

1995 SESSION

INTRODUCED

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HOUSE JOINT RESOLUTION NO. 633

Offered January 23, 1995

Memorializing Congress to observe the 10th Amendment to the Constitution of the United States.

Patrons—O'Brien, Albo, Hargrove, McClure, McDonnell and Newman; Senator: Barry

Referred to Committee on Rules

WHEREAS, the 10th Amendment to the Constitution of the United States clearly limits the powers of the federal government by stating that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the debate over the powers of the federal government in relation to the several states has raged throughout our history, but the recent actions of the federal government, particularly in the area of unfunded mandates, has rekindled the controversy; and

WHEREAS, state authority has been eroded primarily by: (i) federal assumption of powers reserved to the states under the 10 Amendment; (ii) unreasonable interpretations of the "commerce clause" that authorize federal pre-emption with respect to any issue that has any faint or circuitous connection to interstate commerce; (iii) constant threats of withholding, withdrawing, or diverting federal funds to coerce compliance with federal practices; and (iv) failure on the part of the states to challenge federal intrusion, while at the same time showing passive endorsement of federal usurpation by seeking federal funding and by accepting federal delegations of power; and

WHEREAS, that vision of federalism, with the states retaining those powers not specifically delegated by the Constitution to the federal government, has been subverted by an insolvent federal government that imposes increasingly onerous and costly mandates on the states; and

WHEREAS, the assault by the Congress of the United States on the 10th Amendment showing no signs of abating, the time for the states to exert their constitutional rights has come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commonwealth of Virginia hereby claim sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution; and, be it

RESOLVED FURTHER, That this resolution serve as the Commonwealth of Virginia's notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Attorney General of Virginia, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the Virginia General Assembly.

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