

## A CONCURRENT 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5 be prohibited or repealed and directing distribution.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  
18 Government was created by the states specifically to be an agent  
19 of the states; and

20 WHEREAS, In 2009, the states are demonstrably treated as

1 agents of the Federal Government; and

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

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

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

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

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

23 RESOLVED (the Senate concurring), That the General Assembly  
24 of the Commonwealth of Pennsylvania, on behalf of the  
25 Commonwealth, hereby claim sovereignty under the Tenth Amendment  
26 to the Constitution of the United States over all powers not  
27 otherwise enumerated and granted to the Federal Government by  
28 the Constitution of the United States; and be it further

29 RESOLVED, That this resolution serve as Notice and Demand to  
30 the Federal Government, as our agent, to cease and desist,

1 effective immediately, mandates that are beyond the scope of  
2 these constitutionally delegated powers; and be it further

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

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