



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES

RICHMOND

WILLIAM J. HOWELL
SPEAKER

TWENTY-EIGHTH DISTRICT

COMMITTEE ASSIGNMENTS:
RULES (CHAIRMAN)

FOR IMMEDIATE RELEASE:
January 25, 2011

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Va. House of Delegates Passes Repeal Amendment 59-34 to put Needed Check & Balance on Federal Government

-- HJR 542 would give Two-Thirds of the States Power to Repeal a Federal Law or Regulation --

RICHMOND, VA – By a vote of 59 to 34, the Virginia House of Delegates today voted to pass and send to the Senate of Virginia [House Joint Resolution 542](#), commonly known as the “Repeal Amendment.” This vote is one of the earliest victories for the Repeal Amendment, a nation-wide effort championed in the Commonwealth by Speaker William J. Howell (R-Stafford) and Delegate James M. LeMunyon (R-Fairfax). Speaker Howell was the first state lawmaker in the country to offer his support for this legislative initiative calling for a 28th Amendment to the U.S. Constitution. The Repeal Amendment is gaining additional attention and support not just in Virginia but in many other state legislatures.

HJ 542, patroned by Delegate James LeMunyon, and co-patroned by a total of 51 delegates, is legislation requesting the U.S. Congress to call an amendment convention pursuant to [Article V of the United States Constitution](#) for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures acting in unison.

“Checks and balances are at the heart of the U.S. Constitution and The Repeal Amendment is a timely and thoughtful check on the threat to American liberties posed by our presently out-of-control federal Congress and federal government,” said Speaker Howell.

“Like many, I believe the Repeal Amendment will help restore the proper balance of power between the states and the federal government as contemplated by our founding fathers,” Howell continued. “With no constitutional requirement for a balanced federal budget, overwhelming levels of national debt, unbridled federal mandates and unconscionable deficit spending by Washington that has mortgaged the futures of current and unborn generations, it is the duty of leaders and concerned citizens to use every tool available to help restore the health and integrity of our republic.”

Speaker Howell concluded, “Getting two thirds of state legislatures to agree on repealing a federal law or regulation will not be easy or commonplace. It will happen only if the law or rule is highly unpopular. But, perhaps its most important effect would be deterring further expansion of federal power at the expense of the sovereign people and state governments. That would be a positive step forward.”

The text of HJR 542 follows. For more information about The Repeal Amendment, please visit the Speaker’s website – www.williamjhowell.org – or go to www.repealament.org.

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HOUSE JOINT RESOLUTION NO. 542

Offered January 12, 2011

Prefiled December 15, 2010

Making application to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

WHEREAS, Article I of the United States Constitution begins "All legislative powers herein granted shall be vested in a Congress"; and

WHEREAS, the Congress has exceeded the legislative powers granted in the Constitution thereby encroaching on the powers that are "reserved to the states respectively, or to the people" as the Tenth Amendment affirms and the rights "retained by the people" to which the Ninth Amendment refers; and

WHEREAS, this encroachment includes the accumulation of federal debt, which combined with interest represents a future tax, and is of such great proportion that responsibility for its payment will be passed to future, unborn generations of Americans to assume without their consent, thereby disparaging their rights; and

WHEREAS, this encroachment also includes compelling state and local governments to comply with federal laws and regulations without accompanying funding for such mandates; and

WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in reference to Article V of the Constitution and the calling of a convention for the purpose of proposing amendments that, "We may safely rely on the disposition of the State legislatures to erect barriers against the encroachments of the national authority"; and

WHEREAS, the Constitution should be amended in order to halt federal encroachment and restore a proper balance between the powers of Congress and those of the several states, and to prevent the denial or disparagement of the rights retained by the people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Commonwealth of Virginia hereby applies to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing a constitutional amendment that permits the repeal of any federal law or regulation by vote of two-thirds of the state legislatures. The Virginia Delegation to such convention, when called, shall propose the following amendment:

"Any provision of law or regulation of the United States may be repealed by the several states, and such repeal shall be effective when the legislatures of two-thirds of the several states approve resolutions for this purpose that particularly describe the same provision or provisions of law or regulation to be repealed."; and, be it

RESOLVED FURTHER, That this resolution is revoked and withdrawn, nullified, and superseded to the same effect as if it had never been passed, and retroactive to the date of passage, if it is used for the purpose of calling a convention or used in support of conducting a convention to amend the Constitution of the United States for any purpose other than consideration of the amendment proposed in this resolution; and, be it

RESOLVED FURTHER, That the Commonwealth of Virginia reserves its right to add future amendments as the legislature deems warranted to this application; and, be it

RESOLVED FURTHER, That delegates to such convention, when called, be selected according to procedures established by the legislatures of the several states; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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