

A Declaration

Advanced as Amended by the Rules Committee: 10 AYE, 0 NAY

Federalism Restoration and State Empowerment

Whereas, Article I of the United States Constitution establishes American federalism as the constitutional framework that balances power between the federal and state governments to protect liberty, justice, domestic tranquility, common defense and general welfare; foster accountability; and encourage innovation; and

WHEREAS, the Constitution does not create the states but rather the states created the Constitution, ratifying a framework in which we would both govern collectively and independently. The Constitution enumerates the powers of the federal government—including the creation of a single currency, the regulation of interstate commerce, and the ability to declare war—while the Tenth Amendment explicitly reserves those powers not delegated the federal government and not prohibited to the states to be reserved for the states or to the people; and

Whereas, the legislative branch serves as the guardian of democratic ideals standing “as the cornerstone of representative democracy, entrusted with the authority to enact laws that reflect the will of the people and safeguard individual liberties;” and

Whereas, federalism protects liberty, justice, domestic tranquility, common defense and general welfare, enhances accountability, and fosters innovation through state-level policy experimentation. Sharing power between levels of government strengthens America’s ability to craft responsive policies in a changing world; and

Whereas, excessive federal preemption and unfunded mandates erode state authority and undermine the constitutional balance between the states and the federal government; and

Whereas, we, as legislative leaders, maintain that adherence to federalism precepts is important to restore the balance between the federal government and state legislatures, ensure collaboration that respects state roles and limits unnecessary federal intrusion into state sovereignty; and

Whereas, President Ronald Reagan and President William Clinton each issued Executive Orders that affirm and strengthen states’ roles in our federal system, safeguard against federal agency overreach and clarify the proper responsibility of federal agencies to

consult with states prior to rulemaking. These executive orders respect state authority and experimentation and should be incorporated into all federal agencies' rulemaking processes;

Now, Therefore Be It Resolved, that we, the members of the Assembly of State Legislative Leaders, maintain that federal agency rules, congressional legislation, and executive orders must respect the constitutional division of powers and encourage diversity in state policy without imposing uniformity; and

Let It Be Further Resolved, we oppose federal preemption of state laws except when a direct conflict with the constitution arises or the issue cannot be effectively addressed at the state level; and

Let It Be Further Resolved, we urge Congress to conduct periodic reviews of the state of American federalism to assess the impact of proposed legislation on state sovereignty; and

Let it Be Further Resolved that Congress must codify these federalism executive orders to protect states' ability to remain the laboratories of democracy.