

Chapter 6—Development of Congressional Powers

I. Constitutional powers

A. Constitutional Provisions

1. Article I, Section 8 Clauses 1-18—Expressed Powers (Enumerated powers)
2. Clause 18—Necessary & Proper Clause (Elastic Clause)—implies that Congress has powers beyond those listed in the 1st 17 clauses.
 - a. Strict Construction v. Loose Construction—Ex: Creation of 2nd Bank of the United States (1816)
3. Denied Powers of Congress:
 - a. Congress may not suspend the writ of habeas corpus—a court order to release a person accused of a crime to determine whether he/she has been illegally detained.
 - b. Congress may not pass bills of attainder—laws that establish guilt & punish people without allowing them a trial.
 - c. Congress may not pass ex post facto laws—laws that make crimes of acts that were legal when they were committed
 - d. Congress may not tax exports.

B. Legislative Powers

1. The Power to Tax & Spend:
 - a. Allows Congress to influence national policy because no government agency can spend money without congressional authorization
 - b. Revenue Bills—laws for raising money—start in the House & then go to the Senate
 - c. Appropriation Bills—proposed laws to authorize spending—are requests from the executive branch
 - d. Uses it to expand its powers to regulate spending:
 1. Congress often requires that local officials follow federal regulations as a condition of receiving federal money.
 2. Congress can also levy taxes to encourage or discourage use of a product. Ex: Heavy tax on cigarettes or tax breaks to farmers who use corn to make ethanol
 - e. to regulate the economy.
 1. Cutting individual income tax—may encourage more spending
2. Other Money Powers
 - a. Congress can borrow money:
 1. by selling bonds—Most common way
 - b. Congress has the power to coin money & regulate its value
 - c. Congress can make laws on bankruptcy
3. The Commerce Power (Article I, Section 8, Clause 3)
 - a. It authorizes Congress to regulate foreign trade & interstate trade

Guided Activity 6 Constitutional Powers Answers

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Brinkley, James M. McPherson**



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Congressional Record United States. Congress, 1999 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began

publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873

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