

POWERS OF CONGRESS!



Legislative Powers

- **Article 1, Section 8** spells out the major powers of the Congress.
- The first **17 clauses** list “**expressed**” or *specific* powers granted to Congress.
- Definition of Expressed Powers: Things they gotta do!



“Expressed” Powers

- Examples of Expressed Powers:
 - Making Laws
 - Raising & Establishing a **military**
 - **Coin money**
 - Establish **post offices**



Legislative Powers

- **Article 1, Section 8, Clause 18** spells out “**implied**” (or assumed) powers
- Often called the “**elastic clause**” because it gives Congress authority to do whatever is “*necessary and proper*”.



“Implied” Powers

- Examples Of Implied Powers:
- To raise and support an army implies Congress can **implement a draft**
- Collecting **taxes** implies that Congress could use the money to support programs
- Establishing **naturalization** rules implies that Congress can limit the number of immigrants.



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Congressional Powers

- Most congressional power is related to **making laws**.
- It can also establish post offices, federal courts, raising & spending money, etc.



Congress & Funding

- To fund the **U.S. Government**, Congress has the power to levy **taxes**.
- All tax bills are *proposed* or start in the **House of Representatives**.



Congress & Trade

- **Article 1, Section 8, Clause 3** gives Congress power to *regulate foreign and interstate trade*.
- “**Commerce Clause**” is the basis for many of Congress’ most important powers.



Congress & Trade

- *Examples of this clause:*
 - Air Traffic
 - Railroads
 - Trucking
 - Radio / TV
 - Pollution
 - Stock Market



Congress & Foreign Relations

- While the **President** has the authority to *negotiate treaties* and deals with other nations, **all must be approved by Congress.**



Congress & Foreign Relations

- While the **President** has the authority *send troops into combat* for up to 60 days, **only Congress** has the power to declare war or create an army.
- *World War II* was the last “declared war” in the U.S. (1941-1945)



Non-Legislative Powers

- “*Non-Legislative Powers*” are powers given to Congress to help “check” the power of the other branches.
- These do not relate to the making of any laws.



Non-Legislative Powers

Examples:

1. Amendments
2. Approvals
3. Removals
4. Investigations
5. Impeachments



“Impeachment”

- “*Impeachment*” is formally accusing officials of misconduct or wrong-doing.
- The House has *sole authority* to begin impeachment procedures.



Non-Legislative Powers

- Congress also conduct *investigations* into serious issues.
- Organized crime, fund raising, Watergate, Iran-Contra, etc.



Limits to Congressional Power

- Congress can not suspend the “**writ of habeas corpus**” (court order requiring police to bring a prisoner to court to explain why they are holding that person).



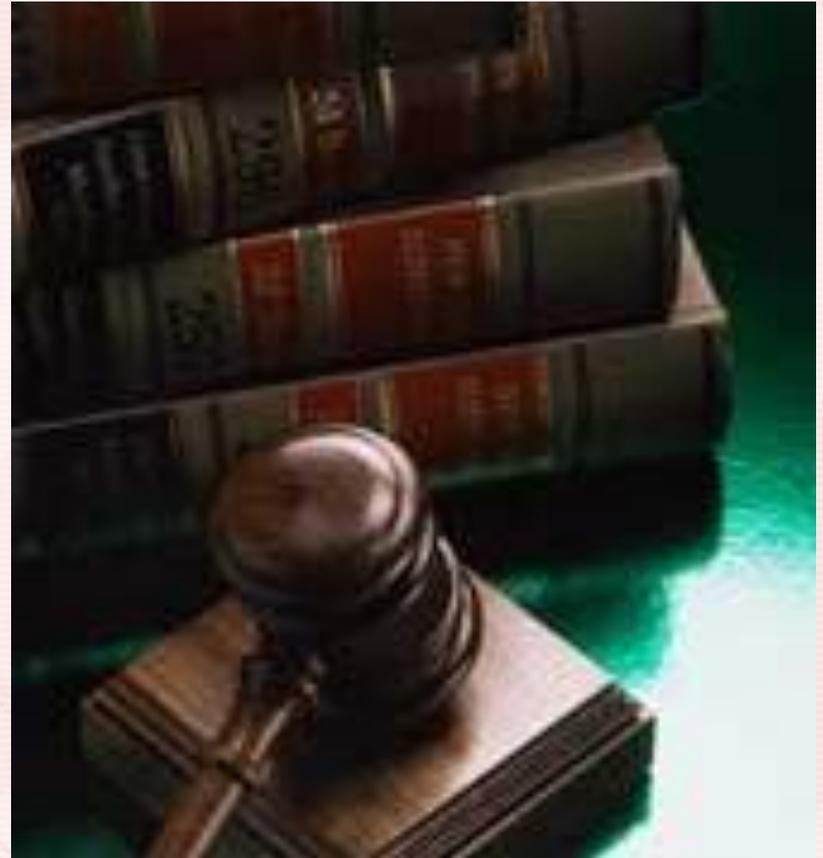
Limits to Congressional Power

- Congress can not pass “**bills of attainder**” (laws that punish a person without a jury trial)



Limits to Congressional Power

- Congress can not pass “**ex post facto laws**” (or laws that make an act a crime **AFTER** it has been committed)





1. What is the difference between “expressed powers” and “implied powers?”
2. What are three powers that Congress has?
3. If a president signs a treaty, who has to confirm it?
4. Congress’ main responsibility is...?

