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

MARCH 27, 2017

Mr. Messer 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Article V Records Transparency Act of 2017”.
SEC. 2. COMPILATION AND TRANSMISSION TO CONGRESS OF APPLICATIONS AND RESCISSIONS OF APPLICATIONS TO CALL A CONVENTION FOR PROPOSING AMENDMENTS TO THE CONSTITUTION AND RESCISSIONS OF THOSE APPLICATIONS.

(a) Compilation and Transmission.—The Archivist of the United States (hereinafter in this Act referred to as the “Archivist”) shall, in accordance with this Act—

(1) make an organized compilation, to the extent feasible, of all applications and rescissions of applications, ever made by States under article V of the Constitution, to call a convention for proposing amendments to the Constitution; and

(2) transmit to Congress and transmit to the chairmen of the Committees on the Judiciary of the House of Representatives and Senate that compilation, together with both physical and electronic copies of each such application and rescission.

(b) Sources for Compilation.—In complying with subsection (a) the Archivist shall use the records contained in the National Archive and Records Administration, and take other appropriate action, including using outside resources, to obtain an official copy of any application or rescission that may not be in such records.
(c) TIMING OF TRANSMITTAL.—The Archivist shall transmit the compilation, containing all the known applications or rescissions according to the following schedule:

<table>
<thead>
<tr>
<th>Year After Enactment</th>
<th>Applications and Rescissions Required to be Submitted</th>
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</thead>
<tbody>
<tr>
<td>1 Year after enactment</td>
<td>Applications and rescissions 1970 and later</td>
</tr>
<tr>
<td>2 Years after enactment</td>
<td>Applications and rescissions 1920 through 1969</td>
</tr>
<tr>
<td>3 Years after enactment</td>
<td>Applications and rescissions 1870 through 1919</td>
</tr>
<tr>
<td>4 Years after enactment</td>
<td>Applications and rescissions 1820 through 1869</td>
</tr>
<tr>
<td>5 Years after enactment</td>
<td>Applications and rescissions before 1820</td>
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</tbody>
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(d) REPORT ON EXTENT OF MISSING APPLICATIONS OR RESCISSIONS.—The Archivist shall submit to Congress a report detailing the extent of suspected missing applications or rescissions not included in each compilation under subsection (c), to accompany each transmittal required under subsection (c).

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

(f) SAVINGS CLAUSE.—Nothing contained within the transmittal required under subsection (a) or in the report required by subsection (b) shall be considered an official
source or designation of valid state applications and rescissions under article V of the Constitution.

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

(a) DESIGNATION OF APPLICATIONS AND RESCISSIONS.—Upon receipt by Congress of the compilation described in section 2(a), the respective committees on the judiciary in each House of Congress shall designate the applications and rescissions contained in such compilation for public availability on a publicly accessible website not later than 6 months after receiving such compilation as required under section 2(c).

(b) CONTINUING DESIGNATIONS OF APPLICATIONS AND RESCISSIONS.—The respective committees on the judiciary in each House of Congress shall update the compilation in the public websites maintained by them under subsection (a) by designating the receipt of any application or rescission submitted under article V of the Constitution to call a convention for proposing amendments to the Constitution that—

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

(2) is a new application or rescission or otherwise comes to the attention of the committee.
SEC. 4. RECOMMENDED PROCEDURES FOR TRANSMISSION
OF APPLICATIONS AND RESCISSIONS.

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

(1) OFFICERS TO TRANSMIT AND RECEIVE AP-
PLICATIONS.—After the adoption by the legislature
of a State of an application or rescission, the sec-
retary of state of the State, or if there be no such
officer, the person who is charged by the State law
with such function, should submit to Congress at
least two copies of the resolution or other measure
containing the application or rescission, one copy ad-
dressed to the President of the Senate, and one copy
to the Speaker of the House of Representatives.

(2) CONTENTS OF RESOLUTION OR MEASURE.—
Each copy of the resolution or measure should con-
tain—

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

(B) the date on which the legislature
adopted the resolution or measure.
(3) **Other forms of application or rescission.**—If a State submits an application or rescission in a manner that is inconsistent with this section, and the application or rescission does not have an authenticating signature of a member of the respective states legislature, the Clerk of the House or the Secretary of the Senate shall confirm the authenticity of the application or rescission through a search of public records. If unable to confirm through a public records search, the Clerk of the House or Secretary of the Senate shall notify the appropriate State official and request a letter from that State official, with the authenticating signature of that State official, confirming the application or rescission’s authenticity.

(4) **Noncompliance with the recommendations of this section not a basis for Congress to refuse to accept an application or rescission.**—The failure of a State legislature to comply with any of the procedures recommended in this section is not a basis for a refusal by Congress to accept or count an application or rescission.
SEC. 5. SAVINGS CLAUSE.

Nothing in this Act shall be interpreted to expand in any way the specific, limited duties assigned to Congress under article V of the Constitution.

SEC. 6. DEFINITIONS.

In this Act—

(1) the terms “transmit to Congress” and “submit to Congress” mean transmission or submission, as the case may be, to the Speaker of the House of Representatives, the President of the Senate;

(2) the term “application” means any resolution or other measure, agreed upon by a State legislature, that purports to be a request to Congress to call a convention pursuant to article V of the Constitution; and

(3) the term “rescission” means any resolution or other measure, agreed upon by a State legislature, that purports to make null and void an application previously submitted by the State legislature.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) For Carrying Out This Act.—There are authorized to be appropriated to the National Historical Publications and Records Commission $2,000,000 for the purposes of carrying out this act for each of the fiscal years 2018 through 2023.
(b) Historical Record Grant Program.—Section 2504(g)(1) of title 44, United States Code, is amended by adding at the end the following:

“(T) $3,000,000 for each of the fiscal years 2018 through 2023.”.