

106TH CONGRESS  
1ST SESSION

# S. 31

To amend title 1, United States Code, to clarify the effect and application of legislation.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend title 1, United States Code, to clarify the effect and application of legislation.

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. RULE OF CONSTRUCTION RELATING TO RET-**  
4                       **ROACTIVE APPLICATION OF STATUTES AND**  
5                       **THE CREATION OF PRIVATE CLAIMS AND**  
6                       **CAUSES OF ACTION.**

7       (a) IN GENERAL.—Chapter 1 of title 1, United  
8       States Code, is amended by adding at the end the follow-  
9       ing:

1 **“§ 8. Rules for determining the retroactive effect of**  
 2 **legislation and the creation of private**  
 3 **claims and causes of action**

4 “(a) Unless a provision included in the Act expressly  
 5 specifies otherwise, any Act of Congress enacted after the  
 6 effective date of this section shall—

7 “(1) be prospective in application only; and

8 “(2) not create a private claim or cause of ac-  
 9 tion.

10 “(b) In applying subsection (a)(1), a court shall de-  
 11 termine the relevant retroactivity event in an Act of Con-  
 12 gress (if such event is not specified in such Act) for pur-  
 13 poses of determining if the Act—

14 “(1) is prospective in application only; or

15 “(2) affects conduct that occurred before the ef-  
 16 fective date of the Act.”.

17 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**  
 18 The table of sections for chapter 1 of title 1, United States  
 19 Code, is amended by adding after the item relating to sec-  
 20 tion 7 the following:

“8. Rules for determining the retroactive effect of legislation and the creation  
 of private claims and causes of action.”.

○