

THE CONSTITUTIONAL POWERS OF CONGRESS

<https://goo.gl/yW6CuL>

Expressed Powers (297) - Those delegated powers of the national government that are spelled out in the Constitution; also called formal and enumerated powers

DOMESTIC POWERS: MONEY & COMMERCE Constitution Article I Section 8 (C6-C7) Magruder's Ch 11 (297-303)	OTHER LEGISLATIVE & NON-LEGISLATIVE Constitution Article I Sections 3 & 8 (C3-C7) Magruder's Ch 11 (306-309, 318-324)	FOREIGN RELATIONS & WAR POWERS Constitution Article I Section 8 (C6-C7) Magruder's Ch 11 (304-306, 322-323)
<ol style="list-style-type: none"> 1) <i>originate tax bill (HR)</i> 2) <i>collect taxes, duties, excises</i> 3) <i>borrow \$</i> 4) <i>regulate interstate commerce</i> 5) <i>establish bankruptcy laws</i> 6) <i>coin \$</i> 7) <i>punish counterfeiters</i> 8) <i>regulate commerce</i> 	<ol style="list-style-type: none"> 1) <i>impeachment: HR charges to impeach; Senate trial</i> 2) <i>establish nationalization laws</i> 3) <i>fix standards wts. & measurements</i> 4) <i>establish Post Office & post roads</i> 5) <i>issue patents & copyright</i> 6) <i>create federal courts and. other than SC</i> 7) <i>advise & consent on pres. apptmts (S in Art. 2)</i> 	<ol style="list-style-type: none"> 1) <i>Declare war (B)</i> 2) <i>Raise & support army & navy</i> 3) <i>Ratify treaties (S)</i> 4) <i>Advise & consent ambassadors (S)</i> 5) <i>Make rules concerning captures on land and water (B)</i> 6) <i>Make rules for the government and regulation of the land and naval forces (B)</i> 7) <i>Provide for calling forth the militia to execute the laws of the union (B)</i> 8) <i>Suppress insurrections and repel invasions (B)</i> 9) <i>Organize, arm, train militia</i> 10) <i>Regulate commerce with foreign nations</i> 11) <i>Define & punish offenses against the law of nations (b)</i> 12) <i>define & punish piracies (b)</i>

Implied Powers (297) – Those delegated powers of the national government that are suggested by the expressed powers set out in the Constitution that are “necessary and proper” to carry out the expressed powers

Article I Section 8 includes the following known as the “necessary and proper clause”:

The Congress shall have 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.

1) Explain the meaning of the quote above” – *Congress can pass other laws in order to carry the expressed powers*

2) Explain why the “necessary and proper” clause is also called the “elastic clause” – *Because it gives Congress the flexibility given the circumstances of that time period to carry out its expressed powers.*

Examples of Implied Powers – For each of the implied powers used below, identify the appropriate expressed power(s) that it originates from.

**Constitution Article I Section 8 Clause 18 (C7)
Magruder’s Ch 11 (312-313)**

Expressed Power(s)	Implied Power
<i>Borrow money; coin money; regulate interstate commerce</i>	Establish a national bank
<i>Regulate commerce with foreign nations; ratify treaties</i>	Purchase the Louisiana Territory
<i>Collect taxes</i>	Create the Internal Revenue Service (IRS)
<i>Raise and support army and a navy</i>	Create the U.S. Air Force
<i>Regulate interstate commerce</i>	Establish a minimum wage