

AMENDMENT TO H.R. 358

OFFERED BY MR. WEINER OF NEW YORK

**[Page and line numbers refer to the Committee Print dated
February 11, 2011]**

Page 2, strike lines 1 through 2.

Page 2, after line 4, insert the following section (and
make such conforming changes as may be necessary):

1 SEC. 2. FINDINGS.

2 The Congress finds the following:

3 (1) The Rules of the House of Representatives
4 include in clause 7 of rule XII the following: “A bill
5 or joint resolution may not be introduced unless the
6 sponsor submits for printing in the Congressional
7 Record a statement citing as specifically as prac-
8 ticable the power or powers granted in the Constitu-
9 tion to enact the bill or joint resolution.”

10 (2) The guidance of the House Rules Com-
11 mittee on Compliance with the Rule provides illus-
12 trative examples, each of which makes very specific
13 reference to a provision of the Constitution or an
14 amendment thereto, including the following exam-
15 ples:

1 (A) The constitutional authority on which
2 this bill rests is the power of Congress to make
3 rules for the government and regulation of the
4 land and naval forces, as enumerated in Article
5 I, Section 8, Clause 14 of the United States
6 Constitution.

7 (B) This bill is enacted pursuant to Sec-
8 tion 2 of Amendment XV of the United States
9 Constitution.

10 (C) This bill is enacted pursuant to the
11 power granted to Congress under Article I, Sec-
12 tion 8, Clause 3 of the United States Constitu-
13 tion.

14 (D) The Congress enacts this bill pursuant
15 to Clause 1 of Section 8 of Article I of the
16 United States Constitution and Amendment
17 XVI of the United States Constitution.

18 (E) This bill makes specific changes in ex-
19 isting law in a manner that returns power to
20 the States and to the people in accordance with
21 Amendment X of the United States Constitu-
22 tion.

23 (3) The guidance of the House Rules Com-
24 mittee on Compliance with the Rule states that “the
25 adequacy and accuracy of the citation of constitu-

1 tional authority is [a] [sic] matter for debate in the
2 committee and in the House”.

3 (4) The Frequently Asked Questions guidance
4 provided by the House Rules Committee provides:
5 “Q: So why have this Rule at all? “A: Just as a cost
6 estimate from the Congressional Budget Office in-
7 forms the debate on a proposed bill, a statement
8 outlining the power under the Constitution that Con-
9 gress has to enact a proposed bill will inform and
10 provide the basis for debate. It also demonstrates to
11 the American people that we in Congress understand
12 that we have an obligation under our founding docu-
13 ments to stay within the role established therein for
14 the legislative branch.”.

15 (5) The statement of constitutional authority
16 submitted with the “Protect Life Act” on January
17 20, 2011, provides no citation to any provision in
18 the Constitution or an amendment thereto.

19 (6) Inasmuch as the adequacy and accuracy of
20 the statement that was submitted is, according to
21 the House Rules Committee, a “matter for debate in
22 the committee” and is necessary to “inform and pro-
23 vide the basis for debate,” a debate is appropriately
24 held in the Committee on Energy and Commerce.

