

114TH CONGRESS
2D SESSION

H. R. 5306

To require the Archivist of the United States to compile all applications, and rescissions of applications, made to the Congress to call a convention, pursuant to article V of the Constitution, and certain related materials, and to transmit them to Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2016

Mr. MESSER (for himself, Mr. BYRNE, Mr. STIVERS, Mr. FRANKS of Arizona, Mrs. McMORRIS RODGERS, Mr. POLIS, Mr. LIPINSKI, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Archivist of the United States to compile all applications, and rescissions of applications, made to the Congress to call a convention, pursuant to article V of the Constitution, and certain related materials, and to transmit them to Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Article V Records
5 Transparency Act of 2016”.

1 **SEC. 2. COMPILATION AND TRANSMISSION TO CONGRESS**
2 **OF APPLICATIONS AND RESCISSIONS OF AP-**
3 **PLICATIONS TO CALL A CONVENTION FOR**
4 **PROPOSING AMENDMENTS TO THE CON-**
5 **STITUTION AND RESCISSIONS OF THOSE AP-**
6 **PLICATIONS.**

7 (a) **COMPILATION AND TRANSMISSION.**—The Archi-
8 vist of the United States (hereinafter in this Act referred
9 to as the “Archivist”) shall, in accordance with this Act—

10 (1) make an organized compilation, to the ex-
11 tent feasible, of all applications and rescissions of
12 applications, ever made by States under article V of
13 the Constitution, to call a convention for proposing
14 amendments to the Constitution; and

15 (2) transmit to Congress that compilation, to-
16 gether with both physical and electronic copies of
17 each such application and rescission.

18 (b) **SOURCES FOR COMPILATION.**—In complying with
19 subsection (a) the Archivist shall use the records contained
20 in the National Archive and Records Administration and
21 make all efforts feasible to obtain an official copy of any
22 application or rescission that may not be in such records.

23 (c) **TIMING OF TRANSMITTAL.**—

24 (1) Not later than one year after the date of
25 the enactment of this Act, the Archivist shall trans-
26 mit the first part of the compilation, containing all

1 the known applications or rescissions made after
2 1950.

3 (2) Not later than two years after the date of
4 the enactment of this Act, the Archivist shall trans-
5 mit the second part of the compilation, containing
6 all the known applications and rescissions made in
7 1950 or earlier.

8 (d) REPORT ON EXTENT OF MISSING APPLICATIONS
9 OR RESCISSIONS.—Not later than two years after the date
10 of the enactment of this Act, the Archivist shall submit
11 to Congress a report detailing the extent of suspected
12 missing applications or rescissions not included in the
13 compilation under subsection (a).

14 (e) CATALOGING APPLICATIONS.—The Archivist
15 shall, in compiling the applications and rescissions, catalog
16 them by year of submission and State, and include that
17 information in the material transmitted to Congress.

18 **SEC. 3. DUTIES OF THE COMMITTEES ON THE JUDICIARY.**

19 (a) APPLICATIONS INCLUDED IN COMPILATION.—
20 Upon receipt by Congress of the compilation described in
21 section 2(a), the respective committees on the judiciary in
22 each House of Congress shall make the applications and
23 rescissions contained in such compilation available on a
24 publicly accessible website.

1 (b) APPLICATIONS AND RESCISSIONS NOT INCLUDED
 2 IN COMPILATION.—The respective committees on the judi-
 3 ciary in each House of Congress shall update the compila-
 4 tion in the public websites maintained by them under sub-
 5 section (a) to reflect the receipt of any application or re-
 6 scission submitted under article V of the Constitution to
 7 call a convention for proposing amendments to the Con-
 8 stitution that—

9 (1) was not included in the initial compilation
 10 as transmitted under section 2; and

11 (2) is a new application or rescission or other-
 12 wise comes to the attention of the committee.

13 **SEC. 4. APPLICATIONS AND RESCISSIONS ARRIVING AFTER**
 14 **THE TRANSMISSION UNDER SECTION 2.**

15 The Congress recommends the following procedures
 16 to make uniform and simplify the process by which State
 17 legislatures make an application, or a rescission of an ap-
 18 plication, under article V of the Constitution to call a con-
 19 vention for proposing amendments to the Constitution:

20 (1) OFFICERS TO TRANSMIT AND RECEIVE AP-
 21 PPLICATIONS.—After the adoption by the legislature
 22 of a State of an application or rescission, the sec-
 23 retary of state of the State, or if there be no such
 24 officer, the person who is charged by the State law
 25 with such function, should submit to Congress at

1 least two copies of the resolution or other measure
2 containing the application or rescission, one copy ad-
3 dressed to the President of the Senate, and one copy
4 to the Speaker of the House of Representatives.

5 (2) CONTENTS OF RESOLUTION OR MEASURE.—

6 Each copy of the resolution or measure should con-
7 tain—

8 (A) its exact text, with the authenticating
9 signature of the relevant officer of the legisla-
10 ture; and

11 (B) the date on which the legislature
12 adopted the resolution or measure.

13 (3) INCOMPLETE APPLICATION OR RESCIS-
14 SION.—If a State submits an application or rescis-
15 sion in a manner that is inconsistent with this sec-
16 tion, the Clerk of the House or the Secretary of the
17 Senate shall so notify the appropriate State official.
18 That State official may then resubmit the applica-
19 tion.

20 **SEC. 5. DEFINITIONS.**

21 In this Act—

22 (1) the terms “transmit to Congress” and “sub-
23 mit to Congress” mean transmission or submission,
24 as the case may be, to the Speaker of the House of
25 Representatives, the President of the Senate, the

1 Clerk of the House of Representatives, the Secretary
2 of the Senate, and the Chairmen and Ranking Mi-
3 nority Members of the Committees on the Judiciary
4 of the House of Representatives and the Senate;

5 (2) the term “application” means any resolu-
6 tion or other measure, agreed upon by a State legis-
7 lature, that contains a request to Congress to call a
8 convention pursuant to article V of the Constitution;
9 and

10 (3) the term “rescission” means any resolution
11 or other measure, agreed upon by a State legisla-
12 ture, that has the purpose of making null and void
13 an application previously submitted by the State leg-
14 islatre.

15 **SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.**

16 No additional funds are authorized to carry out the
17 requirements of this Act. Such requirements shall be car-
18 ried out using amounts otherwise authorized.

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