

6-2

Expressed/Implied/Elastic

- Expressed:
 - Article 1 Section 8
 - Specific and broad powers of Congress
- Implied:
 - Necessary and Proper
 - Powers not specifically stated but needed to carry out Expressed Powers
- Elastic Clause:
 - Allows Congress to stretch its powers to meet new needs
 - Article I Section 8 Clause 18

Legislative:

Taxing and Spending

- All tax bills and measures to raise and spend money **MUST** start in the HOUSE
- Senate must approve of the bills
- Authorization Bills create projects and specify how money is spent on them
- Appropriations Bills provide money for each program or activity

6-2

Legislative:

Regulating Commerce

- Congress has power to regulate foreign and interstate commerce
- Interstate commerce means trade and economic activity between states
- Laws that regulate railroads, trucking, radio/television, and air traffic
- Creates powers to specify tariffs and free trade zones

Legislative:

Foreign Relations & Treaties

- Only Congress can declare war
- Congress creates, maintains, and oversees the army and navy
- Senate must approve of all treaties made by the President
- Regulating the commerce from foreign nations also falls under this

6-2

Nonlegislative

- Congress has powers that do not relate to making laws
- Propose Constitutional Amendments
- Counting Electoral Votes or Choosing a President if no majority
- Settles Constitutional issues in the Executive Branch

Nonlegislative:

Approval/Removal

- Senate approves or rejects a President's nominees
- Includes Supreme Court justices, federal judges, and ambassadors
- Congress can also remove any federal official for wrongdoing
- House has authority to impeach , which is to accuse and charge officials

6-2

Nonlegislative:

Approval/Removal

- If majority of House votes to impeach, it moves to the Senate
- Senate acts as a jury and decides guilt and removal by a 2/3 vote
- Most often this is used with federal judges
- Only two Presidents have ever been impeached, Andrew Johnson and Bill Clinton (not removed though)

Nonlegislative:

Oversight & Investigation

- No specific watchdog authority granted in the Constitution
- Standing committees review how well the Executive Branch carries out laws
- Congress can also conduct special investigations
- Special investigation of the Watergate Scandal led to Nixon's resignation

6-2

Limits on Power

- Limits are imposed on Congress in the Constitution and Bill of Rights
- Congress cannot pass laws that infringe upon certain rights protected in the Bill of Rights
- Article I states that Congress cannot favor one state over another, tax interstate commerce or tax exports
- Congress cannot suspend the Writ of Habeas Corpus

Limits on Power

- Congress cannot pass Bills of Attainder
- Congress cannot pass Ex Post Facto Laws
- Congress also cannot interfere in the powers that are reserved to the states
- The Supreme Court can declare laws unconstitutional and the President can veto bills