Who Holds Power?

A river pollution dispute reveals three distinct federal roles.

USG.C.3.3.A "Describe and compare the scope of the powers vested to the Legislative Branch (Article 1), the Executive Branch (Article II), and the Judicial Branch (Article III) as related to the concept of separation of powers."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Write L, E, or J beside each paragraph to identify its branch. Underline two powers and circle one limit in each paragraph to show how the branches divide their work.

A River Crosses State Lines

1. Suppose a company dumps waste into a river that crosses state lines. Residents demand a federal response. Under Article I, Congress may use its power over interstate commerce to pass a law setting pollution rules for such activity. Congress can also decide how much money federal agencies may spend to carry out that law. If the president vetoes the bill, Congress may override the veto with a two-thirds vote in each chamber. Yet lawmakers do not inspect the company's pipes or impose penalties themselves. They create and fund rules while leaving day-to-day enforcement to another branch.

2. Under Article II, the president leads the executive branch, which is responsible for carrying federal laws into effect. If Congress passes a river pollution bill, the president may sign it or veto it. Once it becomes law, executive agencies could inspect facilities and enforce its requirements, within the authority the law gives them. The president may also nominate agency leaders who require Senate confirmation. But the president cannot simply invent a new pollution law or spend money that Congress has not appropriated. This division gives the executive branch practical power to act without handing it Congress's lawmaking power.

3. Under Article III, federal courts exercise judicial power in cases within their jurisdiction. Imagine the company challenges a penalty, arguing that an agency exceeded the river law. A court could hear the case, interpret the law, and decide whether the agency acted within its authority. If a law conflicts with the Constitution, courts can hold it unconstitutional in a case before them. Judges do not write the pollution rules or send inspectors to the river. Their power depends on actual legal disputes, not a request to give Congress general advice. Each branch has a distinct job, but its choices can affect the others.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does Congress's role in setting pollution rules differ from a federal court's role when a company challenges a penalty?

2. How do Congress and the executive branch divide the work of funding and enforcing a river pollution law?

3. If an agency imposes a penalty and the company challenges it, how do the executive and judicial branches have different powers?

4. How can the president and Congress each affect whether a pollution bill becomes law, and what can neither branch do alone?

3 YOUR TURN

Your own words

A company sells unsafe phone batteries across state lines, and Congress wants a federal response. Write one paragraph comparing a possible action by each branch, naming one limit on a branch's power, and explaining how one branch could check another.

ANSWER KEY

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HIGH SCHOOL · USG.C.3.3.A

PART 1 · READ AND MARK

Write L, E, or J beside each paragraph to identify its branch. Underline two powers and circle one limit in each paragraph to show how the branches divide their work. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does Congress's role in setting pollution rules differ from a federal court's role when a company challenges a penalty?	**Congress can pass a law setting the rules. In a case challenging a penalty, a federal court can interpret that law and decide whether the agency acted within its authority.**
2	How do Congress and the executive branch divide the work of funding and enforcing a river pollution law?	**Congress decides how much money agencies may spend. Executive agencies inspect facilities and enforce the law within the authority it gives them.**
3	If an agency imposes a penalty and the company challenges it, how do the executive and judicial branches have different powers?	**The executive agency enforces the law by imposing the penalty. A federal court can hear the challenge and decide whether the agency acted within its legal authority.**
4	How can the president and Congress each affect whether a pollution bill becomes law, and what can neither branch do alone?	**The president may sign or veto the bill, and Congress may override a veto with a two-thirds vote in each chamber. The president cannot make a new law alone, and Congress cannot enforce the law itself.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could use its interstate commerce power to pass a law setting safety rules for batteries sold across state lines and appropriate money for enforcement. The president could sign or veto the bill, and executive agencies could enforce the law after it takes effect. If a company challenged a penalty in federal court, judges could decide whether the agency followed the law. Congress could override a veto with a two-thirds vote in each chamber, but lawmakers could not enforce the rules themselves.

Accept other accurate comparisons grounded in the passage. For Your Turn, look for distinct legislative, executive, and judicial actions, a valid limit, and a specific check between branches.