

House Concurrent Resolution 104 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 104

BY WILLS

1 A Concurrent Resolution affirming the sovereignty of
2 the states under the Tenth Amendment to the United
3 States Constitution.

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

9 WHEREAS, the Tenth Amendment defines the total scope
10 of federal power as being that specifically granted by
11 the United States Constitution and no more; and

12 WHEREAS, the scope of federal power defined by the
13 Tenth Amendment means that the federal government was
14 created by the states specifically to be an agent of
15 the states; and

16 WHEREAS, state authority has been eroded primarily
17 by four developments: (1) federal assumption of powers
18 reserved to the states under the Tenth Amendment;
19 (2) interpretations of the "commerce clause" which
20 go beyond any reasonable conception, and in effect
21 authorize federal preemption with respect to any
22 issue for which some faint or circuitous connection
23 can be made to interstate commerce; (3) by threat of
24 withholding, withdrawing, or diverting federal funds to
25 coerce compliance with federal policies; (4) failure on
26 the part of the states to challenge federal intrusions;
27 and

28 WHEREAS, State governments have endorsed federal

1 usurpation by seeking additional federal funding and by
2 accepting federal delegations of power; and

3 WHEREAS, today the states are demonstrably treated
4 as agents of the federal government; and

5 WHEREAS, numerous resolutions have been forwarded to
6 the federal government without any response or result
7 from Congress or the federal government; and

8 WHEREAS, many federal mandates are directly in
9 violation of the Tenth Amendment; and

10 WHEREAS, the United States Supreme Court has ruled
11 in *New York v. United States*, 112 S. Ct. 2408 (1992),
12 that Congress may not simply commandeer the legislative
13 and regulatory processes of the states; and

14 WHEREAS, a number of proposals from previous federal
15 administrations and some now pending from the present
16 federal administration and from Congress may further
17 violate the United States Constitution; NOW THEREFORE,

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
19 SENATE CONCURRING, That the State of Iowa hereby claims
20 sovereignty under the Tenth Amendment to the United
21 States Constitution over all powers not otherwise
22 enumerated and granted to the federal government by the
23 United States Constitution; and

24 BE IT FURTHER RESOLVED, That this serve as notice
25 and demand to the federal government, as our agent, to
26 cease and desist, effective immediately, mandates that
27 are beyond the scope of its constitutionally delegated
28 powers; and

29 BE IT FURTHER RESOLVED, That copies of this
30 resolution be sent to the President of the United

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1 States, the President of the United States Senate, the
2 Speaker of the United States House of Representatives,
3 and each member of the congressional delegation of the
4 State of Iowa.