

110TH CONGRESS
2D SESSION

S. 3159

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 SENATE OF THE UNITED STATES

JUNE 19, 2008

Mr. COBURN (for himself, Mr. MCCAIN, Mr. KYL, Mrs. HUTCHISON, Mr. CORNYN, Mr. ENSIGN, Mr. DEMINT, Mr. CHAMBLISS, Mr. INHOFE, Mr. CRAPO, Mr. ENZI, Mr. ALLARD, Mr. GRAHAM, Mr. BURR, Mrs. DOLE, Mr. SUNUNU, Mr. THUNE, Mr. VITTER, Mr. BROWNBACK, Mr. BARRASSO, Mr. WICKER, Mr. SESSIONS, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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

“102a. Constitutional authority clause.”.