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HOUSE JOINT RESOLUTION NO. 653

Offered January 9, 2013

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Reaffirming Virginia's rights and the rights of its citizens under the 10th amendment of the United States Constitution.

Patrons—Lingamfelter, Bell, Robert B., Minchew, Cole, Cox, J.A., Landes and Peace

Referred to Committee on Rules

WHEREAS, the United States Constitution is the supreme law of the land; and

WHEREAS, the Bill of Rights, which are the first 10 amendments to the United States Constitution, was designed to protect the rights for the people and the states; and

WHEREAS, the United States Constitution was written under a principle referred to as a "positive grant"—that the federal government is authorized to exercise only those powers that are specifically given to it by the Constitution; and

WHEREAS, the 10th amendment to the United States Constitution clearly articulates the principle of federalism by providing that powers not granted to the federal government by the Constitution, nor prohibited to the states, are reserved to the states; and

WHEREAS, Virginia, as well as all other states, has seen a dramatic shift in power to the federal government that was never contemplated by the Founders and that has encroached upon the constitutional prerogatives of the states; and

WHEREAS, the continuing aggregation of power by the federal government at the expense of the prerogatives and sovereignty of the states is accompanied by huge federal spending programs that burden the taxpayers of the states; and

WHEREAS, the Patient Protection and Affordable Care Act (PPACA), commonly referred to as "Obamacare," is an enormous federal program that threatens the fiscal solvency of the United States due to its projected costs; and

WHEREAS, the imposition of the PPACA places a great burden on the citizens and businesses of the states for purposes clearly beyond the scope of authority granted to the federal government by the United States Constitution; and

WHEREAS, the PPACA and other federal government encroachments on the rights of the states and the people as articulated in the United States Constitution threaten to deprive citizens of their rights and prosperity; and

WHEREAS, that loss of rights and prosperity is further exacerbated by federal government overtaxation, overregulation, and overspending; and

WHEREAS, Virginia is the cradle of democracy in America and the home of the Declaration of Rights that served as the model for the Bill of Rights to the United States Constitution and therefore, by virtue of Virginia's role in designing a balanced power sharing within federalism, the General Assembly is compelled to speak forthrightly for restoring the Bill of Rights in the face of a continuing assault on the rights of the people and the states; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Virginia's Congressional Delegation, the Governor, the Lieutenant Governor, and the Attorney General of Virginia, at every opportunity, reaffirm Virginia's rights and the rights of its citizens under the 10th amendment of the United States Constitution; and, be it

RESOLVED FURTHER, That the House of Delegates and the Senate of Virginia call upon the Governor to oppose any federal mandate or usurpation of state authority that is not clearly articulated by the United States Constitution; and, be it

RESOLVED FURTHER, That the House of Delegates and the Senate of Virginia call upon the Governor to specifically resist the imposition of mandates under the Patient Protection and Affordable Care Act (PPACA), commonly referred to as "Obamacare"; and, be it

RESOLVED FINALLY, That the House of Delegates and the Senate of Virginia request that the other states across the nation formally voice their opposition by legislative resolution to the Patient Protection and Affordable Care Act (PPACA), commonly referred to as "Obamacare," while reaffirming the prerogatives and rights of all the states and their citizens as granted to them under the 10th amendment to the United States Constitution.

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