

111TH CONGRESS
2D SESSION

H. RES. 1006

Reaffirming the commitment of the House of Representatives to safeguard and uphold the 10th Amendment to the Constitution of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 12, 2010

Mr. ROONEY submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Reaffirming the commitment of the House of Representatives to safeguard and uphold the 10th Amendment to the Constitution of the United States.

Whereas the 10th Amendment to the Constitution of the United States, ratified on December 15, 1791, states, “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.”;

Whereas the 10th Amendment expressly limits the powers of the Federal Government to those delegated by the Constitution and reaffirms and protects the freedom of the States to exercise those that are not;

Whereas the 10th Amendment reflects the opposition of the Founding Fathers to a Federal Government with expansive powers; their intention for the powers of the States

to act as a check on those of the Federal Government; and their concern that the Federal Government would attempt to usurp powers intended to remain with the States;

Whereas James Madison, in The Federalist No. 45, wrote, “The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite.”;

Whereas the Supreme Court, in United States v. Sprague, 282 U.S. 716 (1931), noted, “The Tenth Amendment was intended to confirm the understanding of the people at the time the Constitution was adopted, that powers not granted to the United States were reserved to the States or to the people.”;

Whereas the Supreme Court, in Fry v. United States, 421 U.S. 542 (1975), also noted, “The Amendment expressly declares the constitutional policy that Congress may not exercise power in a fashion that impairs the States’ integrity or their ability to function effectively in a federal system.”; and

Whereas it is the responsibility of Congress to safeguard the 10th Amendment and to recognize that it is as vital and valuable today as on the date of its ratification: Now, therefore, be it

1 *Resolved*, That the House of Representatives recog-
 2 nizes the value and importance of the 10th Amendment
 3 to the Constitution of the United States and reaffirms its

1 commitment to safeguard and uphold the 10th Amend-
2 ment.

