

Presentation Pro

Magruder's American Government

CHAPTER 11 *Powers of Congress*

Powers of Congress

SECTION 1 The Scope of Congressional Powers

SECTION 2 The Expressed Powers of Money and Commerce

SECTION 3 Other Expressed Powers

SECTION 4 The Implied Powers

SECTION 5 The Nonlegislative Powers

Congressional Power

The Constitution grants Congress a number of specific powers in three different ways.

(1) The **expressed powers** are written powers granted to Congress directly in the Constitution.

(2) The **implied powers** are those powers needed to carry out the expressed powers; NOT written.

(3) The **inherent powers** are granted through the Constitution's creation of a National Gov't for US.



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What are Congress' MONEY powers?

- The power to TAX
- The power to SPEND
- The power to BORROW
- Regulate CURRENCY

What is a TAX?

- When the government takes citizens' private money for public use

Purpose-

- To pay for public services, common welfare and defense programs (roads, military, schools, food stamps, unemployment)
- **Examples-** Income tax, sales tax, tariffs
- Taxes come from individuals AND corporations

What is Spending & Borrowing?

- **SPEND**- The power to fund public programs using taxpayer money
- **BORROW**- The power to use money outside of the budget and revenue to pay for programs and services; leads to debt

What is the **CURRENCY** Power?

- Congress can coin money and determine the value and type of currency used in the US.
- Can choose denominations of money



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The Commerce Power

The **commerce power**—the power of Congress to regulate trade between states and other nations.

Definition of commerce has been expanded to give Congress even greater power to set laws beyond expressed powers

Examples- Pollution, minimum wage, health care



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War / Defense Powers

- Congress has the inherent power to act on matters affecting the security of the nation.
- **Congress's WAR POWERS** are extensive-
 - *Power to declare war (KEY)
 - *Power to raise and maintain army and navy and to organize, arm, and discipline the military.
- Congress also has the power to restrict the use of American forces when war isn't declared (War Powers Resolution of 1973).



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Other Expressed Powers- REGULATIONS

Naturalization

Naturalization is the process by which citizens of one country become citizens of another.

The Postal Power

Congress has the power to establish Post Offices and determine mail routes; determine what can be mailed.

Power to Issue Copyrights and Patents

A **copyright** protects a writer's creative work (books, songs, movies)

A **patent** protects inventions (smart phone technology, machinery)



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More REGULATIONS Powers

Weights and Measures

“Congress can fix the Standard Weights and Measures...”

- Allows for an accurate, uniform gauge of time, distance, area, weight, volume, etc.
 - We use the English System-
- Ex: pounds, miles, inches, ounces, gallons, etc.



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Territory Powers

Power Over Territories and Other Areas

Congress has the power to acquire, manage, and dispose of various federal areas.

What do they oversee?

- Territories: Guam, Puerto Rico, Virgin Islands
- Naval Bases: Guantanamo Bay, etc.
- National Parks, Federal prisons, Embassies

Judicial Powers

Judicial Powers

CONGRESS...

1. May create all of the federal courts below the Supreme Court and structure the federal judiciary.
2. May define federal crimes and set punishment for violators of federal law.
3. Oversee impeachment trials of President or other top officials

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The Necessary and Proper Clause

The **Necessary and Proper Clause** gives to Congress the power:

“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

—Article I, Section 8, Clause 18



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The Implied Powers of Congress

The expressed power
to borrow money

implies the power
to establish the Federal Reserve
System of banks

The expressed power
to lay and collect taxes

implies the power

- to punish tax evaders
- to regulate (license) the sale of some commodities (such as alcohol) and outlaw the use of others (such as narcotics)
- to require States to meet certain conditions to qualify for federal funding

The expressed power
to raise armies and a navy

implies the power
to draft Americans into the military

The expressed power
to regulate commerce

implies the power

- to establish a minimum wage
- to ban discrimination in workplaces and public facilities
- to pass laws protecting the disabled
- to regulate banking

The expressed power
to establish naturalization law

implies the power
to regulate and limit immigration

The expressed power
to establish post offices

implies the power

- to prohibit mail fraud and obstruction of the mails
- to bar the shipping of certain items through the mails

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The Nonlegislative Powers

- Congress has powers outside its scope of making laws.
- These are called **NON-LEGISLATIVE** powers



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Constitutional Amendments and Electoral Duties

Constitutional Amendments Power

- Congress has the power to propose amendments by a 2/3 vote in each house.
- Amendments are formal changes to the US Constitution
- They must be ratified by 3/4 of the States

The infographic, titled "THE PERIODIC TABLE OF THE AMENDMENTS", displays the 27 amendments of the US Constitution in a grid format. It is organized into three main sections: "BILL OF RIGHTS" (Amendments 1-10), "CIVIL RIGHTS AMENDMENTS" (Amendments 11-15), and "PROGRESSIVE ERA AMENDMENTS" (Amendments 16-27). Each cell contains the amendment number, a brief description, and the year it was ratified. The infographic also includes a sidebar on the left with additional information and a sidebar on the right with a "Did You Know?" section.

THE PERIODIC TABLE OF THE AMENDMENTS									
*** BILL OF RIGHTS ***									
1 st Freedom of religion, speech, press, assembly, and the right to petition the government. 1791	2 nd The right to keep and bear arms. 1791	3 rd Limiting federal government powers. 1791	4 th Unreasonable searches and seizures. 1791	5 th Due process of law. 1791	6 th The right to a fair trial. 1791	7 th Filed by law in civil cases. 1791	8 th Excess fines and penalties. 1791	9 th Some unenumerated rights. 1791	10 th States' rights. 1791
CIVIL RIGHTS AMENDMENTS					PROGRESSIVE ERA AMENDMENTS				
11 th Limits federal government powers. 1795	12 th Changing the procedure for electing electors. 1804	13 th Slavery. 1865	14 th Equal protection of the law. 1868	15 th Rights not be denied on race. 1870	16 th Income taxes. 1913	17 th Electors chosen by popular vote. 1913	18 th Prohibition of alcohol. 1919	19 th States' rights. 1913	
20 th Term limits. 1933	21 st Repeal of Prohibition. 1933	22 nd President's term limit. 1951	23 rd Electors in the DC & F. 1961	24 th Poll taxes. 1964	25 th Presidential disability. 1967	26 th Voting age of age 18. 1971	27 th Federal government pay raises. 1992		



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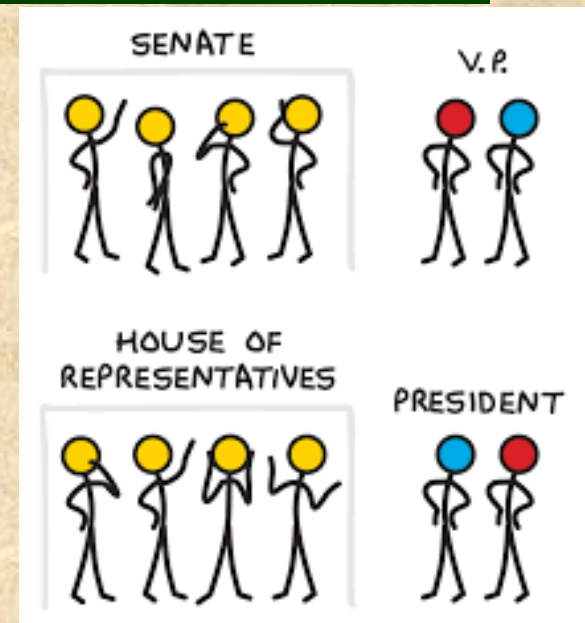
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ELECTORAL POWERS

1. The HOUSE chooses the President if no candidate receives a majority of votes in the Electoral College.

2. The SENATE chooses the Vice President if no candidate receives a majority of votes in the Electoral College

3. If the VP leaves during his/her term, Congress must approve any replacement with majority vote.



Impeachment Power

- The Constitution grants Congress the power to remove the President, VP, and federal court judges through impeachment.
- The House has the sole power to **impeach** (bring charges against) the official.
- The Senate has power to hold a trial and can REMOVE from office with a 2/3 vote.



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Executive Powers

Appointments

- All major appointments made by the President must be confirmed by the Senate by majority vote.

Treaties

- Are formal agreements with other countries.
- The President makes treaties but Senate must approve all with 2/3 vote.



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Power to Investigate

A significant non-legislative power of
Congress

Part of their OVERSIGHT power

Can investigate other government officials,
the executive branch, the effects of possible
laws and more.



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