

112TH CONGRESS
1ST SESSION

H. R. 125

To require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. GINGREY of Georgia (for himself, Mrs. BACHMANN, Mr. BACHUS, Mr. BASS of New Hampshire, Mrs. BLACKBURN, Mr. BILBRAY, Mr. BISHOP of Utah, Mr. CARTER, Mr. CONAWAY, Mr. GARRETT, Mr. HELLER, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. LAMBORN, Mr. MCCAUL, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. POSEY, Mr. ROE of Tennessee, Mr. ROSS of Florida, Mr. AUSTIN SCOTT of Georgia, Mr. TERRY, Mr. WALBERG, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enumerated Powers
5 Act”.

1 **SEC. 2. SPECIFICATION OF CONSTITUTIONAL AUTHORITY**
2 **FOR ENACTMENT OF LAW.**

3 (a) CONSTITUTIONAL AUTHORITY FOR THIS ACT.—
4 This Act is enacted pursuant to the power granted Con-
5 gress under article I, section 8, clause 18, of the United
6 States Constitution and the power granted to each House
7 of Congress under article I, section 5, clause 2, of the
8 United States Constitution.

9 (b) CONSTITUTIONAL AUTHORITY STATEMENT RE-
10 QUIRED.—Chapter 2 of title 1, United States Code, is
11 amended by inserting after section 102 the following new
12 section:

13 **“§ 102a. Constitutional authority clause**

14 “(a) Each Act of Congress shall contain a concise and
15 definite statement of the constitutional authority relied
16 upon for the enactment of each portion of that Act. The
17 failure to comply with this section shall give rise to a point
18 of order in either House of Congress. The availability of
19 this point of order does not affect any other available re-
20 lief.

21 “(b) The provisions of this section are enacted by the
22 Congress—

23 “(1) as an exercise of the rulemaking power of
24 the House of Representatives and the Senate, re-
25 spectively, and as such they shall be considered as
26 part of the rules of each House, respectively, or of

1 that House to which they specifically apply, and
2 such rules shall supersede other rules only to the ex-
3 tent that they are inconsistent therewith; and

4 “(2) with full recognition of the constitutional
5 right of either House to change such rules (so far
6 as relating to such House) at any time, in the same
7 manner, and to the same extent as in the case of
8 any other rule of such House.”.

9 (c) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 2 of title 1, United States
11 Code, is amended by inserting after the item relating to
12 section 102 the following new item:

“102a. Constitutional authority clause.”.

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