

**AP[®] UNITED STATES GOVERNMENT AND POLITICS
2011 SCORING GUIDELINES**

Question 4

6 points

Part (a): 3 points

One point is earned for each explanation of how congressional decision making is affected by the following presidential powers:

- Veto power
 - Results in congressional interaction with the president/executive branch during the legislative process (e.g., bargaining, negotiation, compromising, consulting).
 - Prevents or discourages congressional action if the president makes a statement of clear opposition or threatens a veto.
- Power to issue executive orders
 - Congress acts in response to or anticipates executive orders (e.g., countermands, preempts, compromises).
 - Congress avoids taking action on controversial issues.
- Power as commander in chief
 - Congress engages in oversight activities.
 - Congress clarifies its role associated with the power to declare war (i.e., War Powers Act).
 - Congress controls military spending and thus can approve, modify or reject funding.

Part (b): 3 points

One point is earned for each explanation of how presidential decision making is affected by the following congressional powers:

- Power of legislative oversight
 - Presidents minimize the number or extent of actions that might draw congressional scrutiny.
- Senate advice and consent power
 - Presidents weigh the implications of making controversial or ideological nominations or appointments.
 - Presidents use recess appointments, avoiding controversial confirmation battles.
 - Presidents use executive agreements to avoid the need to have treaties ratified.
- Budgetary power
 - Presidents consider budget items or programs that are important to members of Congress.
 - Presidents consult with members of Congress during the budget process.
 - Presidents sign budgets that include provisions they oppose rather than veto the budget.
 - Presidents postpone agenda items because of difficulty in getting congressional budgetary approval.

A score of zero (0) is assigned to an answer that is attempted but earns no points.

A score of dash (—) is assigned to an answer that is blank or off task.

Write in the box the number of the question you are answering on this page as it is designated in the exam.

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Embedded in the Constitution, the branches of the U.S. Government remain as separate institutions, often working against each other in cases of divided government and, in turn, altering decision making of other branches.

(a) Veto power, power to issue executive orders, and power as commander in chief are all presidential powers that may affect congressional decision making.

The president's veto power allows for the rejection of Congressional legislation to be enacted as law. Although Congress may override the veto, the chances are below 10 percent of a successful override. In turn, Congressional decision making in forming legislation is affected in that Congress may write legislation that appeals to the President, shying away any possible veto against the proposed law.

Although the president cannot formally

pass laws, executive orders allow for the president to issue statutes with the similar power of a law. In turn, the president may threaten Congress to write legislation on a specific issue by their means instead of passing an executive order, bypassing Congress, to get the job done. This gives Congress at least some say when threatened by possible executive order to enact some form of legislation.

The power of commander in chief gives the president the power of presiding as the chief general and commander of the United States military. Although only Congress can formally declare war, presidents may send troops in times of possible threat and, often gain positive public in doing so. Through pressure of public opinion by the president's declaration of possible threat and sending troops, Congressional decisions may be affected and lean towards granting money

Write in the box the number of the question you are answering on this page as it is designated in the exam.

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to spend on fighting effort or even declaring war.

(b) Presidential decisions may also be affected by Congressional powers such as legislative oversight, senate advise and consent, and budgetary powers.

• Through legislative oversight, Congress may monitor executive actions on delegated legislation to certain agencies. Therefore, presidents may alter their decisions of filling in the gaps of legislation since Congressional oversight ensures the proper handling of ~~a~~ passed on legislation to the executive branch. The president, then, may be affected in choosing the specific agency in which to handle such legislation.

• Senate advice and consent powers allows for a large influence in the president ~~choosing~~ nominating justices and executive officials. Through this power, the Senate must agree to the

president's nomination of an individual for a certain office before they can take the job. This power surely affects the president's decision in choosing justices and officials who are agreeable with the Senate and not too radical or leaning too far to one side of the political spectrum.

• Congress' budgetary power also affects the president's decisions in proposing new agencies in needs of funds or even new policy. If Congress, with the power of the purse, refuses to allocate a specific amount of money for a presidentially-initiated program, the president's decisions may be affected to create programs appealing to Congress and, therefore, earning the necessary funds to carry out such programs.

a.) It is very hard to override a presidential veto; a $\frac{2}{3}$ vote in the House and Senate is necessary. Congress does not want their bills vetoed, so they work very hard to create a bill that the president will sign, or become law without his signature. Sometimes they even add a provision that they know the president wants just so he will sign the bill.

The president can issue executive orders, which are orders saying to carry out the law like he wants it to be carried out. Congress has to keep this in consideration, and either define how the bill should be carried out or adjust the bill more to the president's liking.

As head of the armed forces, the president has great control ~~over~~ over military matters. However, Congress is the body that maintains the armed forces. So they do have say over what the president can do, but often they do not want to antagonize him. Even though they can make decisions on the maintenance of it, they do keep in mind the president's opinion.

b.) Congress has the power to ensure that the executive branch is carrying out the laws correctly; which is called oversight power. The president will probably decide

carry out the laws to the best of his ability. If Congress sees that the executive branch is not carrying out their laws correctly, they may decide to vote against the president's proposed legislation. This pressure affects the president's decisions.

The Senate must approve the president's nominations. If the president is trying to nominate a judge to the Supreme Court, he will take into account the opinion of the Senate in making his decision. Senatorial Courtesy is also an important tradition. In nominating someone, the president will always ask the senator from the nominee's state if they would support the nomination. If the senator says no then the president won't nominate that person.

The president can propose the budget, but Congress has to pass it. In order for the president to get what he wants passed, he may need to make adjustments in some of his decisions. Congress controls the money.

a) The president's power to veto ensures that Congress must make the laws that it passes compatible with the views of the president, since Congress rarely has enough support to override a veto.

The president's power as commander in chief means that if the president decides to go to war, he usually has the support of the popular people. ~~The Congress~~ Therefore the Congress usually adheres to the will of the president by approving his decision to declare war.

The president's power to issue executive orders influences the House's Ways and Means committee. Congress never knows when if the president will dispatch troops for an emergency operation. Therefore the Ways and Means Committee must anticipate that government expenditures will be higher than predicted and count that into their budget plan.

b) The president's decision making is heavily influenced by the Congress' budgetary powers. The president knows that whatever bill he proposes must be approved by the House's Ways and Means Committee and therefore he must be thrifty with the plans that he proposes.

The Senate advice and consent power is another issue that affects the president's decision making.

~~Senators have often been in office for much longer than the president has. Therefore they often advise the president on many issues that they have much experience with. Also the president usually practices senatorial courtesy when he asks for consent from ~~the~~ a senator to nominate a judge from the senator's district. A good example of this can be seen in senatorial courtesy. The president usually asks for consent and advice ~~is~~ from a senator when nominating a ~~just~~ federal judge from the senator's district.~~

Congress's legislative oversight power is crucial to presidential decision making. The Congress is the only branch of government that can create laws. This means that presidents must be in good terms with Congress ~~to~~ in order for Congress to comply ~~to~~ with the president's wishes.

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2011 SCORING COMMENTARY

Question 4

Overview

The intent of this question was to examine students' knowledge of how presidential powers affect congressional decision making and how congressional powers affect presidential decision making. The question asked the student to (a) explain one way that congressional decision making is affected by the president's veto power, power to issue executive orders, and power as commander in chief; and (b) explain one way that presidential decision making is affected by Congress's legislative oversight power, Senate advice and consent power, and budgetary power. The question required students to explain how the institutional powers of one branch of government affect the decision making of another branch of government.

Sample: 4A

Score: 6

In part (a) the response earned 1 point for explaining one way that congressional decision making is affected by the veto power of the president, stating that "Congress may wright [*sic*] legislation that appeals to the President." The response also earned 1 point for explaining one way that congressional decision making is affected by the president's power to issue executive orders, stating that Congress can be challenged to "write legislation on a specific issue by their means instead of passing an executive order." The response earned 1 point for explaining one way that congressional decision making is affected by the president's power as commander in chief: "Congressional decisions may be affected and lean towards granting money to spend on [the] fighting effort."

In part (b) the response earned 1 point for explaining one way that presidential decision making is affected by the legislative oversight power of Congress: "[P]residents may alter their decisions of filling in the gaps of legislation" and "be affected in choosing the specific agency in which to handle such legislation." The response earned 1 point for explaining one way that presidential decision making is affected by the Senate's advice and consent power, stating that it "affects the president's decision in choosing justices and officials who are agreeable [*sic*] ... and not too radical or leaning too far to one side of the political spectrum." The response also earned 1 point for explaining one way that presidential decision making is affected by the budgetary power of Congress, stating that "the president's decisions may be affected to create programs appealing to Congress."

Sample: 4B

Score: 4

In part (a) the response earned 1 point for explaining one way that congressional decision making is affected by the president's veto power by stating that Congress works "very hard to create a bill that the president will sign" and may "even add a provision that they know the president wants." The response also discusses executive orders but then states that Congress has to "define how the bill should be carried out or adjust the bill," which does not explain how congressional decision making is affected by the president and thus earned no point. The response did earn 1 point for explaining one way that congressional decision making is affected by the president's power as commander in chief: "Congress is the body that maintains the armed forces ... they can make decisions on the maintenance of it, [but] they do keep in mind the president's opinion."

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Question 4 (continued)

In part (b) the response discusses legislative oversight but only states that “[t]his pressure effects [*sic*] the president’s decisions” without explaining how this happens. The response earned 1 point for explaining one way that presidential decision making is affected by the Senate’s advice and consent power by stating: “In nominating someone, the president will always ask the senator from the nominee’s state if they would support the nomination. If the senator says no then the president won’t nominate that person.” The response also earned 1 point for explaining one way that presidential decision making is affected by the budgetary power of Congress: “The president can propose the budget, but Congress has to pass it. In order for the president to get what he wants passed, he may need to make adjustments in some of his decisions.”

Sample: 4C

Score: 2

In part (a) the response earned 1 point for explaining one way that congressional decision making is affected by the veto power of the president: “Congress must make the laws that it passes compatible with the views of the president.” The response discusses executive orders, saying that “[t]he president’s power to issue executive orders influences the House’s Ways and Means committee [*sic*]. Congress never knows if the president will dispatch troops for an emergency operation.” This is incorrect and does not explain how congressional decision making is affected by the president issuing an executive order; thus no point was earned. The response discusses the commander-in-chief power but then states that “Congress usually adheres to the will of the president by approving his decision to declare war,” which describes the constitutional role of the Congress in declaring war but does not provide a specific explanation of how congressional decision making is affected, thus earning no point.

In part (b) the response discusses legislative oversight but states that “presidents must be in good terms with Congress,” which does not explain how legislative oversight affects presidential decision making and thus earned no point. The response also discusses the Senate advice and consent power but then states: “The president usually asks for consent and advice from a senator when nominating a federal judge,” which describes the practice of senatorial courtesy but does not explain the effect of the advice and consent power on presidential decision making. This earned no point. However, the response did earn 1 point for explaining one way that presidential decision making is affected by the budgetary power of Congress: “The president knows that whatever bill he proposes must be approved by the House’s Ways and Means Committee and therefore he must be thrifty with the plans that he proposes.”