

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1039

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 SENATE OF THE UNITED STATES

JULY 17 (legislative day, JULY 10), 1995

Mr. ABRAHAM (for himself, Mr. DOLE, Mr. BROWN, Mr. HATCH, Mr. DEWINE, Mr. KYL, and Mr. KEMPTHORNE) introduced the following bill; which was read twice and 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. SPECIFICATION OF CONSTITUTIONAL AUTHOR-**  
4 **ITY FOR ENACTMENT OF LAW.**

5 (a) CONSTITUTIONAL AUTHORITY.—This Act is en-  
6 acted pursuant to the power granted Congress under Arti-  
7 cle I, section 8, clause 18, of the United States Constitu-  
8 tion.

1 (b) IN GENERAL.—Chapter 2 of title 1, United  
 2 States Code, is amended by inserting after section 102 the  
 3 following new section:

4 **“§ 102a. Constitutional authority clause**

5 “(a) A constitutional authority clause shall follow the  
 6 enacting clause of any Act of Congress or the resolving  
 7 clause of any joint resolution. The constitutional authority  
 8 clause shall be in the following form (with appropriate  
 9 modifications and appropriate matter inserted in the  
 10 blanks):

11 ““This Act (or resolution) is enacted pursuant to the  
 12 power(s) granted to the Congress under Article(s)  
 13 \_\_\_\_\_ section(s) \_\_\_\_\_, clause(s)  
 14 \_\_\_\_\_ of the United States Constitution.’”.

15 “(b) A similar clause shall precede the first title, sec-  
 16 tion, subsection or paragraph, and each following title,  
 17 section, subsection or paragraph to the extent the later  
 18 title, section, subsection or paragraph relies on a different  
 19 article, section, or clause of the Constitution from the one  
 20 pursuant to which the first title, section, subsection or  
 21 paragraph is enacted.”.

22 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
 23 The table of sections for chapter 2 of title 1, United States

- 1 Code, is amended by inserting after the item relating to
- 2 section 102 the following:

“102a. Constitutional authority clause.”.

