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ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

September 27, 2016

The Honorable Karen Haas
Clerk of the U.S. House of Representatives
U.S. Capitol, Room H154
Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of Delaware, received by the House of Representatives in the year 1971, as purporting to be an application of the State legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, and request that you make it publicly available.

Sincerely,



Bob Goodlatte

Chairman

Delaware.

[Handwritten signature]
M-22

I, LOUISE DeR. SMITH, CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES,
DO HEREBY CERTIFY THAT THE RESOLUTION ATTACHED HERETO IS A TRUE
AND EXACT COPY OF THE HOUSE ^{CONCURRENT} RESOLUTION NO. 2 AS ADOPTED BY THE
HOUSE OF REPRESENTATIVES OF THE 126th SESSION OF THE GENERAL ASSEMBLY
OF THE STATE OF DELAWARE ON JANUARY 20th, _____,
19 71.

PASSED BY THE SENATE JANUARY 21st; 1971

Louise de R Smith
Chief Clerk of the House of Representatives

William L. Frederick
Speaker of the House of Representatives

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HOUSE OF REPRESENTATIVES

126TH GENERAL ASSEMBLY

FIRST SESSION - 1971

HOUSE CONCURRENT RESOLUTION NO. 2

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR A RETURN OF TAX MONIES FROM THE FEDERAL GOVERNMENT TO THE SEVERAL STATES.

1 WHEREAS, a resolution of our nation's myriad and diverse problems
2 is contingent upon a viable partnership between the federal government and
3 strengthened state governments, and

4 WHEREAS, the federal government, by its extensive reliance on
5 the graduated income tax as a revenue source, has virtually preempted the
6 use of this source from state and local governments, thereby creating a
7 disabling fiscal imbalance between the federal government and the state
8 and local governments, and

9 WHEREAS, increasing demands upon state and local governments
10 for essential public services have compelled the states to rely heavily on
11 highly regressive and inelastic consumer taxes and property taxes, and

12 WHEREAS, federal revenues based predominantly on income taxes
13 increase significantly faster than economic growth, while state and local
14 revenues based heavily on sales and property taxes do not keep pace with
15 economic growth, and

16 WHEREAS, the fiscal crisis at state and local levels has become the
17 overriding problem of intergovernmental relations and of continuing a viable
18 federal system, and

19 WHEREAS, the evident solution to this problem is a meaningful
20 sharing of federal income tax resources, and

21 WHEREAS, the United States Congress, despite the immediate and
22 imperative need therefor, has failed to enact acceptable revenue sharing
23 legislation, and

1 WHEREAS, in the event of such Congressional inaction, Article V of the
2 Constitution of the United States grants to the states the right to initiate
3 constitutional change by applications from the legislatures of two-thirds of
4 the several states to the Congress, calling for a constitutional convention,
5 and

6 WHEREAS, the Congress of the United States is required by the Constitution
7 to call such a convention upon the receipt of applications from the legislatures
8 of two-thirds of the several states,

9 NOW, THEREFORE,

10 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 126TH GENERAL
11 ASSEMBLY, THE SENATE CONCURRING THEREIN,

12 that, pursuant to Article V of the Constitution of the United States,
13 the 126th General Assembly of the State of Delaware does hereby make appli-
14 cation to the Congress of the United States to call a convention for the
15 sole and exclusive purpose of proposing to the several states a constitu-
16 tional amendment which shall provide that a portion of the taxes on income
17 levied by Congress pursuant to the sixteenth amendment of the Constitution
18 of the United States shall be made available each year to state governments
19 and political subdivisions thereof, by means of direct allocation, tax
20 credits, or both, without limiting directly or indirectly the use of such
21 monies for any purpose not inconsistent with any other provision of the con-
22 stitution of the United States, and

23 BE IT FURTHER RESOLVED that this application shall constitute a continuing
24 application for such convention pursuant to Article V until the Legislatures
25 of two-thirds of the states shall have made like applications and such con-
26 vention shall have been called by the Congress of the United States unless
27 previously rescinded by The Delaware General Assembly, and

28 BE IT FURTHER RESOLVED that certified copies of this resolution be pre-
29 sented forthwith to the President of the Senate and the Speaker of the House
30 of Representatives of the United States, and to the Legislatures of each of

1 the several states attesting the adoption of this resolution by the
2 126th General Assembly of the State of Delaware.