



CONVENTION *of* STATES FOUNDATION  
**ARTICLE V**  
SIMULATED CONVENTION

COLONIAL WILLIAMSBURG ★ AUGUST 2-4, 2023

# EXECUTIVE SUMMARY



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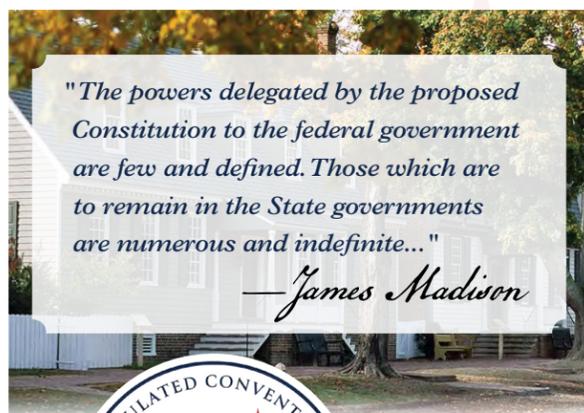
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ARTICLE V OF THE U.S. CONSTITUTION was drafted by the Framers to grant the states, and in turn, the people, the ability to amend the Constitution and limit a potentially oppressive federal government. The Framers designed Article V to provide a method to completely bypass Congress and the Executive branch to allow the states the ultimate power to return our nation to federalism.

Just as the Framers predicted, an unbridled federal government has expanded its power beyond what the states granted it when the Constitution was drafted. Today, we understand that the Washington establishment will never voluntarily relinquish its control, regardless of which party is in power.

Thankfully, the Framers granted us this constitutional provision as the ultimate check and balance for the states to rein in the federal government by calling for a formal meeting (convention) to discuss and propose amendments to limit the federal government's power. Calling for an Article V Convention is a response to the structural problem of an expansion of the limited and enumerated powers given initially to the federal government by the states.



**Simulated Article V Convention.**

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## INTRODUCTION

ON AUGUST 3RD, 2023, 103 commissioners from 49 states gathered in Colonial Williamsburg, Virginia, to participate in a massive educational exercise—a simulated Article V Convention to propose constitutional amendments. Their goal: to test the interstate convention process that was well-known to the Founding Fathers who inserted it into Article V of the U.S. Constitution as a way for the states to bypass Congress in amending the Constitution to correct any imbalance of power between the federal government and the states.

In the Founders' era, the interstate convention process was frequently used. A state that believed joint action was needed would call a meeting, or "convention" of the states to address an identified topic. This required naming the time and place for the meeting, and then the other states would appoint and commission delegates, or "commissioners" to attend on behalf of their state. It was quite natural, then, for the Framers to choose this process to include in Article V as the way for states to propose amendments instead of Congress when Congress, itself, might be part of the problem.

Over time, however, the interstate convention process has fallen into disuse. Some people, who aren't familiar with its history, claim that because Article V doesn't spell out all the procedural details, we don't know how—or if—the process works.



Convention of States Foundation sought to fill this void of public awareness by putting the process to the test. We brought people from across the nation—including 78 sitting state legislators, 8 former state legislators, and 17 policy experts and opinion leaders—who were eager to find out if the process could still work. Would commissioners respect the limits of the call? Would they follow the rules of the convention, rules based on what we know of the proceedings of past conventions? Perhaps most importantly to many, could the convention remain on topic by proposing amendments within the prescribed domains that might effectively rein in our runaway federal government?

When the convention adjourned on Friday, August 4th, 2023, it had answered all these questions with a resounding "Yes."



## CONVENTION BUSINESS

On Thursday morning, August 3rd, 2023, all 49 state delegations gathered in the Convention Hall to begin their business. According to the Rules of the Simulation, Immediate Past President, Rep. Ken Ivory of Utah, served as temporary President to preside over the body's election of a permanent President. Upon the election of the new Convention President, former Rep. Woody Jenkins of Louisiana, the meeting was adjourned for the day and the commissioners proceeded to their respective committees.

The three committees corresponded to the subject matter passed by 19 state legislatures:

1. Fiscal Restraints Committee
2. Federal Legislative and Executive Jurisdiction Committee
3. Term Limits and Federal Judicial Jurisdiction Committee

Pursuant to the Rules, each of these committees was limited to proposing three amendments to the body. As in the plenary sessions, voting in committees was by state, with each state having a single vote.

The Convention convened its second plenary session on Friday morning to receive reports from the three committees, engage in debates, and cast votes on the proposals presented by each committee.



## MINUTES FROM FIRST PLENARY SESSION

Meeting held in Williamsburg, VA on August 3, 2023

### CALL TO ORDER

The Simulated Convention of States met at 9:00 AM and was called to order by the Temporary President (Representative Ken Ivory, Utah).

### ROLL

The Temporary President ordered the roll. Forty-nine states present, Rhode Island absent.

### INVOCATION

The Temporary President invited Rep. Dennis Riddell (North Carolina) to offer the invocation.

### PLEDGE OF ALLEGIANCE

The Temporary President invited Rep. John Wills (Iowa) to lead the Pledge of Allegiance.

### ELECTION OF CONVENTION PRESIDENT

The Temporary President introduced the applicants for convention President and Vice President, and asked that they stand as named:

Representative Louis (“Woody”) Jenkins (Louisiana)

Senator Jason Rapert (Arkansas)

Senator Michele Reynolds (Ohio)

Senator Rob Standridge (Oklahoma)

The Temporary President invited the Candidates to give a brief speech and announced that Senator Michele Reynolds had withdrawn her application for President. Representative Jenkins, Senator Rapert, and Senator Standridge addressed the convention in turn outlining their applications for President.

The Temporary President allowed the states a brief moment to consider the candidates, and called the roll. On the first roll-call vote, the states were divided:

Jenkins – 23 (AL, CO, DE, HI, ID, IN, KY, LA, ME, MD, MA, MI, MN, MO, NV, NJ, NY, NC, SD, TN, TX, VA, WY)

Rapert – 17 (AZ, AR, CA, FL, GA, IL, IA, KS, MS, NM, ND, OR, PA, UT, VT, WA, WV)

Standridge – 8 (AK, MT, NE, NH, OH, OK, SC, WI)

Absent – 1 (CT)

The Temporary President announced that Senator Standridge would drop out as the lowest vote recipient.

The Temporary President announced the second vote and called the roll.

On the second roll-call vote, the convention voted Representative Jenkins as President and Senator Rapert as Vice President.

Jenkins—25 (AL, CO, DE, HI, ID, IN, KY, LA, ME, MD, MA, MI, MN, MO, NV, NJ, NY, NC, OH, SC, SD, TN, TX, VA, WY)

Rapert—23 (AK, AZ, AR, CA, FL, GA, IL, IA, KS, MS, MT, NE, NH, NM, ND, OK, OR, PA, UT, VT, WA, WV, WI)

Absent—1 (CT)

The Temporary President yielded the chair to the President-elect of the Convention. The President briefly addressed the body and without objection created an ad-hoc Committee on Style and Drafting. The President also appointed Senator Kevin Lundberg (Colorado), Representative Ken Ivory (Utah), and Senator Cris Dush (Pennsylvania) to the Style and Drafting Committee, and appointed Mr. James McMahon (Massachusetts) as the chair of the Committee..

## ANNOUNCEMENT OF COMMITTEE MEETINGS

The President announced the location of the committee meetings:

Fiscal Restraints Committee: Allegheny A/B

Federal Legislative & Executive Jurisdiction Committee: Tidewater A/B

Term Limits & Federal Judicial Jurisdiction Committee: Piedmont A/B

The President adjourned the Plenary Session of the Convention.



## COMMITTEES

- FISCAL RESTRAINTS COMMITTEE
- FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION COMMITTEE
- TERM LIMITS & FEDERAL JUDICIAL JURISDICTION COMMITTEE

## FISCAL RESTRAINTS COMMITTEE

“To impose fiscal restraints on the federal government...”

**Committee Chair:** Sen. Kevin Lundberg (CO)

**Committee Secretary:** Mr. Dave Schneider

**Legal Advisor:** Mr. C.J. Cavin

### COMMITTEE MEMBERS

Sen.	Joshua Bryant	Arkansas	Rep.	J. D. Bernardy	New Hampshire
Mr.	Joel Griffith	California	Assmn.	Robert Auth	New Jersey
Sen.	Kevin Lundberg	Colorado	Rep.	John Block	New Mexico
Sen.	Bryant Richardson	Delaware	Mr.	Nicholas Giordano	New York
Rep.	Mike Hill	Florida	Rep.	Dennis Ridell	North Carolina
Rep.	Elijah Pierick	Hawaii	Rep.	Dan Ruby	North Dakota
Sen.	Todd Lakey	Idaho	Rep.	Riordan McClain	Ohio
Rep.	Brad Halbrook	Illinois	Rep.	Mark Lepak	Oklahoma
Mr.	Davyd Jones	Indiana	Rep.	Jeff Helfrich	Oregon
Sen.	Jesse Green	Iowa	Rep.	Dawn Keefer	Pennsylvania
Rep.	Patrick Penn	Kansas	Rep.	Bill Taylor	South Carolina
Rep.	Mark Hart	Kentucky	Sen.	Tom Pischke	South Dakota
Rep.	Ray Garofalo	Louisiana	Rep.	Dennis Powers	Tennessee
Rep.	Randall Greenwood	Maine	Sen.	Bryan Hughes	Texas
Del.	Mark Fisher	Maryland	Rep.	Kay Christofferson	Utah
Rep.	Jaime Greene	Michigan	Ms.	Janae Stracke	Virginia
Sen.	Cal Bahr	Minnesota	Del.	Chris Pritt	West Virginia
Sen.	Tom McGillvray	Montana	Mr.	Eric O’Keefe	Wisconsin
Sen.	Steve Halloran	Nebraska	Sen.	Dan Laursen	Wyoming

## PROPOSALS CONSIDERED BY THE FISCAL RESTRAINTS COMMITTEE

Prior to the meeting, committee members had submitted the following proposals:

### Topic A - Balanced Budget

**PROPOSAL A1**, submitted by Chairman Kevin Lundberg of Colorado on behalf of Sen. Steve Halloran of Nebraska

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration.

**Section 2.** Shall Congress fail to adopt a final fiscal year budget prior to the start of each fiscal year, which shall commence on October 1 of each year, and shall the President fail to sign said budget into law, an automatic, across-the-board, 5 percent reduction in expenditures from the prior year’s fiscal budget shall be imposed for the fiscal year in which a budget has not been adopted.

**Section 3.** Total outlays of the United States Government for any fiscal year shall not exceed its receipts for that fiscal year.

**Section 4.** Total outlays of the United States Government for each fiscal year shall not exceed 17.5 percent of the Nation’s gross domestic product for the previous calendar year.

**Section 5.** Total receipts shall include all receipts of the United States Government but shall not include those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for the repayment of debt principal.

**Section 6.** Congress may provide for a one-year suspension of one or more of the preceding sections in this article by a three-fifths vote of both Houses of Congress, provided the vote is conducted by roll-call and sets forth the specific excess of outlays over receipts or outlays over 17.5 percent of the Nation’s gross domestic product.

**Section 7.** The limit on the debt of the United States held by the public shall not be increased unless three-fifths of both Houses of Congress shall provide for such an increase by roll-call vote.

**Section 8.** This Amendment shall take effect in the fourth fiscal year after its ratification.

**PROPOSAL A2**, submitted by Mr. Joel Griffith of California

**Section 1.** Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

**Section 2.** Total outlays shall not exceed 18 percent of the gross domestic product of the United States for the calendar year ending prior to the beginning of such fiscal year.

**Section 3.** The Congress may provide for suspension of the limitations imposed by section 1 or 2 of this article for any fiscal year for which two-thirds of the whole number of each House shall provide, by a roll-call vote, for a specific excess of outlays over receipts or over 18 percent of the gross domestic product of the United States for the calendar year ending prior to the beginning of such fiscal year.

**Section 4.** Any bill to levy a new tax or increase the rate of any tax shall not become law unless approved by two-thirds of the whole number of each House of Congress by a roll-call vote.

**Section 5.** The limit on the debt of the United States held by the public shall not be increased, unless two-thirds of the whole number of each House of Congress shall provide for such an increase by a roll-call vote.

**Section 6.** Any Member of Congress shall have standing and a cause of action to seek judicial enforcement of this article, when authorized to do so by a petition signed by one-third of the Members of either House of Congress. No court of the United States or of any State shall order any increase in revenue to enforce this article.

**Section 7.** The Congress shall have the power to enforce this article by appropriate legislation.

**Section 8.** Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States except those for repayment of debt principal.

**Section 9.** This article shall become effective beginning with the second fiscal year commencing after its ratification by three-fourths of the several States.

**PROPOSAL A3**, submitted by Sen. Todd Lakey of Idaho

No appropriation shall be made, nor any expenditure authorized by the congress, whereby the expenditure of the federal government during any fiscal year shall

exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the congress making such appropriation shall provide for levying a sufficient tax to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection or assist in defending the United States in time of war.

**Topic B - Spending Limits**

**Topic C - Taxing Limits**

**Topic D - Multi-subject Proposals and Miscellaneous**

**PROPOSAL D1**, Sponsored by Sen. Tom McGillvray of Montana

**Section 1.** Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing.

**Section 2.** A federal budget stabilization reserve fund shall be established by law. Each fiscal year 2.5 percent of the total expenditures calculated in Section one shall be set aside in the Federal Budget Stabilization Reserve Fund. Congress, whenever two-thirds of both Houses deem it necessary, may access the budget stabilization reserve fund for exigent needs of the United States after submitting a budget complying with the seventh section of Article I of this Constitution.

**Section 3.** Congress, whenever three-fourths of both Houses deem it necessary, may exceed the spending limit in Section 1 for one fiscal year by borrowing as provided for in the second clause of the 8th section of Article I of this Constitution. Funds derived from borrowing shall be appropriated only for enumerated powers in the 3rd through the 17th clauses of Section 8 Article I of this Constitution. Congress shall not guarantee the debt of US Government-sponsored agencies without a three-fourths vote of both Houses of Congress.

**Section 4.** Taxes levied under the 8th section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless three-fifths of both Houses of Congress concur.

**Section 5.** This amendment must be ratified within seven years of its submission for ratification under Article V. This amendment will become effective three years after ratification.

**PROPOSAL D2**, Sponsored by Prof. Nicholas Giordano of New York**Section 1.** Fiscal Priority and Balanced Budget

**1.1.** Paying down the federal debt shall be the highest fiscal priority of the federal government.

**1.2.** Within three years of the ratification of this Amendment, the federal budget must be balanced. Congress shall exercise fiscal restraint when allocating taxpayer dollars to achieve this goal.

**Section 2.** Congressional Salaries and Deficit Reduction

**2.1.** Congressional salaries shall be tied to the national deficit.

**2.2.** After the initial three-year period, for each fiscal year that Congress runs a deficit, their salaries shall be reduced by 10 percent the following year.

**2.3.** When Congress generates surpluses and begins to pay down the national debt, their salaries shall increase by four percent each year a surplus is generated.

**Section 3.** Deficit Exception

**3.1.** Congress may run a deficit without penalties during active Congressional declarations of war.

**3.2.** A resolution authorizing the President to use force does not constitute a declaration of war and shall not impact this Amendment.

**3.3.** In times of significant economic downturn necessitating federal intervention, Congress may run a deficit without penalties by obtaining a Declaration of an Economic Emergency, approved by a concurrence of three-quarters of members present in the House and three-quarters of members present in the Senate.

**Section 4.** Equal Application of Laws

**4.1.** All laws passed by members of Congress must apply equally to the people of the United States and members of Congress. Members of Congress shall not be exempted from any law they pass.

**Section 5.** Biannual Review and Termination of Federal Programs

**5.1.** Every federal program shall undergo a biannual review by independent auditors from outside the government.

**5.2.** If during the review process, a program is found not to meet its core mission and objectives, it shall be immediately terminated, and no further funding shall be provided to the said program.

**Section 6.** Unspent Funds and Penalties

**6.1.** Departments, agencies, or programs that do not fully utilize their allocated budget in a fiscal year shall not face penalties or lose access to unspent funds in that fiscal year or any subsequent years.

**Section 7.** Transparency and Accountability of Proposed Amendments

**7.1.** All proposed amendments to a bill, both germane and nongermane, must be accompanied by the name of the introducing member of Congress and made publicly accessible.

**Section 8.** Prohibition of Taxpayer Funds for Sexual Misconduct Claims

**8.1.** Taxpayer funds shall not be used to settle or pay any sexual misconduct claims against members of Congress or their staff.

**8.2.** The names of congressional members who previously used taxpayer funds to settle sexual misconduct claims shall be disclosed to the public.



**Section 9.** Repeal of the 27th Amendment

**9.1.** The 27th Amendment to the United States Constitution is hereby repealed.

**Section 10.** Implementation

**10.1.** This Amendment shall take effect immediately upon ratification by three-quarters of the state legislatures.

**10.2.** Congress shall have the power to enforce this Amendment through appropriate legislation.

**PROPOSAL D3**, sponsored by Del. Mark Fisher of Maryland

Each bill voted upon in their respective chamber shall be single subject, single expenditure. Omnibus bills are prohibited.

**PROPOSAL D4**, sponsored by Rep. J.D. Bernardy of New Hampshire

The right of the people to keep and use anonymous currency shall not be infringed by the federal government.

**Proposals submitted by commissioners from other committees (need sponsors)****PROPOSAL E1**, submitted by Rep. Ken Ivory of Utah

Total expenditures of the national government shall not exceed total revenues of the national government, excluding debt-based inflows, over a 5-year business cycle.

**PROPOSAL E2**, submitted by Rep. Ken Ivory of Utah

**Section 1.** Nothing in the Constitution shall be construed to impair the right or power of a State to make gold and silver, including the digitized payment systems for physical gold and silver, a tender in payment of debts, free from any taxation by state or national governments.

**Section 2.** Congress is prohibited from emitting further Bills of Credit that act as tender, or authorizing their emission through any agency or entity unless fully backed by and redeemable in gold or silver.

**PROPOSAL E3**, submitted by Rep. Walter Hudson of Minnesota

**Section 1.** Neither Congress nor any organ of federal government shall have the authority to directly or indirectly control legal tender. The use and trade of any

currency or medium of exchange chosen by the people shall not be infringed upon by the federal government.

**Section 2.** The printing of legal tender by Congress or any organ of the federal government shall only be permissible if backed by a physical commodity, such as gold, as prescribed by law.

**PROPOSAL E4**, submitted by Rep. Walter Hudson of Minnesota

**Section 1.** Neither Congress nor any organ of the federal government shall have the authority to grant funds to the several states or their political subsidiaries.

**Section 2.** All money appropriated for the federal budget shall be utilized directly by the federal government for purposes explicitly authorized and not prohibited by the United States Constitution.

**PROPOSAL E5**, submitted by Mr. Steve Bradbury of Virginia

The President may disapprove any item of appropriation in any bill. If any bill is approved by the President, any item of appropriation contained therein which is not disapproved shall become law. The President shall return with his objections any item of appropriation disapproved to the House in which the bill containing such item originated. The Congress may, in the manner prescribed under Section 7 of Article I for bills disapproved by the President, reconsider any item disapproved under this article.

**PROPOSAL E6**, submitted by Mr. Steve Bradbury of Virginia

**Section 1.** Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a roll-call vote.

**Section 2.** The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a roll-call vote.

**Section 3.** Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

**Section 4.** No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a roll-call vote.

**Section 5.** The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be

waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any such waiver must identify and be limited to the specific excess or increase for that fiscal year made necessary by the identified military conflict.

**Section 6.** The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

**Section 7.** Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

**Section 8.** This article shall take effect beginning with the fifth fiscal year beginning after its ratification.

## MINUTES OF THE FISCAL RESTRAINTS COMMITTEE

### 1. Roll

### 2. Discussion on proposals by all members of committee

### 3. Division into a subcommittee to discuss Balanced Budget proposals A1-A3

### 4. Discussion on proposals.

- Proposal D4 New Mexico moves to retain D4 to be proposed by committee
- Discussion on D4
- Show of hands, supported to move
- Proposal A1 - Subcommittee report on A1 - Montana moved to retain
- Discussion on A1
- Montana withdrew motion to move
- Committee supported to move forward
- Proposal E1 failed to gain a sponsor
- Proposal E2 - Hawaii sponsors E2 - Moved to retain
- Discussion on E2
- Motion failed committee support
- Proposal E3 - Ohio sponsors and moves to retain
- Discussion on E3
- Motion supported to retain
- Proposal E4 - Maine sponsors and moves to retain
- Discussion on E4
- Motion supported to retain
- Proposal E5 - New Jersey sponsors and moves to retain
- Discussion on E5
- Motion failed to retain



- Proposal E6 - Failed to gain a sponsor
- Proposal D3 - Ruled out of order
- Proposal A1 - Moved by Montana for adoption by committee
- New Jersey moves an amendment 1 to A1 - passes
- California moves an amendment 2 to A1 - passes
- Maine moves an amendment 3 to A1 - passes
- West Virginia moves an amendment 4 to A1 - passes

**5. Roll-call vote on adoption passed committee 33-4 with 1 absent**

**6. Motion to adjourn from Hawaii - adopted by the committee**

**EXPLANATION FROM COMMITTEE SECRETARY**

The committee spent the bulk of the morning reviewing the various proposals, getting familiar with the subject matter, and informally discussing them. The themes of the proposals were fleshed out through the discussions into 3-4 categories. Five distinct Balanced Budget proposals were presented, leading to the formation of a subcommittee composed of their sponsors. This subcommittee convened separately, while the remaining committee deliberated on proposals from sponsors outside of the committee. The subcommittee was able to draft a unique proposal that they unanimously supported and brought to the remaining committee for adoption. At this point, the committee had narrowed the number of proposals down to four individual proposals. There was discussion about combining two of the proposals into a single proposal, but in the interest of time remaining, the focus of the committee was directed to the Balanced Budget proposal.. The time remaining was spent debating amendments to the proposal, and ultimately, a roll-call vote at the conclusion of the committee meeting adopted a proposed Balanced Budget amendment.

**PROPOSALS REPORTED BY THE FISCAL RESTRAINTS COMMITTEE**

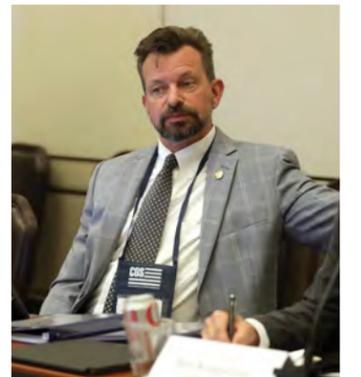
**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll call vote deem it necessary, may exceed the spending limit in Section 1 for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5:** This amendment will become effective three years after ratification.



## FEDERAL LEGISLATIVE AND EXECUTIVE JURISDICTION COMMITTEE

“To limit the power and jurisdiction of the federal government...”

**Committee Chair:** Rep. Ken Ivory (UT)  
**Committee Secretary:** Mr. Andrew Lusch  
**Legal Advisor:** Mr. Robert Kelly

### COMMITTEE MEMBERS

Mr. Othni Lathram	Alabama	Mr. John Malcolm	North Carolina
Sen. Shelley Hughes	Alaska	Rep. Jim Kasper	North Dakota
Sen. David Gowan	Arizona	Rep. Tim Ginter	Ohio
Sen. Jason Rapert	Arkansas	Sen. David Bullard	Oklahoma
Rep. James Kallinger	Florida	Sen. Cris Dush	Pennsylvania
Mr. Jim Hochberg	Hawaii	Sen. Danny Verdin	South Carolina
Rep. Mike Kingsley	Idaho	Rep. James Wangsness	South Dakota
Rep. Tom Weber	Illinois	Dr. Thomas Lindsay	Texas
Rep. John Wills	Iowa	Rep. Ken Ivory	Utah
Rep. Eric Smith	Kansas	Mr. Gary Porter	Virginia
Rep. Woody Jenkins	Louisiana	Sen. Phil Fortunato	Washington
Sen. Mike McKay	Maryland	Sen. Robert Karnes	West Virginia
Rep. Geoffrey Diehl	Massachusetts	Sen. Dan Knodl	Wisconsin
Rep. Steven Johnson	Michigan	Sen. Bo Biteman	Wyoming
Rep. Walter Hudson	Minnesota		
Rep. John Wiemann	Missouri		
Rep. Jennifer Carlson	Montana		
Mr. Kelly Quinn	Nevada		
Rep. Yvette Herrell	New Mexico		



## PROPOSALS CONSIDERED BY THE FEDERAL LEGISLATIVE AND EXECUTIVE JURISDICTION COMMITTEE MEETING

Prior to the meeting, committee members had submitted the following proposals:

### Topic A - Limiting Federal Legislative Power

#### PROPOSAL A1, sponsored by Mr. Gary Porter of Virginia

The regulation of “commerce among the states” shall be limited to making regular the interchange or mutual change of goods, wares, productions, or property of any kind between businesses and organizations residing in different states. Any federal regulations existing at the time of ratification of this amendment which do not comport with this amendment shall become null and void two years after the date of ratification of this amendment.

#### PROPOSAL A2, sponsored by Mr. Gary Porter of Virginia, on behalf of Mr. Steve Bradbury of Virginia

The power of Congress to regulate commerce between the States shall extend no further than the power to regulate commercial transactions between residents of different States and the channels and instrumentalities of interstate commerce.

#### PROPOSAL A3, sponsored by Mr. Gary Porter of Virginia, on behalf of Mr. Steve Bradbury of Virginia

Congress shall have no power to regulate or tax the emission of carbon dioxide.

#### PROPOSAL A4, sponsored by Mr. Jim Hochberg of Hawaii

Congress shall not delegate any lawmaking or rule making function to any executive official or agency except as follows:

Any authorized rule-making function shall be drafted and promulgated as provided by law but shall not become final until approved by both houses of Congress and signed by the President.

Any authorized rules which exclusively concern the internal operations of the government of the United States and which have no direct effect on individuals or private entities shall be finalized without the necessity of congressional review.

**PROPOSAL A5**, sponsored by Rep. Walter Hudson of Minnesota

**Section 1.** Congress shall not enact laws regarding the education of American citizens.

**Section 2.** No agency of the federal government shall interfere in any way with the administration of education by the several states or individual American citizens.

**PROPOSAL A6**, sponsored by Rep. Woody Jenkins of Louisiana

**Section 1.** Introduction; Title; Single Object; Public Meetings. Congress shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution introduced during that session, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting.

**Section 2.** No General Reference. A bill enacting, amending, or reviving a law shall set forth completely the provisions of the law enacted, amended, or revived. No system or code of laws shall be adopted by general reference to it.

**Section 3.** Germane Amendments. No bill shall be amended in either House to make a change not germane to the bill as introduced.

**Section 4.** Three Readings. Each bill shall be read at least by title on three separate days in each House. No bill shall be considered for final passage unless a committee has held a public hearing and reported on the bill.

**Section 5.** Rejected bills; Reconsideration. No bill rejected by either house may again be introduced or considered during the same session by the House which rejected it without the consent of a majority of the members elected to that House.

**Section 6.** Concurrence in Amendments. No amendment to a bill by one House shall be concurred in by the other, and no conference committee report shall be concurred in by either House except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

**Section 7.** Majority Vote; Record Vote. No bill shall become law without the favorable vote of at least a majority of the members elected to each House. Final passage of a bill shall be by record vote.

**TOPIC B - Limiting Federal Executive Power****PROPOSAL B1**, sponsored by Rep. Walter Hudson of Minnesota

**Section 1.** All federal law enforcement and intelligence agencies shall be subject to the authority of the several states.

**Section 2.** Federal law enforcement and intelligence agencies may only operate within a state's jurisdiction with explicit authorization from the legislature of that particular state.

**PROPOSAL B2**, sponsored by Rep. Walter Hudson of Minnesota

**Section 1.** No organ of the federal government shall enter into any international treaty or agreement that erodes or circumvents the rights of any state or American citizen guaranteed by the United States Constitution.

**Section 2.** The sovereignty of each state and the rights of each American citizen shall be inviolable by both the federal government and any foreign or international entity.

**Topic C - Limiting Federal Agency Power****PROPOSAL C1**, sponsored by Rep. Ken Ivory of Utah

Whenever one quarter of the members of the United States House of Representatives or the United States Senate transmits to the President their written declaration of opposition to any proposed or existing federal administrative regulation, in whole or in part, it shall require a majority vote of the House of Representatives and Senate to adopt or affirm that regulation. Upon the transmittal of opposition, if Congress shall fail to vote within 180 days, such regulation shall be vacated. No proposed regulation challenged under the terms of this article shall go into effect without the approval of Congress. Congressional approval or rejection of a rule or regulation is not subject to Presidential veto under Article I, Section 7 of the U.S. Constitution.

**PROPOSAL C2**, sponsored by Mr. Gary Porter of Virginia, on behalf of Mr. Steve Bradbury of Virginia

No person shall be penalized for violating an administrative regulation which is finalized by an agency of the federal government after the effective date of this article unless both Houses of Congress have first approved the regulation by joint resolution. Any federal regulation shall be nullified if disapproved by a majority vote of either House of Congress.

**PROPOSAL C3**, sponsored by Sen. Mike McKay of Maryland, on behalf of Del. Mark Fisher of Maryland

Executive Orders by the President, rules promulgated by a department or agency, do not have the force of law, unless voted upon by Congress.

#### **Topic D - Combination Proposals and Miscellaneous**

**PROPOSAL D1**, Sponsored by Rep. John Wills of Iowa

**Section 1.** The power of the federal government shall be strictly confined to the enumeration within the original Constitution and the Bill of Rights.

**Section 2.** Any attempt by the federal government to extend its power beyond the original Constitution and the Bill of Rights must be expressly approved by an amendment to the Constitution of the United States. Such an amendment must be ratified by three-fourths of the states.

**Section 3.** No law, treaty, regulation, or executive action that grants the federal government powers or jurisdiction beyond the scope expressly stated within the original Constitution and the Bill of Rights shall be valid unless it has been duly authorized by an amendment to the Constitution.

**Section 4.** All existing laws, treaties, regulations, or executive actions that are inconsistent with the limitations established by this amendment shall be null and void.

**Section 5.** The federal government shall not impose or delegate duties, financial responsibilities, or powers to the states that are not expressly permitted within the original Constitution and the Bill of Rights, except with the explicit consent of the affected states.

**Section 6.** Any dispute regarding the constitutionality or legality of federal actions under this amendment shall be subject to review by the Supreme Court of the United States.

**PROPOSAL D2**, sponsored by Rep. Jennifer Carlson of Montana

#### **State Abrogation Amendment**

**Section 1.** The Legislatures of the States shall have authority to abrogate any provision of federal law issued by the Congress, President, or Administrative Agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form.

**Section 2.** Such abrogation shall be effective when the Legislatures of three-fifths of the States approve a resolution declaring the same provision or provisions of federal law

to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law may be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision.

**Section 4.** No provision of federal law abrogated pursuant to this amendment may be reenacted or reissued for six years from the date of the abrogation.

**PROPOSAL D3**, sponsored by Mr. Gary Porter of Virginia

The powers delegated by the Constitution to the government of the United States, shall be exercised as therein specifically vested, so that the Legislative shall never exercise the powers vested in the Executive or Judicial; nor the Executive the powers vested in the Legislative or Judicial; nor the Judicial the powers vested in the Legislative or Executive.

**PROPOSAL D4**, sponsored by Sen. Shelley Hughes of Alaska

#### **Countermand Amendment**

**Section 1.** The article restores State sovereignty in our Constitutional Republic by providing State Legislatures Countermand authority.

**Section 2.** State Legislatures in the several states shall have the authority to countermand and rescind any Congressional Statute, Judicial decision, Executive Order, Treaty, government agency's regulatory ruling, or any other government or non-government mandate (including excessive spending and credit) imposed on them when in the opinion of 60 percent of State Legislatures the law or ruling adversely affects their states; interest. When the Countermand threshold has been reached, the law or ruling shall be immediately and automatically nullified and repealed. This Countermand authority shall also apply to existing laws and rulings.

**Section 3.** From the time the initial Countermand is issued by a State Legislature, the other Legislatures shall have 18 months to complete the Countermand process. If the Countermand process is not completed in 18 months, then the law or ruling that is being challenged shall remain enforceable.

**Section 4.** Each State Legislature shall complete their Countermand affidavit and deliver a certified copy to the Chief Justice of the United States Supreme Court, the Leader of the United States Senate, the Speaker of the House of

Representatives, the President of the United States, and when applicable the Government Agency or Body that is being challenged.

**Section 5.** Congress shall have the power to enforce this article by appropriate legislation.

**Section 6.** Individual states shall have authority to prosecute violators of this article under state laws in the absence of federal prosecution after 90 days from the date of the alleged violation. Multiple prosecutions, by multiple states, for the same alleged crime are prohibited.

**Section 7.** The article shall be immediately part of the United States Constitution upon ratification by three quarters of the State Legislatures in the several states.

**Section 8.** The provisions of this article are enforceable within the United States, which shall include the Several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the territories and possessions of the United States.

**PROPOSAL D5,** sponsored by Sen. Cris Dush of Pennsylvania

To guard against the transgressions of the high powers which we have delegated, we declare that everything in amendments one through 10, inclusive, of this Constitution, is excepted out of the general powers of government and shall forever remain inviolate.

**PROPOSAL D6,** sponsored by Rep. Ken Ivory of Utah

**Section 1.** The national government shall not own or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Sec. 8, cl. 17.

**Section 2.** The national government shall not own or control more than 10 percent of the land in any given county, except with the express consent of the legislature of the state in which the land is located, Art. IV, Sec. 3, cl. 2 notwithstanding.

**Section 3.** Congress shall dispose of all remaining lands within 20 years from the effective date hereof, on an annual ratable basis (i.e. 1/20th per year).

**Section 4.** For purposes of this Amendment, “Control” shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a state, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**PROPOSAL D7,** sponsored by Rep. Ken Ivory of Utah

No federal law, regulation, treaty, land use designation, Executive Order, or opinion of any federal administrative or Article III Court shall impair or infringe upon the “police power” jurisdiction, defined by the U.S. Supreme Court as the jurisdiction over the health, safety, welfare and morals of the state, which police power jurisdiction is possessed by the states, and not the national government.

**PROPOSAL D8,** sponsored by Rep. Ken Ivory of Utah

**Section 1.** The Legislatures of the states shall have authority to abrogate any provision of federal law issued by the Congress, President, or Administrative Agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form.

**Section 2.** Such abrogation shall be effective when the Legislatures of three-fifths of the states approve a resolution declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law may be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision.

**Section 4.** No provision of federal law abrogated pursuant to this amendment may be reenacted or reissued for six years from the date of the abrogation.

**PROPOSAL D9,** sponsored by Rep. Walter Hudson

**Section 1.** Neither Congress nor any organ of the federal government shall enact laws or engage in actions to curtail political speech of any kind.

**Section 2.** The use of any government power or influence to suppress or coerce private actors in restricting political speech shall be considered a form of treason under the law.

**PROPOSAL D10,** sponsored by Rep. Walter Hudson

**Section 1.** Neither Congress nor any organ of the federal government, including the Supreme Court of the United States, shall have the authority to invalidate or nullify any law passed by any state in the union.

**Section 2.** The laws of the several states shall be determined exclusively by their respective legislatures, and no federal judicial interference shall be permitted.

**PROPOSAL D11**, sponsored by Rep. Walter Hudson

**Section 1.** The religious expression of American citizens shall be inviolable, and no agent of any government at any level shall suppress, threaten, or negate such expression.

**Section 2.** The threatening of the tax-exempt status of a religious organization shall be considered a violation of this amendment.

**PROPOSAL D12**, sponsored by Rep. Walter Hudson

**Section 1.** Congress shall not enact laws regarding the production of energy.

**Section 2.** No agency of the federal government shall interfere in any way with energy production in the several states or by individual American citizens.

**PROPOSAL D13**, sponsored by Rep. Walter Hudson

**Section 1.** Neither Congress nor any organ of the federal government shall have any jurisdiction over the mining, harvesting, or production of any natural resource, including but not limited to minerals, timber, and fossil fuels, within the borders of any state.

**Section 2.** The regulation and management of natural resources shall be the sole responsibility of the respective states, subject to their own laws and regulations.

**PROPOSAL E1**, submitted by Rep. Ken Ivory of Utah

**Section 1.** The national government shall not own or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Sec. 8, cl. 17.

**Section 2.** The national government shall not own or control more than 10% of the land in any given county, except with the express consent of the Legislature of the State in which the land is located, Art. IV, Sec. 3, cl. 2 notwithstanding.

**Section 3.** Congress shall dispose of all remaining lands within 20 years from the effective date hereof, on an annual ratable basis (i.e. 1/20th per year).

**Section 4.** For purposes of this Amendment, “Control” shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**MINUTES OF THE FEDERAL LEGISLATIVE AND EXECUTIVE JURISDICTION COMMITTEE****1. CALL TO ORDER**

- The Federal Legislative and Executive Committee met at 10:15 am and was called to order by the committee chair, Ken Ivory.
- The Chairman gave some quick remarks to the committee and asked the members to introduce themselves and the state they represent.

**2. ROLL**

- The committee chair ordered the roll. Thirty-four states present, and Oregon absent.

**3. PROPOSED DISCUSSION IN SUBCOMMITTEES**

- The Chairman of the committee called for committee members to break into subcommittees for drafting amendment language for 60 minutes:
- Group A, Group B, Group C, Group D, Group E

**4. DISCUSSION IN FULL COMMITTEE**

- The Chairman brought the committee back to order at 11:43 through voice vote cease to saunter with no objections. The Chairman then asked for one representative from each group to act as a spokesperson to review the amendment proposals by subcommittees A-E. Chairman Ivory also asked for each group’s top proposal.
- The amendment proposals by each committee are as follows:
- **Group A** – proposed two amendments to be considered by the committee. Group A’s priority amendment related to reigning in and defining the commerce clause properly.
- **Group B** – proposed three amendments to be considered by the committee. Group B’s priority amendment is an abrogation amendment related to executive orders.
- **Group C** – proposed one amendment to be considered by the committee. Group C’s amendment is related to administrative rule-making.
- **Group D** – proposed one amendment to be considered by the committee. Group D’s priority amendment is an abrogation amendment that is more broad than Group B’s amendment.
- **Group E** – proposed one amendment to be considered by the committee. Group E’s amendment relates to federal land and returning it to the states.
- Discussion among the committee members regarding the proposed amendments by the subcommittees.

- Proposed amendments were debated and the committee decided to prioritize amendments A1, B1, C1, D1, & E1

#### 5. READING & DISCUSSION ON AMENDMENT A1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.
- The Chairman made a motion to submit the amendment as is when a point of order was made to correct the language to reflect what was submitted. The point of order was accepted and the amendment language was changed by the secretary. The Chairman made a motion to consider the amendment. The motion was seconded.
- Amendment A1 was discussed by the body. The Chairman accepted questions to the motion. Senator Karnes inquired if amendments were being accepted at this time, the Chairman then motioned to review the amendments and vote on three to be prioritized for discussion.
- Representative Ginter of Ohio motioned to break into drafting subcommittees, and then reconvene for further discussion after the language was agreed upon by subcommittees. The motion was accepted without objection.

#### 6. READING & DISCUSSION ON AMENDMENT B1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.
- Questions about the amendment's intent from Mr. Malcolm of North Carolina, Representative Johnson of Michigan, and Representative Woody Jenkins.

#### 7. READING & DISCUSSION ON AMENDMENT C1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment. Mr. Malcolm asked for a point of clarification on the language pertaining to regulations in effect after ratification of the amendment. Comment on the intent of the amendment by Representative Hughes, and Representative Woody Jenkins.

#### 8. READING & DISCUSSION ON AMENDMENT D1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee

spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.

#### 9. READING & DISCUSSION ON AMENDMENT E1

- The Chairman read the amendment and asked the committee spokesperson if they would like to speak in general terms to the amendment. The subcommittee spokesperson explained the amendment in general terms to the committee. The Chairman then asked if there are any questions on the meaning, intent, or import of the amendment.
- Senator Hughes commented on the amendment and a question about its intent. Question from Sen. Fortunato about navigable waters. Comment from Chairman Ivory of Utah, Senator Dusch of Pennsylvania, and Representative Jenkins of Louisiana regarding the amendment's intent. Question from Mr. Hockberg about the effect on military installations across the country.

#### 10. MOTION TO PRIORITIZE AMENDMENTS

- The Chairman moved to break into subcommittees to discuss language for amendment proposals. The Chairman asked to prioritize three of the five proposals from Subcommittee A-E. Senator Karnes of West Virginia suggested division votes for the top three vote-getters to be prioritized. Representative Wangsness of South Dakota proposed combining B1, C1, and D1 into one amendment because of their similarities. Representative Wangsness made a motion to combine B1, C1, & D1. The motion was seconded and accepted by voice vote. Amendments A1, D1, & E1 were to be wordsmithed in their respective subcommittees and returned to the full body as three amendment proposals.

#### 11. MOTION TO SAUNTER

- The Chairman made a motion at 11:38 am to saunter and break for lunch, it was seconded, and approved by voice vote.

#### 12. CALL BACK TO ORDER

- The Chairman called the committee to order at 1:09 PM.

#### 13. DISCUSSION ON ADDITIONAL AMENDMENTS

- Representative Carlson of Montana motioned to add amendment D7 which relates to police power to the three amendments being considered. Discussion on the proposal. After discussion, the Chairman put the motion to add amendment D7 to a vote, a substitute motion was made by John Weimann to only work with three amendments. The Chairman called a voice vote and then called for a division vote.

**Roll-call vote to only consider amendment A1, D1, & E1 in subcommittees:**

**Aye—22; Nay—11; Absent—1**

**The motion passed.**

- Senator Karnes of West Virginia motioned to submit any further amendments for consideration to the secretary, which would be considered after amendment proposals 1,2, & 3 were discussed. The motion passed by voice vote and the committee broke into subcommittees at 1:47 PM to wordsmith amendment proposals 1, 2, & 3.

#### BACK TO ORDER

- The Chairman brought the committee back to order at 2:32 PM; committee members began discussing the language of amendment proposals 1, 2, & 3.

#### 14. DISCUSSION OF AMENDMENT

##### Proposal 1: COMMERCE CLAUSE AMENDMENT

- The Chairman read the amendment to the committee. Mr. Lathrum presented the amendment to the entire body. Lathrum motioned to offer the amendment to the committee. The committee discussed and offered questions to the Commerce Clause amendment and proposed amendments to its language.

#### 15. AMENDMENT 1 FOR PROPOSAL 1

- Sen. Fortunato motioned to amend the amendment. Discussion on the motion to amend. A friendly amendment was accepted to change the language of Section 4. The Chairman called for a voice vote to accept the language of the amendment to the amendment. The committee voted to adopt the amendment.

#### 16. VOTE ON THE SUBSTANCE OF THE AMENDMENT

- The Chairman called for a voice vote to accept the substance of the amendment as is. The committee voted in favor of the amendment.

#### 17. DISCUSSION OF AMENDMENT PROPOSAL 2: ABROGATION AMENDMENT

- The Chairman read the amendment to the committee. Senator Hughes of Alaska offered the amendment. Senator Hughes motioned to offer the amendment to the committee. The committee discussed the Abrogation amendment and proposed amendments to its language.

#### 18. AMENDMENT 1 FOR PROPOSAL 2

- Mr. Lathrum motioned to strike language in the amendment. After discussion, Mr. Lathrum withdrew his amendment for a substitution motion that would insert language allowing the states to define action through a legislative rule. Mr. Lathrum, after discussion offered another substitute motion to insert the language to approve a measure. The Chairman called for a voice vote in favor of the amendment to the amendment. The committee voted to adopt the amendment.

#### 19. AMENDMENT 2 FOR PROPOSAL 2

- Representative Gowan of Arizona proposed an amendment to remove three-fifths of the states and substitute a simple majority of the states and an amendment changing six years to 10 years. Motion to divide the question. The motion passed with a voice vote.

#### 20. AMENDMENT 2A FOR PROPOSAL 2

- No discussion on the amendment to change six years to 10 years. The Chairman called for a voice vote in favor of the amendment to the amendment. The committee voted to adopt the amendment.

#### 21. AMENDMENT 2B FOR PROPOSAL 2

- Discussion about the difficulty of a three-fifths threshold. The Chairman called for a voice vote in favor of the amendment to the amendment. The committee voted to adopt the amendment.

#### 22. AMENDMENT 3 FOR PROPOSAL 2

- Representative Jenkins proposed an amendment to strike the reference to federal courts from Section 1 of the amendment. The committee discussed this amendment's ramifications, going back and forth between federal power and state power and their proper uses. The committee entertained many opinions relating to the effect the amendment would have on federal jurisdiction.
- The Chairman called for a roll-call vote to strike language allowing the states to overturn Supreme Court rulings in the Abrogation Amendment.

**Aye—17; Nay—16; Absent—1**

**Proposed language to be stricken passes.**

Further discussion by the committee on time limits for abrogating federal laws.

#### AMENDMENT 4 FOR PROPOSAL 2

- Representative Smith of Kansas motioned to strike “or other form” from the amendment. The Chairman called for a voice vote in favor of the amendment. The motion failed.

#### 23. AMENDMENT 5 FOR PROPOSAL 2

- Mr. Malcolm offered an amendment to clarify the language as it relates to presidential actions by removing power and adding action taken. No discussion to the amendment. The Chairman called for a voice vote in favor of the amendment. The committee voted to adopt the amendment.

#### 24. VOTE ON THE SUBSTANCE OF THE AMENDMENT

- The Chairman called for a voice vote to accept the substance of the amendment as is. The committee voted in favor of the amendments to the Abrogation Amendment.

#### 25. DISCUSSION OF AMENDMENT PROPOSAL 3

- The Chairman read the amendment to the committee. Senator Karns of West

Virginia offered the amendment to the committee. The committee discussed the Federal Lands Amendment and proposed amendments to its language.

**26. AMENDMENT 1 FOR PROPOSAL 3**

- Representative Porter of Virginia made a motion to amend Section 3 by adding Congress shall return or cede land to the state in which the land is located. Senator Karnes asked Representative Porter if he would entertain adding a ten-year time restriction in Section 3. Representative Porter accepted this and modified his amendment. The Chairman called for a voice vote in favor of the amendment. The committee voted to adopt the amendment.

**27. AMENDMENT 2 FOR PROPOSAL 3**

- Senator Huges of Alaska proposed the word county be replaced with the word state. Discussion of the amendment by Senator Biteman and Senator Karnes. The Chairman called for a voice vote in favor of the amendment. The committee voted against the adoption of the amendment to the amendment.

**28. AMENDMENT 3 FOR PROPOSAL 3**

- Representative Jenkins proposed a section between Sections 3 and 4. “No lands or mineral rights formerly owned by the United States shall be transferred directly or indirectly to any foreign government foreign corporation or foreign citizen in perpetuity.” Discussion on the amendment by Senator Bullard and Mr. Malcolm, Representative Hudson and Senator Biteman. Representative Jenkins moved to strike perpetuity from his original amendment. The Chairman motioned for a voice vote. The voice vote was not conclusive so a roll-call vote was motioned by the Chairman.

- The Chairman called for a division vote to add language to the Federal Lands amendment.

**Aye—14; Nay—17; Absent—3**  
**The proposed language failed.**

**29. AMENDMENT 4 FOR PROPOSAL 3**

- Senator Karnes proposed an amendment to address national parks and national monuments in Sections 1 and 2. Senator Karnes motioned to modify his amendment to read “this article shall not apply to any land that is part of any national park in place ten years prior to the adoption of this article.” The committee was torn on the language and could not come to any agreement during the discussion of the amendment. Representative Ginter motioned to remove the amendment to the amendment and present it on the floor the following day. Senator Karnes modified his amendment to read “Except with the permission of the legislature” in Section 1. The Chairman called for a voice vote to accept the amendment to the amendment. The committee voted in favor of amendment to proposal 3.

**30. VOTE ON THE SUBSTANCE OF THE AMENDMENT**

- The Chairman called for a voice vote to accept the substance of the amendment as is. The committee voted in favor of the amendments to the Federal Lands Amendment.

**31. MOTION FOR NEW PROPOSED AMENDMENT**

- Representative Jenkins proposed a single-subject amendment to be considered by the committee.
- Representative Kasper of North Dakota proposed a substitute motion to pass the three proposals out of committee. The Chairman called for a voice vote to accept the three proposals. The committee voted in favor of the three proposals.

**32. VOICE VOTE TO PASS AMENDMENTS OUT OF COMMITTEE**

- The Chairman called for a voice vote to pass the three amendments out of committee. The committee voted in favor of the Commerce Clause amendment, the Abrogation amendment, and the Federal Lands amendment.

**ADJOURN**

The Chairman called to adjourn the committee meeting at 5:00 PM.



## PROPOSALS REPORTED BY THE FEDERAL LEGISLATIVE AND EXECUTIVE JURISDICTION COMMITTEE

### PROPOSAL 1

**Section 1.** The term “commerce among the states” shall mean buying, selling, or transportation of goods and services across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

**Section 4.** For purposes of this Constitution, “Navigable Waters” shall be limited to surface waters actively used for transport of goods in commerce among the states.

**Passed out of committee with a voice vote.**

### PROPOSAL 2

**Section 1.** The Legislatures of the States shall have authority to abrogate any provision issued by the Congress, President, or Administrative Agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Sec. 2, cl. 1 of the US Constitution.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against

the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

**Passed out of committee with a voice vote.**

### PROPOSAL 3

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Sec. 8, cl. 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land in any given county, except with the express consent of the Legislature of the State in which the land is located, Art. IV, Sec. 3, cl. 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands to the state in which it is located within 10 years from the effective date hereof.

**Section 4.** For purposes of this Amendment, “Control” shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a state, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** For purposes of this Constitution, “Navigable Waters” shall be limited to surface waters actively used for transport of goods in interstate commerce.

**Passed out of committee with a voice vote.**



## TERM LIMITS AND FEDERAL JUDICIAL JURISDICTION COMMITTEE

“To limit the power and jurisdiction of the federal government, and to set term limits for its officials and for members of Congress”

**Committee Chair:** Rep. Dan Eubanks (MS)  
**Committee Secretary:** Mr. Jonathan Viaud  
**Legal Advisor:** Mr. Shawn Paine



### COMMITTEE MEMBERS

Rep. Steve Montenegro	Arizona		
Sen. Vicki Marble	Colorado		
Sen. Joe Markley	Connecticut		
Rep. Dennis Ross	Florida		
Rep. Johnny Chastain	Georgia		
Rep. Joe Alfieri	Idaho	Sen. Timothy Moffitt	North Carolina
Rep. Dan Caulkins	Illinois	Rep. Ben Koppelman	North Dakota
Rep. Christy Stutzman	Indiana	Sen. Michele Reynolds	Ohio
Rep. Bill Gustoff	Iowa	Sen. Rob Standridge	Oklahoma
Sen. Mark Steffen	Kansas	Ms. Alexa Walker	Oregon
Ms. Stephanie Kreuz	Kentucky	Rep. Jason Elliott	South Carolina
Sen. Matt Harrington	Maine	Rep. Jessica Bahmuller	South Dakota
Mr. James McMahon	Massachusetts	Ms. Bridget Weisenburger	Texas
Sen. Andrew Mathews	Minnesota	Rep. Quinn Kotter	Utah
Rep. Dan Eubanks	Mississippi	Rep. Mark Higley	Vermont
Rep. Travis Smith	Missouri	Mr. Steve Bradbury	Virginia
Sen. Jason Ellsworth	Montana	Sen. Jay Taylor	West Virginia
Sen. Justin Wayne	Nebraska	Rep. Donna Rozar	Wisconsin
Rep. Linda Massimilla	New Hampshire	Rep. Daniel Singh	Wyoming

## PROPOSALS CONSIDERED BY THE TERM LIMITS AND FEDERAL JUDICIAL JURISDICTION COMMITTEE MEETING

Prior to the meeting, committee members had submitted the following proposals:

### Topic A - Congressional Term Limits

**PROPOSAL A1**, sponsored by Mr. Steve Bradbury of Virginia

No person shall be elected to serve as a Representative in Congress more than six times, nor elected or appointed to serve as a Senator more than three times. This article shall not disqualify any person from completing a term in Congress to which that person was elected or appointed prior to ratification of this article.

**PROPOSAL A2**, sponsored by Rep. Quinn Kotter of Utah

**Section 1.** No person may serve more than 12 years as a member of Congress, whether such service is exclusively in the House or the Senate or combined in both Houses.

**Section 2.** Upon ratification of this Amendment, any incumbent member of Congress whose term exceeds the 12-year limit shall complete the current term, but thereafter shall be ineligible for further service as a member of Congress.

### Topic B - Executive/Bureaucratic Term Limits

**PROPOSAL B1**, sponsored by Sen. Andrew Mathews of Minnesota

All Secretaries, Division heads, and employees of Federal agencies and departments shall be term limited to 8 years of combined employment across all agencies.

### Topic C - Judicial Jurisdiction/Term Limits

**PROPOSAL C1**, sponsored by Rep. Quinn Kotter of Utah

**Section 1.** No person may serve as Chief Justice or Associate Justice of the Supreme Court for more than a combined total of 12 years.

**Section 2.** Immediately upon ratification of this Amendment, Congress will organize the justices of the Supreme Court as equally as possible into three classes, with the justices assigned to each class in reverse seniority order with the

most senior justices in the earliest classes. The terms of office for the justices in the First Class will expire at the end of the fourth year following the ratification of this Amendment, the terms of the justices of the Second Class will expire at the end of the eighth year, and of the Third Class at the end of the twelfth year, so that one-third of the justices may be chosen every fourth year.

**Section 3.** When a vacancy occurs in the Supreme Court, the president shall nominate a new justice who, with the approval of a majority of the Senate, shall serve the remainder of the unexpired term. Justices who fill a vacancy for longer than half of an unexpired term may not be renominated to a full term.

**Section 4.** Upon three-fifths vote of the House of Representatives and the Senate, Congress may override a majority opinion rendered by the Supreme Court.

**Section 5.** The Congressional override under Section 4 is not subject to a Presidential veto and shall not be the subject of litigation or review in any federal or state court.

**Section 6.** Upon three-fifths vote of the several State Legislatures, the states may override a majority opinion rendered by the Supreme Court.

**Section 7.** The states' override under Section 6 shall not be the subject of litigation or review in any federal or state court or oversight or interference by Congress or the President.

Section. 8. Congressional or state override authority under Sections 4 and 6 must be exercised no later than 24 months from the date of the Supreme Court rendering its majority opinion, after which date Congress and the states are prohibited from exercising the override.

#### Topic D - Combination Proposals

##### **PROPOSAL D1**, sponsored by Rep. Christy Stutzman of Indiana

**Section 1.** An American citizen elected to serve in the United States House of Representatives shall serve no more than nine two-year terms for a total of 18 years of service. An American citizen elected to serve in the United States Senate shall serve no more than three six-year terms for a total of 18 years of service.

**Section 2.** The total number of combined years of service in both the United States Senate and the United States House of Representatives by any single person shall not exceed 24 years.

**Section 3.** The age of the members of both legislative bodies, the United States Senate and the United States House of Representatives, shall not exceed 81 years of age. The term shall expire at the end of the year in which a member of the US Senate reaches 81 years of age. A member of the US House of Representatives shall finish the term of service in which they reach 81 years of age.

**Section 4.** Federal campaign funds may be collected for a total of six years by any federal candidate or elected official. At the beginning of a campaign, the candidate for federal office must declare their "overage" disbursement choices, which may include: charities, local government entities, state level candidates for office or the re-election campaigns of current office holders. After six years, any remaining campaign funds in a federal campaign account must be disbursed to the specified charities named by the federal candidate and the federal candidate must start a new campaign re-election fund.

**Section 5.** The Supreme Court of the United States shall be comprised of 9 Justices with one member serving as Chief Justice for no more than 18 years. At the end of the 18 year term of service for a Chief Justice, the President of the United States shall name a new Chief Justice from among the sitting members of the court.

##### **PROPOSAL D2**, sponsored by Rep. Quinn Kotter of Utah

**Section 1.** A person working for the federal government, whether appointed or employed, shall be limited to a maximum term of 12 years. This includes persons who have served in the congress, political appointees, and all others working at federal agencies and bureaus.

**Section 2.** Should a person work in more than one of the above listed areas, that person shall be limited to not more than 12 years combined total in all areas of appointment or employment.

**Section 3.** Persons who have been employed by the federal government are prohibited from private sector positions that seek to influence legislators, or assist in the legislative or judicial process.



## MINUTES OF THE TERM LIMITS AND FEDERAL JUDICIAL JURISDICTION COMMITTEE

### 1. Call to order

- The Term Limits & Executive Jurisdiction Committee met at 10:15 AM and was called to order by the Chairman Dan Eubanks of Mississippi.

### 2. Roll

- The Chairman ordered the roll. Thirty-three states were present.

### 3. Chairman Address

- The Chairman laid out the process for the committee, breaking the discussion up into three subcommittees:
- Congressional Term Limits Subcommittee (WY, WI, WV, VA, VT, UT, TX, SD, SC, OR)
- Executive/Bureaucratic Term Limits Subcommittee (OK, OH, ND, NC, NH, NE, MT, MO, MN, MA, ME)
- Judicial Jurisdiction/Term Limits Subcommittee (KY, KS, IA, IN, IL, ID, GA, FL, CT, CO, AZ)
- Each subcommittee was asked to review proposals submitted by commissioners, as well as those submitted by the grassroots. Subcommittees were also asked to select a subcommittee chair in order to present proposed amendments before the committee as a whole. Subcommittees were also directed to select a secretary that would send proposed amendments to the Committee Secretary.
- After further discussion and clarification, commissioners that submitted proposals prior to the committee meeting were asked to present their proposals. Those commissioners were:

Mr. Steve Bradbury of Virginia

Rep. Quinn Kotter of Utah

Sen. Andrew Matthews of Minnesota

Rep. Christy Stutzman of Indiana

- At approximately 11:00 AM, the committee then went into recess so the subcommittees could deliberate, and were asked to return at 1:00 PM, at which time they would provide an update on their deliberations.

### Call to order

- At 1:15 PM, the chairman subcommittees returned and announced their chairmen:

Representative Quinn Kotter of Utah

Senator Andrew Matthews of Minnesota

Representative Dan Caulkins of Illinois

- The subcommittees reported to the chairman that good progress had been made, but further time to deliberate was needed. The chairman agreed to provide an additional forty-five minutes for discussion, and presentation before the committee as a whole would begin at 2:00 PM.

### Subcommittee Second Report



## PROPOSALS REPORTED BY THE TERM LIMITS AND FEDERAL JUDICIAL JURISDICTION COMMITTEE

### PROPOSAL 1

**Section 1.** No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2.** No person shall serve in Congress for more than twenty-four years in total.

### PROPOSAL 2

The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.



## MINUTES FROM SECOND PLENARY SESSION

Meeting held in Williamsburg, VA on August 4, 2023

### CALL TO ORDER

The Simulated Article V Convention met at 9:00 AM and was called to order by the President, Representative Woody Jenkins (Louisiana).

### ROLL

The President ordered the roll. All forty-nine states appointing commissioners present.

### INVOCATION

The President, without objection, appointed three commissioners to serve as chaplains: Representative Tim Ginter (Ohio), Representative Patrick Penn (Kansas), and Senator Mike McKay (Maryland). Each offered an invocation.

### PLEDGE OF ALLEGIANCE

The President invited Senator Tom McGillvray (Montana) to lead the Pledge of Allegiance.

### AMENDMENT OF RULES

The President noted that the Rules omitted the option to move the previous question and moved to add Previous Question to the list of allowed motions under Rule 15. The President's motion was adopted without dissent.

### REPORT OF THE COMMITTEE ON STYLE & DRAFTING

The President recognized the Chair of the Committee on Style & Drafting, Mr. James McMahon (Massachusetts), to present the report of the Committee. Mr. McMahon read the changes proposed by the Committee:

#### TERM LIMITS & FEDERAL JUDICIAL JURISDICTION PROPOSAL 2:

The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

#### FISCAL RESTRAINTS PROPOSAL 1:

**Section 1.** Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed eighteen percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.



**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

#### FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION PROPOSAL 1:

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of goods and services across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

**Section 4.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

#### FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION PROPOSAL 2:

**Section 1.** The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II Section 2 Clause 1.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for 10 years from the date of the abrogation.

#### FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION PROPOSAL 3:

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section. 8, Clause. 17.

**Section 2.** The national government shall not own, regulate, or control more than 10 percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands to the state in which it is located within 10 ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a state, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

#### The President moved to adopt the changes proposed by the Committee on Style & Drafting.

Representative Ken Ivory (Utah) moved to amend the motion to also amend the language in Federal Executive & Legislative Jurisdiction Proposal 3, Section 2 to replace “parish” with “county equivalent”. Rep. Ivory’s motion to amend was adopted without dissent.

The President's amended motion to adopt the changes proposed by the Committee of Style & Drafting and to amend the language Federal Executive & Legislative Jurisdiction Proposal 3, Section 2 to replace "perish" with "county equivalent" was adopted without dissent.

#### APPROVAL OF MINUTES

The President moved to adopt the minutes for the First Plenary Session as proposed by the Secretary with the correction that the President created an ad-hoc Rules Committee and appointed Representative Ray Garofalo (Louisiana) to chair it. The President's motion to correct the minutes and adopt the corrected minutes was adopted without dissent.

#### REPORT OF THE COMMITTEE ON TERM LIMITS & FEDERAL JUDICIAL JURISDICTION

The President recognized the Chair of the Committee on Term Limits & Federal Judicial Jurisdiction, Representative Dan Eubanks (Mississippi), to introduce Term Limits & Federal Judicial Jurisdiction Proposal 1. Rep. Eubanks read the text of the Proposal:

**Section 1.** No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2.** No person shall serve in Congress for more than 24 years in total.

Rep. Eubanks introduced Mr. Steve Bradbury (Virginia) to further discuss the Proposal and answer any questions related to it.

Rep. Ivory moved to amend the Term Limits & Federal Judicial Jurisdiction Proposal 1 to apply only to future terms served.

After debate, the President ordered a voice vote on Rep. Ivory's proposed amendment to Term Limits & Judicial Jurisdiction Proposal 1.

A point of order was raised pertaining to how a voice vote would be conducted with states having different numbers of commissioners attending the Convention. The President explained that only the chair of each state delegation should voice the vote of the state.

**The voice vote was taken. The President declared that the amendment failed. A roll-call vote was called for. Rep. Ivory's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 failed on a roll-call vote:**

**Yea: 15** (AZ, CO, IN, KY, MI, NJ, NY, OH, SC, TN, TX, UT, WA, WI, WY)

**Nay: 34** (AL, AK, AR, CA, CT, DE, FL, GA, HI, ID, IL, IA, KS, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OK, OR, PA, SD, VT, VA, WV)

**Senator Andrew Matthews (Minnesota) moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 1:**

**Section 1.** No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2.** No person shall serve in Congress for more than 24 years in total.

**Section 3.** At the beginning of each presidential term, the President shall be required to fill or refill all offices of the Executive Branch the appointment to which is required to be made by the President in accordance with Article II, Section 2.

**Section 4.** No person shall serve more than 12 years combined as an appointed officer of the Executive Branch.

**Section 5.** All officers and employees of the Executive Branch shall serve at will.

A point of order was raised objecting that the proposed amendment was not germane. The President ruled that the amendment dealt with the broad topic of term limits and was therefore germane.

A point of order was raised noting that the proposed amendment had failed in committee and questioning whether a Proposal that failed in committee could be reintroduced on the floor. The President briefly conferred with the Parliamentarian and confirmed that no rule prohibited the introduction of an amendment that failed in committee.

Senator David Bullard (Oklahoma) raised a point of order objecting to the President asking questions from the chair. The President ruled that the presiding officer can ask questions from the chair. Senator Justin Wayne (Nebraska) appealed the President's ruling to the Convention. The President's ruling was overturned on a voice vote.

**Sen. Matthews moved to amend his amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1:**

**Section 1.** No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2.** No person shall serve in Congress for more than 24 years in total.

**Section 3.** At the beginning of each presidential term, the President shall be required to fill or refill all offices of the Executive Branch the appointment to which is required to be made by the President in accordance with Article II, Section 2.

**Section 4.** No person shall serve more than 12 years combined as an appointed officer of the Executive Branch.

**Section 5.** All officers and employees of the Executive Branch shall serve at will. This article shall not apply to military officers or military personnel.

**Sen. Matthews' amendment to his amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 was adopted by a roll-call vote:**

**Yea: 42** (AK, AZ, AR, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY)

**Nay: 7** (AL, CA, CT, HI, MI, OR, SD)

Representative Mark LePak (Oklahoma) moved to table Sen. Matthew's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1. After consulting with the Parliamentarian, the President ruled that the motion to table was not in order under Rule 15.

Representative Garofalo moved Previous Question on Sen. Matthew's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1. Rep. Garofalo's Previous Question motion was adopted without dissent.

**Sen. Matthew's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 failed on a voice vote.**

**Rep. Taylor moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 1 to reduce the proposed terms:**

**Section 1:** No person shall be elected to serve in the House of Representatives more than six full terms, nor elected or appointed to serve in the Senate more than two full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2:** No person shall serve in Congress for more than 24 years in total.

**Rep. Taylor's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 1 failed on a roll-call vote:**

**Yea: 19** (AL, AZ, DE, ID, KS, MA, MI, NV, NH, NJ, NM, NY, PA, SC, TN, UT, VT, WV, WI)

**Nay: 30** (AK, AR, CA, CO, CT, FL, GA, HI, IL, IN, IA, KY, LA, ME, MD, MN, MS, MO, MT, NE, NC, ND, OH, OK, OR, SD, TX, VA, WA, WY)

**The President ordered a roll-call vote on Term Limits & Federal Judicial Jurisdiction Proposal 1:**

**Section 1.** No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2.** No person shall serve in Congress for more than 24 years in total.

**Term Limits & Federal Judicial Jurisdiction Proposal 1 was adopted:**

**Yea: 43** (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI)

**Nay: 5** (IA, KS, KY, MN, WY)

**Absent: 1** (NY)

The President recognized the Chair of the Committee on Term Limits & Federal Judicial Jurisdiction to introduce Term Limits & Federal Judicial Jurisdiction Proposal 2. Rep. Eubanks read the text of the Proposal:

The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

Rep. Eubanks yielded to Representative Dan Caulkins (Illinois) to speak to the Proposal and answer any questions related to it.

The President turned the chair over to the Vice President, Representative Jason Rapert (Arkansas), to preside for the remainder of the debate on the Proposal.

**Representative Ben Koppelman (North Dakota) moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 2:**

**Section 1.** The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

**Section 2.** Upon three-fifths vote of the House of Representatives and the Senate, Congress may override a majority opinion rendered by the Supreme Court.

**Section 3.** The Congressional override under Section 2 is not subject to a Presidential vote and shall not be the subject of litigation or review in any federal or State court.

**Section 4.** Upon three-fifths vote of the several State Legislatures, the States may override a majority opinion rendered by the Supreme Court.

**Section 5.** The States' override under Section 4 shall not be the subject of litigation or review in any Federal or State court or oversight or interference by Congress or the President.

**Senator Shelley Hughes (Alaska) moved to amend Rep. Koppelman's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2:**

**Section 1.** The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

**Section 2.** Upon two-thirds vote of the several State Legislatures, the states may override a majority opinion rendered by the federal courts.

**Section 3.** The states' override under Section 4 shall not be the subject of litigation or review in any Federal or State court or oversight or interference by Congress or the President.

Rep. Ivory raised a point of order questioning the germaneness of Rep. Koppelman's amendment. After consulting with the Parliamentarian, the Vice President ruled that the underlying amendment was germane as within the topic of federal judicial jurisdiction.

**Sen. Shelley Hughes' amendment to Rep. Koppelman's amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2 was adopted by a roll-call vote:**

**Yea: 31** (AL, AK, AZ, AR, CT, DE, GA, HI, ID, IN, IA, LA, MI, MN, MS, MO, MT, NE, NV, NY, NC, ND, OH, OK, PA, TN, TX, VA, WA, WV, WY)

**Nay: 17** (CA, CO, FL, IL, KS, KY, ME, MD, MA, NH, NJ, NM, OR, SC, SD, VT, WI)

**Abstain: 1** (UT)

**Rep. Koppelman moved to amend his amendment, as amended, to Term Limits & Federal Judicial Jurisdiction Proposal 2:**

**Section 1.** The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

**Section 2.** Upon two-thirds vote of the several State Legislatures, the states may override a majority opinion rendered by the federal courts.

**Section 3.** The states' override under Section 24 shall not be the subject of litigation or review in any Federal or State court or oversight or interference by Congress or the President.

Rep. Koppelman's amendment to his amendment, as amended, to Term Limits & Federal Judicial Jurisdiction Proposal 2 was adopted by a voice vote.

**Rep. Koppelman's amendment, as amended, to Term Limits & Federal Judicial Jurisdiction Proposal 2 failed on a roll-call vote:**

**Yea: 8** (AK, HI, ID, IA, NC, ND, PA, TN)

**Nay: 40** (AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, OH, OK, OR, SC, SD, TX, UT, VT, VA, WA, WV, WI, WY)

**Absent: 1** (NH)

**Senator Robert Karnes (West Virginia) moved to amend Term Limits & Federal Judicial Jurisdiction Proposal 2:**

**Section 1.** The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

**Section 2.** Each of the several states shall have standing to bring an action challenging the constitutionality of any action of the Executive Branch or any enactment of Congress.

Sen. Karnes' amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2 was adopted by a voice vote.

The Vice President reopened debate on Term Limits Proposal 2 as amended.

A point of order was raised asking for a roll-call vote on Sen. Karnes' Amendment to Term Limits & Federal Judicial Jurisdiction Proposal 2. The Vice President ruled that the time for asking for a roll-call vote had passed.

**The Vice President ordered a roll-call vote on Term Limits & Federal Judicial Jurisdiction Proposal 2, as amended:**

**Section 1.** The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

**Section 2.** Each of the several states shall have standing to bring an action challenging the constitutionality of any action of the Executive Branch or any enactment of Congress.

**Term Limits & Federal Judicial Jurisdiction Proposal 2, as amended, was adopted:**

**Yea: 39** (AL, AK, AZ, AR, CA, CO, CT, DE, GA, HI, ID, IL, IN, IA, KS, LA, ME, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NC, ND, OH, PA, SC, TN, TX, UT, VA, WA, WV, WI, WY)

**Nay: 8** (FL, KY, MD, MT, OK, OR, SD, VT)

**Abstain: 1** (NH)

**Absent: 1** (NY)



**The Vice President ordered a 20-minute recess for lunch.**

#### **CALL TO ORDER**

The Simulated Article V Convention returned from recess at 12:41 PM and was called to order by the President.

#### **ROLL**

The President ordered the roll. All forty-nine states appointing commissioners present.

#### **PROPOSAL TO LIMIT DEBATE**

The President moved to limit debate to 40 minutes on each Proposal so as to ensure that the Convention had an opportunity to consider all remaining Proposals before it adjourned that evening. The President's motion was adopted without dissent.

#### **REPORT OF THE COMMITTEE ON FISCAL RESTRAINTS**

**The President recognized the Chair of the Committee on Fiscal Restraints, Senator Kevin Lundberg (Colorado), to introduce Fiscal Restraints Proposal 1. Sen. Lundberg read the text of the Proposal:**

**Section 1.** Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed 18 percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

Sen. Lundberg yielded to Sen. McGillvray to speak to the Proposal and answer any questions related to it.

**Senator Joe Markley (Connecticut) moved to amend Fiscal Restraints Proposal 1:**

**Section 1.** Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed eighteen percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

**Sen. Markley's amendment to Fiscal Restraints Proposal 1 failed on a voice vote.**

**Representative Dennis Powers (Tennessee) moved to amend Fiscal Restraints Proposal 1:**

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

**Representative Joel Griffith (California) moved to amend Rep. Powers' amendment to Fiscal Restraints Proposal 1 to add his proposed language rather than to replace the existing sentence in the Proposal:**

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years, not to exceed eighteen percent of the gross domestic product of the preceding calendar year. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt and one-percent of the annual budget shall be directed to reduce the remaining debt principal.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

**Rep. Griffith's amendment to Rep. Powers' amendment to Fiscal Restraints Proposal 1 was adopted without dissent.**

A point of order was raised to clarify the language of Rep. Powers' amendment as amended. The President ordered the Secretary to correct the language displayed to the Convention to accurately reflect the text of Rep. Powers' amendment as amended.

The President asked for unanimous consent to adopt Rep. Power's amendment, as amended, to Fiscal Restraints Proposal 1. Dissent was voiced.

**Rep. Ivory moved to amend Rep. Powers' amendment, as amended, to Fiscal Restraints Proposal 1:**

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

The President asked for unanimous consent on Rep. Ivory's amendment to Rep. Powers' amendment, as amended, to Fiscal Restraints Proposal 1. Dissent was voiced. The floor was opened for further discussion. After further debate, the President again asked for unanimous consent to adopt the amendment to the amendment. Rep. Ivory's amendment to Rep. Powers' amendment, as amended, was adopted without dissent.

**Rep. Powers' amendment, as amended, to Fiscal Restraints Proposal 1 was adopted without dissent.**

**Rep. Jaime Greene moved to amend Fiscal Restraints Proposal 1, as amended:**

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

**Section 2.** In times of declared war, Congress may temporarily suspend the balanced budget requirement by a majority vote in both houses. In cases of national emergencies, as determined by a two-thirds majority in both houses of Congress, the balanced budget requirement may be temporarily suspended.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

**Mr. Bradbury moved to amend Rep. Greene’s amendment to Fiscal Restraints Proposal 1, as amended:**

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

**Section 2.** In times of declared war, Congress may temporarily suspend the balanced budget requirement for the duration of the declared war by a majority vote in both houses. In cases of national emergencies, as determined by a two-thirds majority in both houses of Congress, the balanced budget requirement may be temporarily suspended. Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

**Mr. Bradbury’s amendment to Rep. Green’s amendment to Fiscal Restraints Proposal 1, as amended, failed on a voice vote.****Rep. Greene’s amendment to Fiscal Restraints Proposal 1, as amended, failed on a voice vote.**

The President declared that the time established for debate on the Proposal had elapsed and closed debate on Fiscal Restraints Proposal 1.

A point of order was raised to clarify the language of Fiscal Restraints Proposal 1, as amended, and to ensure that the proper language was presented to the members prior to the vote. The President ordered the Secretary to correct the language of Fiscal Restraints Proposal 1, as amended, as displayed to the Convention.

A point of order was raised to clarify why the President closed debate on Fiscal Restraints Proposal 1. The President clarified that the body had adopted a time limit for debate and on the expiration of that time limit, he brought the question forward for a vote.

**The President ordered a roll-call vote on Fiscal Restraints Proposal 1, as amended:**

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

**Fiscal Restraints Proposal 1, as amended, was adopted:**

**Yea: 46** (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY)

**Nay: 2** (HI, KS)

**Absent: 1** (MO)



## REPORT OF THE COMMITTEE ON FEDERAL LEGISLATIVE & EXECUTIVE JURISDICTION

The President recognized the Chair of the Committee on Federal Legislative and Executive Jurisdiction, Rep. Ivory, to introduce Federal Legislative and Executive Jurisdiction Proposal 1. Rep. Ivory read the text of the Proposal:

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of goods and services across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

**Section 4.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

Representative Eric Smith (Kansas) raised a point of order to object to the speed with which the Proposals were being considered by the Convention. The President responded by pointing to the fact that the Convention had adopted a time limit on debate and that the Convention would adjourn that evening and that in order to give all Proposals a fair hearing before that time a limit on debate was necessary.

Rep. Ivory yielded to Mr. Gary Porter (Virginia) to speak to the Proposal and answer any questions related to it.

### Sen. Shelley Hughes moved to amend Federal Legislative and Executive Jurisdiction Proposal 1 to strike section 4:

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of goods and services across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

### Sen. Shelley Hughes' amendment to Federal Legislative & Executive Jurisdiction Proposal 1 failed on a voice vote.

### Representative Steve Johnson (Michigan) moved to amend Federal Legislative & Executive Jurisdiction Proposal 1:

No regulation, administrative rule, executive order or presidential order of any kind, not to

include pardons or clemency, shall be final until affirmatively approved by both chambers and signed by the President.

### Rep. Johnson's amendment to Federal Legislative and Executive Jurisdiction Proposal 1 failed on a voice vote.

### Rep. Steve Montenegro (Arizona) moved to amend Federal Legislative and Executive Jurisdiction Proposal 1:

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of goods and services for the purpose of buying and selling across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

**Section 4.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

### Rep. Walter Hudson (Minnesota) moved to amend Rep. Montenegro's amendment to Federal Legislative & Executive Jurisdiction Proposal 1:

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of commercial goods and services for the purpose of buying and selling across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.



**Section 4.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

**Rep. Hudson's amendment to Rep. Montenegro's amendment to Federal Legislative and Executive Jurisdiction Proposal 1 was adopted without dissent.**

**Rep. Montenegro's amendment, as amended, to Federal Legislative & Executive Jurisdiction Proposal 1 was adopted without dissent.**

**The President ordered a roll-call vote on Federal Legislative & Executive Jurisdiction Proposal 1, as amended:**

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of commercial goods and services across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

**Section 4.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

**Federal Legislative & Executive Jurisdiction Proposal 1 was adopted:**

**Yea: 46** (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY)

**Nay: 2** (KS, KY)

**Absent: 1** (MO)

**The President recognized the Chair of the Committee on Federal Legislative & Executive Jurisdiction to introduce Federal Legislative & Executive Jurisdiction Proposal 2. Rep. Ivory yielded to Mr. John Malcolm (NC) to speak to the Proposal. Mr. Malcolm read the text of the Proposal:**

**Section 1.** The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

**Mr. Malcom moved to amend Federal Legislative & Executive Jurisdiction Proposal 2:**

**Section 1.** The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to Presidential appointments.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

**Mr. Malcom's amendment to Federal Legislative & Executive Jurisdiction Proposal 2 was adopted by a voice vote.**

**Senator Bryan Hughes (Texas) moved to amend Federal Legislative & Executive Jurisdiction Proposal 2, as amended:**

**Section 1.** The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies, of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision

shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to Presidential appointments.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declaring the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

**Federal Legislative & Executive Jurisdiction Proposal 2 was adopted:**

**Yea: 48** (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY).

**Nay: 0**

**Absent: 1** (MO)

**The President recognized the Chair of the Committee on Federal Legislative & Executive Jurisdiction to introduce Federal Legislative & Executive Jurisdiction Proposal 3. Rep. Ivory read the text of the Proposal:**

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the

**Sen. Bryan Hughes’ amendment to Federal Legislative & Executive Jurisdiction Proposal 2 was adopted by a voice vote.**

**The President ordered a roll-call vote on Federal Legislative & Executive Jurisdiction Proposal 2, as amended:**

**Section 1.** The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to presidential appointments.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declare the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.



aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

Mr. Ivory yielded to Mr. Porter to speak to the Proposal.

**Mr. Porter moved to amend Federal Legislative & Executive Jurisdiction Proposal 3:**

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State; lands belonging to an Indian or Indian tribe; or to lands that, as of January 1, 1976, are designated as national parks, national monuments, or as congressionally designated wilderness under the Wilderness Act 16 U.S.C. § 1131 et seq.

**Section 6.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

A point of order was raised to reconcile the displayed text of the proposed amendment with the language Mr. Porter offered in his motion. The President ordered the Secretary to clarify and reconcile the language of the Proposal and display the proper language to the Convention.

Sen. Bullard moved to amend Mr. Porter's amendment to Federal Legislative & Executive Jurisdiction Proposal 3:

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the

proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State; lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

**Section 6.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

**Sen. Bullard's amendment to Mr. Porter's amendment to Federal Legislative & Executive Jurisdiction Proposal 3 was adopted by a voice vote.**

**Mr. Porter's amendment, as amended, to Federal Legislative & Executive Jurisdiction Proposal 2 was adopted by a voice vote.**

**Senator Dan Laursen (Wyoming) moved to amend Federal Legislative & Executive Jurisdiction Proposal 3, as amended:**

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or parish, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.



**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

**Section 6.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

A point of order was raised to note that the term “perish” in Section 2, was amended earlier as part of the Committee of Style revisions to instead read “county equivalent.” The President ordered the Secretary to verify that the change in language had been voted on earlier. The Secretary verified that the change had been made earlier in the proceedings and updated the language of the Proposal accordingly.

**Sen. Laursen’s amendment to Federal Legislative & Executive Jurisdiction Proposal 3, as amended was adopted by a voice vote.**

**Senator Phil Fortunato (Washington) moved to amend Federal Legislative & Executive Jurisdiction Proposal 3, as amended, to strike Section 6:**

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten

percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

**Sen. Fortunato’s amendment to Federal Legislative & Executive Jurisdiction Proposal 3, as amended, failed on a voice vote.**

**Representative Christy Stutzman (Indiana) moved to amend the Proposal:**

**Section 1.** Except with the permission of the legislature of the state where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to Native American people and sovereign tribes which were previously referred to in the Constitution as Indian Tribes; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

**Rep. Stutzman's amendment to Federal Legislative & Executive Jurisdiction Proposal 3, as amended, failed on a voice vote.**

**The President ordered a roll-call vote on Federal Legislative & Executive Jurisdiction Proposal 3, as amended:**

**Section 1.** Except with the permission of the Legislature of the State where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

**Section 6.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

**Federal Legislative & Executive Jurisdiction Proposal 3 was adopted:**

**Yea: 47** (AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY).

**Nay: 0**

**Absent: 2** (NJ, MO)

**CONCLUDING BUSINESS**

The President addressed the body on the importance of the task the Convention had undertaken and thanked the commissioners for their service.

The President moved to have the President, Vice President, and Secretary draft a letter on behalf of the convention thanking Convention of States Foundation and everyone who participated. The President's motion was adopted on a voice vote.

The President opened the floor for commissioners to speak about the nature of the Simulated Convention and the Article V process.

Senator Dan Knodle (Wisconsin) moved to adjourn. The motion to adjourn was adopted by voice vote. Convention adjourned sine die.

# OFFICIAL PROPOSALS OF THE 2023 SIMULATED ARTICLE V CONVENTION

**IMPORTANT NOTE:** The Term Limits and Federal Judicial Jurisdiction Committee wanted to strike a balance between serving too long and serving long enough to develop the experience to be effective as a legislator. The average time of service in the U.S. Congress is around eleven years. The problem is not this average length of service. The problem is the outliers—those in Congress for 25 or more years. The proposed limit of eighteen years, if ratified, would eliminate the outliers, and the average length of service would likely drop to under ten years. The proposed term limits on Congress from the simulation is a solid amendment proposal, and it was thoughtfully crafted so as not to go too far. The time constraint of the simulation did affect an attempt to limit the terms of unelected executive branch members, but the limited time available was effectively used to come up with a viable proposal for congressional term limits—one that would absolutely resolve the problem of career politicians like Pelosi, McConnell, McCarthy, Schumer, or Feinstein.

Adopted August 4, 2023 in Williamsburg, VA

## Federal Term Limits & Judicial Jurisdiction Proposal 1: House and Senate Term Limits

**Section 1.** No person shall be elected to serve in the House of Representatives more than nine full terms, nor elected or appointed to serve in the Senate more than three full terms. This article shall not disqualify any person from completing a term in the Congress to which that person was elected or appointed prior to ratification of this article.

**Section 2.** No person shall serve in Congress for more than twenty-four years in total.

## Federal Term Limits & Judicial Jurisdiction Proposal 2: SCOTUS Term Limits & State Standing

**Section 1.** The Supreme Court of the United States shall consist of nine judges, any six of whom shall constitute a quorum.

**Section 2.** Each of the several states shall have standing to bring an action challenging the constitutionality of any action of the Executive Branch or any enactment of Congress.

## Fiscal Restraints Proposal 1: Federal Budget Constraints on Expenditures & Tax Increases

**Section 1.** Congress shall adopt a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year and submit said budget to the President for consideration. Federal expenditures for each fiscal year shall not exceed average annual revenue collected in the prior three fiscal years. Total expenditures shall include all expenditures of the United States, including those for payment of interest on debt. Total revenue shall include all revenue of the United States except that derived from borrowing. Any surplus of revenue over expenditures in any fiscal year shall be applied to outstanding federal debt.

**Section 2.** Congress, whenever two-thirds of both Houses of Congress by roll-call vote deem it necessary, may exceed the spending limit in section one for one fiscal year by borrowing as provided for in the second clause of the eighth section of Article I of this Constitution.

**Section 3.** Taxes levied under the eighth section of Article I of this Constitution shall not be raised to increase the revenue of the United States unless two-thirds of both Houses of Congress by roll-call vote concur.

**Section 4.** Nothing in this amendment shall be construed to allow for an increase in taxes without the express approval of Congress.

**Section 5.** This amendment will become effective three years after ratification.

## Federal Legislative & Executive Jurisdiction Proposal 1: Commerce Definition & Delegation Constraints

**Section 1.** Commerce among the states shall mean buying, selling, or transportation of commercial goods and services across state lines.

**Section 2.** Congress shall not delegate any rule making function related to commerce among the states to any executive official or agency.

**Section 3.** Any federal law or regulation existing at the time of ratification of this amendment in conflict with this amendment shall become null and void two years after the date of ratification of this amendment.

**Section 4.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in commerce among the states.

## Federal Legislative & Executive Jurisdiction Proposal 2: State Abrogation Authority

**Section 1.** The Legislatures of the States shall have authority to abrogate any action of Congress, President, or administrative agencies of the United States, whether in the form of a statute, decree, order, regulation, rule, opinion, decision, or other form. This provision shall not apply to presidential action taken pursuant to Article II, Section 2, Clause 1, and to presidential appointments.

**Section 2.** Such abrogation shall be effective when a simple majority of the Legislatures of the States declare the same provision or provisions of federal law to be abrogated. This abrogation authority may also be applied to provisions of federal law existing at the time this amendment is ratified. The state executive and judicial branches shall have no authority or involvement in this process.

**Section 3.** No government entity or official may take any action to enforce a provision of federal law after it is abrogated according to this Amendment. Any action to enforce a provision of abrogated federal law shall be enjoined by a federal or state court of general jurisdiction in the state where the enforcement action occurs, and costs and attorney fees of such injunction shall be awarded against the entity or official attempting to enforce the abrogated provision. Qualified and sovereign immunity shall not be available as a defense in such an action.

**Section 4.** No provision abrogated pursuant to this amendment may be reenacted or reissued in its original or substantially similar form for ten years from the date of the abrogation.

**Federal Legislative & Executive Jurisdiction Proposal 3: Federal Land and Mineral Rights Constraints**

**Section 1.** Except with the permission of the Legislature of the State where the land is located, the national government shall not own, regulate, or control land or mineral rights, nor the proceeds from the sale of the same, except for the purposes expressly enumerated in Article I, Section 8, Clause 17.

**Section 2.** The national government shall not own, regulate, or control more than ten percent of the land and mineral rights in any given county or county equivalent, except with the express consent of the Legislature of the State in which the land is located, Article IV, Section 3, Clause 2 notwithstanding.

**Section 3.** Congress shall return or cede all remaining lands and mineral rights to the state in which it is located within ten years from the effective date hereof.

**Section 4.** For purposes of this Amendment, Control shall mean any combination of federal regulations, treaties, land use designations, and like measures which exert control over the land within a county and a State, which has the effect individually or in the aggregate of rendering all or any substantial portion of the land non-taxable, or renders the land unsusceptible to multiple use and sustained yield.

**Section 5.** This amendment shall not apply to lands or military installations with respect to which jurisdiction has been ceded to the United States by a State, lands belonging to an Indian or Indian tribe; or to lands that are designated as national parks, national monuments, or as congressionally designated wilderness as of January 1, 1976.

**Section 6.** For purposes of this Constitution, Navigable Waters shall be limited to surface waters actively used for transport of goods in interstate commerce.

**OBSERVATIONS FROM COMMISSIONERS**

*“This simulated convention of states is the most effective process for demonstrating to the participating commissioners, their colleagues, and the public throughout the nation that this Article V process works and is the constitutional means the Framers provided to restore governing balance which will secure the rights of the people for another 245 years.”*



-Rep. Ken Ivory (UT)

*“For the last 30 years I’ve been attending some type of conference or another and this was by far the most meaningful event attended yet. COSF made us realize that we have the opportunity to be a part of this nation’s great history. While we are normal people, like those who came before us, we are capable of doing such extraordinary things.”*



-Rep. Travis Smith (MO)

*“The 2023 Williamsburg simulated Article V convention demonstrates that the process works. Convention rules are established and amendments germane to the Convention of States Application were proposed and passed. Commissioners displayed a workable process that in an actual Convention of States can and will save America from its impending fiscal cliff. It’s time for more states to get on board before it’s too late.”*



-Sen. Tom McGillvray (MT)

*“It’s time for States to take back power that has been stolen by Washington D.C.”*



-Sen. Matt Harrington (ME)

*“I felt a tremendous sense of accomplishment attending this historic event. All attendees were solemn and serious in their deliberations and proved that an Article V Convention of States can successfully be held. I’m honored to have been a part of the proceedings.”*



-Rep. Mike Hill (FL)

*“I felt the few days were so refreshing because we were able to work through some incredibly tough issues but yet come out with good outcomes, and it left me with the sense that, while a convention would not be easy, it is very doable and I feel refreshed with that knowledge.”*



-Rep. John Wills (IA)

*“Having studied and taught the U.S. Constitution at the collegiate and graduate level all my adult life, I thought that I had gleaned well both the challenges and the nobility of the Founders’ work to establish a republic. But while my academic study revealed this to me “in my head,” participating in the Convention of States Simulation last week helped me to learn this lesson “in my bones.” That is to say, participating in the COS Simulation taught me in a deeper way both the promise and the potential obstacles to our effort to reclaim a truly republican form of government. I left the Simulation elated over the fact that, while, of course, each of my fellow delegates had his or her own plans for reform, their differences were submerged to their shared commitment to implement an Article V amendment convention which all believe, rightly, to be the last, best, constitutional hope of saving our country.”*



-Dr. Tom Lindsay (TX)

*"It is a rare thing to find events in today's times that actually make a difference in shaping the country we are about to hand over to our grandchildren. Convention of the States is on the cusp of being the catalyst of positive change we so desperately need. We assembled for freedom's sake and worked as if our very freedom's were at stake. Both are positive steps to a better country."*



-Sen. David Bullard (OK)

*"The most frequent criticism about having a Convention of the States is that it would result in a "runaway convention" and somehow change the constitution on the spot. This was a great event to show how a convention would be conducted and address the constitutional protections in place that would govern the convention."*



-Sen. Phil Fortunato (WA)

*"An exceptional event demonstrating citizens can preserve the country within the bounds of the Constitution!"*



-Rep. J. D. Bernardy (NH)

*"This Simulated Convention of States serves as proof for every state legislature that an Article V convention is not just possible, but it creates tangible results for the whole nation. With resolve we are capable of addressing the problems that Congress won't."*



-Rep. Daniel Singh (WY)

*"For the detractors of an Article V COS, after participating in the simulation, the idea of a runaway convention is an im-*



*possibility. The COS Simulation illustrated just how difficult it is to get an amendment approved."*

-Prof. Nicholas Giordano (NY)

*"It was a great experience to be in the same place where Washington, Jefferson, Madison, Henry, and others stood and debated, but a real convention could last months. It takes 34 states to call the convention and 38 states to ratify any amendment. Most Americans see the need for what we proposed and believe in what we are trying to do to save our country. These are amendments that Congress would never pass on their own and this undertaking has never been achieved in the history of our country. Article V was James Madison's way of giving the states more control over a runaway- centralized federal government. It was an honor to serve as Tennessee's delegate and I look forward to the time when we have 34 states on board (we now have 20) to call the convention and all Congress can do about it is to set the date and time. At that time, I hope to once again get to represent the values of the state where I was born and raised and love more than ever today!"*



-Rep. Dennis Powers (TN)

*"The Convention of States simulation proves how minds from across the country can come together and meet as a nation through Article V in an organized, uplifting process."*



-Rep. John Block (NM)

*"The citizens of America know that Federal authority has exceeded the vision set forth by our nation's founders. Thankfully, they put Article V into the Constitution in order to make necessary adjustments whenever needed."*

*The Article V simulation of the Convention of States proved that knowledgeable and reasoned state legislators can convene to produce common-sense amendments that will help get these United States back on the right track. The bar is high to implement these changes, so people should feel confident that their best interests are being served. After all, we've already amended our Constitution twenty-seven times before. It's the right thing to do, when the times call for updating our country's 'operating system.'"*



-Mr. Geoff Diehl (MA)

*"The Simulated Convention showcased the resolve of the States to put a check on national government overreach utilizing Article V provisions. A truly rewarding experience."*



Rep. James Kallinger (FL)

*"As an attorney who has litigated many cases against the government for violating clients' constitutional rights, I was hugely privileged to serve in the 2023 COS convention as we examined how we might propose amendments to the U.S. Constitution as provided for in Article V of that document. The proposals that we approved would go very far toward re-establishing the proper balance of power between the federal and state governments. I am confident that given more than two days for the task, the official convention will go even further to righting the ship that is sinking into totalitarianism. I only hope the still-necessary state legislatures step up before it is too late."*



-Mr. Jim Hochberg (HI)

*"I was anticipating a 'top down' convention in which the amendments were already drawn up and the purpose of the 'commissioners' was to fall in line with their support. The opposite appeared to be true. The commissioners submitted amendment suggestions and those proposals were debated in committee."*



-Sen. Bryant Richardson (DE)

*"The simulated Article V convention was a great success! It was truly an honor to participate in such a historic event and to work with great people from the other state delegations on drafting proposed amendments. I left Williamsburg more confident than ever that a Convention of States will run smoothly and do good work."*



-Sen. Bo Biteman (WY)

*"I learned how hard it was, how necessary it was, and yet how possible it was to get the wording of a constitutional amendment right."*



-Mr. Gary Porter (VA)

*"Impressive organization, outstanding deliberation, and an outcome that gives me hope that a Convention of the States might provide what our country so desperately needs."*



-former Sen. Joe Markley (CT)



CONVENTION of STATES FOUNDATION  
**ARTICLE V**  
SIMULATED CONVENTION  
COLONIAL WILLIAMSBURG ★ AUGUST 2-4, 2023



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