

104TH CONGRESS
1ST SESSION

S. J. RES. 9

Proposing an amendment to the Constitution of the United States barring
Federal unfunded mandates to the States.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. HATCH (for himself, Mr. BROWN, Mr. ABRAHAM, Mr. LOTT, Mr. KEMPTHORNE, Mr. SHELBY, Mr. SMITH, and Mr. THOMAS) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution, which shall be valid to all intents and purposes*
6 *as part of the Constitution when ratified by the legisla-*
7 *tures of three-fourths of the several States within seven*
8 *years after the date of its submission to the States for*
9 *ratification:*

1 “SECTION 3. No Act of Congress shall impose on any
2 State an obligation to enact or administer a Federal pro-
3 gram.

4 “SECTION 4. For purposes of this article, the term
5 ‘State’ includes any subdivision or instrumentality of a
6 State.

7 “SECTION 5. Section 1 of this article shall apply only
8 to Acts of Congress that become effective after the date
9 of ratification of this article.

10 “SECTION 6. The judicial remedy for violation of this
11 article may include an order or ruling that an obligation
12 or condition is not enforceable against a State, but shall
13 not include an order or ruling that the Federal Govern-
14 ment provide a State the funds needed to pay the State’s
15 costs of complying with an obligation.

16 “SECTION 7. Nothing in this article shall be con-
17 strued as rendering compatible with this Constitution any
18 exercise of Federal power that would, in the absence of
19 this article, violate this Constitution.”.

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