

111TH CONGRESS
2^D SESSION

H. RES. 1754

Amending the Rules of the House of Representatives to require the citation of the specific powers granted to Congress in the Constitution be included in introduced bills and joint resolutions as a basis for enacting the laws proposed by such bills and joint resolutions, including amendments and conference reports.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2010

Mr. GARRETT of New Jersey (for himself, Mr. FRANKS of Arizona, Mrs. McMORRIS RODGERS, Mr. BISHOP of Utah, Mr. LAMBORN, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. GOODLATTE, Mr. KING of Iowa, Mr. GOHMERT, Mr. NEUGEBAUER, Mrs. SCHMIDT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. MCHENRY, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. BARTLETT, Mr. POSEY, Mr. OLSON, Mr. ROONEY, Mr. BARTON of Texas, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, Mr. COLE, Mr. AKIN, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. LUETKEMEYER, Mr. REED, Mr. THOMPSON of Pennsylvania, Mr. PITTS, Mr. MCKEON, Ms. FOXX, Mr. MACK, Mr. CONAWAY, Mr. CHAFFETZ, and Mr. BROUN of Georgia) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to require the citation of the specific powers granted to Congress in the Constitution be included in introduced bills and joint resolutions as a basis for enacting the laws proposed by such bills and joint resolutions, including amendments and conference reports.

1 *Resolved*, That (a) rule XXI of the Rules of the House
2 of Representatives is amended by adding at the end the
3 following new clause:

4 **“Specific constitutional citation**

5 “11. (a) (1) (A) Except as provided by subdivision
6 (B), it shall not be in order to consider any bill or joint
7 resolution, or conference report thereon or amendment
8 thereto, unless it contains a statement appropriately citing
9 the specific powers granted to Congress in the Constitu-
10 tion as a basis for enacting the law proposed by the bill
11 or joint resolution.

12 “(B) To the extent that any bill or joint resolution,
13 or conference report thereon or amendment thereto, limits
14 or abolishes any Federal activity, spending, or power over-
15 all, a statement of constitutionality may cite the 9th or
16 10th Amendment to the Constitution.

17 “(2) Invoking the common defense clause, the general
18 welfare clause, or the necessary and proper clause of sec-
19 tion 8 of article I of the Constitution is not sufficient to
20 satisfy the requirement of subparagraph (1)(A).

21 “(b) It shall not be in order to consider a rule or
22 order that waives the application of paragraph (a).

23 “(c) As disposition of a point of order under para-
24 graph (a) or (b), the Chair shall put the question of con-
25 sideration with respect to the proposition of whether any

1 statement of constitutionality made under paragraph
2 (a)(1)(A) was adequate or, in the absence of whether such
3 a statement, whether a statement is required by para-
4 graph (a). A question of consideration under this clause
5 shall be debatable for 10 minutes, equally divided and con-
6 trolled by the Member initiating the point of order and
7 by an opponent, but shall otherwise be decided without
8 intervening motion except one that the House of Rep-
9 resentatives adjourn or that the Committee of the Whole
10 rise, as the case may be. In selecting the opponent, the
11 Speaker should first recognize an opponent from the op-
12 posing party.

13 “(d) The disposition of the question of consideration
14 under this clause with respect to a bill or joint resolution
15 shall be considered also to determine the question of con-
16 sideration under this clause with respect to an amendment
17 made in order as original text.”.

18 (b) This resolution is enacted pursuant to the power
19 granted to each House of Congress under article I, section
20 5, clause 2 of the Constitution.

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