

112TH CONGRESS
1ST SESSION

H. R. 2916

To enforce the tenth article of amendment to the Constitution of the United States as it relates to the autonomous sovereign police powers of the States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2011

Mr. CULBERSON (for himself and Mr. BISHOP of Utah) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enforce the tenth article of amendment to the Constitution of the United States as it relates to the autonomous sovereign police powers of the States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tenth Amendment En-
5 forcement Act”.

6 **SEC. 2. PROTECTION OF STATE POLICE POWERS.**

7 (a) REAFFIRMATION OF STATE POLICE POWERS.—
8 Except as limited by the minimum due process and equal
9 protection requirements imposed on the States by the 14th
10 article of amendment to the United States Constitution

1 and by requirements imposed on State or local govern-
2 ments as a condition of receiving Federal funds, the Con-
3 gress reaffirms each State's autonomous sovereign police
4 powers under the 10th article of amendment to the Con-
5 stitution to preserve and protect the safety, security, and
6 property of the citizens of the State without interference
7 or oversight from Federal authorities.

8 (b) CIVIL ACTION BY GOVERNOR OR MEMBER OF
9 THE STATE LEGISLATURE.—

10 (1) In addition to any other remedy which may
11 exist, in order to protect the State's sovereign au-
12 thority to determine for itself the appropriate means
13 to preserve and protect the safety, security, and
14 property of the citizens of the State, the chief execu-
15 tive or a member of the legislature of a State may,
16 in a civil action in that chief executive's or member's
17 official capacity, obtain declaratory or injunctive re-
18 lief—

19 (A) to remedy any action taken by a Fed-
20 eral authority that attempts to interfere with
21 the State's sovereign authority; or

22 (B) to obtain compliance with section 4 of
23 article IV of the Constitution of the United
24 States.

1 (2) The plaintiff commencing a civil action
2 under this subsection is immune from civil liability
3 resulting from the plaintiff's participation in that
4 civil action, including liability for any attorney fees,
5 costs, and sanctions that may be awarded in connec-
6 tion with the civil action.

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