

SENATE JOINT RESOLUTION 478

By Norris

A RESOLUTION memorializing the United Congress to propose a certain Constitutional amendment relative to the regulatory authority of the executive branch.

WHEREAS, the growth and abuse of federal regulatory authority threaten our Constitutional liberties, including those guaranteed by the Bill of Rights in the First, Second, Fourth and Fifth Amendments of the United States Constitution; and

WHEREAS, federal regulators must be held more accountable to elected representatives of the people, not immune from such accountability; and

WHEREAS, the Declaration of Independence decried the imposition by the central government of “an absolute tyranny over these states” and a central government that “erected a multitude of New Offices and sent hither Swarms of Officers to harass our People and eat out their Substance”; and

WHEREAS, states too often find themselves in a similar position today; and

WHEREAS, the U.S. House of Representatives has passed with bipartisan support the “Regulations From the Executive in Need of Scrutiny Act of 2013,” known as the “REINS” Act, to require that Congress approve major new federal regulations before they can take effect; and

WHEREAS, the President of the United States has unfortunately shown no inclination to sign the REINS Act if it were to be passed by both Houses of Congress; and

WHEREAS, even if enacted, a law may be repealed by a future Congress and President; and

WHEREAS, an Amendment to the United States Constitution does not require the President’s approval and cannot be repealed by a future Congress and President; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that this General Assembly hereby urges the United States Congress to propose the "Regulation Freedom Amendment" to the Constitution of the United States as follows:

"Whenever one quarter of the Members of the U.S. House or the U.S. Senate transmit to the President their written declaration of opposition to a proposed federal regulation, it shall require a majority vote of the House and Senate to adopt that regulation."

BE IT FURTHER RESOLVED, that a certified copy of this resolution be delivered to the presiding officers of each house of the legislatures of each state in the Union, the Secretary of State of each state, the President of the United States Senate, the Speaker of the House of Representatives, each member of the Tennessee Congressional delegation, and the federal Administrator of General Services.