

Study Guide



Chapter 6, Section 2

For use with textbook pages 146–150

The Powers of Congress



KEY TERMS

expressed powers powers of Congress specified in the Constitution (page 146)

implied powers powers of Congress not specifically stated in the Constitution (page 146)

elastic clause Clause 18 of Article I, Section 8, which has allowed Congress to stretch its powers to meet new needs (page 146)

impeach to accuse officials of misconduct in office (page 148)

writ of habeas corpus a court order that requires police to bring a prisoner to court to explain why they are holding the person (page 150)

bill of attainder law that punishes a person without a jury trial (page 150)

ex post facto law a law that makes an act a crime after the act has been committed (page 150)

DRAWING FROM EXPERIENCE

What does Congress do? What powers does Congress have?

The last section described how Congress was organized. This section discusses the powers of Congress.

ORGANIZING YOUR THOUGHTS

Use the chart below to help you take notes. Although Congress has certain powers, its powers are limited through various ways. List the ways that congressional powers are limited in the chart below.

Limits on Congressional Powers
1.
2.
3.
4.

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READ TO LEARN

• **Legislative Powers** (page 146)

The Founders gave Congress broad powers. The Constitution lists the major powers of Congress in Article I, Section 8. The first 17 clauses list the **expressed powers**, or specific powers, of Congress. The last clause of Section 8, Clause 18, gives Congress the power to do whatever is necessary to carry out the expressed powers. These are called **implied powers** because they are not specifically stated in the Constitution. Clause 18 is also known as the **elastic clause** because it has allowed Congress to stretch its powers to meet new needs. Most of the powers of Congress have to do with making laws.

Congress has the power to collect taxes. All bills that have to do with taxes or raising money have to start in the House of Representatives. These bills have to be approved by the Senate. Bills to spend money also have to start in the House. This is a two-step process. Authorization bills create projects and set up the amount of money to be spent on them. Appropriations bills provide the money for each program. To spend money, government agencies have to get approval from Congress.

Article I, Section 8, Clause 3 gives Congress the power to regulate foreign and interstate commerce. Interstate commerce includes trade and other economic activities among the states. This commerce clause is the basis for many of the most important powers of Congress. Laws dealing with air traffic, trucking, television, and air pollution are all based on this clause.

Congress has important powers regarding foreign policy and national defense. Only Congress has the power to declare war and to create and maintain an army. The Senate must approve any treaties that the president makes with other nations.

5. Why is Clause 18, the elastic clause, important?

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- **Nonlegislative Powers** (page 148)

Congress has powers that do not have to do with making laws. For example, Congress can propose constitutional amendments. The House chooses the president if no candidate receives a majority of the electoral votes.

One of the most important nonlegislative powers of Congress is its power to check the other branches of government. The Senate has the power to approve or reject the president's nominees for positions such as Supreme Court justices and ambassadors. Congress has the power to remove from office any federal official who has committed serious wrongdoing. The House has the power to **impeach**, or to accuse officials of misconduct in office. A majority of the House members has to vote to impeach. The Senate then acts as a jury. A two-thirds vote of the Senate is needed to convict and remove a person from office.

Congress has also taken on the role of a watchdog. For example, standing committees review how well the executive branch carries out the laws that Congress has passed. Congress also conducts special investigations, such as the 1986 Iran-Contra affair and the Watergate scandal.

6. What are nonlegislative powers of Congress?

- **Limits on Power** (page 150)

The Constitution also states what Congress may not do. The Bill of Rights sets up some limits. For example, the Bill of Rights says that Congress may not pass laws that ban freedom of speech.

Article I also sets limits. Under Article I, Congress may not favor one state over another. It cannot tax interstate commerce or exports. Congress cannot suspend the **writ of habeas corpus**. This is a court order that requires police to bring a prisoner to court to explain why they are holding the person. Congress may not pass **bills of attainder**.

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These are laws that punish a person without a jury trial. Congress may not pass **ex post facto laws**. These are laws that make an act a crime after the act has been committed.

The Constitution reserves many powers for the states. Congress may not interfere with these powers. The powers of Congress are also limited under the system of checks and balances. For example, the Supreme Court can declare laws that Congress passes as unconstitutional.

7. How do the powers reserved for the states limit the powers of Congress?
