

Barbri 100 Questions and Answers MBE practice (100% Correct Answers)

A statute passed by both houses of Congress and signed by the President authorizes a federal agency to select a site for and to construct a monument honoring members of the capitol police force killed in the line of duty. The statute appropriates the necessary funds but provides that the funds may not be expended until both houses of Congress have adopted a concurrent resolution, not subject to presentment to the President, approving the agency's plans for the monument's location and design.

Is the provision requiring further congressional approval before expenditure of the funds constitutional?

A No, because decisions regarding the placement and design of government-owned structures are an exclusively executive function with which Congress may not interfere by any means.

B No, because the provision amounts to an unconstitutional legislative interference with an executive function.

C Yes, because Congress may attach reasonable conditions to its appropriation of funds to executive departments, and its special interest in the members of its own police force makes the provision a reasonable condition.

D Yes, because the provision is part of a statute that was passed by both houses of Congress and signed by the President.

(B) is correct. The enactment of laws by Congress requires passage of the law in both houses (bicameralism) and approval of the law by the President (that is, the

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