

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.

○