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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

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August 29, 2016

The Honorable Karen Haas
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of Nevada, received by the House of Representatives in the year 1975, as purporting to be an application of the State legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, and request that you make it publicly available.

Sincerely,



Bob Goodlatte
Chairman

FILE NUMBER 186...

ASSEMBLY JOINT RESOLUTION—Memorializing Congress to call a convention to propose an amendment to the Constitution of the United States to prohibit Congress or the President or any federal agency from withholding, withdrawing or threatening to withhold or withdraw any federal funds from any state as a means of imposing or implementing federal policies which the Federal Government is not empowered under the United States Constitution to impose or implement directly.

WHEREAS, The powers delegated to the Federal Government by the United States Constitution are limited, and those powers not delegated to the Federal Government are reserved to the states; and

WHEREAS, It is becoming increasingly the practice of the Federal Government to require states to enact state laws to implement federal policies by threatening to withhold or withdraw federal funds for failure to do so; and

WHEREAS, The Federal Government has imposed upon the states many programs and obligations which require funding in excess of state means, thereby making the states subservient to and dependent upon the Federal Government for financial assistance; and

WHEREAS, Through the coercive force of withdrawing or withholding federal funds, or the threat of withdrawing or withholding federal funds, the Federal Government is indirectly imposing its will upon the states and requiring implementation of federal policies which neither Congress nor the President nor any administrative agency is empowered to impose or implement directly; and

WHEREAS, This coercive power of the purse is being used to extend the power of the Federal Government over the states far beyond the powers delegated to the Federal Government by the United States Constitution; and

WHEREAS, The power of the Federal Government should be exercised directly by the enactment, implementation and enforcement of federal laws governing only those areas in which the Federal Government is empowered to act by the United States Constitution, and the Federal Government should be prohibited from usurping the authority of the states and imposing its will indirectly in those areas in which it has no power to act directly; and

WHEREAS, The Federal Government has imposed upon the states many programs and obligations which require state administration and such programs or other programs may lose federal financing if certain conditions attached to the program are not met; now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That pursuant to Article V of the Constitution of the United States, the legislature of the State of Nevada petitions the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States to prohibit the Congress, the President or any agent or agency of the Federal Government from withholding or withdrawing, or threatening to withhold or withdraw, any federal funds

from any state as a means of requiring a state to implement federal policies which the Congress, the President or the agent or agency of the Federal Government has no power, express or implied under the Constitution of the United States, to impose upon the states or implement its own action, and to limit permissible conditions of federal financing by the Congress, the President or any agent or agency of the Federal Government designed to obtain state administration of federal programs at the risk of losing federal funds for other programs if any or all conditions of the program are not met; and be it further

Resolved, That copies of this resolution be prepared and transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

Resolved, That this resolution shall become effective upon passage and approval.