

I. Development of Congressional Powers

A. Constitutional Powers

1. Constitutional Provisions

- a) Expressed or Enumerated Powers
 - (1) Article I, Section 8, Clauses 1-18
- b) Implied Powers
 - (1) Necessary and Proper Clause
 - (a) Elastic Clause
 - (b) Clause 18
 - (c) Interpretation
 - (i) *McCulloch v. Maryland* 1819
 - (2) Commerce Clause
 - (a) Clause 3
 - (b) Interpretation
 - (i) *Gibbons v. Ogden* 1824
 - (ii) *Heart of Atlanta Motel v. United States* 1964
 - (a) Civil Rights Act of 1964
- c) Powers Denied
 - (1) Bill of Rights
 - (2) Article I, Section 9
 - (a) Suspension of Habeas Corpus
 - (b) No Bills of Attainder
 - (c) No Ex Post Facto Laws
 - (d) Other Limits

2. Legislative Powers

- a) Taxing and Spending
 - (1) Power of the Purse
 - (2) Clause 1
 - (3) Article I, Section 7
 - (a) Money begins in House
 - (4) Appropriations Process
 - (a) Developed over time through usage
 - (b) President and the budget
 - (5) Used to Expand Authority and Influence
 - (a) Vice and Behavioral Taxes
 - (b) Grants to Influence States
 - (c) Stimulate the Economy
 - (d) Provide Incentives
- b) Other Money Powers
 - (1) Borrow Money
 - (a) Clause 2
 - (b) Bonds
 - (c) National Deficits and Debt
 - (2) Regulate Commerce-Clause 3
 - (3) Coin Money and Regulate its Value-Clause 5

- (4) Punish Counterfeiters-Clause 6
 - (5) Establish Bankruptcy Laws-Clause 4
 - c) Foreign Policy Powers
 - (1) Approve Treaties-Article II, Section 2
 - (2) Declare War-Clause 11
 - (3) Maintaining and Regulating Armed Forces-Clauses 12-16
 - (4) Regulate Foreign Commerce-Clause 3
 - (5) Powers are Shared with the President
 - (a) Conflict
 - (b) Korea and Vietnam
 - (c) War Powers Act
 - d) Providing for the Nation's Growth
 - (1) Naturalization-Clause 4
 - (2) Admission of New States and Regulation of Territories
 - (a) Article IV, Section 3
 - (3) Pass Laws to Govern Federal Property-Articles I and IV
 - e) Other Legislative Powers
 - (1) Establish Post Offices-Clause 7
 - (2) Grant Copyrights and Patents-Clause 8
 - (3) Establish Courts-Clause 9
- 3. Nonlegislative Powers
 - a) Power to Choose a President and Vice President
 - (1) Electoral College
 - (a) House-President
 - (b) Senate-VP
 - (2) Twentieth Amendment
 - (3) Twenty Fifth Amendment
 - b) Removal Power
 - (1) Impeachment-House
 - (2) Trial-Senate
 - (3) Andrew Johnson and Bill Clinton
 - (4) Richard Nixon
 - c) Confirmation Power
 - (1) Presidential Appointments
 - d) Ratification Power
 - (1) Treaties
 - e) Amendment Power

- B. Investigations and Oversight
 - 1. The Power to Investigate
 - a) The Investigation Process
 - (1) Committees
 - b) Congressional Powers and Witness Rights
 - (1) Subpoena
 - (2) Perjury, contempt, immunity
 - 2. Legislative Oversight
 - a) Check on how executive administers laws
 - b) Not Consistent
 - (1) Limited resources
 - (2) Not many votes to be gained
 - (3) Committees become close to agencies they oversee
 - c) Congressional support agencies investigate executive agencies
 - (1) GAO
 - d) Budget
 - e) Legislative Veto
 - (1) Unconstitutional
 - f) Independent Counsel
- C. Congress and the President
 - 1. Cooperation and Conflict
 - a) Constituents and Conflict
 - b) Checks and Balances
 - c) Party Politics
 - d) Organization as a Cause of Conflict
 - e) Differing Political Timetables
 - 2. The Struggle for Power
 - a) History
 - b) Curbing the President's Powers
 - c) The Budget Impoundment and Control Act
 - d) Legislative Veto
 - e) Line Item Veto