

# POWERS OF CONGRESS

## *Legislative Powers*

### **Monetary**

▶ Tax and borrow
▶ Coin money; regulate its value
▶ Make appropriations
▶ Make uniform laws of bankruptcy

### **Commerce**

▶ Regulate interstate commerce and international trade
▶ Regulate standards of weights and measures
▶ Set up post offices and post roads
▶ Provide for patents and copyrights

### **War**

▶ Declare war
▶ Maintain armed forces
▶ Define and set up penalties for piracy and other felonies on the high seas

### **Governing**

▶ Admit new States and territories
▶ Establish territorial governments
▶ Govern the District of Columbia
▶ Exercise authority over federal property

### **Other**

▶ Set up federal courts
▶ Establish uniform rules of naturalization
▶ Provide for Presidential/Vice Presidential succession

## Non-Legislative Powers

### **Executive**

- ▶ **SENATE**--advise and consent to Presidential appointments and treaties
- ▶ **CONGRESS**--approve Presidential appointment of Vice President to fill a vacancy
- ▶ **CONGRESS**--responsibility in dealing with Presidential inability to discharge duties

### **Judicial**

- ▶ **HOUSE**--bring impeachment charges against federal officials in executive and judicial branches
- ▶ **SENATE**--try impeachment cases

### **Electoral**

- ▶ **IF** no (Presidential/Vice Presidential) candidate wins a majority of ***Electoral College*** votes in an national election...**THEN**...

- |                                  |  |
|----------------------------------|--|
| 1. <b>HOUSE</b> elects President | 2. <b>SENATE</b> elects Vice President |
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### **Constitutional Amendment**

- ▶ Propose Amendments--2/3 vote of **CONGRESS**
- ▶ At request of 2/3 of States and upon 2/3 vote of **CONGRESS**--call a national convention to amend the Constitution

### **Investigative**

- ▶ Gather information useful in making laws
- ▶ Determine effectiveness and proper administration of enacted laws

### **Other: Each House (Senate and House of Representatives) has the power to**

- ▶ determine its own rules and how it will guide proceedings
- ▶ compel attendance
- ▶ reject members who don't meet qualifications and/or judge elections and returns if challenged
- ▶ censure and/or expel its members

***Congress: Powers Denied***

<p>▶ Prohibited from interfering with the slave trade until 1808. (Slave trade was ended in 1808.)</p>
<p>▶ May <u>not</u> suspend the writ of <b><i>habeas corpus</i></b>, except during time of invasion, during rebellion, or when the public safety is endangered.</p> <ol style="list-style-type: none"><li>1. <b><i>Writ of habeas corpus</i></b> = an order issued by a judge to have a person brought to court when he has been arrested or detained to see if the accused is being held for just reasons.</li><li>2. The writ is usually requested by the accused person.</li></ol>
<p>▶ May not pass a <b>Bill of Attainder</b> or <b><i>ex post facto law</i></b>.</p> <ol style="list-style-type: none"><li>1. <b>Bill of Attainder</b> = a legislative act which inflicts punishment without a judicial trial.</li><li>2. <b><i>Ex post facto law</i></b> = law which penalized a person for an act which was not illegal when it was committed, <b>or</b> any criminal law which operates retroactively to the disadvantage of the accused.</li></ol>
<p>▶ No capitation tax (head tax levied on each person in the population) <b>UNLESS</b> in proportion to the census.</p>
<p>▶ May not favor one State over another in regulating commerce; cannot tax goods sent by water from one State to another.</p>
<p>▶ May not tax goods exported from any State.</p>
<p>▶ Can appropriate money <b>ONLY</b> pursuant to enacted laws.</p>
<p>▶ May not grant titles of nobility. No federal official may accept titles and/or personal presents or office from foreign countries.</p>