S 1842

Restoring the 10th Amendment Act

Congress: 112 (2011–2013, Ended)
Chamber: Senate
Policy Area: Law
Introduced: Nov 10, 2011
Current Status: Read twice and referred to the Committee on the Judiciary.
Latest Action: Read twice and referred to the Committee on the Judiciary. (Nov 10, 2011)
Official Text: https://www.congress.gov/bill/112th-congress/senate-bill/1842

Sponsor

Name: Sen. Wicker, Roger F. [R-MS]
Party: Republican • **State:** MS • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Nov 10, 2011

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
112 HR 455	Related bill	**Feb 14, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.

Summary (as of Nov 10, 2011)

Restoring the 10th Amendment Act - Authorizes a designated state official to file with the head of a federal agency proposing a rule, during the period when the proposed rule is required to be open for public comment, a legal brief challenging the constitutionality of the rule under the Tenth Amendment.

Directs the agency head: (1) to notify the designated official of each state within 15 days after such a brief is filed; (2) to post prominently on the agency's website a link to the brief; and (3) within 15 days after posting such link, to certify in writing that such rulemaking does not violate the Tenth Amendment and post the certification prominently on the agency's website next to the briefs pertaining to the rule, unless the agency determines it will not put the proposed rule into effect.

Authorizes a state official who decides to challenge a federal rule on the grounds that it violates the Tenth Amendment to elect to file a legal action in U.S. district court for the district in which the official's place of business is located. Directs the relevant U.S. Court of Appeals, at the request of a designated state official, to grant expedited review of a decision by a district court in such a case.

Actions Timeline

- **Nov 10, 2011:** Introduced in Senate
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