Who Gets Authority?

Trace how Congress gave federal offices work to do

USG.C.4.2.E "Describe the growth of federal agencies during the 20th century, analyzing the constitutional and statutory bases for the delegation of powers to departments or agencies of the executive branch."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the constitutional powers named in the passage, circle the three laws, and number the Wage and Hour Division, OSHA, and the Department of Homeland Security in the order they were established. Your marks will help you trace how federal responsibilities grew.

From Laws to Federal Offices

1. In 1900, fewer federal offices handled workplace and safety rules than would later in the century. As business spread across state lines, Congress faced problems that one state could not settle alone. Article I gives Congress power to regulate commerce among the states and to make laws necessary and proper for carrying out its powers. Article II directs the president to take care that federal laws are faithfully executed. Neither article, by itself, spells out an office's detailed duties.

2. During the New Deal, Congress passed the Fair Labor Standards Act of 1938, setting federal rules for minimum wages and overtime. The law placed enforcement in the Department of Labor's Wage and Hour Division. In 1970, Congress passed the Occupational Safety and Health Act, which created the Occupational Safety and Health Administration, or OSHA, within that department. OSHA could inspect workplaces and enforce safety standards. These laws assigned specific tasks to federal offices that could work across the country.

3. After the attacks of September 11, 2001, Congress passed the Homeland Security Act of 2002, establishing the Department of Homeland Security. It brought several existing federal agencies together under one department to coordinate security and emergency work. This growth differed from creating a workplace office: Congress reorganized existing responsibilities as well as assigning new ones. An office cannot claim unlimited authority from a broad constitutional phrase. Its powers must fit the law Congress passed, while the president oversees how executive departments carry it out.

2 ANSWER WITH EVIDENCE

Use the passage

1. How do the powers in Article I help explain why Congress can give federal offices work involving business across state lines?

2. How did the two workplace laws expand federal work in different ways? Name one duty assigned under each law.

3. How did the Homeland Security Act expand the federal government differently from the workplace laws?

4. Why is the president's Article II duty not enough, by itself, to give OSHA unlimited power?

3 YOUR TURN

Your own words

A new type of battery is shipped across state lines, and some shipments catch fire. In four sentences, propose a federal response that names Congress's constitutional basis, a law and specific agency task, the president's role, and one limit on the agency.

Who Gets Authority?

PART 1 · READ AND MARK

Underline the constitutional powers named in the passage, circle the three laws, and number the Wage and Hour Division, OSHA, and the Department of Homeland Security in the order they were established. Your marks will help you trace how federal responsibilities grew. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How do the powers in Article I help explain why Congress can give federal offices work involving business across state lines?	**Congress can regulate interstate commerce and make laws needed to carry out that power, including laws assigning duties to federal offices.**
2	How did the two workplace laws expand federal work in different ways? Name one duty assigned under each law.	**The Fair Labor Standards Act placed wage and overtime enforcement in the Wage and Hour Division. The Occupational Safety and Health Act created OSHA to inspect workplaces and enforce safety standards.**
3	How did the Homeland Security Act expand the federal government differently from the workplace laws?	**It established a department that brought several existing agencies together and assigned security and emergency responsibilities, rather than just assigning duties to a workplace office.**
4	Why is the president's Article II duty not enough, by itself, to give OSHA unlimited power?	**Article II directs the president to carry out federal laws, but OSHA's specific authority must come from and stay within the law Congress passed.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could use its powers over interstate commerce and necessary and proper laws to address batteries shipped across state lines. It could pass the Battery Shipping Safety Act, authorizing a federal transportation office to inspect shipments and enforce packing rules. The president would oversee the office as it carries out that law. The office could enforce only the duties the law grants, not set rules for unrelated products.

Accept accurate paraphrases that distinguish Congress's constitutional power from the specific authority a statute gives an office. For the open task, accept other plausible agency tasks and limits if all four requested elements appear in four sentences.