

115TH CONGRESS
1ST SESSION

H. R. 1742

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.

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 2017”.

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 and transmit to the
16 chairmen of the Committees on the Judiciary of the
17 House of Representatives and Senate that compila-
18 tion, together with both physical and electronic cop-
19 ies of each such application and rescission.

20 (b) SOURCES FOR COMPILATION.—In complying with
21 subsection (a) the Archivist shall use the records contained
22 in the National Archive and Records Administration, and
23 take other appropriate action, including using outside re-
24 sources, to obtain an official copy of any application or
25 rescission that may not be in such records.

1 (c) **TIMING OF TRANSMITTAL.**—The Archivist shall
 2 transmit the compilation, containing all the known appli-
 3 cations or rescissions according to the following schedule:

Year After Enactment	Applications and Rescissions Required to be Submitted
1 Year after enactment	Applications and rescissions 1970 and later
2 Years after enactment	Applications and rescissions 1920 through 1969
3 Years after enactment	Applications and rescissions 1870 through 1919
4 Years after enactment	Applications and rescissions 1820 through 1869
5 Years after enactment	Applications and rescissions before 1820

4 (d) **REPORT ON EXTENT OF MISSING APPLICATIONS**
 5 **OR RESCISSIONS.**—The Archivist shall submit to Congress
 6 a report detailing the extent of suspected missing applica-
 7 tions or rescissions not included in each compilation under
 8 subsection (c), to accompany each transmittal required
 9 under subsection (c).

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

14 (f) **SAVINGS CLAUSE.**—Nothing contained within the
 15 transmittal required under subsection (a) or in the report
 16 required by subsection (b) shall be considered an official

1 source or designation of valid state applications and rescis-
2 sions under article V of the Constitution.

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

4 (a) DESIGNATION OF APPLICATIONS AND RESCIS-
5 SIONS.—Upon receipt by Congress of the compilation de-
6 scribed in section 2(a), the respective committees on the
7 judiciary in each House of Congress shall designate the
8 applications and rescissions contained in such compilation
9 for public availability on a publicly accessible website not
10 later than 6 months after receiving such compilation as
11 required under section 2(c).

12 (b) CONTINUING DESIGNATIONS OF APPLICATIONS
13 AND RESCISSIONS.—The respective committees on the ju-
14 diciary in each House of Congress shall update the com-
15 pilation in the public websites maintained by them under
16 subsection (a) by designating the receipt of any applica-
17 tion or rescission submitted under article V of the Con-
18 stitution to call a convention for proposing amendments
19 to the Constitution that—

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

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

1 **SEC. 4. RECOMMENDED PROCEDURES FOR TRANSMISSION**
2 **OF APPLICATIONS AND RESCISSIONS.**

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

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

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

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

24 (B) the date on which the legislature
25 adopted the resolution or measure.

1 (3) OTHER FORMS OF APPLICATION OR RECI-
2 SION.—If a State submits an application or rescis-
3 sion in a manner that is inconsistent with this sec-
4 tion, and the application or rescission does not have
5 an authenticating signature of a member of the re-
6 spective states legislature, the Clerk of the House or
7 the Secretary of the Senate shall confirm the au-
8 thenticity of the application or rescission through a
9 search of public records. If unable to confirm
10 through a public records search, the Clerk of the
11 House or Secretary of the Senate shall notify the ap-
12 propriate State official and request a letter from
13 that State official, with the authenticating signature
14 of that State official, confirming the application or
15 rescission’s authenticity.

16 (4) NONCOMPLIANCE WITH THE RECOMMENDA-
17 TIONS OF THIS SECTION NOT A BASIS FOR CON-
18 GRESS TO REFUSE TO ACCEPT AN APPLICATION OR
19 RESCISSION.—The failure of a State legislature to
20 comply with any of the procedures recommended in
21 this section is not a basis for a refusal by Congress
22 to accept or count an application or rescission.

1 **SEC. 5. SAVINGS CLAUSE.**

2 Nothing in this Act shall be interpreted to expand
3 in any way the specific, limited duties assigned to Con-
4 gress under article V of the Constitution.

5 **SEC. 6. DEFINITIONS.**

6 In this Act—

7 (1) the terms “transmit to Congress” and “sub-
8 mit to Congress” mean transmission or submission,
9 as the case may be, to the Speaker of the House of
10 Representatives, the President of the Senate;

11 (2) the term “application” means any resolu-
12 tion or other measure, agreed upon by a State legis-
13 lature, that purports to be a request to Congress to
14 call a convention pursuant to article V of the Con-
15 stitution; and

16 (3) the term “rescission” means any resolution
17 or other measure, agreed upon by a State legisla-
18 ture, that purports to make null and void an appli-
19 cation previously submitted by the State legislature.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS..**

21 (a) FOR CARRYING OUT THIS ACT.—There are au-
22 thorized to be appropriated to the National Historical
23 Publications and Records Commission \$2,000,000 for the
24 purposes of carrying out this act for each of the fiscal
25 years 2018 through 2023.

1 (b) HISTORICAL RECORD GRANT PROGRAM.—Sec-
2 tion 2504(g)(1) of title 44, United States Code, is amend-
3 ed by adding at the end the following:

4 “(T) \$3,000,000 for each of the fiscal years
5 2018 through 2023.”.

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