



## States Can Rein in Federal Regulators!

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Sen. Travis Holdman



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It is no secret that ill-advised federal regulation is a major threat to American economic growth. Far too often, federal regulators in Washington impose well-intentioned but poorly thought out regulations that reduce middle-class manufacturing job opportunities for the hard-working Americans who need them most.

But an exciting new effort led by state legislators around the nation could curb the authority of federal regulators by forcing Congress to take action to require that major new federal regulations be approved by Congress before such regulations take effect.

With a legal strategy used by states several times in American history, two-thirds of the states could force Congress by 2015 to propose a "Regulation Freedom" amendment to the U.S. Constitution!

Here is the text of the Regulation Freedom Amendment:

"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."

This amendment, if adopted, could not be waived or repealed by a future Congress. And it would not require the signature or approval of the president.

I am planning to offer a resolution in the Indiana legislature urging Congress to propose this amendment. I would like the support of business and community leaders across Indiana.

But my resolution is only a first step.

If Congress won't act in 2014, state legislators in two-thirds of the states could force Congress to adopt this amendment, or something very similar in 2015, by simply giving Congress a choice: Propose the exact amendment 34 states want, or be forced to call a convention safely limited to an up or down vote on proposing that same amendment.

Congress fears a convention that would be more powerful than Congress, and has always in American history proposed the amendment states want to avoid a convention. In fact, the 17th Amendment for direct election of U.S. Senators was proposed because states demanded it.

States can also take a very simple action to strengthen their power over Congress and ensure that any convention they may have to threaten to force Congress to act can be strictly limited to an up or down vote on the exact amendment states want.

States can pass a measure similar to SEA 224, enacted right here in Indiana in 2013.

Authored by Senate President Pro Tem Long and House Speaker Bosma, and signed by Governor Pence last May, this 10th Amendment-based "faithful delegate" law simply gives the state the power to limit the authority of, and if necessary, replace and criminally charge any delegate who ignores the limits the state has placed on his or her authority.

Such a law, when passed in a majority of states with a majority of the U.S. population will ensure that the authority of a majority of delegates at any convention would be enforceable and limited to the subject or specific amendment that the states wanted such a convention to consider.

At the suggestion of Senate President David Long, several other speakers and Senate presidents, and other

legislators and legal experts around the country, this legislation is likely to be considered in more than half of the states in the nation this year. When legislators have passed these laws, states will be ready to act, if Congress will not.

Once state legislators realize that passage of enough “faithful delegate” laws have ended any perceived risk of a “runaway convention” there is a realistic bipartisan coalition of state legislators in 34 limited, government-minded states who could be persuaded or elected to support a popular measure reining in federal regulators.

Polling shows that almost two-thirds of American voters nationwide agree that federal regulators ought to be more accountable to elected officials. Outside of New York, California, and Illinois that percentage is almost certainly far higher.

Few state legislators in most states would relish being labeled “a rubber stamp for federal regulators,” if they defend the current power of bureaucrats in Washington to impose edicts on ordinary Americans.

With the help of strong and well-organized support for a Regulation Freedom Amendment, a majority of states could pass a law like the one we passed in Indiana, and 34 states could then act in 2015 to force Congress to propose the amendment. With enough support, such an amendment could be even be ratified as early as 2016.

But the real impact of the Regulation Freedom Amendment effort could come much sooner. The emergence of a bipartisan coalition committed to Constitutionally reining in federal regulators would have a powerful deterrent effect on federal regulators.

The realistic fear of losing their power might make Washington regulators re-think some of the more intrusive and controversial edicts, even before the amendment was actually proposed or ratified.

But this movement to restore accountability to federal regulators in Washington will need the help of business and community leaders and ordinary citizens across the nation if it is to succeed.

Educating state legislators about their power and potential to curb the abuses of regulators in Washington is a time- and resource-intensive task.

But it is a task we must accomplish. The alternative is a growing an increasingly abusive federal regulatory regime of bureaucrats in Washington that will hobble the economic growth our nation so desperately needs.

If you would like more information about the opportunity to participate in this effort to restore accountability to regulators in Washington and accelerate job growth in Indiana and around the nation, please contact Senator Travis Holdman at [s19@in.gov](mailto:s19@in.gov).