

Powers of Congress

Expressed, Implied, and Non-Legislative



What are the basic powers of Congress?

- ◆ Under the Constitution, Congress has three (3) sets of powers:
 - Expressed Powers: Powers specifically written out in the Constitution (Article I)
 - Implied Powers: Powers that are “suggested” in the Constitution
 - Non-Legislative Powers: Things Congress does to help the country run smoother



Expressed Powers of Congress

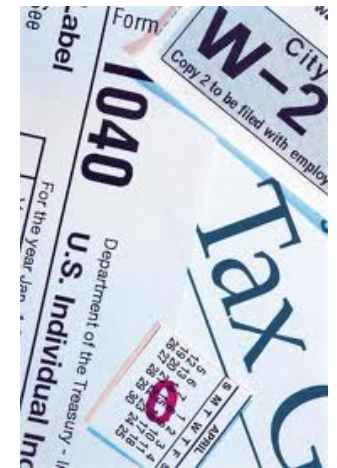
“Congress shall have the power to tax...”

What does it mean to tax?

Taking public money for government use.

Why is it important?

Pays for many public services that serve and protect citizens. (Schools, Roads, Military, etc..)



Expressed Powers of Congress

What types of taxes are out there?

1. Tariffs- taxes levied against imported goods

To encourage the buying of American made products over foreign product



Expressed Powers of Congress

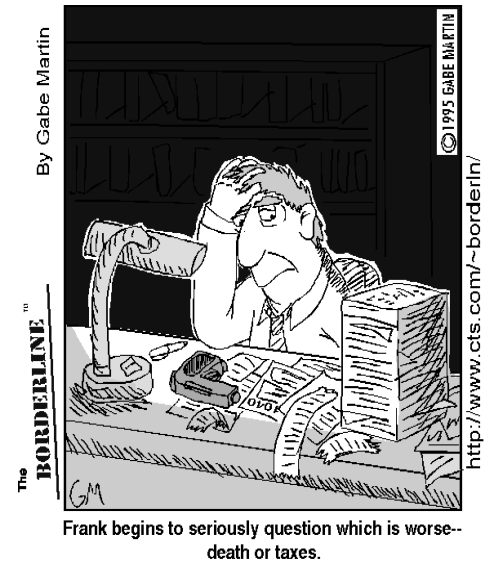
What types of taxes are out there?

2. Direct Taxes- paid by the person they are levied against.

Examples: Income Tax

3. Indirect Taxes- paid by one person and passed on to another.

Examples: Sales Tax



Expressed Powers of Congress

“Congress shall have the power to regulate commerce...”

This means?

They can regulate foreign and interstate trade. (power is very vague)

Ex: Setting a minimum wage



Expressed Powers of Congress

“Congress shall have the power to coin money...”

The Currency Power includes:

1. **Coining money** = determining the types of currency to use and to make it (i.e. coins, bills)



Expressed Powers of Congress

For bills (present)-



Expressed Powers of Congress

For Bills (Past)



**All large denominations were out of circulation by 1969.

Expressed Powers of Congress

The Currency Power also includes:

2. Regulating the worth of paper money

In the past, they backed the bills with precious metals (silver, gold, etc.), thus given it value.

What does that mean?

Basically, you could (in theory) trade it in for certain amount of silver or gold.

**Today it is accepted that the US dollar has value. (no standard is needed)



Expressed Powers of Congress

“Congress has the power to borrow...”

Borrowing involves: using money to finance projects that are not in the budget.

There is no Constitutional ceiling on how much can be borrowed.

Borrowing leads to: DEBT!!



Expressed Powers of Congress

Whose debt is it?

It is owned by the Federal government., but private citizens can buy some of the debt

Other countries can also buy debt (credit)

Why can't we just print more money?

Inflation: more supply lessens the value



Expressed Powers of Congress

“Congress shall form uniform laws concerning bankruptcy...”

When someone declares bankruptcy, they: Can't pay their debt!!

Congress has passed laws that protect both creditors and debtors...



Expressed Powers of Congress

“Congress will establish a uniform Rule of Naturalization...”

Naturalization: Process of becoming a US citizen



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Naturalization Ceremony

Natural born = born in US territory or on US owned property, or to a US citizen.

Naturalized = citizenship gained from another country.

Expressed Powers of Congress

“Congress has the power to establish Post Offices and post Roads...”

Congress sets up post offices (over 39,000 today)

Establishes mail routes (including airways, railroads, and waterways)



Expressed Powers of Congress

They also determine what can be legally carried in the mail and crimes related to the mail.

**All mail crimes are federal crimes*

EX: tampering with mail, use mail to commit fraud, damaging federal mailboxes.



The Unabomber



Anthrax Attacks of 2001



Expressed Powers of Congress

“Congress shall promote the Progress of Science and useful Arts by securing...exclusive Right to their respective writings and Discoveries.”

Copyright-

Exclusive right to an author for the publication and resale of their work.

Length: Good for life plus 70 years



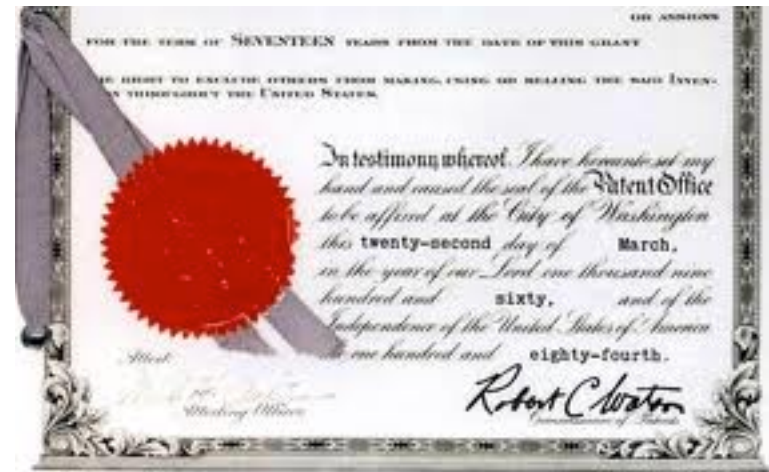
Expressed Powers of Congress

Patent: Exclusive right to a person to manufacture, use, or sell any new invention.

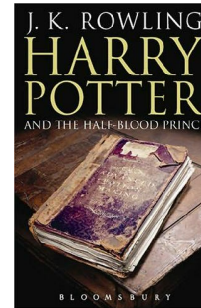
Length: 20 years

Intellectual property covered:

Books, magazines, paintings, movies, design patents, photos, trademarks, trade secrets, etc.,



Expressed Powers of Congress



3-peat!



Expressed Powers of Congress

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

*Allows for a accurate, uniform gauge of time, distance, area, weight, volume, etc.

We use:

The English System

Ex: pounds, miles, inches, ounces, gallons, etc.

Congress has also legalized the use of the metric system.



Expressed Powers of Congress

“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



Expressed Powers of Congress

Judicial Powers:

- 1) Create all courts below the Supreme Court
- 2) Define Federal crimes and punishments
- 3) Impeachment and removal of government officials



IMPEACH

Expressed Powers of Congress

Foreign relations-

suggest foreign policy, approve treaties



War Powers-

declare war, raise and maintain an army and navy, call up militias (Nat' l Guard), restrict non-war use of troops



Implied Powers of Congress

The Elastic Clause-

“Congress can do what is necessary and proper for the welfare of the nation.”

Congress has to relate their actions to one of the expressed powers.



Creating a National Bank



Minimum Wage



Military Draft



Non-Legislative Powers of Congress

1. Electoral Powers

- a. **Presidential Elections-** If no candidate has a majority of the Electoral Vote, the House elects the President and the Senate elects the VP
- b. **25th Amendment-** if a vacancy exists in the VP, the Congress will approve the new nomination.



Non-Legislative Powers of Congress

2. Constitutional Amendments-

- Congress proposes changes to the Constitution with a 2/3 vote in both Houses.



Non-Legislative Powers of Congress

3. Impeachment process-

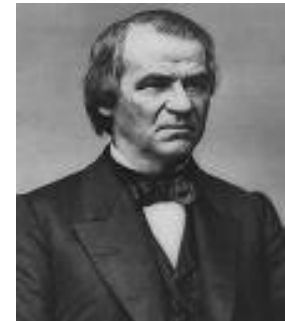
Removing the President, VP, and all civil officers of the Fed. Gov' t

Impeach = bring charges against

(done by the House of Reps w/ maj. Vote)

Conviction = innocence or guilt

(done by the Senate w/ 2/3rd vote)



Non-Legislative Powers of Congress

4. Executive Powers of the Senate-

- a. Approve Presidential appointments- majority vote
- b. Approve Treaties- 2/3rd vote

5. Investigations-

- a. Gather info for making laws
- b. Review effectiveness of laws
- c. Find if programs are being run properly



One of numerous Senate Investigations