



REMARKS BY W. BRUCE LEE
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House Committee Budget Committee Hearing Room
Cannon House Office Building Room 210 – Washington, DC

Good morning, and thank you for the introduction, Mr. Walker. I am W. Bruce Lee. I serve as the Executive Director of the National Federalism Commission (NFC) – formerly known as the Phoenix Correspondence Commission. The NFC was created by the States in 2017 as a government agency to facilitate communication among the States, to represent the States, and to speak to Congress with a more singular voice. We are a unique, bipartisan, inter-state government entity that operates on a non-partisan basis.

Our focus is on a healthy system of federalism within our nation, on promoting the proper balance of power between the state governments and the federal government as our founding fathers envisioned, including the use by the States of Article V of the US Constitution. Article V clearly says that when two-thirds (or 34) of the States call for a constitution amending convention, that Congress “shall call a convention for proposing amendments.”

In January 2025, we entered into an agreement with the House Judiciary Committee to bring up to date all of the Committee’s records of state resolutions requiring Congress to call an Article V Amending Convention.

Only in 2015 did the House adopt a rule in the 114th Congress that state calls for an Article V amending convention should be directed to the chair of the Committee on Judiciary and that the Clerk would organize those calls by State of origin and year of receipt. Prior to that time, to the best of our knowledge, there was no consistent, organized process for receipt and organization of those calls.

In January 2025, it was agreed that the Congressional Records held by the Judiciary Committee should be consistent and concurrent with State records on those calls. We agreed to begin our analysis on the topic of fiscal integrity and to later move onto other topics. We highly commend the House Judiciary for their work in this long overdue process and for their cooperative spirit in working as colleagues with the States.

During these past months we have spent hundreds of staff hours reviewing and comparing the Judiciary records with State records in a very methodical fashion. And, I want to give a shout out to our NFC chief analyst on this project, Mr. David Custer of Illinois, along with the entire team for their stellar work. Their dedication is extraordinary.

As a result of this work, we are presenting to the Judiciary Committee a number of documents of State Call Resolutions which were previously sent to Congress but were either lost or not consistently organized and maintained. So, at this point, the House Judiciary Committee's records will be up to date. Some scholars have referred to this analytical work, and what we are making public today, as historic.

As the result of this extensive work, we discerned and affirmed that the 34 state threshold for calling an amending convention was actually achieved as early as 1979 and yet Congress failed to act. Specifically, in 1979, thirty state resolutions were single subject calls (i.e., fiscal responsibility related) and nine were Plenary applications. Importantly, Constitutional scholars across the political spectrum broadly agree that plenary applications should be combined with similar single subject-related applications in determining whether the two-thirds of the states' applications requirement has been met. Our analysis summary walks through each call for an amending convention state

by state and step by step. If there were any rescissions or resolution sunset dates, these were also incorporated.

And as new information to many, while the 34 state threshold was met in 1979, it continued to be met or exceeded for 25 years. And the threshold was again met between April 26, 2016 and August 2, 2017, with the high count of 36 being on March 13, 2017 – only eight years ago.

The House Judiciary records will now be complete, and I hope the US Senate will adopt its own similar procedures, or to simply acknowledge and adopt the House record keeping and tracking process for both Chambers to avoid a duplication of effort.

Now, let me set aside my analytical hat, and put on my advocacy hat for the States.

The historical failure of Congress to properly account and take action on these State resolutions is a slap in the face of the States. And, while I, again, applaud the House Judiciary Committee for identifying and correcting this omission more needs to be done.

The States are GREATLY CONCERNED about the deteriorating fiscal health of our nation. The states saw the need to address this urgent matter decades ago, but the Congress failed to act. Today, the citizens of our nation have an effective \$109,000 individual federal debt burden because of fiscal mismanagement by both major political parties over many years.

Fiscal management is not a game. Our current debt of over \$37 trillion is appalling, especially since total federal debt in 1979 was less than \$1 trillion. The taxpayers do not have an endless wallet from which to pick. It cannot be politics as usual – but our elected representatives have solemn duty to be statesmen who exercise their fiduciary duty to the nation and future generations. I know this is difficult to do. However, the States will do this if Congress does not act.

The erosion of great nations has often been due to fiscal distress coupled with other challenges. The Roman, Habsburg, Ottoman and other empires suffered from this. We should take heed from them, as well as more recent examples. We cannot operate business as usual.

I believe Congress has a solemn duty to immediately honor these State resolutions calling for a fiscal amending convention. And, if Congress fails to act, this will most likely result in the States bringing legal action against Congress.

When an amending convention is called, it will be the function of the NFC to administer that convening on behalf of the States and to ensure that all is done in an orderly and nonpartisan fashion, just as all historical conventions held by the States have been. Currently sixteen states have a Faithful Delegate legislation of some sort to ensure that their delegates to a convention operate appropriately. We encourage every state to adopt such legislation and we have model policies for that purpose.

This is only one safety mechanism of many which will prevent any amending convention from misbehaving or “running away.” Importantly, as noted previously, thirty of the thirty-nine active applications in 1979 relate solely to the fiscal responsibility amendment issue of which twenty-seven current active applications still do. As a result, any convention call can be limited by the states to fiscal responsibility only. Therefore, scholars across the political spectrum agree that any “runaway convention” concerns are misguided in connection with this call.

Thank you VERY MUCH for your time and attention. These are extremely important matters. After Chairman Arrington speaks, I look forward to answering any questions which you may have.

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