
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 378 Session of
1994

INTRODUCED BY EGOLF, SAURMAN, ARMSTRONG, BROWN, D. W. SNYDER,
FARGO, TRUE, ZUG, HERSHEY, SATHER, FARMER, GEIST, JADLOWIEC,
L. I. COHEN, SCHULER, RAYMOND, BIRMELIN, SAYLOR, LAUB, NYCE,
LYNCH, CONTI, TIGUE, MICOZZIE, HENNESSEY, FICHTER, MAITLAND,
FLEAGLE, KREBS, SCHEETZ, M. N. WRIGHT, HARLEY, PITTS, MILLER,
BAKER, STEIL, CHADWICK, LEH, STABACK, HANNA, E. Z. TAYLOR AND
BARLEY, SEPTEMBER 28, 1994

REFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS,
SEPTEMBER 28, 1994

A CONCURRENT RESOLUTION

1 Directing the Attorney General of Pennsylvania to examine and
2 challenge by legal action the constitutionality of funded and
3 unfunded Federal mandates, court rulings in this regard and
4 the authority granted or assumed by the Federal Government,
5 through the laws, regulations and practices of the Federal
6 Government when they infringe upon the Commonwealth's
7 sovereignty.

8 WHEREAS, The Constitution of the United State envisions
9 sovereign states and guarantees the states a Republican form of
10 government in which decisions are made by the elected
11 representatives of the people; and

12 WHEREAS, The State and local governments in Pennsylvania are
13 losing their power to act on behalf of their citizens, as the
14 power of government is moving farther away from the people into
15 the hands of Federal agencies and officials who are not elected
16 and who are unaware of the needs and concerns of Pennsylvania
17 and other states; and

1 WHEREAS, With increasing and alarming frequency important
2 decisions affecting the lives of Pennsylvania citizens are being
3 made by the Federal Government in the form of both funded and
4 unfunded mandates imposed on the states; and

5 WHEREAS, Congress fails to provide adequate means to
6 implement many of the Federal mandates directed to the states
7 which places state governments in a vice that threatens to
8 squeeze state resources beyond their limits; and

9 WHEREAS, Imposition of unfunded Federal mandates requires
10 states to fund the Federal requirements with diminishing state
11 revenue or jeopardize their eligibility for certain Federal
12 funds; and

13 WHEREAS, The states and Congress should engage in earnest
14 discussions to resolve the difficult position that states are
15 forced into by their efforts to comply with the growing number
16 of unfunded Federal mandates, because this trend could eliminate
17 state flexibility to effectively deal with local problems as
18 limited state resources are diverted to funding federally
19 mandated programs; and

20 WHEREAS, Federal mandates threaten the fiscal integrity of
21 the states and their right of self-determination; and

22 WHEREAS, The United States Advisory Commission on
23 Intergovernmental Relations recommended in a July 1993 report
24 that "the federal government institute a moratorium on mandates
25 for at least two years and conduct a review of mandating to
26 restore balance, partnership and state and local self-
27 determination in the federal system" and that the Supreme Court
28 reexamine the constitutionality of "mandating as a principle";
29 and

30 WHEREAS, Numerous Federal laws impose mandates on the

1 Commonwealth of Pennsylvania, including, but not limited to, the
2 following: Asbestos School Abatement Act; Family and Medical
3 Leave Act; Safe Drinking Water Act; Clean Air Act; Americans
4 With Disabilities Act; National Voter Registration Act; Title
5 XIX of the Federal "Social Security Act"; and Water Pollution
6 Control Act; and

7 WHEREAS, The members of the General Assembly of the
8 Commonwealth of Pennsylvania want the members of Congress from
9 Pennsylvania to fully understand the impact the actions of the
10 Federal Government have on the Commonwealth of Pennsylvania,
11 especially the difficulties imposed on the General Assembly in
12 its effort to allocate resources to a large number of pressing
13 State needs; and

14 WHEREAS, The Federal court system affords a means to liberate
15 the states from the grip of Federal mandates and to give the
16 power to govern back to the people; therefore be it

17 RESOLVED (the Senate concurring), That legal action
18 challenging the constitutionality of both funded and unfunded
19 mandates, the court rulings that hinder State management of
20 State issues, and the authority of the Federal Government to
21 mandate State action is necessary to restore, maintain and
22 advance the Commonwealth of Pennsylvania's sovereignty and
23 authority over issues that affect Pennsylvania and the well-
24 being of its citizens; and be it further

25 RESOLVED, That the Attorney General examine and challenge by
26 legal action, in the name of and on behalf of the Commonwealth
27 of Pennsylvania, Federal mandates, court rulings, the authority
28 granted to or assumed by the Federal Government, and laws,
29 regulations and practices of the Federal Government to the
30 extent they infringe on the Commonwealth of Pennsylvania's

1 sovereignty or authority over issues affecting its citizens; and
2 be it further

3 RESOLVED, That all of the states are urged to participate in
4 any legal action brought pursuant to this concurrent resolution
5 and that the Attorney General shall be requested to encourage
6 such participation and shall cooperate with other states in any
7 legal action that includes issues of joint concern; and be it
8 further

9 RESOLVED, That copies of this resolution be transmitted to
10 the President of the United States, the presiding officers of
11 each house of Congress to each member of Congress from
12 Pennsylvania and to the Attorney General of the Commonwealth.