**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3974**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Reps. Taylor, G.R. Smith and Wooten

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Introduced in the House on February 24, 2021

Currently residing in the House Committee on **Invitations and Memorial Resolutions**

Summary: 10th Amendment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/24/2021 House Introduced ([House Journal‑page 41](file:///h:\hj\20210224.docx))

2/24/2021 House Referred to Committee on **Invitations and Memorial Resolutions** ([House Journal‑page 41](file:///h:\hj\20210224.docx))

3/16/2021 House Member(s) request name added as sponsor: Wooten

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3974&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/24/2021](file:///p:\pprever\2021-22\3974_20210224.docx)

**A** **CONCURRENT RESOLUTION**

TO REAFFIRM THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND DECLARE SOUTH CAROLINA’S SOVEREIGNTY OVER ALL POWERS NOT OTHERWISE ENUMERATED AND GRANTED TO THE FEDERAL GOVERNMENT BY THE UNITED STATES CONSTITUTION.

Whereas, the Tenth Amendment to the United States Constitution specifically provides that, “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”; and

Whereas, the Tenth Amendment was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three‑fourths of the states, and went into effect on December 15, 1791; and

Whereas, the Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states, rather than the states being agents of the federal government; and

Whereas, when taking the oath of office, all members of the General Assembly of South Carolina solemnly swear that they will support the Constitution of the United States and the Constitution of South Carolina; and

Whereas, many federal mandates are in direct violation of the Tenth Amendment to the United States Constitution and infringe upon both the reserved powers of South Carolina and the people’s reserved powers; and

Whereas, the United States Supreme Court ruled in New York v. United States, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states by compelling them to enact and enforce regulatory programs; and

Whereas, the United States Supreme Court, in Printz v. United States, 521 U.S. 898 (1997), reaffirmed that the Constitution of the United States established a system of “dual sovereignty” that retains “a residuary and inviolable sovereignty” by the states; and

Whereas, it is the duty of the General Assembly to ensure that all federal governmental agencies, their agents, and employees operating within the geographic boundaries of South Carolina or whose actions have an effect on the citizens, lands, or waters of this great state shall operate within the confines of the original intent of the Constitution of the United States. It is the intent of this legislative body to demand that the federal government maintain the balance of powers established in the Constitution. Now, therefore:

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, reaffirm the Tenth Amendment of the United States Constitution and declare South Carolina’s sovereignty over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

Be it further resolved that a copy of this resolution be presented to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Clerk of the United States Senate, and the members of the South Carolina Congressional Delegation.

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