

109TH CONGRESS  
1ST SESSION

# H. R. 2458

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2005

Mr. SHADEGG (for himself, Mr. OTTER, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. KOLBE, Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. GARRETT of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. BARTLETT of Maryland, Mr. KUHL of New York, Mr. PAUL, Mr. HOEKSTRA, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. BACHUS, Mr. TIAHRT, Mr. COX, Mr. MILLER of Florida, Mrs. MUSGRAVE, and Mr. GOODE) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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.”

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