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**The Inter-branch Rivalry in the American Government: Presidential
Executive Decrees versus Congressional Legislations**

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Master's Degree in Literature and Civilization**

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Dedication

This dissertation is lovingly dedicated to my respective parents

Mohamed Salah MENNI, Oumhani MENNI

for their continuous support ,

love ,and pieces of advice.

I would like to express my deepest appreciation to my brothers

for being there for me.

Last but not least ,I would like to thank my friends

for their endless encouragement.

Besma Menni

Alhamdulillah, for His greatness and for giving me the strength and

courage to complete this work .

This work is dedicated to my parents for their endless support and encouragement .

To my **beloved** brothers ***M Kamel , M Elhachmi , M Zakaria*** ,and my other half

my sister ***Meriem*** Thank you for all your love and support.

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Abstract

The American government is ruled by three main branches legislative, executive, and judicial .This study focuses on the executive and the legislative ones .According to the American constitution , governmental power is vested in the two previous branches .This dissertation aims at investigating the inter-branch rivalry among these branches and how it occurs through conducting a historical-descriptive analysis. In the light of this analysis ,three hypotheses have been raised: the first introducing the Powers of the Presidential Executive branch . The second tackles the process of enacting laws and the authorities given to the president. The last hypothesis mentions how inter-branch rivalry occurs between the two distinctive branches .After gathering the data of this work from the group of sources ,we found that both the Legislative and Executive branches face a kind of rivalry among their authorities .Nevertheless, it is still the role of both of them in serving the American government ,So as a result, we can say that the kind of relationship between the two is a complementary one.

Keywords : American government ,Executive ,Legislation ,Rivalry

List of Abbreviations and Acronyms

CIA	Central Intelligence Agency
DOE	Department of Energy
DOI	Department of Interior
DOJ	Department of Justice
DOT	Department of Transportation
DHS	Department of Homeland Security
DOD	Department of Defense
FEMA	the Federal Emergency Management Agency
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NOAA	National Ocean and Atmospheric Administration
TSA	Transportation Security Administration
US	United States of America
USDA	Department of Agriculture
USTA	Travel and Tourism Administration

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General Introduction

1. Background of the Study

The Federal Government of the United States has wider specializations and power in the political system, thus, it may be considered as one of the most powerful countries in the world according to its political regimes. The United States government consists of three distinct branches: the Legislative Branch, the Executive Branch, and the Judicial Branch.

Each of the three branches has an equal distribution of power so that no one branch could become more powerful than the other. Starting with the judicial branch which consists of The U.S. Supreme Court, one of its duties is deciding the meaning of laws and how to apply them to real situations.

The Legislative branch comprises the House of Representatives and the Senate. Its duties differ according to each member of it. This branch has the authority to discuss and offer laws with the possibility of proposing them by the executive authority. Moreover, the Executive branch consists of the President, his advisors, and other various departments whose duties vary according to each one, for example, the President is responsible for the execution and enforcement of the laws created by Congress.

Throughout the history of the United States, American politics is often defined by a continuing powerful conflict between the Executive and the Legislative branches of the government. This struggle for political power between the two branches of the three is inherent in the Constitution, itself. It has been noted an underlying principle of competition and rivalry among the branches, is to find some kind of relationship between the two authorities and to find a balance so that no one overshadows the other. Recently, the relationship between the Congressional Legislation and the Presidential Executive orders becomes a kind of rivalry between both branches of the federal

government which may raise some of questions that have to be answered, including which kind of rivalry existed between the Congress and the Presidential orders and which branch has the authority and power under the federal government of the United States.

2. Statement of the Problem

The Executive and the Legislative branch are significant components of the Federal government of the United States .Although each branch has specific roles ,they have shared the same powers ,this proposed research aspires to investigate the kind of inter-branch rivalry between the congressional legislation and the presidential executive ,and where it occurs .

3. Aims of the Study

This study aims at investigating the relationship between the Legislative and Executive branches .It emphasizes the strengths of these governmental bodies . It also seeks to highlight the power that the constitution gives to each one in effort to clarify the kind of rivalry among the two branches. In addition ,it examines the idea behind this rivalry the fact that both branches have a significant role in the process of the American government; therefore, these branches cannot be separated.

4. Research Questions and Hypotheses

For the purpose of achieving the research objectives, the study attempts to answer the following questions:

- a.** What is the Power of Presidential Executive Decrees?
- b.** How does Congress enact laws and what powers does it give to the president?
- c.** How does inter-branch rivalry between the Presidential Executive Decrees and the Congressional Legislation occur?

In the light of the questions cited above, we hypothesize that:

- a. The power of Presidential Executive Decrees is portrayed through the ability of the president to enact laws and pass them.
- b. Congress enacts laws according to a process and it gives special powers to the President.
- c. The inter-branch rivalry between the Presidential Executive Decrees and the Congressional Legislation may occur in respective political, economic, or military circumstances.

5. Research Methodology

The study is qualitative in nature. It opts for the historical-descriptive method. The data is collected through various sources (historical books, articles, studies, and educational websites) to confirm the previous hypothesis .

6. Significance of the Study

The current study highlights the power of two branches of the American government. Since each branch has its own authority and power, the attempts of controlling one branch over another created sense of rivalry. The laws are enacted and approved after the branches discuss them. Yet, there is a struggle when the president obligates Congress to pass the law or vice versa. This inter-branch rivalry in the American government is not clear and little, if none, has been written academically about the subject matter and this is the importance of our study.

7. Structure of the Study

The study consists of three chapters. The first chapter overviews the Presidential Executive decrees, their definition, roles, and powers. The second one outlines the Congressional Legislation, its process of enacting laws, and its authority. The third chapter highlights the inter-branch rivalry between the Presidential Executive Decrees and the Congressional Legislation.

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Introduction

This chapter aims to introduce one of the three branches of the American Federal Government which is the Executive Branch . It is divided into four main sections .First ,it gives an overview and definition of the Presidential Executive Orders .Next ,it provides the main components of the branch. Then ,it goes through the process of the executive ,and identifies the roles of its members . Finally, the last section sets the powers of the Presidential Executive Branch.

1.1. Overview

The American Federal government govern by three main branches including the Judicial branch which consists of the U.S. supreme Court , the Legislation branch which comprises the House of Representatives and the Senate, and the Executive branch which is composed of the President ,the Vice President , the Cabinet members, as well as other offices and agencies .

The Federal Executive branch is headed by the U.S. President who is the executive head in which he has responsibility for implementing ,supporting ,and enforcing the laws .In addition to the Vice President and the Heads of departments appointed as advisors to the President , with a variety of agencies and staff. In addition, the executive is the source of certain types of law ,including : the decree and the executive order.

The American constitution established the Executive division of the Federal government ,-which considered this branch as one of the most powerful branches of the Federal government of the U.S. Where its power is vested to a single individual. As a part of the Federal government ,it has the authority to execute the laws , and the responsibility to protect the whole state.

1.1.1. The definition of Presidential Executive Orders

The presidential executive order is common presidential document in the government ,it is a signed, written, and published directive from the president of the United States of America, the document is numbered consecutively. Historically, the numbering of executive orders was

started in 1907 by the department of state. During that time, the department of state assigned numbers for the orders in their (presidency.ucsb.edu, n.d.)

Nowadays all the executive orders are published. However concerning the " no general applicability and legal effect " the federal register act specified that like this orders are not in need to be published. In addition to the numbered executive orders, there are other orders which are not numbered. The most known ones are over "1500" unnumbered orders ,but the true number is unknown. The editor, The Lord , notes that " no distinction can be made between numbered and unnumbered orders on the basis of subject matter, general applicability, public interest ,or legal effect"(presidency.ucsb.edu, n.d.)

The executive orders are different from other documents because the executive orders are communicational information on holidays, commemorations, federal observances and trade .while the common thing between them is that both are signed and numbered . The executive orders in the United States are used to manage administrative matters of federal government ,catalogued by the national archives as official documents Executive orders are not legislation; they require no approval from Congress, they are kind of unilateral presidential directives according to the definition of academic Graham.G Doods ,there are over twenty different types of unilateral presidential directives (Graham G. Dodds, 2013, p. 5)

1.2. The components of the Presidential Executive Branch

1.2.1.The president

In the United States of America the president is both the head of state and the head of government, and the commander-in-chief of the armed forces. According to the Article 2 of constitution the president of the United States is responsible for the execution and the enforcement of the law which created by congress (THE WHITE HOUSE, n.d.)

There are fifteen executive departments, and these departments are led by an appointed number of the president's cabinet. They are joined by other executive agencies like the CIA (Central Intelligence Agency) and the environmental protection agency ,their heads are not a part of the cabinet but at the same time they are under the authority of the president. The one who has the power either to sign the legislation into Veto bills or laws is the president, they are enacted by congress. However congress can override the veto by a majority vote of both houses. Also he has the power to negotiate and sign treaties as well the executive branch conducts diplomatic issues with other nations (THE WHITE HOUSE, n.d.).

The constitution of the country talked briefly about the election of the president. Article 2 ,section 1 , prescribed the role of the electoral college in choosing the president ,but this section was amended in 1804 by the twelfth amendment to remedy the technical defects that has arisen in 1800 (THE WHITE HOUSE, n.d.).

The president of America is totally different from other countries' presidents. Being the president of the USA gives the authority that is why he is considered the most important and powerful elected official in the world. To be the president of the United States of America the constitution lists these qualifications : must be a natural-born citizen, he is obliged to be 35 years old at least and must have lived in the country for 14 years at least (THE WHITE HOUSE, n.d.)

1.2.1.1. The presidential election

The presidential election is every four years in America , it is not enough to get the vote of millions of American people , and the elections are not direct. On the first Tuesday of the first Monday in November of each fourth year, and the people elect the members of the Electoral College. Apportioned by population to the 50 states — one for each member of their congressional delegation _ There are currently 538 electors in the Electoral College, these Electors then cast the votes for President (THE WHITE HOUSE, n.d.)

1.2.2. The Vice President

The Vice President of the United States is the one who have to be ready at any moment to replace the president when he cannot perform his or her duties. The causes can be because of the resignation ,president's death, temporary incapacitation, or if the majority of the cabinet judge that the president cannot do his duties of the presidency. The Vice President is elected by the electoral college with the president of the United states of America. Each one of the electors chooses one for the president and another for the vice president . This strategy was used after 1804 . But before this year they were voting only for the president and the second one who takes the greatest number of votes after the president becomes a vice president (THE WHITE HOUSE, n.d.).

The vice-presidential candidates must have a special qualification ,including being a natural-born American citizen ,being at least 35 years old ,and being a US resident for at least the previous fourteen years (POLYAS Election Glossary, n.d.).

1.2.3. The Department heads

1.2.3.1. Department of agriculture

The United states department of agriculture executes and develops policies in the field of farming, food and agriculture. the USDA was formed in 1862 ,it provides economic opportunity through innovation. This department gives jobs to nearly 100,000 people and it has a budget that is approximately 150 billion dollars ,it consists of 16 agencies .Most of the budget goes to mandatory programs that provide services required by law , like the programs which are designed to provide nutrition assistance ,promote agriculture exports and conserve the environment. Also, the USDA helps in giving food to developing countries .the United States Secretary of Agriculture administers the Department of agriculture (THE WHITE HOUSE, n.d.)

1.2.3.2. Department of commerce

The department of commerce is established in 1913 ,it administers the bureau of the census, the National Ocean and atmospheric administration (NOAA) the patent and trademark office ,and the U.S. travel and tourism administration (USTA) (Britannica, n.d.)

This department is an executive department of the US federal government it deals with creating and developing the conditions for growing up with the economy of the country and finding new opportunities .The department of commerce is responsible for the industry ,and businesses. Also gathering demographic and economic data, the agency also formulates a lot of policies such as telecommunications and technological policy. It has a budget of around 8,9 billion dollars and more than 41,000 employees (THE WHITE HOUSE, n.d.)

1.2.3.3. Department of homeland security

The department of homeland security was created in 2003 and it is an executive division of the United States federal government which focuses on protecting the American people from terrorist attacks and from wide range of foreign threats in addition to other emergencies. Before creating this department ,exactly in the wake of the September 11 attacks in 2001 , the president Georg W Bush at that time created the office of Homeland and security, in order to coordinate counterterrorism efforts by federal ,state and local agencies; and the homeland security council. At that time, both offices were superseded with the creation of DHS (Britannica, n.d.)

This department is considered the third largest cabinet department it is assumed to take control of several agencies responsible for domestic security and emergency preparedness ,also including the customs service and border patrol (now U.S customs and border protection) , the federal emergency management agency (FEMA) the transportation security administration (TSA) , the secret service, and the coast guard. This department employs more than 250,000

people and deploys ,and 58 billion dollars annually as a budget . The first secretary of the department was Tom Ridge (THE WHITE HOUSE, n.d.)

1.2.3.4. Department of energy

The Executive division of the U.S. Federal government focuses on administering national energy policy ,it was established in 1977, and the DOE promotes America's energy security by encouraging the development of clean, affordable energy ,and renewable energy. The department of energy administers federal funding for scientific research (Britannica ,n.d.)

It office of environmental management oversees waste management and cleanup activities at inactive facilities. Also the DOE is tasked with ensuring American's nuclear security and by providing the responsible resolution to the legacy of nuclear weapons production this is how the DOE protects the environment. About the budget that the United States secretary made for it is approximately 23 billion dollars and more than 100,000 federal and contract employees (THE WHITE HOUSE, n.d.)

1.2.3.5. Department of health and human services

The department of health and human services was published in 1980 when the responsibility for education was removed from the department of health welfare and education. It is the principal agency for protecting the health of American citizens (Britannica ,n.d.)

The HHS provides services for the American people, especially for those who cannot help themselves. In addition to the work of its agencies which is to conduct health and social science research. The department consists of several agencies including the Administration for Children and Families, the Centre for Disease Control and Prevention, the Indian Health Services, the Health Resources and Services Administration, the National Institutes of Health and the Substance Abuse and Mental Health Services Administration. Concerning the budget that the

secretary of health and human services overseas is approximately 700 billion dollars and about 65,000 employees (THE WHITE HOUSE, n.d.)

1.2.3.6. Department of defense

It is an executive division of the US government it was formed by an act of congress combining the war and navy department ,it was involved by the experience of world war 2 This department was formed in order to protect and deter war Also to provide the military forces needed in the country. The DOD consists of three major departments: Department of Army , Navy and Air force ,in addition to other agencies ,Commands and Offices, including the joint chief of staff , the national security, the Pentagon Force Protection Agency and the Defense Intelligence Agency. The majority of Pentagon buildings of this department are in Arlington Virginia. The department of defense is the largest government agency, it consists of more than 1,4 million male and female, 1,1 million citizens who serve in the national guard and reserve forces. The national interest is protected by both the military and civilian arms of DOD . Through war fighting, and performing peacekeeping, also by the aid of humans (THE WHITE HOUSE, n.d.)

1.2.3.7. Department of justice

The Executive division of the U.S. federal government, is headed by the US attorney general . DOJ is for ensuring public safety, enforcing the law and defending the interest of the United States, and it provides federal leadership in preventing and controlling crimes. This department is made up of 40 components or organizations, including the Drug Enforcement Administration ,the Federal Bureau of Investigation ,the U.S. Marshals and the Federal Bureau of Prisons. The Attorney-general is the head of the DOJ and the chief law enforcement officer of the federal government. The Attorney General represents the United States in legal matters ,advising the president and the heads of the executive department of the government, and occasionally appears in person before the supreme court . Concerning the budget is approximately 25 billion dollars,

this department is the world's largest law office and the control agency for the enforcement of federal laws (THE WHITE HOUSE, n.d.)

1.2.3.8. Department of labor

It is one of the United States agencies, this department started in 1913 . It oversees federal programs for ensuring a strong American workforce. The department of labor consists of offices which are the Occupational Safety and Health Administration that promotes the safety and health of the American people and the Bureau of Labor Statistics, the Federal Government's Principal Statistics Agency for Labor Economic (Britannica ,n.d.)

The budget of the secretary of labor is approximately 12 billion dollars and about 15,000 employees (THE WHITE HOUSE, n.d.)

1.2.3.9. Department of Housing and Urban development

This department was established in 1965 under the president Lyndon B. Jonson ,it is a federal agency responsible for national policies and programs that address the needs of American houses it carrying out government housing and community development programs. The Federal Housing Administration ,which provides mortgage and loan insurance, the Office of Fair Housing and Equal Opportunity ,which ensures the housing for their choice ; and the Community Development Block Grant program ,which helps the community with the economic development ,job opportunities, and Housing rehabilitation all this are the offices that the HUD includes. (Britannica ,n.d.)

The secretary of housing urban development oversees more than 9.000 employees with a budget of approximately 40 billion dollars (THE WHITE HOUSE, n.d.)

1.2.3.10. Department of Interior

It is an executive branch of the US federal government ,created in 1849 (Britannica ,n.d.)

It was established to protect the American natural resources ,conserve and protect wildlife & fish , and honor the US government's responsibilities to American Indians , Alaskan Natives and Island communities. DOI manages approximately 500 million access of surface land ,and it manages hundreds of dams and reservoirs. The Bureau of Indian Affairs ,the fish & Wildlife services ,and the US Geological Survey are the agencies which the DOI includes. It also manages the national parks and it tasked with protecting endangered species . The secretary of the Interior oversees about 70,000 employees and 200,000 volunteers on a budget of approximately 16 billion dollars, every year it raises billions in revenue from energy, mineral ,grazing and timber leases ,as well as recreational permits and land sales (THE WHITE HOUSE, n.d.)

1.2.3.11. Department of Transportation

The department of transportation establishment was in 1966. The organization within the (DOT) includes and controls the federal aviation Administration ,Federal Highway Administration ,Federal Motor Carrier Safety Administration, Federal Railroad Administration, Federal Transit Administration ,Maritime Administration, National Highway Traffic Safety Administration ,Pipeline and Hazardous Materials Safety Administration ,and Research and Innovation Technology Administration (Britannica ,n.d.)

The US Secretary of transportation oversees nearly 55,000 employees and a budget of approximately 70 billion dollars (THE WHITE HOUSE, n.d.)

1.2.3.12. Department of state

The Department of state also called the state department, is the oldest department which was established in 1789 . This executive agency considered treaty negotiations and foreign agreements with foreign countries. More than 5,000 civil employees carry out the mission of this

department at home . In addition, about 180 countries have a diplomatic relations with the United States of America. (Britannica ,n.d.)

In this department the number of employees is 30,000 and the budget is approximately 35 billion dollars (THE WHITE HOUSE, n.d.)

1.2.3.13. Department of Treasury

The department of Treasury established in 1789 (Britannica, n.d.)

This department is working on promoting inclusive economic prosperity for the United States citizens , its main responsibility is to advise the president on fiscal matters , and performs law enforcement activities, Also it advances the US and the global economic growth to develop the American standards of living . The department of treasury agencies are the Alcohol and Tobacco Tax and Trade Bureau, the Bureau of Engraving and Printing, the Internal Revenue Services and the US Mint . The budget that the secretary of treasury oversees is about 13 billion dollars and staff of more than 100,000 employees (THE WHITE HOUSE, n.d.)

1.2.3.14. Department of Veterans Affairs

It is an executive branch of the US Federal government, this department was established in 1989 , and it succeeded the veteran's Administration which was formed in 1930 . The department of veterans Administration affairs has many benefits for educational assistance and vocational rehabilitation, medical care and payments for disability or health-related to the services of the military (Britannica ,n.d)

The secretary of veterans affairs made a budget of approximately 90 billion dollars and a staff of about 235,000 employees (THE WHITE HOUSE, n.d.)

1.2.3.15. Department of Education

This executive division of the United States Federal government was established in 1980 by the President Jimmy Carter , it promotes students learning and preparation for college, citizenship in a global economy , and careers is the mission of department of education (Britannica ,n.d.)

The department administers programs in elementary and secondary education, vocational and adult education higher education, bilingual education, special education, educational research and civil rights. The secretary of the department of education oversees the department's 4,200 employees and 68,6 billion dollars as budget (THE WHITE HOUSE, n.d.)

1.3. The roles of the Presidential Executive Branch

The U.S. Constitution established the role of the Executive for a purpose. It differs from the other three branches of the Federal government because unlike the Legislative and Judiciary branch ,this branch is dependent on a single individual .

The Presidential Executive branch of the United States made up of the President , the Vice President ,and the cabinet, which together form the Executive process of the American government. The American Constitution gives a number of duties and responsibilities to them ,including the responsibility for enforcing the laws of the U.S.

1.3.1. The role of the President

The President of the United States is the head of state , the head of the Federal government ,the Commander-in-Chief of the armed forces , representing the U.S. foreign policy ,and who has judicial powers ,including appointing the Federal judges and the Supreme Court judges . Article II of the American Constitution outlines that, “the executive Power shall be vested in a President of the United States of America.” (ThoughtCo, n.d.)

As the Executive chief, the chief administrator , is responsible for all the programs in the Executive branch ,in addition to other important responsibilities of the President including appointing the heads of federal departments, agencies and other principal federal officials and,

signing or vetoing legislation passed by both houses of Congress (the Legislative branch) into law (ThoughtCo, n.d.)

The President of the United States of America is the highest-ranking officer in the armed services ,the Commander in Chief of the Army, Navy, and Air Force Moreover. Moreover ,the American President has judicial authorities including nominating and appointing federal judges, including justices to the Supreme Court, and has the power to pardon those convicted of federal crimes, except in the case of impeachment (ThoughtCo, n.d.)

The Executive branch is in charge of conducting diplomacy with other nations ,in which the President serves as the nation's chief diplomat , and has the authority to appoint ambassadors, diplomats , and representatives to a foreign country .In addition to formulating foreign policy, conducting personal diplomacy , carrying on official business with foreign nations, and negotiating and signing treaties, which two-thirds of the Senate must then ratify (ThoughtCo, n.d.)

1.3.1.1. The Executive Office of the President

The Executive Office of the President is a collection of agencies which are responsible for helping the president to interact with Congress .It was established in 1939 ,by President Franklin D. Roosevelt. The main function of this Executive office is to provide the President with the needed support in order to govern effectively (THE WHITE HOUSE, n.d.)

It consists of satellite offices and agencies that together serve as an advisory body to the President with the exercise of various statutory responsibilities. These members are chosen according to the needs and priorities of the president, and some are formed by Congress . Among its duties , it is responsible for ranging from communicating the Presidential message to the American people to promoting our trade interests abroad (THE WHITE HOUSE, n.d.)

There are a number of offices, which are in charge of maintaining the White House and providing logistical support for the President ,are including the White House Military Office, which is responsible for services ranging from Air Force One to the dining facilities, and the Office of Presidential Advance, which prepares sites remote from the White House for the Presidential arrival (THE WHITE HOUSE, n.d.)

In the Executive Office of the President , The less visible part is the National Security Council, which advises the President on foreign policy, intelligence, and national security while the most visible parts are the White House Communications Office and Press Secretary's Office. The Press Secretary provides daily briefings for the media on the President's activities and agenda (THE WHITE HOUSE, n.d.)

1.3.2. The role of the Vice President

The Vice President is one of the components of the Executive Branch in the American government, who is serving as the presiding officer and advisor to the U.S. President , the Chief of the Senate , with a tie-breaking vote in the Senate (THE WHITE HOUSE, n.d.)

The Vice President serves as the top assistant to the president in offering ,supporting , and promoting the presidential agenda .Also to take the role of the president if the president is no longer able to serve only In the case of the death of the president , resignation , or the disability of the President to discharge his duties (THE WHITE HOUSE, n.d.)

According to the American constitution , the principal role of the Vice President is the role of the President of the upper house of Congress . Under Article One, Section Three of the US constitution: "The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they are equally divided." Serving as the Chief of the Senate ,with a tie-breaking vote when the Senate is equally divided (Joel K. Goldstein,2021,p.2)

In the Federal government of the U.S. the Vice President plays an important role, in addition to these official duties, historically has served unofficial roles, which vary from the presidency to presidency ,including : making public appearances representing the President , Performing ceremonial duties in place of the President ,and meeting with heads of state or government of other countries. Also, the Vice President can serve an unlimited number of four-year terms, even under different presidents (POLYAS Election Glossary, n.d.)

1.3.3. The role of Department heads (The Cabinet)

The Cabinet of the United States , is an advisory body , consists of fifteen executive departments the president is appointed by the president and confirmed by the Senate. and all Members of the Cabinet are under the authority of the President .The heads of departments play a significant role in the Executive branch of the Federal government ,including the enforcement of laws ,in addition to their official duties as heads of the various executive branch departments (THE WHITE HOUSE, n.d.)

1.3.4. Department of agriculture

The U.S. Department of Agriculture with its 16 agencies is responsible for executing and developing the policy on farming , agriculture, and food. It has a number of duties which are serving the needs of farmers and ranchers, promoting agricultural trade and production, assuring food safety, protecting forests and other natural resources, fostering rural prosperity, and ending hunger in the U.S. and abroad. Moreover, this department has a significant role in foreign aid programs by providing surplus foods to developing countries (THE WHITE HOUSE, n.d.)

1.3.5. Department of commerce

The department of commerce is the executive agency which is in charge of growing the national economy and enhancing opportunities. Also , it formulated telecommunications and technology policy, and promoted American exports by assisting and enforcing international trade

agreements. This agency provides a several services to businesses and industries which include gathering economic and demographic data , issuing patents and trademarks, improving understanding of the environment and oceanic life, and ensuring the effective use of scientific and technical resources (THE WHITE HOUSE, n.d.)

1.3.6. Department of defense

The department of defense is the largest department among other ones, and it is composed of three main departments including: the Army, Navy, and Air Force, in addition to other agencies. This agency plays a significant role in the federal government because it is responsible for the protection of the nation, in addition to it provides the needed military armed forces to deter war (THE WHITE HOUSE, n.d.)

1.3.7. Department of education

This department serves as the administration of the federal financial aid for higher education , oversees educational programs and civil rights laws that promote equity in student learning opportunities, collects data and sponsors research on America's schools to guide improvements in education quality, and works to complement the efforts of state and local governments, parents, and students. The department of education is responsible for ensuring equal access to quality education for all students and preparing them for college, careers, and citizenship in a global economy by fostering educational excellence and ensuring equal access to educational opportunity (THE WHITE HOUSE, n.d.)

1.3.8. Department of energy

The department of energy is the federal government agency which is responsible for the natural national, economic, and energy security of the U.S. This agency is in charge of promoting American energy security by encouraging the development of reliable, clean, and affordable energy. It administers federal funding for scientific research to further the goal of discovery and

innovation , ensuring American economic competitiveness and improving the quality of life for Americans. The department of energy is also tasked with ensuring the American nuclear security, and with protecting the environment by providing a responsible resolution to the legacy of nuclear weapons production (THE WHITE HOUSE, n.d.)

1.3.9. Department of health and human services

The department of Health and Human Services is the primary agency in the U.S. government seeks to ensure the health of the American citizens with providing the necessary human services ,especially for the ones who are not able to help themselves. Also ,This agency has other services include: keeping food and drug safe, providing health insurance , working to prevent disease outbreaks , and conducting health and social science research . In addition to administering Medicare and Medicaid, which together provide health coverage to one in four Americans, HHS also oversees the National Institutes of Health, the Food and Drug Administration, and the Centers for Disease Control (THE WHITE HOUSE, n.d.)

1.3.10. Department of homeland security

The Department of Homeland Security is considered the third largest ones, is taking charge of the security of the Americans from the external and internal threats . Furthermore, this department has various duties including: protecting the U.S. borders ,regulating the migrants to and from the country, facilitating the legal trade and travel ,responding and recovering from natural disasters , in addition to stop and disrupt terrorism ,protecting the civilian computer networks, and the infrastructure (THE WHITE HOUSE, n.d.)

1.3.11. Department of housing and urban development

The department of housing and urban development is the federal department which is in control of the housing needs of the U.S. through the national policies and programs that address the housing needs of the American people , improving and developing the American communities,

and execute fair laws of housing. The primary role of this department is supporting homeownership for low- and moderate-income families through its mortgage insurance and rent subsidy programs. Also, it administers public housing and homeless assistance . This department consist of several offices ,including the Federal Housing Administration, which provides mortgage and loan insurance, the Office of Fair Housing and Equal Opportunity, which ensures all Americans equal access to the housing of their choice, and the Community Development Block Grant Program, which helps communities with economic development, job opportunities, and housing rehabilitation (THE WHITE HOUSE, n.d.)

1.3.12 Department of the interior

The department of interior is the major national conservation agency which it works with other diverse agencies ,among its agencies are: the Fish and Wildlife Service and the Bureau of Indian Affairs. It has a number of responsibilities ,including protecting and nurturing the American natural resources ,providing recreation opportunities ,conducting scientific research ,keeping fish and wildlife safe ,and having respect toward American Indians, Alaska Natives, and to Island communities. In addition to managing the national parks and protecting endangered species (THE WHITE HOUSE, n.d.)

1.3.13. Department of justice

The department of justice ,which consisting of 40 organization .The principle mission of the department of justice is enforcing the law and defending the interests of the American states. Also ,it has other duties including providing public safety against the local and external threats ,preventing and controlling crimes ,and it seeking to give punishment for ones who has illegal behavior ,and achieving the fairness and justice for all the American citizens (THE WHITE HOUSE, n.d.)

1.3.14. Department of labor

The department of labor is the executive agency which is responsible for setting federal programs to empower the American workforce .These programs including job training , safe working conditions, minimum hourly wage and overtime pay, employment discrimination, and unemployment insurance. The mission of this department is to foster and promote the welfare of the job seekers, wage earners, and retirees of the U.S. by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers, strengthening free collective bargaining, and tracking changes in employment, prices, and other national economic measurements (THE WHITE HOUSE, n.d.)

1.3.15. Department of state

The department of State serves as the foreign policy adviser of the president and its primary mission is developing and implementing foreign policy of the president .Its main duties, including representing the U.S. abroad , serving as foreign assistance , and foreign military training programs. In addition to resisting international crimes ,and a different services to the Americans and foreign nationals whom hoping enter to the U.S. (THE WHITE HOUSE, n.d.)

1.3.16. Department of transportation

The department of transportation is the executive agency which composed of several organizations ,in which together seeking to achieve the safety, rapidity, efficiency of the quality of the transportation for the comfortable use of the American citizen during his trip (THE WHITE HOUSE, n.d.)

1.3.17. Department of the treasury

The department of Treasury is one of the executive agencies which is in charge of promoting inclusive economic growth for all the American people .Its aim is to advance the national and international economic growth to raising the American standards of living, supporting

communities, promoting racial justice, combating climate change, fostering financial stability ,and collecting taxes. This agency controls systems which are critical to the national financial infrastructure, such as the production of coin and currency, the disbursement of payments owed to the American public, the collection of necessary taxes, and the borrowing of funds required by congressional enactments to run the federal government. The department of Treasury has a critical role in enhancing national security by safeguarding our financial systems, implementing economic sanctions against foreign threats to the U.S. , and identifying and targeting financial support networks that threaten our national security (THE WHITE HOUSE, n.d.)

1.3.18. Department of veterans affairs

The department of Veterans Affairs has a fundamental mission which is seeking to set a beneficial programs for veterans ,their families ,and their survivors. These benefits including: pension, education, disability compensation, home loans, life insurance, vocational rehabilitation, survivor support, medical care, and burial benefits (THE WHITE HOUSE, n.d.)

1.4. The powers of the Presidential Executive Branch

The Executive powers can go back to Aristotle's politics; Mansfield thinks that "The whole story of executive power depends on the understanding why it absent in Aristotle " he highlights that Aristotle suggested to divide the job in order to avoid that one person takes all the discredit . While during the history of American Executive the power was under the responsibility of the president specially the armed forces , the president is the one who gives the orders to attack or to defend according to his orders (Samantha Wyman ,2020,p.10)

Unlike the other two branches of the U.S. government, the American Constitution gives the sole authority to a single individual , the President , in which the Constitution grants specific powers to the president of the State. "The executive power shall be vested in a President of the United

States of America.” Article II, § 1. And it ends by saying that “he shall take care that the laws be faithfully executive (Samantha Wyman ,2020,p.01)

However , most of the second Article of the Constitution deals with the executive branch ,the power of the president are not limited to those sets in the constitution , but also to other official requirements.

The executive power vested in the president as four different types of power under the Constitution ,which are expressed powers, implied powers, delegated powers, and inherent powers. Implied powers are not directly expressed in the Constitution but it considered necessary to the powers expressed in the Constitution since the list of expressed powers is limited .And the power of the president to remove and to appoint federal offices is an example for an implied power. Also, delegated powers are these powers delegated to the president by Congress .The last type is inherent powers in which the president interprets or claims to be inherent in the office of the president (Samantha Wyman ,2020,p.0 2)

The powers which are specifically mentioned at the second Article of the Constitution ,are including the power as commander and chief of army, granting reprieves and pardons , negotiating treaties ,appointing federal judges and officers (Samantha Wyman ,2020,p. 01)

The Constitution of the U.S. established the republic with an effective executive ,and it sets to the president a set of authorities in order to create safety ,to protect the rights and liberties of individuals.

1.4.1 The power as Commander and Chief of army

The Constitution of the United States ,under the second Article grants the president as a commander of chief of the armed forces, it stated as following : “The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several

states, when called into the actual service of the United States.” (Legal Information Institute, n.d.)

The president serves as a Commander-in-Chief of the United States military ,in which it refers to military competencies that reside in executive leadership of the head of government. The Commander-in-Chief has various checks on power ,in which the Congress has the power to declare war , and this resolution of war restricts the use of the president of the Armed forces in three cases, including : a declaration of war by Congress ,where the Congress gives the president a specific statutory authorization ,or when there is a national emergency created by an attack on the nation ,its property ,or its armed forces (Legal Information Institute, n.d.)

1.4.2 The power of granting reprieves and pardons

According to Chief Justice John Marshall ,the executive reprieve and pardon power is rooted in English history and is “an act of grace, proceeding from the power entrusted with the execution of the laws,” serving as “a constituent part of the judicial system that the judge sees only with judicial eyes, and knows nothing respecting any particular case of which he is not informed judicially.” (Legal Information Institute, n.d.)

Under the second Article in the American Constitution grants the president the power of pardon as follow : “The President shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.” (Legal Information Institute, n.d.)

The U.S. president has the authority to commute sentences to a lesser penalty .The only limited pardons mentioned in the constitution are these related to offenses against the United States ,and that cannot affect an impeachment process. A reprieve is lessening of an imposed sentence which does not affect the legal guilt of an individual . However ,a pardon completely wipes out the legal effects of a conviction . While, a pardon can be issued from the time of committing an

offense , and be issued even after the full sentence has been served. It cannot be granted before committing an offense (The Heritage Foundation, n.d.)

1.4.3. The power of negotiating treaties

The president has the authority of making formal treaties with other countries but only these international treaties gets the supermajority vote by the Senate ,provided two thirds of Senators votes .In some cases ,when a treaty lacked enough support to accept .As the Constitution states ,under the second Article that “The president shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators presently concur.” (Legal Information Institute, n.d.)

The purpose to require the treaty clause is to ensure gain much of benefits for the country ,in which these agreements be a part of the international law between other nation . Furthermore, the supermajority vote does not required in some international agreements , including the sole executive agreements and congressional executive agreements . While these agreements are regarded as international treaties ,are not the same as treaties within the U.S. since are not made with the advice of the Senate (Legal Information Institute, n.d.)

1.4.4. The power of appointing federal judges and officers

Under the second Article of the Constitution ,it stated “The president shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.” (Legal Information Institute, n.d.)

Most of the important offices are appointed under the authority of the President and with the advice of the Senate. These various public officers and ministers are ambassadors, members of the Supreme Court and the federal courts, cabinet secretaries, and all other officers of the United States (The Heritage Foundation, n.d.)

The president is responsible for selecting most of people to serve the government, within and without the executive branch only with the advice and agreement of the upper house of the Congress (the Senate). At appointing process, only a simple majority vote is required, not a supermajority. Moreover, the vote is not required with the case of the inferior officer, these who directed by other who appointed by the president with the advice of the Senate (The Heritage Foundation, n.d.)

Conclusion

Throughout the American history, the executive branch remains as a distinct branch among other branches. It plays a vital role at the Federal government of the United States, it was necessary in order to constitute a good government. The American Constitution established a strong branch, provides the president the sole executive power to govern the nation.

CHAPTER TWO

Congressional Legislative Branch

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Introduction

This chapter investigates one of the distinct branches in the Federal government, is the Legislative branch, it is organized into four main sections. First, it gives an overview about the American Congress. Then, it introduces the components of this branch. Next, it provides the Congressional legislative process. The last section outlines the powers of the U.S. Congress which are mentioned in the Constitution.

2.1. Overview of the Congress

The Congress is the legislative branch of the federal government that represents the American people and makes laws of the nation. It shares power with the Executive branch, led by the president, and the judicial branch, whose highest body is the Supreme Court of the United States. One of the three branches of government, Congress is the only one elected directly by the people.

This branch established under the American Constitution in 1789 and separated structurally from the executive and judicial branches of the government. It is located in the United States Capitol in Washington, D.C. Where the meeting place of the Congress and the seat of the Legislative branch of the U.S. Federal government (Britannica, n.d.)

The Legislative branch is comprised of the United States Congress, the bicameral legislature, being composed of two chambers: a lower body, the House of Representatives, and an upper body, the Senate. The House and the Senate are equal partners in the Legislative process and the Congressional Legislation cannot be enacted without the acceptance of both chambers. Both houses are responsible for writing and passing all Federal laws among various other agencies.

The American Congress represents one of the powerful branches in the Federal government. The Constitution of the U.S. grants the sole authority to enact legislation and declare war, the right to

confirm or reject many Presidential appointments, and substantial investigative powers (THE WHITE HOUSE, n.d.)

2.2. The Components of the Congressional Legislative Branch

The Legislation Branch of the federal government, is made up of the House of Representatives and the Senate, known collectively as the Congress. The Constitution divided the legislative branch into two parties in which together form the American Congress process, the two houses are equally serve the American requirements ,and share legislative responsibilities.

To ensure the balance of the concerns between the smaller but more populated states and the larger but less populated ones, the framers of the Constitution formed two disparate chambers ,which each chamber has its own duties.

2.2.1. The Senate

The Senate is one of the legislative branches , is the upper chamber of the U.S. Congress , it compose the national bicameral legislation of the country with the lower chamber the House of Representative. The United States Constitution established the composition and powers of the chamber. The Senate consists of senators, each one represents a state, each state is represented by two senators for six years , so there are 100 senators for the 50 states (senate.gov, n.d.)

The Vice President is the responsible on the Senate office ,he cannot vote only if the senators are divided equally .If the Vice President is absent ,the president pro tempore replace him . Traditionally ,this member is the senior member of the party (senate.gov, n.d.)

To being a Member in the Senate , must be 30 years of age, an American citizen for at least nine years, and a senator must be a resident of the state he represents (THE WHITE HOUSE, n.d.)

2.2.2. The House of Representatives

The House of Representatives, is one of the houses in the bicameral Congress of the United States. It established in 1789, under the American Constitution. The House of Representatives is sharing the responsibilities with the Senate in lawmaking . (Britannica, n.d.)

It considered the closest chamber to the people ,and the most responsive to public needs and opinion ,it is elected by people unlike the Senate members who elected by the States until the ratification of the 17th Amendment of the direct election of senators. In each state there is at least one member of the House of Representatives , these members are divided according to the population in each state and the membership is reapportioned every 10 years (Britannica, n.d.)

The House is the larger legislative body in the Congress ,is comprises of 435 elected members , are elected every two years ,these members must be at the age of 25 years , an American citizens for at least seven years, and be a residents of the state he represents (but not necessarily the district) (THE WHITE HOUSE, n.d.)

This chamber has a special duties in the government , including initiating bills, impeaching federal officials, and electing the President in the case of an Electoral College tie (THE WHITE HOUSE, n.d.).

2.3. The Legislative Process

In the Federal government of the United States of America ,and under the Legislative Branch ,where both of institutions seeking to achieve the interests of the majority of the American citizens ,and to serve their daily needs and their requirements because the American Congress represents as the voice of the people and the states in the Federal government.

The American Constitution gives all power and authority to a bicameral Congress: the House of Representatives and the Senate ,where the two chambers are fundamentally equal in their legislative roles and duties. Its functions differ according to each member of it. Only the Senate

confirms presidential nominations and approves treaties. Only the House can originate revenue legislation, but the Senate can amend revenue legislation, and the enactment of law always requires both chambers to separately agree to the same bill in the same form before presenting it to the President (Introduction to the Legislative Process in the U.S. Congress, n.d,p.1)

In the US Congress, where the legislative process goes through the two chambers in which each one has its own constitutional authority to make its own rules , and both houses are different in processing legislation . The system currently provides for a two-year term of office for House Members from the 435 population-based districts . In the Senate, voters of each state elect two Senators, who serve six-year terms(Introduction to the Legislative Process in the U.S. Congress, n.d,p.1)

The Congressional action is planned and coordinated by party leaders in each chamber, who have been chosen by Members of their own conference. In the House majority party leaders have an important and effective powers to set the policy agenda and to decide which proposals will receive floor consideration . In the Senate, the leader of the majority party is generally expected to propose items for consideration, but formal procedures that allow a numerical majority to take action are few. However, majority party leadership typically must negotiate with minority party leaders to conduct Senate floor action (Introduction to the Legislative Process in the U.S. Congress, n.d,p.1)

In both chambers, the standing committees have much of the policy expertise to take the lead in developing and assessing legislation . In most cases ,members serve on a small number of committees, often for many years, therefore they are highly knowledgeable in certain policy areas. A member of the majority party chaired All committees . Moreover, In almost all cases, the ratio of majority party to minority party members on a committee roughly reflects the overall partisan ratio in the congressional chamber (Introduction to the Legislative Process in the U.S. Congress, n.d,p.1)

Committee members serve in drafting and considering legislative proposals, also committees engage in other activities. Once law is enacted, Congress has the responsibility to provide oversight of policy implementation, in which committees lead in this effort. Both chambers provide their committees with significant powers and latitude for oversight and investigations into questions of public policy and its effects (Introduction to the Legislative Process in the U.S. Congress, n.d,p.1)

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States . The process by which a bill becomes law is rarely predictable and it vary from bill to bill. Currently, for many bills, the process will not follow the sequence of congressional stages that are often understood to make up the legislative process. The following steps represents a look at each of the common stages through which a bill may move (Introduction to the Legislative Process in the U.S. Congress, n.d,p.2)

2.3.1. Introduction and Referral of Legislation

The Congress is the lawmaking branch ,in which its main responsibility is to ensure the needed laws in the nation therefore Senators and Members of the House of Representatives propose ideas, called bills, these bills must goes through other stebs to became a law. Legislation process may differ ,and it depends on the intended purpose. Bills and joint resolutions may become law but only if enacted during the two-year Congress in which where it introduced (Introduction to the Legislative Process in the U.S. Congress, n.d,p.2)

Any member of the House of Representatives or the Senate may introduce a bill ,by request of the President ,and once a bill introduced , it is immediately referred to the committee . Committee members do not formally consider each of these referred bills . The committee chair has the authority of primary agenda-setting for each committee and identifies which bills will

receive formal committee attention during the course of the two-year Congress (Introduction to the Legislative Process in the U.S. Congress, n.d,p.3)

In the House of Representatives, the Speaker referees the bills, on the advice of the nonpartisan parliamentarian, to all committees that have jurisdiction over the provisions in the bill, according to the standing rules and past referral decisions which determined by the chamber. Most of bills are under the jurisdiction of one committee. If a number of committees received the bill, each committee may work only on the part of the bill under its jurisdiction . One of those committees are chosen to be the primary committee of jurisdiction and it will take the lead on any action that may occur . While ,in the Senate, in similar process, bills are typically referred to committee , in the most of cases, the bill is referred to only the committee with jurisdiction over the issue that predominates in the bill. In a few cases, a bill might not be referred to committee, but it directly placed on the Senate Calendar of Business through a series of procedural steps on the floor (Introduction to the Legislative Process in the U.S. Congress, n.d,p.3)

2.3.2. Committee Consideration

The following step comes after introducing a bill from the Senate or the house ,it is typically referred to the committee ,where each committee receives many bill referrals .The committee's chair has the chief agenda-setting has authority for the committee in which the chair identifies the bills or issues. During the Committee Consideration process , a bill goes formally through hearings or markups (or both) (Introduction to the Legislative Process in the U.S. Congress, n.d,p.3)

2.3.2.1. Hearings

Hearings is the first formal committee action on a bill , which provides an opportunity for committee Members and the public to know about the strengths and weaknesses of the bill of the selected parties , for instance :key executive branch agencies, relevant industries, and groups

representing interested citizens .Moreover , Hearings are a way to shed light legislation to colleagues, the public, and the press . At the hearing, invited witnesses provide an oral remarks to the assembled committee, as well a longer written version of his or her feedback on the bill , after oral statements of witnesses , the committee Members take turns asking questions of the witnesses (Introduction to the Legislative Process in the U.S. Congress, n.d,p.4)

Although these hearings give the public an opportunity to share their feedback on the policy proposal, committee Members and staff provide with an additional assessment of the approach through informal briefings . Moreover , a hearing is not necessary required from a procedural standpoint for a bill to receive further action from the committee (Introduction to the Legislative Process in the U.S. Congress, n.d,p.4)

2.3.2.2. Markups

A committee markup is the key formal step which a committee pass the bill to the floor. Usually, the committee chair chooses the proposal that will be placed before the committee for markup : a referred bill or a new draft text. It is the process by which members of a congressional committee debate the merits and content of the bill ,amending and rewriting as necessary, which is typically open to the public (Introduction to the Legislative Process in the U.S. Congress, n.d,p.4)

The markup stage ends when the committee agreed, by majority vote, to report the bill to its chamber. Rarely ,the Committees hold a markup unless the proposal in question is expected to receive majority support on that vote. The committee may vote to report a referred bill, with recommended changes that reflect any amendments adopted during the markup. As an alternative to a referred bill, it may instead report out an original or clean bill that was basically written in the markup process itself from a draft proposal (Introduction to the Legislative Process in the U.S. Congress, n.d,p.4)

2.3.3. Role of Subcommittees

Subcommittees are Members established by the majority of House and Senate committees ,where Members can focus on specific elements of the political issues . Although subcommittees has a formal role in policymaking during the course of Congress ,for instance, by holding hearings or marking up legislation prior to full committee consideration . Committee members have a significant authority to report legislation to the chamber , in which subcommittees cannot (Introduction to the Legislative Process in the U.S. Congress, n.d,p.5)

2.3.4. Floor Scheduling

When a bill reported by a committee ,it is placed on one of the respective calendars of chambers.¹ These calendars are a list of bills qualified for floor consideration; however, are not guaranteed floor consideration. During the course of a two-year Congress, Many will never be brought up on the floor. Also, it is possible, but less common, for a bill to come directly to the floor without being reported and placed on a calendar (Introduction to the Legislative Process in the U.S. Congress, n.d,p.5)

In the House, generally, the majority party leaders decide which bills will receive floor consideration; usually, they schedule a bill for a type of streamlined floor consideration, or instead of that ask the Rules Committee to propose a set of tailored parameters for floor consideration. In the Senate, bills are brought to the floor only after the Senate agrees to a motion (typically offered by the majority leader) to proceed to a specific bill or, instead of that, if no Senator objects to a unanimous consent request to bring it up (Introduction to the Legislative Process in the U.S. Congress, n.d,p.5)

2.3.5. House Floor Consideration

In the House, most bills that obtain consideration do so beneath a manner referred to as “suspension of the rules,” which limits debate to forty minutes and prohibits flooring

amendments, however requires two-thirds of Members voting to agree. Most different bills are viewed under tailored debate and amending parameters set through a special rule reported by using the House Rules Committee (which effectively operates as an arm of the majority party leadership). The House first votes to undertake the special rule, and then can proceed to debate and may amend the bill (typically accomplished in a setting known as Committee of the Whole). After any debate and amending procedure is complete, the House then usually votes on a minority party alternative (through a vote on a action to recommit) before proceeding to a ultimate vote on passage (Introduction to the Legislative Process in the U.S. Congress, n.d,p.6)

2.3.6. Senate Floor Consideration

In the Senate, once a bill accepted by the chamber, it can be considered under rules and practices that allow for a wide-ranging debate and amendment process. The advantage of the Senate floor consideration is that there is no rule authorizes a majority vote to end debate and move to a final vote on most questions , for instance a bill or amendment. Therefore, Senators may wage a filibuster, effectively threatening extended debate or other procedures that would delay or prevent a final vote. The cloture rule of the Senate provides a procedure , however, over a series of days ,a supermajority of the Senate (usually three-fifths) can set a limit on debate (as well as limits on amendments) and finally to reach a final vote. .These rules and actions provide extraordinary leverage to the Senate Member, but frequently the decision of the Senate can be more effective by putting aside the formal rules and instead agreeing—by unanimous consent—to tailored parameters on debate and amending (Introduction to the Legislative Process in the U.S. Congress, n.d,p.7)

2.3.7. Executive Business in the Senate

the American Constitution provides the Senate with two unique responsibilities: first, the power to confirm certain presidential nominees to the federal judiciary and certain executive branch positions; and second, the power to approve treaties. In the legislative process ,nominations and

treaties are similar to bills ,in which these treaties are referred to committees, where they may be considered and reported to the chamber The Constitution requires on the floor that two-thirds of voting Senators agree for a ratification of a treaty (Introduction to the Legislative Process in the U.S. Congress, n.d,p.8)

Most presidential nominations are referred to the relevant Senate committee of jurisdiction. Prior to potential committee action to report a nomination, a committee may hold a hearing at which the nominee answers questions from the committee's members. If a nominee is considered on the Senate floor, his or her confirmation requires only a simple majority vote, but nominations are debatable. Therefore, supporters of a nominee may have to use the cloture process to reach a vote on the nominee. Invoking cloture on most questions requires a vote of three-fifths of the Senate, as described earlier, but cloture can be invoked on a nomination by a simple majority threshold. However , the use of cloture to reach a vote on a pending nomination, may take significant floor time (Introduction to the Legislative Process in the U.S. Congress, n.d,p.8)

2.3.8. Resolving Differences Between the Chambers

In some stage at the legislation one of the houses must act on the bill of the other house , either the House or the Senate therefore only one can be send to the president . Usually, One chamber agrees to a bill from the other chamber without any change , however sometimes each chamber proposes changes to a bill of the other one (Introduction to the Legislative Process in the U.S. Congress, n.d,p.9)

Both chambers resolve their distinctions on the competing proposals either through a back and forth trading of alternative proposals (called amendments between the houses), or by convening a conference committee in which Members of the House and Senate from the relevant committees are appointed to reached a compromise called a conference report. The chambers must agree at the same form of the bill before it can be presented to the president (Introduction to the Legislative Process in the U.S. Congress, n.d,p.9)

2.3.9. Presidential Action

After the conference committee resolves any differences between the House and Senate versions of the bill, each chamber must vote again to approve the final bill text. Both chambers must agree at the same form of the bill before it can be presented in the final official form to the President (Introduction to the Legislative Process in the U.S. Congress, n.d,p.10)

The presidential action is the final stage ,in which the president he has a multiple choices to choose whether to sign a bill to become a law , to veto it or declines to sign or veto it . The President has 10 days, excepting Sundays, the bill becomes a law if it is signed in that period . If the President vetoes the bill, it is returned to the chamber in which it produced. The veto of the president may be override by that chamber through an override vote requires the two-thirds of those voting.¹ If the vote succeed, the other chamber then decides whether to override vote , also it requires two-thirds of voting Members to agree. The bill become a law only if two chambers successfully vote ,and successful override of a bill are rarely. In the case when the President refuses to either sign or veto the bill ,therefore that bill becomes a law without his signature (except when Congress has adjourned under certain circumstances) (Introduction to the Legislative Process in the U.S. Congress, n.d,p.11)

Bills that are ultimately enacted are delivered to the Office of the Federal Register at the National Archives, assigned a public law number, and included in the next edition of the United States Statutes at Large (Introduction to the Legislative Process in the U.S. Congress, n.d,p.11)

2.4. The Powers of the Congressional Legislation

The Congress ,is one of the three coequal branches of the government ,it has a significant powers. The first Article ,section one of the United States Constitution stated that "All Legislative Powers herein granted shall be vested in a Congress of the United States, which shall

consist of a Senate and House of Representatives" . It provides that all legislative power in the government is vested in the Congress (house.gov, n.d.)

The American Constitution grants the Congress the sole authority to enact legislation in addition to a significant number of powers , including the enumerated and implied powers ,are mention under Article 1,Section 8 . The enumerated powers form the foundation of the American system ,and those are granted to Congress by the Constitution . While, the implied powers are not listed in the Constitution but it considered necessary to execute the enumerated powers (thoughtco, n.d.)

2.4.1. The Enumerated Powers

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States (thoughtco, n.d.)

The initial power set by the Constitution to the Congress is the power to tax. In the structure of the government which established by the constitution ,only the Congress controls the money , in addition to levy tariffs (Quizlet, n.d.)

Clause 2: To borrow Money on the credit of the United States (thoughtco, n.d.)

The American constitution allowed the Congress to borrow money to pay for government programs and services (Quizlet, n.d.)

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes (thoughtco, n.d.)

This clause introduces the authority of the Congress to impose regulations on interstate and global business (Quizlet, n.d.)

Clause 4: To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States (thoughtco, n.d.)

This clause shared two issues that have a little in common .First , The Congress has the power to create a policies for immigrants to become American citizens .Second, the congress has the authority to set rules for hopelessly indebted people and companies to declare bankruptcy (Quizlet, n.d.)

Clause 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures (thoughtco, n.d.)

The Congress has the authority to control the minting of money and regulate its value ,as well setting standards of weights and measures (Quizlet, n.d.)

Clause 6: To provide for the Punishment of counterfeiting the Securities and the current Coin of the United States (thoughtco, n.d.)

This clause clarified the power of the Congress to punish money counterfeiters ,including current Coin of the state (Quizlet, n.d.)

Clause 7: To establish Post Offices and post Roads (thoughtco, n.d.)

The U.S. constitution gives the Congress the authority to set up Post Offices and to construct roads connecting them (Quizlet, n.d.)

Clause 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries (thoughtco, n.d.)

The Congress has the authority to establish a system of copyrights and patents, and to grant creative people the exclusive right to sell their creations (Quizlet, n.d.)

Clause 9: To constitute Tribunals inferior to the Supreme Court (thoughtco, n.d.)

This clause mentions the power of the Congress to set the federal courts of the lower level that report to the Supreme Court (Quizlet, n.d.)

Clause 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations (thoughtco, n.d.)

The clause sets the power of the Congress to give punishments to pirates ,and to those against the law of the nation (Quizlet, n.d.)

Clause 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water (thoughtco, n.d.)

The constitution gives the sole authority to declare war only to the Congress , in which it can officially declare it ,in addition to another power to appoint pirates with an official permission to attack the enemies of the nation (shmoop, n.d.)

Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years (thoughtco, n.d.)

The Congress has the authority to pay (or not pay) for military actions. Moreover, the Congress have not the ability to fund military operations more than two years (shmoop, n.d.)

Clause 13: To provide and maintain a Navy (thoughtco, n.d.)

This clause introduced the authority of the Congress to provide and maintain a Navy .

Clause 14: To make Rules for the Government and Regulation of the land and naval Forces (thoughtco, n.d.)

The Congress has the authority to set rules for the behavior of the armed forces .Also, any soldiers or sailors who violate those rules will take court martial (shmoop, n.d.)

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions (thoughtco, n.d.)

The constitution provides gives the power to the Congress to call out the militia ,and it is made to defend the nation from any attack or rebellion (shmoop, n.d.)

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress (thoughtco, n.d.)

This clause identifies the power of the Congress to supply for arming, disciplining and organizing the militia (shmoop, n.d.)

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings (thoughtco, n.d.)

The Congress has the power to practice exclusive legislation in all cases , over such district (not exceeding ten Miles square) as may, by using cession of certain States, and the acceptance of Congress, come to be the seat of the Government .Also, to exercise authority over all Places purchased by the permission of the Legislature of the State ,as well for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other necessary Buildings (shmoop, n.d.).

2.4.2. The Implied Powers

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof (thoughtco, n.d.)

This clause considered the basis for all of the legislative powers .The constitution gives the authority to the Congress to practice the other enumerated powers in the Federal government (shmoop, n.d.)

Conclusion

Among the three branches ,the Legislative branch has an effective role in the Federal government of the United States of America .The legislative process is equally shared by the Senate and the House of Representatives ,where both houses are seek to serving the government and making good public policy. The American Constitution grants the Congressional Legislation a special powers to be distinct branch.

CHAPTER THREE

Inter-branch Rivalry between the Executive and Legislative branch

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Introduction

This final chapter investigates the inter-branch rivalry between the Presidential Executive and Congressional Legislation in the American government. First ,it gives a historical overview of these branches . The powers of both of them and their significant effect on the government tackled in the previous chapters .So, this chapter introduces the main conditions sharing by both the Executive and Legislation .Finally ,it highlights the kind of this rivalry.

3.1. Overview

The framework of the Federal government of the United States established under the constitution of 1787. Article I of the constitution, covers the Legislative branch which consists of the Senate and the House of Representatives, both houses are equally share most of the powers of Congress ,and Article II covers the Executive branch ,which comprises of the president , the vice president ,the heads of departments ,and other agencies ,which together share the executive authorities. The American constitution gives Congress the power for making the laws ,and the president the primary responsibility for enforcing the national laws.

The American governmental system was designed to ensure the balance between both the Legislative and the Executive branch ,where no one branch is able to subordinate the other branch. All these bodies are interrelated and each branch has a distinct authority that allow it to affect the affairs of the other branch . So this governmental division created to prevent one branch from having too much power.

The Constitution granted the Executive and Legislative division in which the governmental authorities are divided equally between them .These branches are structured to achieve distinctive ,representative , and valuable perspectives on what the state requires to .

The condition of the relation among these branches lies in their sources of political and military authority. In terms of exercise political power both the Executive and Legislation seek to achieve

the effectiveness of the Federal government through sharing several duties .In addition to military power which seeking to achieve the safety of the nation.

3.2. The shared powers between the Executive and Legislative branch

3.2.1. The Political conditions

To ensure the effectiveness of the government decisions ,it requires the cooperation of both the Executive and the Legislative branch in making and implementing the national laws , and this shared service brings the branches into relationship. These shared authorities ,including veto power and override ,appointments and removals ,and treaties .

3.2.1.1. Veto power and override

The president has the power to veto laws which passed by the congress, the constitution also gives Congress the power of overriding a presidential veto . Therefore both the Executive and Legislative branch making the national laws . Presidential veto is getting the majority of votes in both the Senate and the House of representatives to pass it to Congress. So at least 218 of 435 vote in the house in favor of a bill for it to pass .In the Senate 51 of 100 senators or else 50 senators in addition to the Vice President of the U.S. must vote in favor of a bill to pass it . If the senate is split equally 50-50 ,the Vice President gets the tie breaking vote as president of the Senate under Article I,section 2 ,of the constitution (Daniel E. Brannen Jr ,n.d ,p.314)

The president has the power to veto the bill ,only after the Congress passes it ,by sending the bill back to congress with a message of veto in a period of ten days of receiving it , the message explains to both Congress and the nation the reason why the president is rejecting a bill ,this operation called a return veto (Daniel E. Brannen Jr ,n.d ,p.315)

3.2.1.2. Appointments and removals

Article II, Section 2, of the Constitution says the president "shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." The president can recommend or nominate the time that the congress creates position in the Federal government .The senate then considers the appointment and may either approve or disapprove them. There are a number of positions that the president can appoint under assignment control ,within the assistance of trusted advisors ,the president personally works on the most important appointments include the heads of official departments. The president and key members together checks to see if the senate will approve or disapprove ,and it helps the president in the elimination of people who have no chance in being appointed (Daniel E. Brannen Jr ,n.d ,p.325)

The appropriate Senate committee hold hearings to consider the matter at the time that the president makes a nomination. If the president does not have time to handle a significant number of positions to fill ,the presidential cabinet and staff handle the details of these nominations (Daniel E. Brannen Jr ,n.d ,p.326)

3.2.1.3 Treaties power

A treaties are formal agreements made between the U.S. with another nation. The president is in control of negotiating and signing treaties , which two-thirds of the Senate must be approved . Once the president signs a treaty , the Senate Foreign Relations Committee studies it then this treaty presents to the entire Senate for a vote. The Constitution did not provided to who has the power to cancel treaties (Daniel E. Brannen Jr ,n.d ,p.327)

The presidents often sign executive agreements with the heads of other nations. These agreements are not officially treaties because the Senate can only require a president to change a

treaty before the Senate approve it. Usually , treaties used for the most significant issues and executive agreements for less significant issues (Daniel E. Brannen Jr ,n.d ,p.328)

3.2.2. The Military condition

The founders of the Constitution created a strong army and navy .It divided the military power between the president and Congress . Both of them share a several duties to defend the nation from foreign attack ,and to wage war if it necessary .The government cannot make war without the cooperation of these two branches .

3.2.2.1. War power

Congress has the authority to provide an army and navy forces, and to set rules and appropriate money for their operation .Moreover , Congress has the sole power to declare war . The president is the commander in chief of the American military , Is in charge of control the military forces operations . Only in the case of defending against an attack on the nation ,the president has the authority for using armed forces without congressional approval. (Daniel E. Brannen Jr ,n.d ,p.329)

3.3. The inter-branch rivalry between the Presidential Executive and Congressional Legislation

To ensure the balance in the government by dividing the powers by giving the President authority to control and defend the nation ,and giving Congress the power to serve the popular will of Americans. This system created a government with shared powers ,also it called the separation of power ,therefore this separation prevents the same individual or branch from having the sole power for making, enforcing ,and interpreting the national laws .

There are a significant number of the balances between Congress and the president. The significant ones are the presidential veto or override , and the congressional authority to override

a presidential veto. Furthermore, the appointments and removals power, negotiating and signing treaties with other nations ,and the division of war powers.

This research found that the Congressional Presidential relation is cooperative ,where both shared power with one another, negotiating, and compromising over the making of laws and public policy.

Conclusion

investigation the inter-branch rivalry among both the Congressional Legislation and the Presidential Executive on the American government showed that there had been a cooperative relationship between the two branches. Although their competition at the government ,but they share powers in both political and military operations that indicated at the Constitution of the United States .

General Conclusion

Since the Declaration of Independence of America from Great Britain in 1776 ,the American government started to build a unique constitution ,which is different from other countries .The U.S. government consists of three branches : Executive ,Legislative ,and Judicial , are the core and distinctive feature of the American constitution .

In this research, the first chapter focuses on defining the presidential Executive ,its orders , its components ,and its authorities . The second chapter is a clarification on the second branch ,which is congressional legislation ,its components ,and its powers. This research studies the Inter-branch rivalry between the two branches ,where these branches share power with each other, negotiate, and compromise over the making of laws and public policy of the United States. That is why the third part mentions two shared conditions among these branches.

The suggested hypothesis is that the two chambers complete each other in conditions. After using the comparative methodology, the research ends with a result which is the two branches are very important in managing the American government according to the American constitution and its rules.

The most important limitation faced in this research was the lack of information on historical events concerning a competition or rivalry occurring between the Executive and Legislative in the United States. For that reason, the current study recommends further studies for more information about that.

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ملخص

تسير الحكومة الأمريكية بثلاث هيئات رئيسية: تشريعية وتنفيذية وقضائية . تسلط هذه الدراسة الضوء على السلطتين التشريعية والتنفيذية. بالاعتماد على الدستور الأمريكي، حيث تتجلى قوة الحكومة في هاتين الفرعين وهذه المذكرة تهدف إلى إيجاد نوع التنافس بين الفرعين وكيف تتجلى هذه العلاقة معتمدين في ذلك على المنهج التاريخي الوصفي . على ضوء هذه الدراسة تم الاعتماد على ثلاث فرضيات ، أولها التعريف بقوة السلطة التنفيذية، ثانيا ذكر عملية نص القوانين والسلطات الممنوحة للرئيس، وأخيرا تم التطرق إلى كيفية وجود تنافس بين الفرعين . بعد الاعتماد على مجموعة من المصادر تم استنتاج أن الهيئتين التشريعية والتنفيذية واجهتا نوعا من التنافس فيما يخص السلطات الممنوحة لهما ، على الرغم من ذلك تبقى غاية كل منهما خدمة الحكومة الأمريكية ، ومن هنا يمكن القول أن العلاقة بين السلطتين علاقة تكامل .

كلمات مفتاحية: الحكومة الأمريكية، تشريعات، تنفيذية، تنافس.