

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

Development Of Congressional Powers Chapter 6

Answers Unit 3

Philip Roden



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Life and Liberty Philip Roden,1987 **Congressional Record** United States. Congress,1994 EPIE Materials Report EPIE Institute,1978 EPIE Materials Report ,1978 History of the United States Thomas V. DiBacco,Lorna C. Mason,Christian G. Appy,1991 Teacher's Manual for Government in the United States, Richard C. Remy, Senior Author, Larry Elowitz, William Berlin Jean Craven,1984 **Teacher's handbook** Marcel Lewinski,1980 *Proposed Fiscal Year 2000 Budget Request for the Bureau of Reclamation and the Power Marketing Administrations* United States. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on Water and Power,1999 **LEXIS District of Columbia Code Annotated** District of Columbia,2001 Truth Seeker ,1925 Engineering News and American Railway Journal ,1899 *The American Journey* Joyce Oldham Appleby,Alan Brinkley,James M. McPherson,2003 **The Southern Lumberman** ,1909 *American Machinist* ,1922 American Machinist & Automated Manufacturing ,1922 **Catalog of Copyright Entries, Third Series** Library of Congress. Copyright Office,1965 The record of each copyright registration listed in the Catalog includes a description of the work copyrighted and data relating to the copyright claim the name of the copyright claimant as given in the application for registration the copyright date the copyright registration number etc

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