NATIONAL FEDERALISM COMMISSION
STATE LEGISLATURES AT WORK

November 15, 2026

RE: Urgent Message from the Executive Board of the National Federalism Commission

Dear Legislative Leaders of the States:

There is an urgent matter which has come to our attention, and we want to make sure each legislative chamber among our 50 States is aware of a Congressional transgression on the authority of the States. We believe it requires all of the States to respond individually and collectively.

On September 17, 2025, the National Federalism Commission (NFC), the fifty-state nonpartisan, government body created by the States in 2017 to promote the constitutional balance of power between the 50 states and the federal government, *unveiled an eight-month analysis of how poorly Congress has tracked applications* from state legislatures for reforms to our national government. This analysis was shared at a news conference in the US House Budget Chambers which was called by House Budget Chairman Jodey Arrington.

Regardless of how we may personally feel about any policy topic politically, the States collectively have the constitutional authority to apply to Congress for the opportunity to come together to discuss singular or multiple reform topics and to propose solutions for adoption.

Such problems may be campaign finance reform, such as The Supreme Court's 2010 ruling in Citizens United v. Federal Election Commission; political reform, such as congressional term limits; fiscal integrity reforms, such as a balanced federal budget; or a host of other issues.

This is a constitutional authority of the States as granted in Article V of the US Constitution.

Congress has thwarted this authority by not even tracking or tabulating such applications. Not until 2015 did the US House even assign consistent responsibility to collect such applications to the House Judiciary Committee. The NFC, which tracks such applications on behalf of the States, entered into an agreement to bring the House records up-to-date, from the founding of our union to current date. The NFC analysis found Congressional records woefully inadequate.

Starting with applications on the topic of fiscal integrity, the results of the well documented analysis are shocking! Congress has the responsibility to convene the States when two-thirds (or 34) of the States formally request this to be done. This is a ministerial, non-discretionary responsibility.

The analysis clearly revealed that *the 34 threshold was achieved in 1979 and remained that way for the next 25 years. Furthermore, that threshold was achieved again in 2016-17.* Yet, Congress did nothing. **This failure of Congress clearly thwarts the authority of the States.**

In fact, on September 17, 2025, the NFC also presented to the House Judiciary Constitutional Subcommittee staff fifteen documents of State Article V resolutions related to fiscal integrity. This was to bring the House

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records whole to that date and to match State records. *Unfortunately, after a year these documents have still not yet been posted by the House staff.*

The States now have the choice to ignore, tolerate, or correct this violation of the States' Constitutional Authority.

It must be corrected. To ignore or tolerate this failure is to abandon this essential key authority of the States to be a watchdog upon our national government for all future generations.

What should we do:

1) Please bring this transgression to the attention of your fellow legislative leaders and members of your chamber.

2) Express your concern over this matter to your state's Congressional Delegation.

3) Please make sure your Chamber has appointed your Delegates to the NFC. The NFC was created and designed to be an ongoing forum of communication and collaboration among the States on issues of federalism such as this. The Executive Director of the NFC is W. Bruce Lee at bruce.lee@nfcommission.gov

4) We welcome your response to this email.

For your information:

1) The full NFC analysis can be found here: https://nfcommission.gov/article-v-library/

2) The full September 17, 2025 news conference can be found here: https://nfcommission.gov/2025/09/historic-analysis-congress-has-failed-the-states-september-17-news-conference-washington-dc/

Thank you very much for your time and attention. Protecting the authority of our States is much too important to ignore.

Best regards,

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Senator Shelley Hughes, Vice President
AK State Senator (rtd)

David F. Guldenschuh, Secretary
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Senator Dan Laursen
WY State Senator

Senator Jim Stalzer
SD State Senator (rtd)

Senator Cal Bahr
MN State Senator

Rep. Dennis Powers
TN State Representative