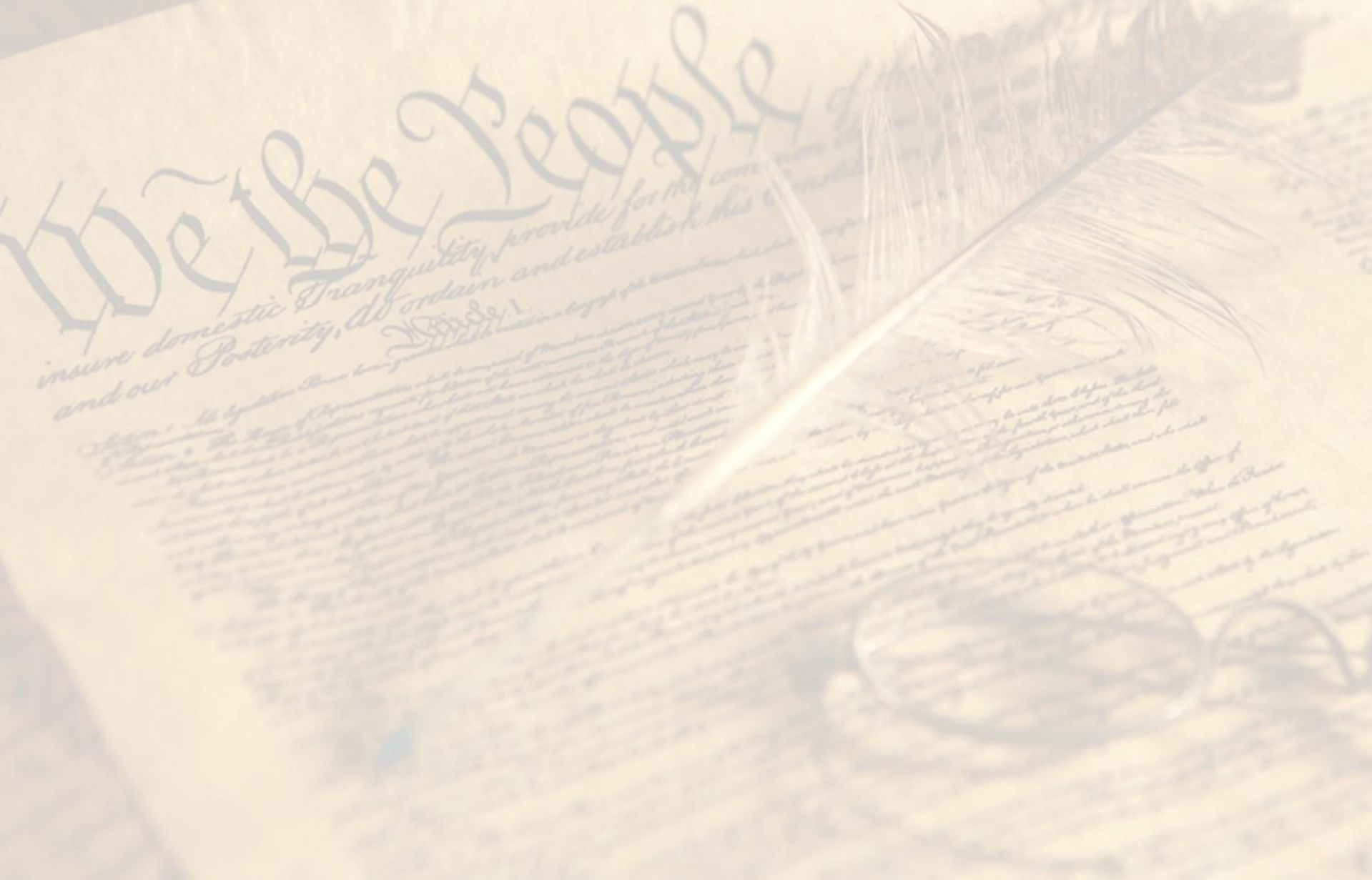


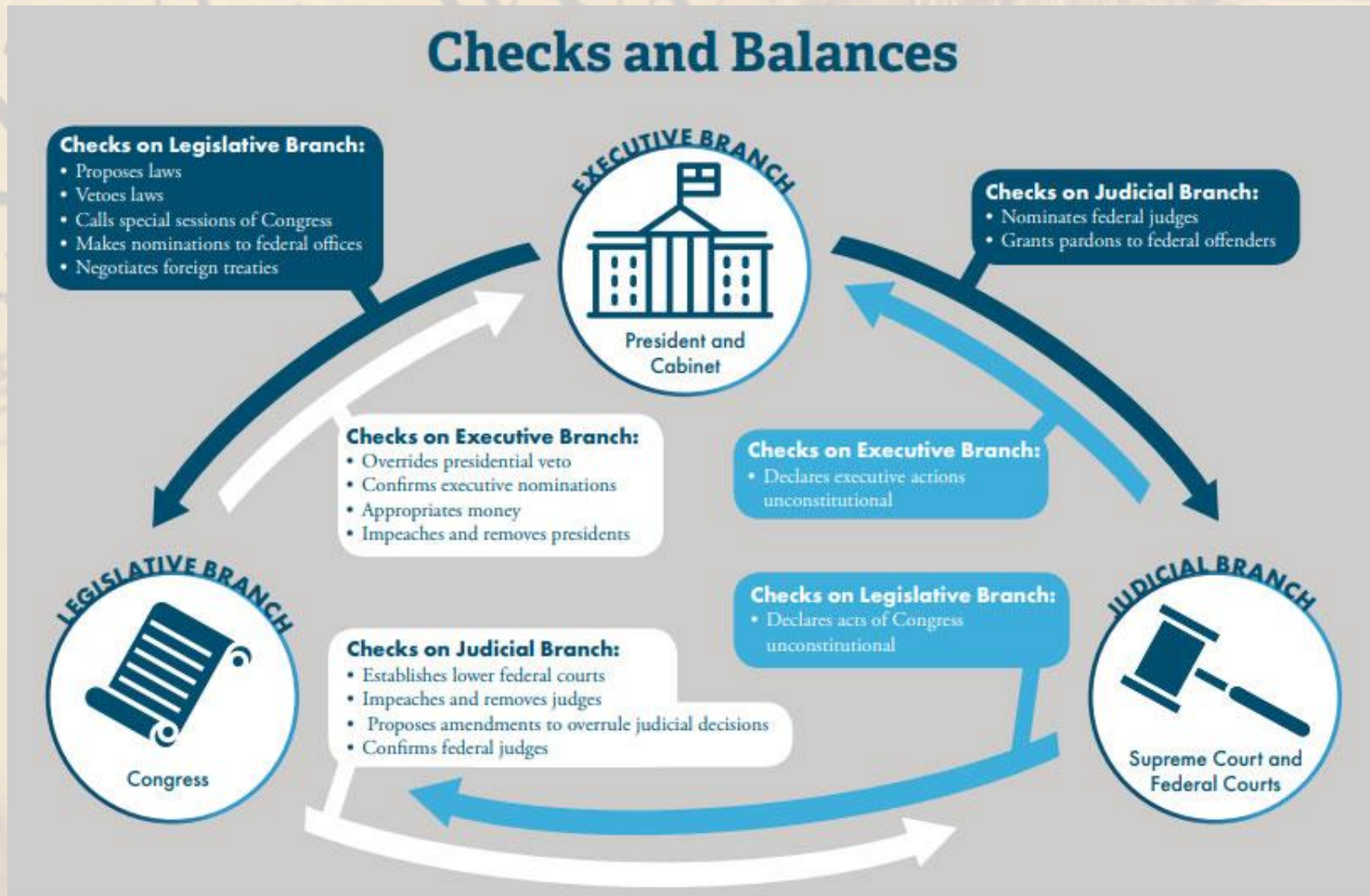
Powers of Congress



Limited Government

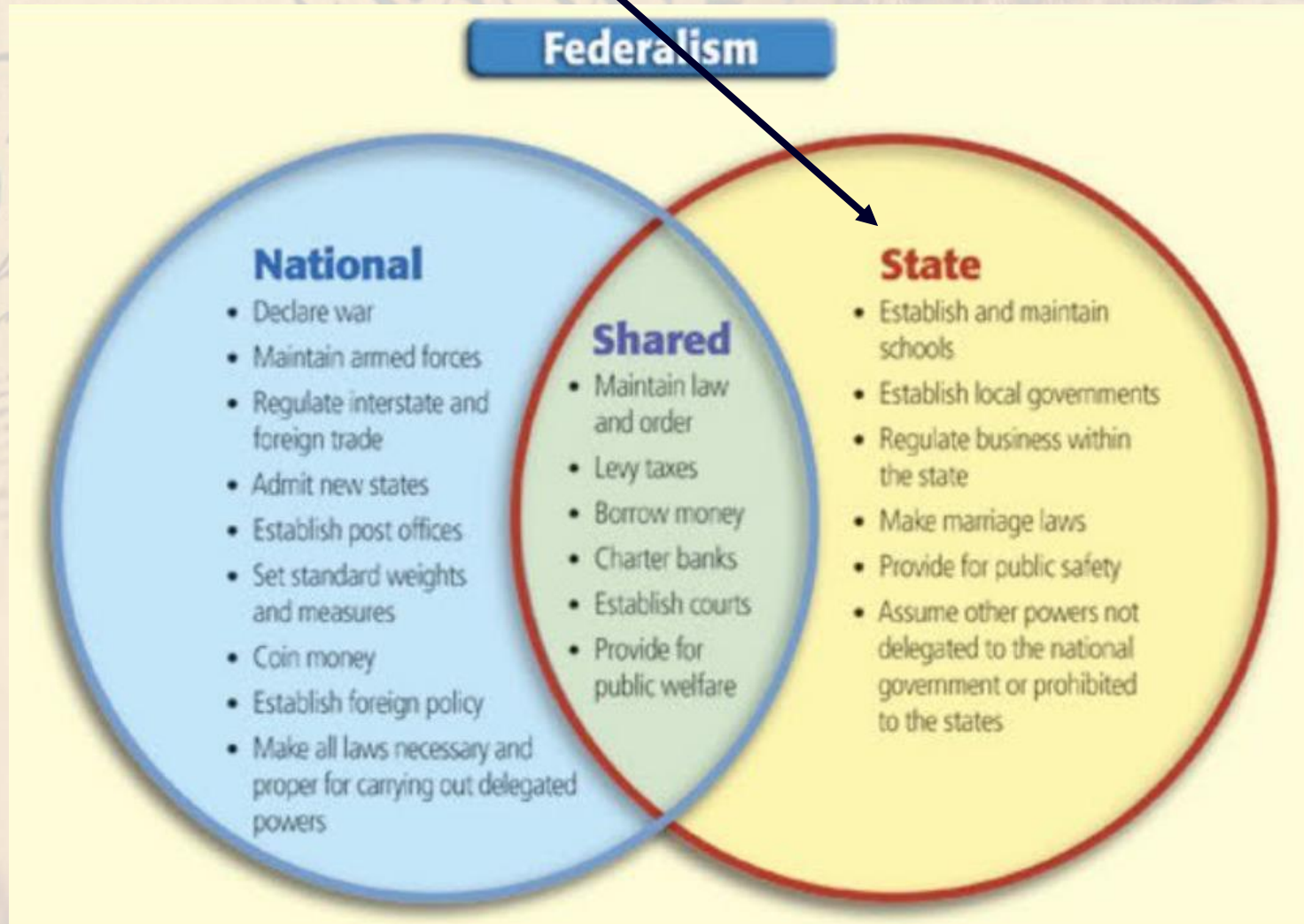
-Congress is given and denied certain powers in Article I of the Constitution (e.g., Congress cannot any law that would punish a person for committing a crime before it was made a crime - ex post facto laws)

-They are also limited by the rights given to citizens in the Constitution, checks and balances such as the Supreme Court rulings that declare laws to be unconstitutional, presidential veto power, etc.



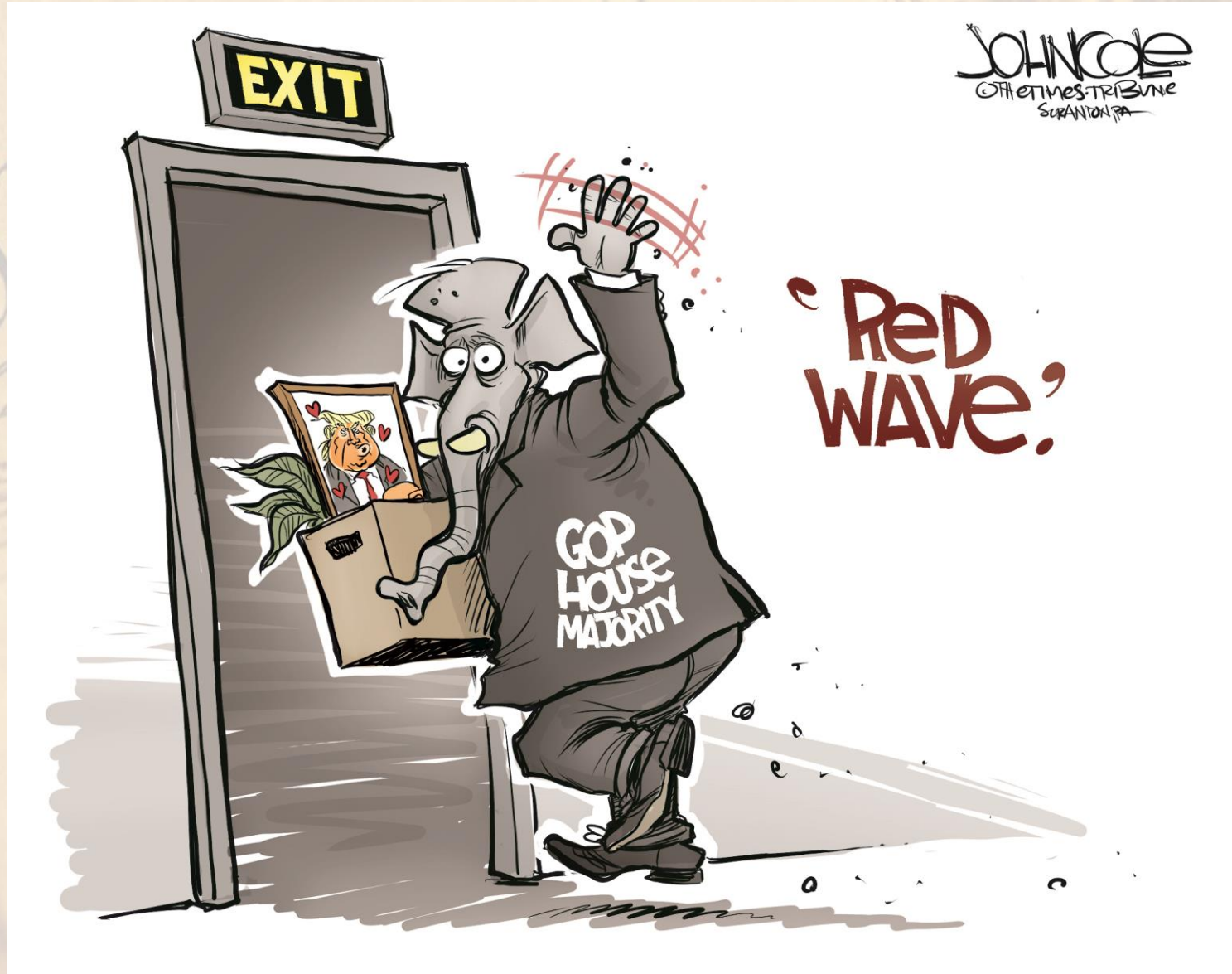
-10th Amendment: all powers not given to the national/federal government are known as Reserved Powers for the state governments (Constitutional Principle of Federalism)

e.g., the right to regulate public school systems – Congress cannot interfere with the state's power to do so



-Our two-party system allows the party that doesn't hold the majority in either house to act as "Watchdog"

-Midterm elections are held every two years, so the dynamic can shift quickly



Expressed Powers

(Also known as delegated, enumerated or exclusive)

Powers that are detailed in print in the Constitution

-Powers given to Congress are expressed in Article I

Examples:

- Control interstate commerce – trade between the states
- Borrow and coin money
- Raise, support, and regulate an army and navy
- Declare war
- Establish laws of naturalization

Congressional Powers Expressed in Article 1, Section 8			
PEACETIME POWERS		WAR POWERS	
Clause	Provision	Clause	Provision
1	To establish and collect taxes, duties, and excises	11	To declare war; to make laws regarding captures on land and water
2	To borrow money		
3	To regulate foreign and interstate commerce	12	To raise and support armies
4	To create naturalization laws; to create bankruptcy laws	13	To provide and maintain a navy
5	To coin money and regulate its value; to regulate weights and measures	14	To make laws governing land and naval forces
6	To punish counterfeiters of federal money and securities	15	To provide for summoning the militia to execute federal laws, suppress uprisings, and repel invasions
7	To establish post offices		
8	To grant patents and copyrights		
9	To create courts inferior to the Supreme Court	16	To provide for organizing, arming, and disciplining the militia and governing it when in the service of the Union
10	To define and punish crimes at sea and violations of international law		
17	To exercise exclusive jurisdiction over the District of Columbia and other federal properties		
18	To make all laws necessary and proper to the execution of any of the other expressed powers		

Implied Powers

Powers given to Congress by the “Necessary and Proper” or “Elastic” Clause – allows Congress to write laws for the good of the country (this is how the Bank of the U.S. was created, leading to the first two political parties)

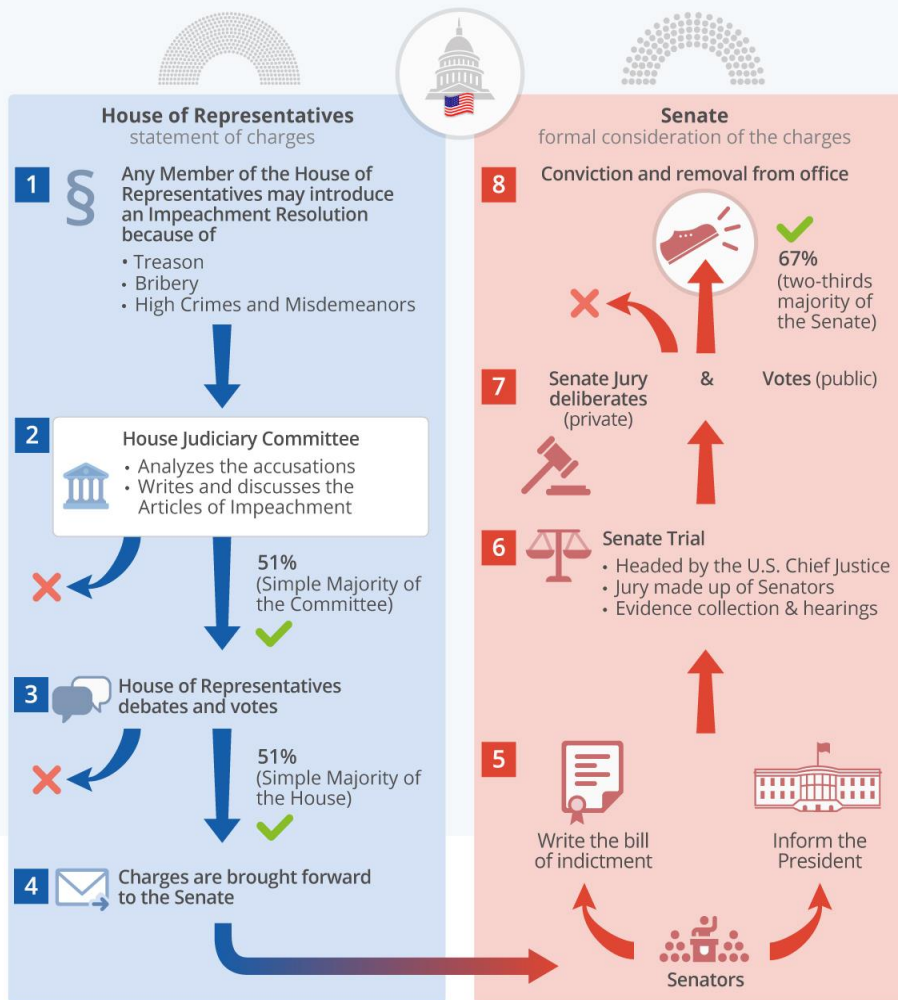
-This clause opens up interpretation of what is “necessary and proper” for the U.S.
→ implied powers

Examples:

Expressed Power	Implied Power
Lay and collect taxes	-Create the IRS
Borrow money	-Establish the Federal Reserve
Establish naturalization laws	-Limit the number of immigrants into the U.S.
Raise and support an army and navy	-Draft men into service -Establish the Air Force once planes can be used for defense
Regulate commerce (trade)	-Set a minimum wage -Outlaw workplace discrimination

Additional Powers

The Impeachment Process



Congress can investigate & monitor the executive branch (checks and balances)

-Power to impeach: to formally try an official for misconduct in office

A simple majority of the House of Representatives is required to move forward with articles of impeachment →

The Senate then holds the trial and acts as the judge and jury to decide the official's guilt or innocence →

2/3rds (67%) vote removes the official from office

House impeaches, Senate must convict

Only 3 presidents, Andrew Johnson (1868), Bill Clinton (1999), and Donald Trump (2020 and 2021); all three were found not guilty (acquitted)

* According to Article I, Section 2 and 3 of the Constitution of the United States
Source: Statista Research



Record of Congressional Impeachments

Name	Position	Date of Final Senate Action	Result
William Blount	Senator	Jan 11, 1799	Expelled, charges dismissed
John Pickering	Judge	Mar 12, 1804	Guilty, removed from office
Samuel Chase	Justice	Mar 1, 1805	Not guilty
James H. Peck	Judge	Jan 31, 1831	Not guilty
West H. Humphreys	Judge	Jun 26, 1862	Guilty
Andrew Johnson	President	May 15/26, 1868	Not guilty
Mark H. Delahay	Judge	Feb 28, 1873 ¹	Resigned
William Belknap	Secretary of War	Aug 1, 1876	Not guilty
Charles Swayne	Judge	Feb 27, 1905	Not guilty
Robert Archbald	Judge	Jan 13, 1913	Guilty, removed
George W. English	Judge	Dec 13, 1926	Resigned, charges dismissed
Harold Louderback	Judge	May 24, 1933	Not guilty
Halstead Ritter	Judge	Apr 17, 1936	Guilty, removed from office
Harry E. Claiborne	Judge	Oct 9, 1986	Guilty, removed from office
Walter Nixon	Judge	Nov 3, 1989	Guilty, removed from office
Alcee Hastings	Judge	Oct 20, 1989	Guilty, removed from office
William J. Clinton	President	Feb 12, 1999	Not guilty
Samuel B. Kent	Judge	Jul 22, 2009	Resigned, case dismissed
G. Thomas Porteous, Jr.	Judge	Dec 8, 2010	Guilty, removed from office
Donald J. Trump	President	Feb 5, 2020	Not guilty
Donald J. Trump	President	Feb 13, 2021	Not guilty

Congress also holds the power to propose amendments to the Constitution with $\frac{2}{3}$ ^{rds} of both houses

Amending the Constitution

Proposed

Amendment is proposed by a two-thirds vote of each house of Congress.



Ratified

Amendment is ratified by three-fourths of the state legislatures.



Amendment is proposed by a national convention called by Congress at the request of two-thirds of the state legislatures.



Amendment is ratified by three-fourths of the state conventions.

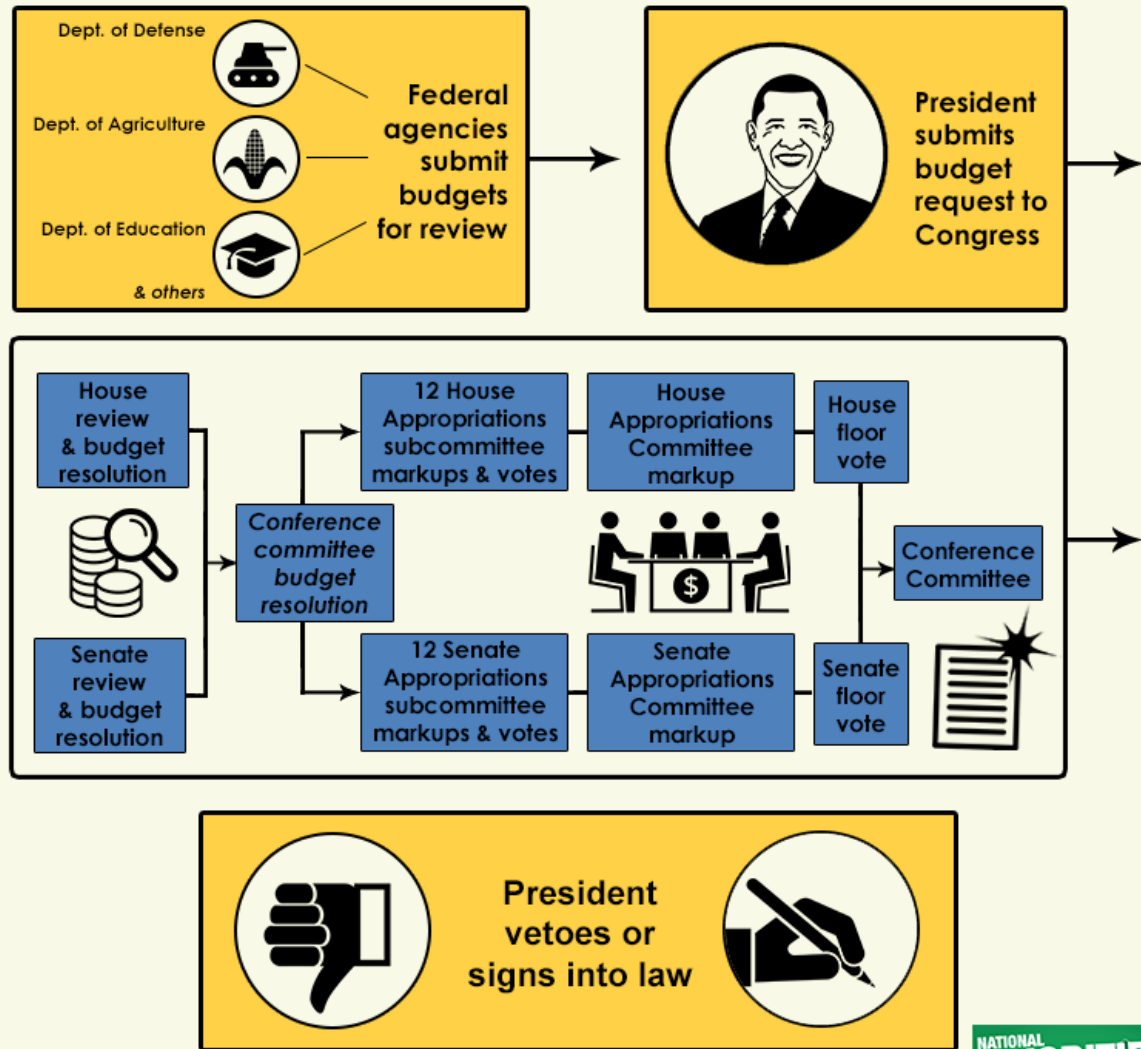


Powers of the House of Representatives

The House of Representatives is the only house of Congress that can start an appropriation (money-spending) bill

-This has become known as the “power of the purse” and is a main focus each year when the budget is proposed by the president →

The Annual Federal Budget Process



If no candidate receives 270 or more Electoral College votes, the House of Representatives breaks the tie for president and the Senate does so for the VP

If no candidate receives 270 or more Electoral College votes:

The House of Representatives elects the President

The three candidates with the most electoral votes qualify for the ballot.

Each state's delegation gets one vote (Washington, D.C., does not get a vote). The candidate who receives 26 or more votes wins the presidency. If no candidate receives at least 26 votes, they vote again.

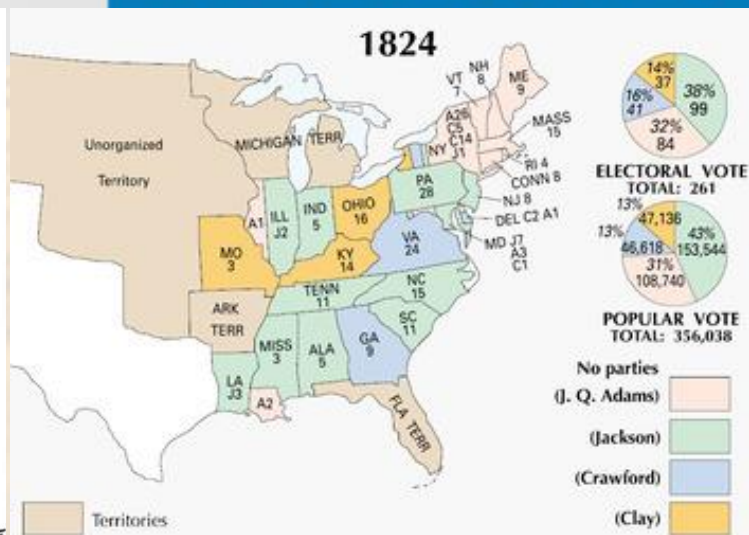
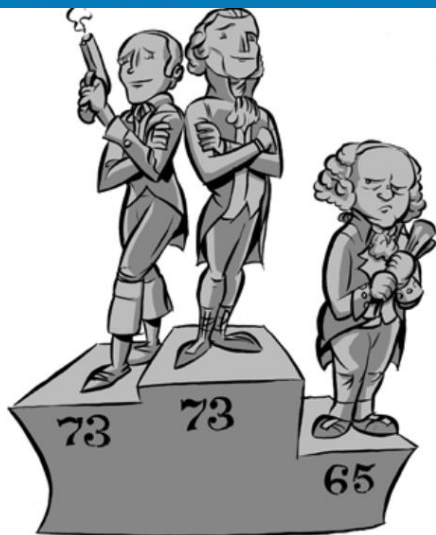
The House of Representatives has selected two presidents: Thomas Jefferson in 1800 and John Quincy Adams in 1824.

The Senate elects the Vice President

The two vice presidential candidates with the most electoral votes qualify for the ballot.

Each senator gets one vote. The candidate who receives 51 or more votes is elected vice president. As president of the Senate, the sitting vice president may cast a tie-breaking vote.

The Senate has decided one vice presidential race: Richard Mentor Johnson (Martin Van Buren's running mate) in 1836.



Powers of the Senate

- Approve presidential appointments
- Acts as judge and jury in impeachment trials
- Treaty negotiations (made with advice and consent of the Senate) → signature of president or his representation → Senate committee → 2/3rds approval of the Senate → back to the president for ratification
- The president can bypass this through an Executive Agreement with the other country's leadership



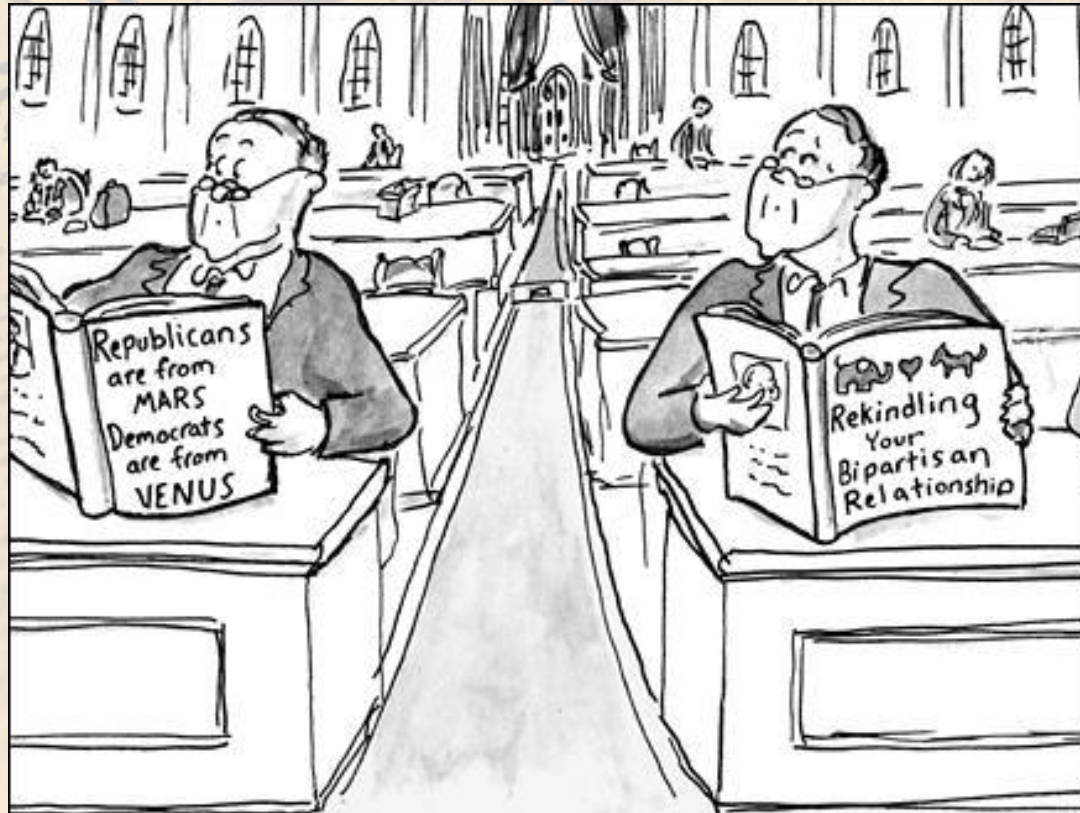
1 May 2012,
President
Obama and
President
Karzai signed
the Enduring
Strategic
Partnership
Agreement with
the Islamic
Republic of
Afghanistan

Parliamentary Procedure

The formal system of debate which helps Congress operate as efficiently and as orderly as possible

e.g., “No Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate”

-The House has more rules than Senate



CONGRESS PREPARES FOR ITS 107th SESSION

Signatures

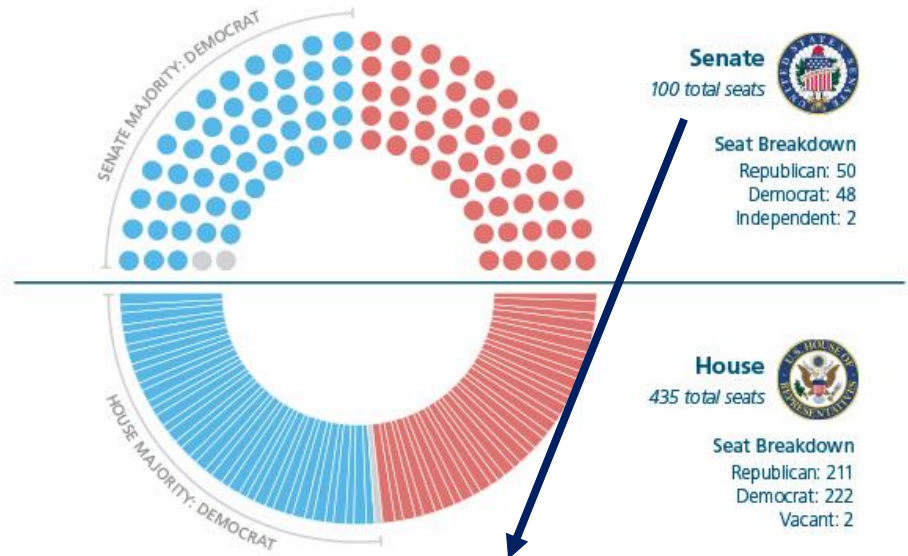
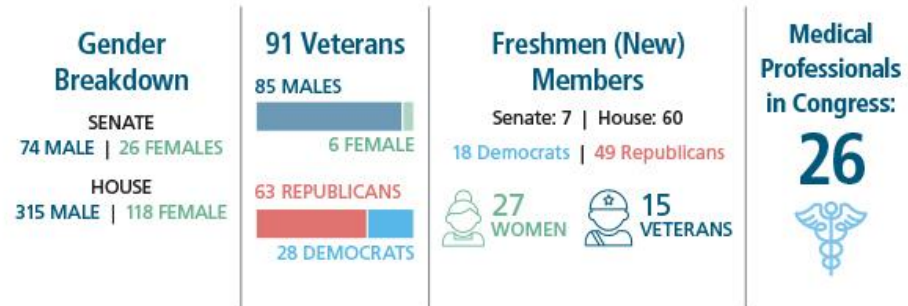
Congressional Leadership

Congress members are either Republican, Democrat, or Independent (if they are Independent, they choose to align with a party to determine the majority party and minority)

- Majority Leader: the House and Senate choose a leader of the party with the most members to be floor leader; try to sway votes in their party's favor
- Minority Leader: the House and Senate choose a leader of the party with the least members; try to sway votes in their party's favor
- Party Whip: each party in the House and Senate has a Party Whip to keep track of voting for important issues

117th Congress: *Fast Facts*

Every two years, Americans re-elect one third of the U.S. Senate and all members of the U.S. House of Representatives. Here's what you should know about the 117th Congress, which started its first session on January 3, 2021.



Why is the democratic party the majority party in the Senate? Hmm...

Here's why, according to [Senate.gov](https://www.senate.gov):

Note: From January 3, 2021, to January 20, 2021, party division stood at 51 Republicans, 46 Democrats, 2 Independents (who caucused with the Democrats), and 1 vacancy. Both Senate seats in Georgia were up for election in 2020—the Class 2 seat held by Senator David Perdue, and the Class 3 seat held by appointed senator Kelly Loeffler (special election). No candidate in either race won a majority (50%+) as required by Georgia State law, forcing run-off elections for both seats held on January 5, 2021. Senator Perdue's term expired on January 3, 2021, resulting in a vacancy until the winner of the run-off election was sworn in. Democrats Jon Ossoff and Raphael Warnock defeated Perdue and Loeffler, respectively, in the run-off elections and were sworn in on January 20, bringing the party division to 50 Republicans, 48 Democrats, and 2 Independents (who caucus with the Democrats). **Democrats hold the majority due to the tie-breaking vote of Vice President Kamala Harris.**

House Leadership

Speaker of the House: sets up the calendar and schedules bills for debate

Speaker of the House



Rep. Nancy Pelosi

Elected by the whole of the House of Representatives, the Speaker acts as leader of the House and combines several roles: the institutional role of presiding officer and administrative head of the House, the role of leader of the majority party in the House, and the representative role of an elected member of the House. The Speaker of the House is second in line to succeed the President, after the Vice President.

Democratic Leadership



Majority Leader

Rep. Steny Hoyer

Represents Democrats on the House floor.



Majority Whip

Rep. James Clyburn

Assists leadership in managing party's legislative program.



Assistant Speaker

Rep. Katherine Clark

Assists the Majority Leader.



Democratic Caucus Chairman

Rep. Hakeem Jeffries

Heads organization of all Democratic Party members in the House.

Republican Leadership



Republican Leader

Rep. Kevin McCarthy

Represents Republicans on the House floor.



Republican Whip

Rep. Steve Scalise

Assists leadership in managing party's legislative program.



Republican Conference Chairman

Rep. Elise Stefanik

Heads organization of all Republican Party members in the House.



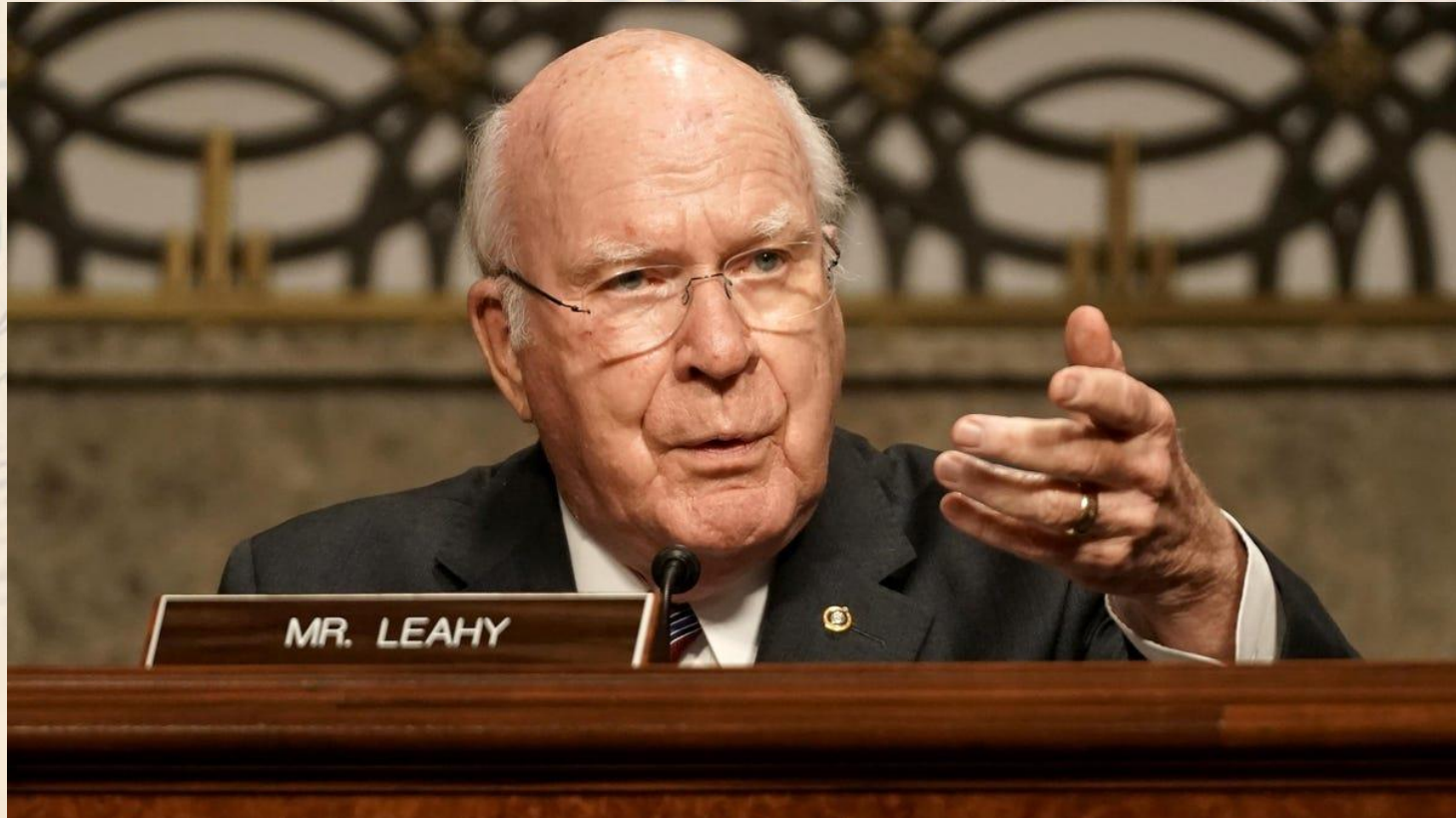
Republican Policy Committee Chairman

Rep. Gary Palmer

Heads Conference forum for policy development.

Senate Leadership

- Vice president: official leader but only votes in a tie and is rarely present
- President Pro-Tempore: mostly symbolic position given to the longest serving Senator from the majority party; chairperson of the Senate and will vote in the absence of the VP



Senator Patrick Leahy (D – Vermont) will not seek re-election in November 2022, opening up another seat that Democrats will need to aggressively defend if they are to maintain their razor-thin Senate majority; first elected in 1974, Leahy is 81

Congressional Staff Support



- Congress members receive personal staff
- Also available are committee staff who function as experts in their committee's area
- Access to the Library of Congress where Congress does its research; the oldest federal institution in the U.S. and the largest library in the world
- General Accounting Office: investigates and reports on government earning and spending
- Government Budget Office: predicts the costs of government programs for proposed legislation

Committee Government

- Committees were developed to divide the workload of Congress and allow them to handle many bills at once
- Standing committee: permanent committees of Congress who study, revise, and pass legislation on issues/topics that will always be present
- Select committees: study more temporary issues in society
- Joint committees: involve members of both Houses of Congress meeting together

House	Senate
Standing Committees	
Agriculture Appropriations Armed Services Budget Education and Labor Energy and Commerce Ethics Financial Services Foreign Affairs Homeland Security House Administration Judiciary Natural Resources Oversight and Reform Rules Science, Space, and Technology Small Business Transportation and Infrastructure Veterans' Affairs Ways and Means	Agriculture, Nutrition, and Forestry Appropriations Armed Services Banking, Housing, and Urban Affairs Budget Commerce, Science, and Transportation Energy and Natural Resources Environment and Public Works Finance Foreign Relations Health, Education, Labor, and Pensions Homeland Security and Governmental Affairs Judiciary Rules and Administration Small Business and Entrepreneurship Veterans' Affairs

Special, Select, and Other Committees

[House Permanent Select Committee on Intelligence](#)

[Select Committee on Economic Disparity and Fairness in Growth](#)

[Select Committee on the Climate Crisis](#)

[Select Committee on the Modernization of Congress](#)

[Select Committee to Investigate the January 6th Attack on the United States Capitol](#)

[Aging \(Special\)](#)

[Caucus on International Narcotics Control](#)

[Ethics \(Select\)](#)

[Indian Affairs](#)

[Intelligence \(Select\)](#)

Joint Committees

[Joint Committee on Printing](#)

[Joint Committee on Taxation](#)

[Joint Committee on the Library](#)

[Joint Economic Committee](#)

- Committee appointments are based on the seniority system
- The majority party of each house appoints the chairperson of each committee and members within each party decide who is appointed to which committee