

111TH CONGRESS
1ST SESSION

S. 1319

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 22, 2009

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

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 proposes to establish new procedures by which
5 legislation shall be considered by Congress and is enacted
6 pursuant to the power granted Congress under article I,
7 section 5, clause 2, of the United States Constitution es-
8 tablishing that each House may determine the rules of its
9 proceedings.

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

14 **“§ 102a. Constitutional authority clause**

15 “(a) **IN GENERAL.**—Each Act of Congress shall con-
16 tain a concise explanation of the specific constitutional au-
17 thority relied upon for the enactment of each portion of
18 that Act. The failure to comply with this section shall give
19 rise to a point of order in either House of Congress. The
20 availability of this point of order does not affect any other
21 available relief.

22 “(b) **DISPOSITION OF POINT OF ORDER IN THE SEN-**
23 **ATE.**—

24 “(1) **LIMIT ON DEBATE.**—In the Senate, a
25 point of order raised under subsection (a) shall be—

1 “(A) submitted to the Senate for decision;
2 and

3 “(B) subject to not more than 3 hours of
4 debate equally divided between the Senator rais-
5 ing the point of order and the floor manager of
6 the underlying measure or their designees.

7 “(2) MOTION TO TABLE.—In the Senate, no
8 motion to table a point of order raised under sub-
9 section (a) shall be in order until all debate time has
10 expired or has been yielded back.”.

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

“102a. Constitutional authority clause.”.

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