



September 17, 2025

## Congressional Article V Memorial Analysis Explanation Document Fiscal Integrity & Plenary State Applications for an Amending Convention

**Introduction:** In January 2025, the Phoenix Correspondence Commission (PCC) (later renamed the National Federalism Commission - NFC) entered into an agreement that the House Judiciary Committee to bring all of the Committees Memorial Records of state resolutions requiring Congress to call an Article V Constitution Amending Convention up-to-date.

In the 114<sup>th</sup> Congress (beginning January 3, 2015) the House adopted a rule that state calls for an Article V amending convention 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. The PCC/NFC (Commission) was created in 2017 as the only formal government agency to represent the States on federalism and related Article V matters. The Commission would focus on such calls from the inception of our country to current date, and it the Commission would take a topical focus. The Commission began on the topical area of national fiscal integrity because of the far ranging impact of the fiscal health or insolvency of our nation.

The accompanying analysis covers the topical area fiscal integrity calls (such as balanced budget amendment) and plenary calls from the States since our founding to the current date.

### **Details to Understand the Analysis Document:**

#### 1) Explanation of the Columns:

A) State: *Calls are listed alphabetically by State.*

B) Call Description/Year: *Specific State Calls by State in a chronological order of oldest to most recent.*

C) Number of States with Current Active Calls: *This indicates if that State Call is still active as of today. The running total indicates the number of States with a current active call, not the number of State Resolutions. For example a State may have two active calls, but only one State is counted here.*

D) On Record with Congress by State: *Indicates if Congress has a record of this call. The running total again counts the number of states, not the number of resolutions.*

E) Congressional Record Document Link: *This is the internet link to the recorded Congressional memorials related to this resolution. A separate link may also be provided if this resolution was later rescinded or sunset and was recorded with Congress. If the recession is not recorded with Congress, a link will be provided in Column J.*

F) Congressional Acknowledgement of Receipt by State: *This indicates if Congress acknowledged receipt of the State's submission of the Article V resolution. Again, the running tally is by State.*

G) State Record of Article V submission to Congress by State: *This is the States' record of a matching resolution. The tally row is by State.*

H) State Record Document Link for Article V Call: *The internet based links to the States' Records.*

I) State/Federal Records which Do Not Match: *Do the State and Federal Records match? A checked box indicates NO match between State and Federal records. An unchecked indicates the records match. The running tally row shows the number of records that DO NOT match.*

J) Was Call Rescinded or Sunset (Date): *Indicates if that particular State resolution was rescinded or had a sunset clause and the date of that recession or sunset.*

K) Notes: *A general notes field for unusual information about this State resolution.*

L) Plenary Call: *This represents the number of states that have at some point in time passed a plenary application for an Article V convention. These are calls where the state requested an Article V amending convention, but did not specify a particular topic. These are sometimes referred to as "open" or "general" calls.*

M) Specific Call: *This represents the number of states that have at some point in time passed an Article V application which deal with a specific topic – in this case fiscal integrity.*

N) Multiple Call: *This represents the number of states that have at some point in time passed an Article V application which covers more than one subject, such as term limits and fiscal integrity. Some of these calls require all of the subjects be discussed at an amending convention. In other calls, the topics are specifically separable.*

O) Active Calls as of December 31, 1979: *This represents the number of states that had fiscal/plenary applications that were active as of that date. For this purpose, only the oldest, active application from a specific state is tallied. (Any column title which is highlighted in blue tallies the number of states. If the color is green, it indicates that the 34 threshold was achieved.)*

P) Active Calls as of December 31, 1982: *This represents the number of states that had fiscal/plenary applications that were active as of that date. For this purpose, only the oldest, active application from a specific state is tallied. (Any column title which is highlighted in blue tallies the number of states. If the color is green, it indicates that the 34 threshold was achieved.)*

Q) Active Calls as of December 31, 2000: *This represents the number of states that had fiscal/plenary applications that were active as of that date. For this purpose, only the oldest, active application from a specific state is tallied. (Any column title which is highlighted in blue tallies the number of states. If the color is green, it indicates that the 34 threshold was achieved.)*

R) Active Calls as of December 31, 2009: *This represents the number of states that had fiscal/plenary applications that were active as of that date. For this purpose, only the oldest, active application from a specific state is tallied. (Any column title which is highlighted in blue tallies the number of states. If the color is green, it indicates that the 34 threshold was achieved.)*

S) **\*\*Active Calls between April 26, 2016 to August 2, 2017**: *This represents the number of states that at some point between these dates had fiscal/plenary applications that were active. Please see timeline graph at the bottom on the analysis chart. **THIS IS DIFFERENT FROM OTHER COLUMNS WHICH ARE DATE SPECIFIC.** For this purpose, only the oldest, active application from a specific state is tallied. (Any column title which is highlighted in blue tallies the number of states. If the color is green, it indicates that the 34 threshold was achieved.) See Note 6 below.*

T. Active Calls as of December 31, 2018: *This represents the number of states that had fiscal/plenary applications that were active as of that date. For this purpose, only the oldest, active application from a specific state is tallied. (Any column title which is highlighted in blue tallies the number of states. If the color is green, it indicates that the 34 threshold was achieved.)*

- 2) The totals set forth in columns O through T represent the total number of single, multiple and plenary applications active at the designated point in time. There is some disagreement within the academic community as to the proper mechanism for aggregating balanced budget, fiscal responsibility, multiple subject, and plenary applications. The weight of modern scholarship seems to acknowledge that plenary applications should be aggregated with specific applications. The analysis attached incorporates a broad interpretation of aggregation in keeping with the Founders' expressed intent that Congress' duty under the Article V state-initiated amendment process is mandatory and non-discretionary. Congress' discretion in assessing aggregation and the rules for such aggregation are matters which may need to be resolved and may ultimately require Court interpretation.
- 3) There are some states which have passed multiple applications which address an open, balanced budget or fiscal responsibility application. For those states with multiple active applications, only the oldest active application was included for that state in the counts set forth in columns O through T. The analysis does not duplicate within its count multiple applications from a single state.
- 4) Some applications contained sunset clauses or were ultimately rescinded by a subsequent legislative act of a given state. This analysis honors those sunsets and rescissions and removes an application from "active" status as of those expiration dates.
- 5) We have provided counts for the years 1979 and 1982 because some within the Article V community assert as this analysis supports that, using the proper aggregation mechanism, the threshold for calling a convention for a balanced budget/fiscal responsibility amendment was first reached in 1979 and peaked in 1982. It is noteworthy that the 34 threshold was achieved or exceeded between February 5, 1979 to March 9, 2004.
- 6) \*\* We have provided the count from 2016 to 2017 in Column S. As of April 26, 2016 the count of 34 was achieved again. It then grew to 36 on March 13, 2017 and then dipped back to 34 until August 2, 2017.
- 7) The terms "application", "call", "memorial", or "resolution" are used interchangeably.
- 8) The attached timeline graphs were generated by Python code for the purposed of visually demonstrating periods of time the 34 state threshold was met. Code is available at: [https://github.com/NFCCommission/art\\_v\\_call\\_counter](https://github.com/NFCCommission/art_v_call_counter)
- 9) This analysis was performed expressly at the request of the House Judiciary Committee and represents the most extensive, comprehensive analysis of Article V state applications for an amending convention related to the subject of a balanced budget/fiscal responsibility amendment ever performed.

The NFC welcomes any constructive feedback on its identification of fiscal-related applications, state submissions/certifications, Congressional acknowledgments, active status, rescissions, sunsets or other legislative developments that might affect the analysis offered herein. We are also investigating the potential of older plenary applications around the time of 1832 to 1929 in the states of Illinois, Indiana, Iowa, Kansas, North Carolina, Oklahoma, Oregon, South Carolina, Texas, and Wisconsin. However, these applications do not change the overall totals of achieving the current count of the 34 state thresholds in this report. We welcome the information of others in all of these matters.