Chapter 6-Development of Congressional Powers

- I. Constitutional powers
- A. Constitutional Provisions
  - 1. Article I, Section 8 Clauses 1-18—Expressed Powers (Enumerated powers)
  - Clause 18—Necessary & Proper Clause (Elastic Clause)—implies that Congress has powers beyond those listed in the 1" 17 clauses.
    - Strict Construction v. Loose Construction—Ex: Creation of 2<sup>rd</sup> 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.
    - Congress may not pass bills of attainder—laws that establish guilt & punish people without allowing them a trial.
    - 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
    - Revenue Bills—laws for raising money—start ion 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:
      - Congress often requires that local officials follow federal regulations as a condition of receiving federal money.
      - 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

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