

Article IV of the Constitution provides the authority of Congress over federal property as a general matter. Article IV, §3 refers to the managerial authority over property owned by the Federal Government, and provides in relevant part:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; . . .

By virtue of this enumerated power, Congress has governing authority over the lands, territories, or other property of the United States—and with this authority Congress is vested with the power accredited to all owners in fee, the power to sell, lease, dispose, exchange, transfer, trade, mine, or simply preserve land. The appropriate acreage to be held under Federal dominance is not the subject of this bill. Turning to the power of Article IV, §3, the Supreme Court has described this enumerated grant as one “without limitation” *Kleppe v. New Mexico*, 426 U.S. 529, 542–543 (1976) (“And while the furthest reaches of the power granted by the Property Clause have not yet been definitively resolved, we have repeatedly observed that ‘[t]he power over the public land thus entrusted to Congress is without limitations.’” Citing *United States v. San Francisco*, 310 U.S. 29. The Court in *Kleppe* further explained that “In short, Congress exercises the powers both of a proprietor and of a legislature over the public domain.” *Id.* Like any “proprietor” Congress has the power to sell or exchange federal property.

It is now generally accepted that the Federal Government may own and manage property in the manner and form mandated by Congress. *United States v. Gratiot*, 39 U.S. 526 (1840); *Cornfield v. United States*, 167 U.S. 518 (1897). However, the wisdom of the Federal Government owning large tracts of land, particularly in the Western States, is subject to question on policy grounds, and some contend on Constitutional grounds based on the decision in *Pollard's Lessee v. Hagan*, 44 U.S. 212 (where the Court stated that “a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes. . . .” Historically, the early federal government transferred ownership of federal property to either private ownership or to state ownership in order to pay off the then crushing Revolutionary War debts and to assist with the development of infrastructure. These are still acceptable goals for federal property sale or transfer.

The land exchange here is one that comports with good policy and constitutional strictures since by exchanging the land set forth in this bill, a large commercial grade copper mine will be able to proceed with the attendant economic benefits with which such a proposition inures (assuming compliance with other requirements set forth in the bill), but the Federal Government also gains equally valuable land that has significance for other purposes.

Article 1, §8, Cl. 17 addresses property ceded by a state and conveys exclusive regulatory federal jurisdiction over these federal properties and enclaves. Section 8, Cl. 17 may also provide some guidance here to the extent it grants Congress the power to “exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings.” But it is Article IV that this bill is grounded upon.

By Ms. ROS-LEHTINEN:

H.R. 1905.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

(The Constitutional authorities cited in our Committee reports on legislation during the past several years are highlighted on the other side of this page.

The overwhelming majority have cited “article I, section 8 of the Constitution.”

A handful had slightly more specific citations to “article I, section 8, clause 18 of the Constitution.”

A couple bills with trade/sanctions components have cited “article I, section 8, clauses 3 and 18 of the Constitution.”

And one anti-trafficking bill (with significant domestic law enforcement components) cited “article I, section 8 of the Constitution and the Thirteenth Amendment to the Constitution.”

The one consistent exception is Resolutions of Inquiry, which always cite “article I, section 1 of the Constitution.”)

By Mr. COLE:

H.R. 1906.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted under Article I, Section 1 which grants the authority to enact laws to the Congress.

This bill is enacted pursuant to the powers granted under Article I, Section 4 which grants Congress the authority to prescribe the manner of holding of elections.

By Mr. CALVERT:

H.R. 1907.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 and clause 18.

By Mr. AKIN:

H.R. 1908.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1
“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

By Mr. BACA:

H.R. 1909.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BARTLETT:

H.R. 1910.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 the General Welfare Clause, and Article I, Section 8, Clause 14 Military Regulation Clause, and Article I, Section 8, Clause 18 the Necessary and Proper Clause.

By Mr. BRALEY of Iowa:

H.R. 1911.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CICILLINE:

H.R. 1912.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COHEN:

H.R. 1913.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Article I, Section 8 of the United States Constitution.

By Mr. CUELLAR:

H.R. 1914.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GRIFFITH of Virginia:

H.R. 1915.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3 of the United States Constitution.

By Mr. HINCHEY:

H.R. 1916.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)

By Mr. KIND:

H.R. 1917.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8.

By Mrs. MCCARTHY of New York:

H.R. 1918.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. MCCARTHY of New York:

H.R. 1919.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mrs. NOEM:

H.R. 1920.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, the Commerce Clause.

By Mr. POMPEO:

H.R. 1921.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Article 1, Section 8, which grants Congress with the authority to provide for the common defense and general welfare of the United States and Clause 18 of Article 1, Section 8, which allows the authority to make laws deemed necessary and proper.

By Mr. QUAYLE:

H.R. 1922.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. QUIGLEY:

H.R. 1923.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. QUIGLEY:

H.R. 1924.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; as enumerated in Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RAHALL:

H.R. 1925.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution

By Mr. ROHRABACHER:

H.R. 1926.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article 1, Section 8, Clauses 12-14 of the United States Constitution.

By Mr. SABLAN:

H.R. 1927.

Congress has the power to enact this legislation pursuant to the following:

Under Clause 4, Congress has the power to establish a uniform Rule of Naturalization—to define the terms under which a foreign person can become a citizen of the U.S. Congress also has the power to exclude aliens and to prescribe the terms under which they are allowed to enter the U.S.

By Ms. LORETTA SANCHEZ of California:

H.R. 1928.

Congress has the power to enact this legislation pursuant to the following:

“The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.”

By Mr. SENSENBRENNER:

H.R. 1929.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. STEARNS:

H.R. 1930.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

By Ms. TSONGAS:

H.R. 1931.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution.

By Mr. NEUGEBAUER:

H.J. Res. 63.

Congress has the power to enact this legislation pursuant to the following:

Constitutional Amendments

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the

Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State without its Consent, shall be deprived of its equal Suffrage in the Senate.

By Ms. JACKSON LEE of Texas:

H.J. Res. 64.

Congress has the power to enact this legislation pursuant to the following:

Necessary and Proper Regulations to Effectuate Powers

Article I, Section 8

The Congress shall have Power . . . to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. HAYWORTH and Mr. HUNTER.

H.R. 10: Mr. LANDRY and Mr. DUNCAN of Tennessee.

H.R. 44: Mr. ISRAEL.

H.R. 104: Mr. PALAZZO.

H.R. 190: Mr. AL GREEN of Texas and Ms. SUTTON.

H.R. 283: Ms. MOORE.

H.R. 287: Mr. MCDERMOTT, Mr. LUJÁN, and Mr. LIPINSKI.

H.R. 300: Mr. ELLISON.

H.R. 401: Mr. JOHNSON of Georgia.

H.R. 420: Mr. LATTI, Mr. ISSA, Mr. BUCHANAN, and Ms. FOX.

H.R. 426: Mr. CULBERSON.

H.R. 436: Mr. BISHOP of Utah and Ms. ROSELEHTINEN.

H.R. 452: Mr. FRANKS of Arizona and Mr. QUAYLE.

H.R. 466: Mr. NADLER, Mr. ROE of Tennessee, and Mr. LUTKEMEYER.

H.R. 601: Mr. QUIGLEY.

H.R. 605: Mr. HARPER, Mrs. SCHMIDT, Mr. HUIZENGA of Michigan, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. CHABOT, Mr. GOHMERT, Mr. MANZULLO, Mr. PITTS, Mr. GUINTA, and Mr. ROKITA.

H.R. 607: Mr. PAULSEN.

H.R. 615: Ms. FOX and Mr. LATTI.

H.R. 637: Mr. WOMACK.

H.R. 639: Mr. KEATING, Mr. MEEHAN, and Mr. OWENS.

H.R. 673: Mr. BUCHANAN.

H.R. 676: Mrs. NAPOLITANO and Mr. BECERRA.

H.R. 680: Mr. MCCLINTOCK.

H.R. 718: Mr. TURNER.

H.R. 721: Mr. CARSON of Indiana and Mrs. LUMMIS.

H.R. 735: Mr. CALVERT, Mr. ROHRABACHER, and Mr. LONG.

H.R. 745: Mr. DESJARLAIS and Mr. LAMBORN.

H.R. 789: Mr. PASCRELL, Mr. GARRETT, Mr. LOBIONDO, and Mr. HOLT.

H.R. 822: Mr. NUNES, Mr. BERG, Mrs. NOEM, Mrs. McMORRIS RODGERS, Mr. RIBBLE, Mr. RYAN of Wisconsin, Mr. BURGESS, Mr. SHIMKUS, Mr. WOMACK, Mrs. BLACK, Mr. KINGSTON, Mr. YOUNG of Florida, and Mr. CARDOZA.

H.R. 860: Ms. FUDGE, Mr. MCGOVERN, Mr. HOLDEN, Mr. LATTI, Mr. TIERNEY, Mr. RUPPERSBERGER, Mr. BISHOP of Georgia, and Mr. WOLF.

H.R. 862: Mr. COHEN.

H.R. 881: Ms. CASTOR of Florida.

H.R. 886: Mr. LONG.

H.R. 892: Mr. KELLY.

H.R. 904: Mr. BOSWELL and Mr. BARTLETT.

H.R. 935: Mr. WHITFIELD, Mr. PETRI, and Mr. SCHOCK.

H.R. 965: Ms. CHU.

H.R. 972: Mr. WOODALL.

H.R. 990: Mr. DUNCAN of Tennessee and Mr. KLINE.

H.R. 991: Mr. KLINE, Mr. LANDRY, Mr. DUNCAN of Tennessee, Mr. BENISHEK, and Mr. MARCHANT.

H.R. 1041: Mr. WOLF.

H.R. 1057: Mrs. MALONEY.

H.R. 1063: Ms. BALDWIN.

H.R. 1081: Ms. HIRONO, Mr. BENISHEK, and Mr. WOODALL.

H.R. 1093: Mr. WALBERG.

H.R. 1134: Mr. WOMACK and Mr. HERGER.

H.R. 1150: Mr. JONES, Mr. DOGGETT, and Mrs. McMORRIS RODGERS.

H.R. 1153: Mr. FORBES.

H.R. 1166: Mr. ALTMIRE, Mr. CRENSHAW, Mr. MICA, Mr. ENGEL, and Mr. MCINTYRE.

H.R. 1167: Mr. ISSA.

H.R. 1174: Mr. ACKERMAN, Mr. POLIS, Ms. BERKLEY, Mr. LARSON of Connecticut, Mr. RANGEL, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. SCOTT of VIRGINIA, Mr. CAPUANO, Mr. HONDA, Ms. WOOLSEY, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. COHEN, Mr. PAUL, Mr. YOUNG of Alaska, and Mrs. BIGGERT.

H.R. 1181: Ms. JENKINS.

H.R. 1184: Mr. PLATTS.

H.R. 1219: Mr. DAVIS of Illinois and Mr. HEINRICH.

H.R. 1236: Mr. HOLDEN, Mr. BARROW, Mr. SENSENBRENNER, Mr. POLIS, Ms. SLAUGHTER, and Mr. LIPINSKI.

H.R. 1244: Mr. BOSWELL, Mr. MARCHANT, and Mr. PLATTS.

H.R. 1265: Ms. BERKLEY, Mr. CULBERSON, Mrs. LUMMIS, Mr. LONG, and Mr. JONES.

H.R. 1284: Mr. MARKEY.

H.R. 1287: Mr. REHBERG.

H.R. 1309: Mr. BILIRAKIS, Mr. HARPER, Mr. BISHOP of Georgia, and Mr. SIRE.

H.R. 1325: Mr. CICILLINE and Mr. BACA.

H.R. 1327: Ms. SUTTON and Mr. JOHNSON of Illinois.

H.R. 1330: Mr. HASTINGS of Florida.

H.R. 1331: Mr. BARLETT and Mr. DUNCAN of Tennessee.

H.R. 1351: Ms. MOORE, Mr. COSTA, and Mr. QUIGLEY.

H.R. 1356: Mr. HOLT and Mr. MILLER of Florida.

H.R. 1370: Mr. BOREN.

H.R. 1380: Mr. ROGERS of Michigan.

H.R. 1404: Mr. BLUMENAUER.

H.R. 1416: Mr. BACHUS.

H.R. 1418: Mr. CLARKE of Michigan, Mr. BISHOP of New York, Mr. CONNOLLY of Virginia, and Mr. WOODALL.

H.R. 1420: Mr. ISRAEL and Mr. GARAMENDI.

H.R. 1475: Mr. DIAZ-BALART.

H.R. 1498: Mrs. BLACKBURN, Ms. WOOLSEY, Mr. BILIRAKIS, Mr. WEST, Mr. RUSH, Mr. SCHIFF, and Mr. SHERMAN.

H.R. 1501: Mrs. LUMMIS.

H.R. 1505: Mr. MCCLINTOCK and Mr. GOSAR.

H.R. 1506: Mr. QUIGLEY, Mr. NADLER, and Mr. JACKSON of Illinois.

H.R. 1537: Mr. FATTAH and Mr. TIERNEY.

H.R. 1546: Mr. JOHNSON of Georgia, Mr. GENE GREEN of Texas, Mr. COBLE, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. LOEBSACK, Mr. THOMPSON of Pennsylvania, Mr. YOUNG of Alaska, Mr. HEINRICH, Mr. JOHNSON of Ohio, and Mrs. MILLER of Michigan.

H.R. 1558: Mr. SCHOCK.

H.R. 1574: Mr. TIERNEY, Mr. LYNCH, and Mr. MARKEY.

H.R. 1578: Mr. COHEN.

H.R. 1580: Mr. PLATTS, Mr. INSLEE, Ms. LINDA T. SANCHEZ of California, Mr. CARTER, Mr. REICHERT, Mr. DUNCAN of Tennessee, and Mrs. BLACKBURN.