H. R. 114th Congress
2d Session

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

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

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

(Original Signature of Member)
SEC. 2. COMPILE AND TRANSMIT TO CONGRESS

OF APPLICATIONS AND RESCISSIONS OF APPLICATIONS TO CALL A CONVENTION FOR PROPOSING AMENDMENTS TO THE CONSTITUTION AND RESCISSIONS OF THOSE APPLICATIONS.

(a) COMPILE AND TRANSMIT.—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 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 make all efforts feasible to obtain an official copy of any application or rescission that may not be in such records.

(c) TIMING OF TRANSMITTAL.—

(1) Not later than one year after the date of the enactment of this Act, the Archivist shall transmit the first part of the compilation, containing all
the known applications or rescissions made after
1950.

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

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

(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.

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

(a) APPLICATIONS INCLUDED IN COMPILATION.—
Upon receipt by Congress of the compilation described in
section 2(a), the respective committees on the judiciary in
each House of Congress shall make the applications and
recessions contained in such compilation available on a
publicly accessible website.
(b) APPLICATIONS AND RESCISSIONS NOT INCLUDED IN COMPILATION.—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) to reflect 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. APPLICATIONS AND RESCISSIONS ARRIVING AFTER THE TRANSMISSION UNDER SECTION 2.

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 application, under article V of the Constitution to call a convention for proposing amendments to the Constitution:

(1) OFFICERS TO TRANSMIT AND RECEIVE APPLICATIONS.—After the adoption by the legislature of a State of an application or rescission, the secretary 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) INCOMPLETE APPLICATION OR RESCIS-
sion.— If a State submits an application or rescis-
sion in a manner that is inconsistent with this sec-
tion, the Clerk of the House or the Secretary of the
Senate shall so notify the appropriate State official.
That State official may then resubmit the applica-
tion.

SEC. 5. DEFINITIONS.
In this Act—

(1) the terms “transmit to Congress”
and “submit to Congress” mean transmission or sub-
mission, as the case may be, to the Speaker of the
House of Representatives, the President of the Sen-
ate, the Clerk of the House of Representatives, the Secretary of the Senate, and the Chairmen and Ranking Minority Members of the Committees on the Judiciary of the House of Representatives and the Senate;

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

(3) the term “recession” means any resolution or other measure, agreed upon by a State legislature, that has the purpose of making null and void an application previously submitted by the State legislature.

SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.