
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 372 Session of
1994

INTRODUCED BY ARMSTRONG, ROBERTS, LEH, LYNCH, FLICK, BAKER,
HUTCHINSON, BIRMELIN, M. N. WRIGHT, MICOZZIE, DeLUCA,
DEMPSEY, YEWIC, WILLIAMS, BATTISTO, CLYMER, WOGAN, BROWN,
HERSHEY, PLATTS, STEIL, SAYLOR, STABACK, TRELLO, TIGUE, LEE,
WAUGH, HASAY, HANNA, FARGO, GODSHALL, PITTS, CONTI, RAYMOND,
HENNESSEY, TANGRETTI, GEIST, MAITLAND, MILLER, EGOLF,
MASLAND, MERRY, STERN, CLARK, YOUNGBLOOD, HESS, E. Z. TAYLOR,
LAUB, NYCE, COLAIZZO, KASUNIC, TOMLINSON, CESSAR, KING,
ROHRER, MARKOSEK, BUNT, SAURMAN, TRUE, FLEAGLE, GAMBLE,
SCHEETZ, GLADECK, TRICH, KREBS, ZUG, TULLI, NAILOR, JAROLIN
AND SCHULER, SEPTEMBER 27, 1994

REFERRED TO COMMITTEE ON FEDERAL-STATE RELATIONS,
SEPTEMBER 27, 1994

A CONCURRENT RESOLUTION

1 Demanding that Congress cease and desist mandates that are
2 beyond the scope of its constitutionally delegated powers.

3 WHEREAS, The 10th Amendment to the Constitution of the United
4 States reads as follows:

5 "The powers not delegated to the United States by the
6 Constitution, nor prohibited by it to the States, are
7 reserved to the States respectively, or to the people.";

8 and

9 WHEREAS, The 10th Amendment defines the total scope of
10 Federal power as being that specifically granted by the
11 Constitution of the United States and no more; and

12 WHEREAS, The scope of power defined by the 10th Amendment
13 means that the Federal Government was created by the states

1 specifically to be an agent of the states; and

2 WHEREAS, Today in 1994 the states are demonstrably treated as
3 agents of the Federal Government; and

4 WHEREAS, Numerous resolutions have been forwarded to the
5 Federal Government by the General Assembly of the Commonwealth
6 of Pennsylvania without any response or result from Congress or
7 the Federal Government; and

8 WHEREAS, Many Federal mandates are directly in violation of
9 the 10th Amendment to the Constitution of the United States; and

10 WHEREAS, The United States Supreme Court has ruled in New
11 York v. United States, 112 S. Ct. 2408 (1992), that Congress may
12 not simply commandeer the legislative and regulatory processes
13 of the states; and

14 WHEREAS, A number of proposals from previous administrations
15 and some now pending from the present administration and from
16 Congress may further violate the Constitution of the United
17 States; therefore be it

18 RESOLVED (the Senate concurring), That the General Assembly
19 of the Commonwealth of Pennsylvania hereby claim sovereignty
20 under the 10th Amendment to the Constitution of the United
21 States over all powers not otherwise enumerated and granted to
22 the Federal Government by the Constitution of the United States;
23 and be it further

24 RESOLVED, That this resolution serve as notice and demand to
25 the Federal Government as our agent to cease and desist,
26 effective immediately, mandates that are beyond the scope of its
27 constitutionally delegated powers; and be it further

28 RESOLVED, That copies of this resolution be transmitted to
29 the President of the United States, the presiding officers of
30 each house of Congress, to each member of Congress from

1 Pennsylvania and to the Speaker of the House of Representatives
2 and the President of the Senate of each state's legislature.