We saw in Article 1 how the President had the power to veto laws. The Constitution gives the President the power to approve or disapprove of the laws that Congress is making. He can also suggest that certain laws be made by working with his supporters in the House or the Senate.

Finally, the President is also the Chief of Party. When he is elected President, he becomes the head of his political party, Republican or Democratic. He makes decisions regarding the make-up of his individual political party.



The President is the Commander in Chief of the armed forces, and he periodically inspects the troops.

THE EXECUTIVE BRANCH

Powers and Duties of the President

≈ Challenges ≈

1. What are the five categories that the powers of the President can be put into?

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

2. What is the President's responsibility to the United States Military? a) What is his title, and b) what can he do?

- a) _____
- b) _____

3. What is the President's responsibility to the business aspect of the United States government? a) What is his title, and b) what can he do?

- a) _____
- b) _____

4. What is the President's responsibility to the aspect of foreign relations? a) What is his title, and b) what can he do?

- a) _____
- b) _____

5. What is the President's responsibility to approve, disapprove, or suggest laws? a) What is his title, and b) what can he do?

- a) _____
- b) _____

6. What is the President's responsibility to his political party? a) What is his title, and b) what can he do?

- a) _____
- b) _____

All the President's Men

Name _____

Directions: Write the correct letters in the spaces provided.

a) State	b) Treasury	c) Interior	d) Agriculture	e) Justice
f) Commerce	g) Labor	h) Defense	i) Health and Human Services	j) Housing and Urban Development
k) Transportation	l) Energy	m) Education	n) Veteran's Affairs	o) Homeland Security

	1. Promotes international trade, economic growth, and technological advancement. Also works to keep the United States competitive in international markets and to prevent unfair foreign trade practices. Gathers statistics for business and government planners.
	2. Charged with protecting the natural environment and developing natural resources. The department includes: the National Park Service, which manages over 300 parks, monuments, rivers, seashores, lakes, outdoor recreation areas, and historic sites; the Fish and Wildlife Service, which oversees over 400 wildlife refuges, research centers, wildfowl production areas, and fish hatcheries; the Bureau of Land Management; which supervises economic development and environmental protection of millions of acres of public land; and the Bureau of Indian Affairs, which helps Native Americans living on reservations.
	3. Promotes community development, administers fair-housing laws, and provides affordable housing and rent subsidies.
	4. It provides benefits and services to veterans and their dependents. Through its agencies, the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery System, the department oversees pensions, education, rehabilitation, home loan guarantees, burial, compensation payments for disabilities or death related to military service, and a medical care program.
	5. Protects the rights of workers, helps improve working conditions, and promotes good relations between labor and management. It tracks changes in employment, prices, and other national economic statistics.
	6. There are nine administrations within the department whose jurisdictions include highway planning, development and construction; aviation; urban mass transit; railroads; and the safety of waterways, ports, highways, and oil and gas pipelines. The department also supervises the Coast Guard, which is responsible for search and rescue at sea and the enforcement of laws that protect oceans and waterways from oil spills and other pollution.
	7. Advises the President on and carries out foreign policy. Maintains relations between foreign countries and the United States, negotiates treaties and agreements with foreign nations, speaks for the United States in the United Nations and other major international organizations, and supervises embassies, missions, and consulates overseas.
	8. Its primary missions are preventing terrorists' attacks within the United States, reducing the vulnerability of the United States to terrorism, and minimizing the damage from potential attacks and natural disasters. Established in the aftermath of the Sept. 11, 2001, terrorist attacks (see Pentagon, the and World Trade Center), the department unifies formerly dispersed nonmilitary government agencies that are responsible for many functions related to American security.

	<p>9. It administers Social Security, which provides income to retirees and the disabled, and funds Medicare, and Medicaid, which helps states pay for medical care for the poor. Agencies included are: the Public Health Service, which oversees institutes dealing with mental health and substance abuse; the Centers for Disease Control (CDC), which work to control preventable and infectious diseases; the National Institutes of Health (NIH), which conduct research on cancer, AIDS, child health and aging, and other issues; and the Food and Drug Administration (FDA), which ensures the safety of the nation's food supply and tests and approves all drugs.</p>
	<p>10. Supervises farming production to make sure prices are fair for producers and consumers, helps farmers financially with subsidies and development programs, and helps food producers sell their goods overseas. The department runs food assistance and nutrition programs. The USDA's inspection and grading programs make sure food is safe to eat</p>
	<p>11. Oversees the nation's military security. Directs the Army, Navy, Marine Corps, and Air Force, as well as the Joint Chiefs of Staff and several specialized combat commands. The nonmilitary responsibilities include flood control, development of oceanographic resources, and management of oil reserves.</p>
	<p>12. Reports to Congress and the President on the financial state of the government and the economy, regulates the interstate and foreign sale of alcohol and firearms; supervises the printing of stamps for the U.S. Postal Service; operates the Secret Service, which protects the president, the vice president, their families, and other officials; curbs counterfeiting; and operates the Customs Service, which regulates and taxes imports. The Internal Revenue Service regulates tax laws and collects Federal taxes.</p>
	<p>13. Contains the chief law officer and legal counsel of the federal government, supervises U.S. district attorneys and marshals, supervises federal prisons and other penal institutions, and advises the President on petitions for paroles and pardons. Represents U.S. government in legal matters and gives legal advice to the President and other members of the Cabinet. The Federal Bureau of Investigation, which researches violations of federal laws, and the Immigration and Naturalization Service, which administers immigration laws, are agencies of the department.</p>
	<p>14. Responsible for research and development of energy technology, energy conservation, the civilian and military use of nuclear energy, regulation of energy production and use, and the pricing and allocation of oil. It sets standards to reduce the harmful effects of energy production.</p>
	<p>15. The department administers more than 150 federal education programs, including student loans, migrant worker training, vocational education, and special programs for the handicapped.</p>