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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 379 Session of  
1994

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INTRODUCED BY GAMBLE, TANGRETTI, BELFANTI, BUNT, DeLUCA, KAISER,  
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MILLER, NYCE, PHILLIPS, STISH, PETTIT, ADOLPH, GIGLIOTTI,  
STABACK, CLYMER, MERRY, EGOLF, STERN, YOUNGBLOOD, HALUSKA,  
HASAY, LAUB, KING, MARKOSEK, LAWLESS, BROWN, D. R. WRIGHT,  
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PETRARCA, PITTS, WOGAN, BIRMEIN, OLASZ, GANNON, RUDY,  
SCHULER, STEIL, FICHTER, DALEY, NICKOL, McGEEHAN, SURRA,  
BAKER, FAJT, CORNELL, RUBLEY, RAYMOND, THOMAS AND LEH,  
SEPTEMBER 28, 1994

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

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## A RESOLUTION

1 Restating State sovereignty.

2 WHEREAS, The Tenth Amendment to the Constitution of the  
3 United States reads as follows: "The powers not delegated to  
4 the United States by the Constitution, nor prohibited by it to  
5 the States, are reserved to the States respectively, or to the  
6 people"; and

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

10 WHEREAS, The scope of Federal power defined by the Tenth  
11 Amendment means that the Federal Government was created by the  
12 states specifically to be an agent of the states; and

1 WHEREAS, State authority has been eroded primarily by four  
2 developments:

3 (1) Federal assumption of powers reserved to the states  
4 under the Tenth Amendment;

5 (2) interpretations of the "commerce clause" which go  
6 beyond any reasonable conception, and in effect authorize  
7 Federal preemption with respect to any issue for which some  
8 faint or circuitous connection can be made to interstate  
9 commerce;

10 (3) by threat of withholding, withdrawing or diverting  
11 Federal funds to coerce compliance with Federal policies;

12 (4) failure on the part of the states to challenge  
13 Federal intrusions. Indeed state governments have endorsed  
14 Federal usurpation by seeking additional Federal funding and  
15 by accepting Federal delegations of power; and

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

18 WHEREAS, Numerous resolutions have been forwarded to the  
19 Federal Government by the states without any response or result  
20 from the Congress of the United States or the Federal  
21 Government; and

22 WHEREAS, Many Federal mandates are directly in violation of  
23 the Tenth Amendment to the Constitution of the United States;  
24 and

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

29 WHEREAS, A number of proposals from previous administrations  
30 and some now pending from the present administration and from

1 Congress may further violate the Constitution of the United  
2 States; therefore be it

3       RESOLVED, That the Commonwealth of Pennsylvania hereby claim  
4 sovereignty under the Tenth Amendment to the Constitution of the  
5 United States over all powers not otherwise enumerated and  
6 granted to the Federal Government by the Constitution of the  
7 United States; and be it further

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

12       RESOLVED, That copies of this resolution be transmitted to  
13 the President of the United States, the presiding officers of  
14 each house of Congress, each member of Congress from  
15 Pennsylvania, the presiding officers of both bodies of each  
16 state's legislature in states having a bicameral legislature and  
17 to the presiding officer of the legislature in a state having a  
18 unicameral legislature.