

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. RES. 551

Celebrating 75 years of successful State-based alcohol regulation.

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2008

Mr. BAUCUS (for himself and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary

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## RESOLUTION

Celebrating 75 years of successful State-based alcohol regulation.

Whereas, throughout the history of the United States, alcohol has been consumed by the people of the United States and has been regulated by government;

Whereas, before the passage of the 18th amendment to the Constitution of the United States (commonly known as “National Prohibition”), abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas the passage of the 18th amendment, which prohibited “the manufacture, sale, or transportation of intoxicating liquors” in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaign advocated ending National Prohibition by repealing the 18th amendment;

Whereas, on February 20, 1933, the second session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th amendment and adding new language to the Constitution requiring the transportation or importation of alcoholic beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas, on December 5, 1933, Utah became the 36th State to approve what became the 21st amendment to the Constitution of the United States, making the ratification of the 21st amendment the fastest ratification of a constitutional amendment in the history of the United States and the only ratification of a constitutional amendment ever decided by State conventions pursuant to Article V of the Constitution;

Whereas alcohol is the only product in commerce in the United States that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment in 1935 of the Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the Webb-Kenyon Act) (27 U.S.C. 122), and the enactment of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), section 2004 of Aimee's Law (27 U.S.C. 122a) (relating to 21st amendment enforcement), the Sober Truth on Preventing Underage Drinking Act (Public Law 109-422; 120 Stat. 2890), and annual appropriations to support State enforcement of underage drinking laws demonstrate a long-

standing and continuing intent on the part of Congress that States should exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets with respect to alcoholic beverages, and the facilitation of the efficient collection of taxes;

Whereas the legislatures and alcoholic beverage control agencies of the 50 States have worked diligently to implement the powers granted by the 21st amendment for 75 years and to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution made up of producers, importers, wholesale distributors, and retailers;

Whereas the development of a transparent and accountable system for the distribution and sale of alcoholic beverages, an orderly market, temperance in consumption and sales practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages annually contributes billions of dollars in Federal and State tax revenues and additional billions to the United States economy and supports the employment of millions of people in the United States in more than 2,500 breweries, distilleries, wineries, and import companies, more than 2,700 wholesale distributor facilities, more than 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses;

Whereas the United States system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide consumers in the United States with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) celebrates 75 years of effective State-based  
3 alcohol regulation since the passage of the 21st  
4 amendment to the Constitution of the United States;

5               (2) commends State lawmakers, regulators, law  
6 enforcement officers, the public health community,  
7 and industry members for successful collaboration in  
8 achieving a workable, legal, and successful system  
9 for the distribution and sale of alcoholic beverages;  
10 and

11              (3) reaffirms the continued support of the Sen-  
12 ate for policies that allow States to effectively regu-  
13 late alcohol.

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