

The Executive Branch

When the delegates to the Constitutional Convention created the executive branch of government, they gave the president a limited term of office to lead the government. This was very different from any form of government in Europe and caused much debate. The delegates were afraid of what too much power in the hands of one person might lead to. In the end, with a system of checks and balances included in the Constitution, a single president to manage the executive branch of government was adopted.

The executive branch of Government enforces the laws of the land. When George Washington was president, people recognized that one person could not carry out the duties of the President without advice and assistance. The President receives this help from the Vice President, department heads (Cabinet members), heads of independent agencies, and executive agencies. Unlike the powers of the President, their responsibilities are not defined in the Constitution but each has special powers and functions.

Many laws enacted by Congress require agencies to issue regulations. Executive branch agencies are granted the power to implement regulations relating to matters within their jurisdiction. For example, the Department of Health and Human Services (HHS) makes regulations regarding medical issues. Regulations are published daily in the Federal Register and are then codified in the Code of Federal Regulations once a year.

- President: Leader of the country and Commander in Chief of the military.
- Vice President: President of the Senate and becomes President if the President is unable to serve.
- Departments: Department heads advise the President on policy issues and help execute those policies.
- Executive Agencies: Makes regulations to help implement laws.
- Independent Agencies: Help carry out policy or provide special services.

The President of the United States

The President is the head of the Executive Branch. The powers of the President of the United States are set forth in Article II of the Constitution. Some of these powers the President can exercise in his own right, without formal legislative approval. Others require the consent of the Senate or Congress as a whole. The following is a list of duties of the President of the United States:

National Security Powers

- Serves as the Commander-in-Chief of the armed forces. He can authorize the use of troops overseas without declaring war. To declare war officially, though, he must get the approval of the Congress.
- Makes treaties with other nations; however, the Senate must approve any treaty before it becomes official.
- Nominates ambassadors, with the agreement of a majority of the Senate.
- Receives ambassadors of other nations, thereby recognizing those lands as official countries.

Legislative Powers

- Presents information on the state of the union to Congress.
- Recommends legislation to Congress. Despite all of his power, the President cannot write bills. He can propose a bill, but a member of Congress must submit it for him.
- Convenes both houses of Congress in special sessions.
- Approves laws passed by Congress.

Administrative Powers

- “Take care that the laws be faithfully executed”—Article II, Section 3
- Appoints the heads of each Executive Branch department as Chief of the Government. He also appoints ambassadors, Supreme Court Justices, and other officials, with the agreement of the majority of the Senate.
- Requests written opinions of administrative officials.
- Fills administrative vacancies during congressional recesses.

Judicial Powers

- Grants reprieves and pardons for Federal crimes (except impeachment).
- Appoints Federal judges, with the agreement of the majority of the Senate.

The President's Lawmaking Role

The President plays a large role in making America's laws. His job is to approve the laws that Congress creates. When both chambers have approved a bill, they send it to the President. If he agrees with the law, he signs it and the law goes into effect.

If the President does not like a bill, he can veto it. There are two ways that he can veto a bill. First, the President can send the bill back to Congress unsigned. In most cases, he will also send a list of reasons he does not like the bill. Second, the President can "pocket" the bill. After ten days, one of two things happens: 1) if Congress is in session, the bill becomes a law anyway 2) if Congress has adjourned, the bill does not become law and the President has used a "pocket veto".

When the President vetoes a bill, it will most likely never become a law. Congress can override a veto, but to do so two-thirds of both the House of Representatives and the Senate must vote against the President.

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Presidential Qualifications and Term Limit

Because he has so much responsibility, the President, along with the Vice-President, is the only official elected by the entire country. Not just anyone can be President, though. In order to be elected, one must be at least 35 years old. Also, each candidate must be a natural-born U.S. citizen and have lived in the U.S. for at least 14 years. When elected, the President serves a term of four years. The most one President can serve is two terms, for a total of eight years.

Before 1951, the President could serve for as many terms as he wanted. After two terms as President, George Washington chose not to run again. All other Presidents followed his example until Franklin D. Roosevelt successfully ran for office four times. He, however, did not complete his fourth term of office because he died in 1945. Six years later, Congress passed the 22nd Amendment, which limits Presidents to two terms.

The President's Cabinet

The purpose of the Cabinet is to advise the President on matters relating to the duties of their respective offices. As the President's closest and most trusted advisors, members of the Cabinet attend weekly meetings with the President. The Constitution does not directly mention a "Cabinet," but the Constitutional authority for a Cabinet is found in Article II, Section 2. The Constitution states that the President "may require the opinion, in writing of the principle officer in each of the executive departments, upon any subject relating to the duties of their respective offices." The Constitution does not say which or how many executive departments should be created.

Who makes up the Cabinet?

The Cabinet traditionally includes the Vice President and the heads of 15 executive departments-the Secretaries of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury, and Veterans Affairs, and the Attorney General. Cabinet-level rank has also been given to the Administrator of the Environmental Protection Agency; the Director of the Office of Management and Budget; the Director of the National Drug Control Policy; the Assistant to the President for Homeland Security; and the U.S. Trade Representative.

When requested by the President, other officials are asked to attend these weekly meetings including, the President's Chief of Staff, the Director of the Central Intelligence Agency, the Chairman of the Council of Economic Advisors, the Counselor to the President, the Director of the Federal Emergency Management Agency, the Administrator of the Small Business Administration, and the U.S. Representative to the United Nations.