

House Extends Stivers Rule to new Congress

By Bill Walker

The House of Representatives took a historic step earlier this month by reinstating the [Stivers rule](#) into its House Rules for the new 115th Congress. The rule permits the continued gathering of state applications for an Article V Convention by the House Judiciary Committee. [As reported earlier](#) by FOAVC, the committee has already gathered sufficient applications to create the first of what will become at least 11 sets of state applications. Each set requires a convention call by Congress.

The rule is basically the same as was [first created in 2015](#) by the House of Representatives. An effort to modify the House rules in order to permit a “same subject” convention was defeated in the House over constitutional concerns. The concern was that Article V does not allow Congress to limit the “scope” of the convention nor does it permit the states to do so in their applications. Article V does not permit Congress a veto over any amendment proposed by a convention.

As reported by the Blog [Cato At Liberty](#) the full text of the proposed rule read as follows:

“It shall not be in order to consider a bill, joint resolution, amendment, or conference report referring to the States for ratification under Article V of the Constitution of the United States any amendment to the Constitution which is proposed by a convention called by Congress pursuant to such Article unless the amendment is within the permitted scope of the convention, as authorized under each of the applications of the States calling for the convention or, if the resolution or other legislation enacted by Congress to call for the convention identified specific resolutions adopted by States to call for the convention, the amendment is within the permitted scope authorized by such resolutions.”

The effect of the rejection by the House of this rule means a convention remains as intended by the Founders—an autonomous proposal body responsible only to the people.