

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 49 Session of 2011

INTRODUCED BY SWANGER, BAKER, BENNINGHOFF, CALTAGIRONE, CLYMER, D. COSTA, CUTLER, DENLINGER, ELLIS, FLECK, GIBBONS, GOODMAN, GRELL, GROVE, HARRIS, HORNAMAN, KAUFFMAN, KNOWLES, METCALFE, MILNE, MURT, PICKETT, PYLE, RAPP, READSHAW, REESE, REICHLLEY, ROAE, SCHRODER, SIMMONS, SONNEY, STERN, TALLMAN, VULAKOVICH, MARSHALL, GABLER AND HESS, FEBRUARY 1, 2011

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 1, 2011

A RESOLUTION

1 Claiming sovereignty under the Tenth Amendment to the  
 2 Constitution of the United States over certain powers,  
 3 serving notice to the Federal Government to cease and desist  
 4 certain mandates, providing that certain Federal legislation  
 5 be prohibited or repealed and directing distribution.

6 WHEREAS, The Tenth Amendment to the Constitution of the  
 7 United States reads as follows:

8 The powers not delegated to the United States by the  
 9 Constitution, nor prohibited by it to the States, are  
 10 reserved to the States respectively, or to the people;

11 and

12 WHEREAS, The Tenth Amendment to the Constitution of the  
 13 United States defines the total scope of Federal power as being  
 14 that specifically granted by the Constitution of the United  
 15 States and no more; and

16 WHEREAS, The scope of power defined by the Tenth Amendment to  
 17 the Constitution of the United States means that the Federal

1 Government was created by the states specifically to be an agent  
2 of the states; and

3 WHEREAS, In 2010, the states are demonstrably treated as  
4 agents of the Federal Government; and

5 WHEREAS, Many Federal laws are directly in violation of the  
6 Tenth Amendment to the Constitution of the United States; and

7 WHEREAS, The Tenth Amendment to the Constitution of the  
8 United States assures that the citizens of this nation and each  
9 sovereign state in the union of states now have, and have always  
10 had, rights that the Federal Government may not usurp; and

11 WHEREAS, Article IV, Section 4 of the Constitution of the  
12 United States states, "The United States shall guarantee to  
13 every State in this Union a Republican Form of Government," and  
14 the Ninth Amendment to the Constitution of the United States  
15 states, "The enumeration in the Constitution, of certain rights,  
16 shall not be construed to deny or disparage others retained by  
17 the people"; and

18 WHEREAS, The United States Supreme Court ruled in *New York v.*  
19 *United States*, 112 S. Ct. 2408 (1992), that the Congress of the  
20 United States may not simply commandeer the legislative and  
21 regulatory processes of the states; and

22 WHEREAS, A number of proposals from previous administrations,  
23 and some now pending from the present administration and from  
24 the Congress of the United States, may further violate the  
25 Constitution of the United States; therefore be it

26 RESOLVED, That the Commonwealth of Pennsylvania hereby claim  
27 sovereignty under the Tenth Amendment to the Constitution of the  
28 United States over all powers not otherwise enumerated and  
29 granted to the Federal Government by the Constitution of the  
30 United States; and be it further

1       RESOLVED, That this resolution serve as Notice and Demand to  
2 the Federal Government, as our agent, to cease and desist,  
3 effective immediately, mandates that are beyond the scope of  
4 these constitutionally delegated powers; and be it further

5       RESOLVED, That all compulsory Federal legislation which  
6 directs states to comply under threat of civil or criminal  
7 penalties or sanctions, or requires states to pass legislation  
8 or lose Federal funding, be prohibited or repealed; and be it  
9 further

10       RESOLVED, That a copy of this resolution be distributed to  
11 the President of the United States, the President of the United  
12 States Senate, the Speaker of the United States House of  
13 Representatives, the President of the Senate and the Speaker of  
14 the House of Representatives of each state's legislature and to  
15 each member of Congress from Pennsylvania.