

The Proper Way to Transmit State-Approved Article V Applications To Congress

A publication of the State Legislators' Article V Caucus

It takes a lot of energy and hard work to get a State legislature to adopt an application for an Article V convention to propose amendments to the U.S. Constitution. It would be sad to see all that work go for naught if some simple slip-ups leave that application uncounted toward the total number of State applications required.

There really are no government-authorized rules or procedures for submitting such applications. Article V of the Constitution simply requires "the application of the legislatures of two-thirds of the several States". Theoretically, after a State legislature has adopted an "application," there is no obligation to transmit it to anyone. The State has done its job, right? No!

Implicit in Article V's instruction that Congress call a convention is that Congress be in formal possession of the appropriate number of each State's duly-authenticated paper work.

In the real world the State's application must be officially communicated SEPARATELY to BOTH the U.S. Senate and the U.S. House, or else it is a pointless exercise. While there are no set rules for how this communication is to take place, those who have become experts in communication with Congress have learned ways NOT to do it, and ways it can most effectively be done.

Surprisingly, the clerks and secretaries of some State legislatures (and even some Secretaries of State) have mistakenly thought they could simply send an email to one or more members of Congress to effect that communication. That does not work. Others have mailed copies of the Article V applications to inappropriate addresses in Washington, DC. That has led to problems too.

In some cases a single copy of a State's application have been mailed in just one envelope, to one address, addressed to both the Vice President of the United States and the Speaker of the U. S. House. That doesn't work either.

The objective is to see each State-approved application appear in BOTH the House portion of the *Congressional Record* and the Senate portion of the *Congressional Record*, along with evidence of a committee referral. If that is not the result of a transmission effort, Congress may claim to not know of a given application.

The U.S. House currently has a system that purports to track and list all of the Article V applications it has received. That list (available for viewing at <http://clerk.house.gov/legislative/memorials.aspx>) is considered less than complete. There is no similar web-posting of Senate-received applications. So, the only reliable way to

know an application has formally been received by BOTH chambers of Congress is to see an acknowledgement in BOTH chamber's appropriate portion of the *Congressional Record*.

Keep in mind that federal officials (both administrative and elected) are less than motivated to receive, process and acknowledge Article V applications. Such applications effectively say "You aren't doing your job for the American people, so we are going to do it for you." In view of that reticence, it is incumbent upon States to take the initiative to be sure their applications are received and filed properly.

Key Elements of Proper Transmittal of Applications –

While there are no set rules for transmitting Article V applications, there are some known basics that States should follow:

How Applications should be sent:

State-approved Article V applications **MUST ALWAYS** be transmitted on paper. **NEVER** attempt to send them electronically. The included paper copy of the application **MUST** bear an original certification. The mailing should be sent with a Return Receipt request so that signed and dated confirmation of delivery can be received back by the sender. This can be accomplished via USPS or a private-carrier.

Where to send them:

They **MUST** be sent **SEPARATELY** to **BOTH** the President of the U.S. Senate and the U.S. House Speaker. The President of the Senate (the U.S. Vice President) has at least four possible addresses. Only one of them gets the job done (see below). The House Speaker can also have multiple addresses. Use the one below.

Correct 2019 Addresses:

(These addresses should be confirmed each January, especially after Speaker and general elections)

To the U.S. Senate –

The Honorable Michael R. Pence
Vice President of the United States
Presiding Officer of the United States Senate
Suite S-212, United States Capitol Building
Washington, DC 20510

To the U.S. House –

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Suite H-232, United States Capitol Bldg.
Washington, DC 20515

Note that despite being inside the same building, these two offices have different zip codes.

Format of Submitted Applications:

The submission package should include two basic things; a certified copy of the Article V application as adopted by that State's legislature, and a cover (transmittal) letter signed by (a) the Secretary of State, or (b) the Clerk (or Secretary) of the State

legislative chamber where the resolution originated. It does not hurt to have multiple packages transmitted over multiple signatures.

Sample/Suggested Cover Letters:

Prepare the letter on official State letterhead. Start with a reference line similar to this –

RE: HOUSE (or SENATE) CONCURRENT (or JOINT) RESOLUTION No. XXX, by State Senator (or Representative) XXXX, Et. Al, 2019, (applying for a convention of the States under the authority of Article V of the U.S. Constitution to propose constitutional amendments)

Dear Mr. Vice President:

Pursuant to Rule VII, Paragraphs 4, 5 and 6, of the standing rules of the United States Senate, a duly-certified copy of the above-captioned resolution __ (bill #) __ is enclosed herewith. This joint (or concurrent) resolution was adopted by the ___th (State name) Legislature on (date).

It is respectfully requested, per the aforementioned provisions of the U.S. Senate's parliamentary rules, that the full and complete verbatim text of resolution __ (bill #) __ be entered in the U.S. Senate's portion of the *Congressional Record*, as an official memorial to the Congress, that this joint (or concurrent) resolution be assigned a "POM" number by the U.S. Senate, and that it be referred to whichever committee(s) of the U.S. Senate that would have proper jurisdiction over its subject matter.

Thank you Mr. Vice President.

AND – for the U.S. House –

Dear Madam Speaker:

Pursuant to Rule XII, Clauses 3 and 7, of the parliamentary rules of the United States House of Representatives, a duly-certified copy of the above-captioned resolution __ (bill #) __ is enclosed herewith. This joint (or concurrent) resolution was adopted by the ___th (State name) Legislature on (date).

It is respectfully requested, per the aforementioned provisions of the U.S. House of Representatives' parliamentary rules, that the contents of resolution __ (bill #) __ be summarized in the U.S. House's portion of the *Congressional Record*, as an official memorial to the Congress, that this resolution be assigned a "Memorial" number by the U.S. House, and that it be referred to whichever committee(s) of the U.S. House that would have proper jurisdiction over its subject matter.

Thank you Madam Speaker.

Each such letter should bear the original signature and title of the person sending.

Verifying Receipt of the Transmittal:

If the transmittal package has been sent by USPS with a Return Receipt requested, the sender should be able to track and verify delivery. Private carriers also offer documentation that acknowledges successful delivery. Delivery receipts should be maintained for future reference.

However, just because the transmittal package has been received does not mean that its contents were acknowledged by the two chambers of Congress. Some State staffer should be charged with monitoring the two portions of the *Congressional Record*. If the State's application does not show up in BOTH portions of that publication within 60 days of transmittal, the prime sponsor of that application should be notified in writing. A re-submittal should immediately be launched to whichever congressional chamber(s) failed to receive/acknowledge it.

If the State application is appropriately published in the *Congressional Record*, copies should be made of such pages and filed for future reference.

Sample of how a State's Article V application should show up in The U. S. House portion of the Congressional Record:

September 11, 2019

CONGRESSIONAL RECORD - HOUSE

H7665

missing or murdered Indians, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Natural Resources, Energy and Commerce, and Oversight and Reform, 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.

By Ms. JACKSON LEE (for herself, Mr. FITZPATRICK, Ms. BROWNLEY of California, Mr. BROWN of Maryland, and Mr. BANKS):

H.R. 4290. A bill to direct the Secretary of Veterans Affairs to designate a week as "Battle Buddy Check Week" for the purpose of outreach and education concerning peer wellness checks for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCEACHIN (for himself, Ms. BARRAGAN, Ms. JAYAPAL, and Mr. LUJAN):

H.R. 4291. A bill to help reduce household energy burdens by expanding access to solar energy for low-income households, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Education and Labor, 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.

By Mr. MEADOWS:

H.R. 4292. A bill to amend title 28, United States Code, to limit the authority of district courts to provide injunctive relief, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 4293. A bill to establish the United States Commission on an Open Society with Security; to the Committee on Transpor-

KILDEE, Mrs. DINGELL, Mr. KEATING, Mr. HUIZENGA, Mr. UPTON, Mr. MOOLENAAR, Mr. KING of New York, Mrs. LAWRENCE, Ms. SLOTKIN, and Mr. BERGMAN):

H. Res. 552. A resolution calling on the Government of the Russian Federation to provide evidence of wrongdoing or to release United States citizen Paul Whelan; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials

131. The SPEAKER presented a memorial of the Senate of the State of Mississippi, relative to Senate Concurrent Resolution No. 596, requesting the Congress of the United States call a convention of the states to propose amendments to the Constitution of the United States; to the Committee on the Judiciary.

132. The SPEAKER presented a memorial of the Commonwealth of Pennsylvania, relative to House Resolution No. 247, memorializing the Congress of the United States to facilitate and ensure implementation of the VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 by the United States Department of Veterans Affairs; to the Committee on Veterans' Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitu-

By Mr. BRINDISI:

H.R. 4285.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

By Mr. BUDD:

H.R. 4286.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COX of California:

H.R. 4287.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution.

By Mr. GALLEGRO:

H.R. 4288.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. HAALAND:

H.R. 4289.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. JACKSON LEE:

H.R. 4290.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1, 3, and 18 of the United States Constitution.

By Mr. MCEACHIN:

H.R. 4291.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MEADOWS:

H R 4292

Sample of how a State's Article V application should show up in The U. S. Senate portion of the Congressional Record:

September 11, 2019

CONGRESSIONAL RECORD—SENATE

S5447

Whereas, Every \$1 invested in publicly funded family planning and related services saves taxpayers \$7 by helping avert costs related to unintended pregnancies; and

Whereas, One billion three hundred thousand dollars is saved annually in California because of public investment in family planning and related services provided at Title X health care centers across the state; and

Whereas, Services provided by clinics that received Title X funding in California helped patients avert over 200,000 unintended pregnancies in 2015; and

Whereas, Title X is an essential part of California's family planning safety net and has played a critical role in reducing unintended pregnancy rates to a 30-year low; and

Whereas, The new federal Title X regulations interfere with the provider-patient relationship and gag Title X funded agencies by directing providers to withhold full and accurate medical information from patients about pregnancy options or by prohibiting providers from giving patients referrals for abortion care; and

Whereas, Patients rely on and trust their health care providers to provide a comprehensive, accurate, and unbiased evaluation of their condition, along with all available treatment options; and

Whereas, The American Medical Association's Code of Medical Ethics establishes that withholding information without the patient's knowledge or consent is ethically unacceptable and that patients should be informed of all burdens, risks, and expected benefits of all medical options; and

Whereas, The State of California strongly believes public dollars should go toward family planning programs that provide comprehensive, medically accurate, unbiased information, and offer the full range of contraceptive methods; and

Whereas, The federal government's harmful Title X regulations are likely to force many health care organizations and qualified family planning providers in California to choose between a critical funding source and accepting onerous and unnecessary regulations, resulting in reduced access to quality, time-sensitive care for low-income individuals across the state; Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully urges the United States Department of Health and Human Services to rescind the new Title X regulations that will impede access to essential, time-sensitive health care for low-income individuals across California and the nation; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, to the United States Department of Health and Human Services, and to the author for appropriate distribution.

POM-133. A concurrent resolution adopted by the Senate of the State of Mississippi urging the United States Congress, pursuant to Article V of the United States Constitution, to call a Convention for the specific and exclusive purpose of proposing amendments to the Constitution of the United States limited to the purposes of imposing fiscal restraints on the federal government and limiting the power and jurisdiction of the federal government; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION No. 596

Whereas, the Founders of the United States Constitution empowered state legisla-

tors to be guardians of liberty against excessive use of power by the federal government; and

Whereas, the federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, the federal government has ceased to operate under a proper interpretation of the United States Constitution; and

Whereas, the federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

Whereas, it is the solemn duty of the states to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the United States Constitution through a Convention of the States under Article V for the purpose of restraining these and related abuses of power; Now, therefore, be it

Resolved by the Senate of the State of Mississippi, the House of Representatives Concurring Therein:

SECTION 1. That pursuant to Article V of the Constitution of the United States, the Legislature of the State of Mississippi joins in the applications of the States of Georgia (SR 736, 2014), Florida (SM 476, 2014), Alaska (HJR 22, 2014), Alabama (HJR 112, 2015), Tennessee (SJR 67, 2016), Indiana (SJR 14, 2016), Oklahoma (SJR 4, 2016), Louisiana (SCR 52, 2016), Texas (SJR 2, 2017), Missouri (SCR 4, 2017), North Dakota (HCR 3006, 2017), Arizona (HCR 2010, 2017), and Arkansas (SJR 3, 2019) to call a Convention for the specific and exclusive purpose of proposing amendments to the Constitution of the United States limited to the purposes stated in those applications; provided, however, that the commissioners from Mississippi to the Convention are expressly limited to consideration and support of amendments that impose fiscal restraints on the federal government, and amendments that limit the power and jurisdiction of the federal government, and no amendments on any other topic whatsoever. The Mississippi delegates are hereby instructed not to support term limits for members of Congress.

SECTION 2. It is the express intention of the Mississippi Legislature that this application is to be aggregated with the applications of the above-mentioned states and with subsequent applications of other states limited to the purposes identified in this application and in those applications of the above-mentioned states.

SECTION 3. The Legislature of Mississippi adopts this application expressly subject to the following reservations, understandings and declarations:

(a) An application to the Congress of the United States to call an Amendment Convention of the States pursuant to Article V of the United States Constitution confers no power to Congress other than the power to call such a Convention. The power of Congress to exercise this ministerial duty consists solely of the authority to name a reasonable time and place for the initial meeting of a Convention;

(b) Congress shall perform its ministerial duty of calling an Amendment Convention of the States only upon the receipt of applications for an Amendment Convention for the substantially same purpose as this application from two-thirds of the legislatures of the several states;

(c) Congress does not have the power or authority to determine any rules for the governing of a Convention for proposing amendments called pursuant to Article V of the United States Constitution. Congress does not have the power to set the number of delegates to be sent by any state to such a Convention, nor does it have the power to name

delegates to such a Convention. The power to name delegates remains exclusively within the authority of the legislatures of the several states;

(d) By definition, an Amendment Convention of the states means that states shall vote on the basis of one state, one vote;

(e) A Convention for proposing amendments convened pursuant to this application shall be limited to consideration of the topics specified herein and no other. This application is made with the express understanding that an amendment that in any way seeks to amend, modify or repeal any provision of the Bill of Rights shall not be authorized for consideration at any stage. This application shall be void if ever used at any stage to consider any change to any provision of the Bill of Rights;

(f) Pursuant to Article V of the United States Constitution, Congress may determine whether proposed amendments shall be ratified by the legislatures of the several states or by special state ratification conventions. The Legislature of Mississippi recommends that Congress select ratification by the legislatures of the several states; and

(g) The Legislature of Mississippi may provide further instructions to its delegates and may recall its delegates at any time for a breach of a duty or a violation of the instructions provided.

SECTION 4. The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the United States Senate and to the Speaker and Clerk of the United States House of Representatives, and copies to the members of the said Senate and House of Representatives from this state; also to transmit copies hereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

SECTION 5. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject, or until the Mississippi Legislature acts to withdraw this application.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works:

Report to accompany S. 1345, a bill to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act (Rept. No. 116-101).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 2460. A bill to amend the Water Resources Development Act of 1986 to modify a provision relating to acquisition of beach fill; to the Committee on Environment and Public Works.

By Mr. MARKEY (for himself, Mr. BENNET, Ms. CANTWELL, Mr. CARPER, Mr. UDALL, and Mr. SCHUMER):

S. 2461. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Ms. DUCKWORTH (for herself and Mr. BOOKER):

S. 2462. A bill to help reduce household energy burdens by expanding access to solar