

# Policy Brief

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COMPACT FOR AMERICA



## Acknowledging the Elephant in the Room: *The Congressional Obstacle to the Balanced Budget Amendment Task Force's Effort to Achieve a Convention Call*

By Jeffrey A. Kimble, JD

### Introduction

The Balanced Budget Amendment Task Force ("BBATF") claims that 27 states have adopted resolutions which can be aggregated toward the 34 needed in order to trigger Congress's duty to call a convention of the states. In making this claim, the BBATF ignores that the 27 resolutions are diverse and, in many cases, irreconcilable with one another. As a result, Congress will not aggregate all 27 resolutions together for purposes of considering whether the states have made an application under Article V for a convention to propose a balanced budget amendment. The purpose of this paper is to explain this situation in further detail and to demonstrate other approaches toward an Article V convention which do not suffer from the same deficiency.

### Quick Review of Article V

Article V of the U.S. Constitution establishes two methods of amendment. The first provides for Congress to initiate the process by proposing an amendment for the states to consider. The second allows for the states to initiate the process by making application to Congress to call a convention of the

states for the purpose of proposing and considering amendments. In either case, any proposed amendment must be ratified by  $\frac{3}{4}$  of the states in order to take legal effect. All 27 amendments to the Constitution were induced by Congress through the first method. Although there has never been a convention of the states called by Congress as a result of a successful effort by the states to induce a constitutional amendment, there is currently a substantial and growing interest among the states in just that prospect. Article V states in pertinent part as follows:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, *on the application of the legislatures of two thirds of the several states*, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress...

(emphasis added).

### ABOUT THE AUTHOR

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### The Aggregation Problem

In light of this recent interest and the fact that there is no direct experience to call upon in the event one or more such efforts succeed, the manner in which

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the states would make “application” and Congress’s role in “calling a convention” bears scrutiny. In order to meet the two thirds requirement to call a convention, 34 states must join in “the application.” There are currently at least three distinct efforts underway to consolidate states in an effort to reach the two thirds required for the call of a convention. All three are working toward an application which would seek a limited, rather than general, convention. In other words, to one degree or another, all three of these efforts seek to limit the scope of the ultimate convention by virtue of the applications the states would make.<sup>1</sup>

### **Convention of States Approach**

The Convention of States project seeks a broad, but still limited convention, “limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.”<sup>2</sup> Hence, the Convention of States application would limit the convention to addressing fiscal restraints, limiting federal power and imposing term limits. Though broad, the text of the application would exclude for the convention’s consideration any amendment which does not fit within those broad parameters.

### **Compact for America Approach**

The Compact for America project seeks the most narrow convention conceivable; one limited to the consideration and proposal of a specific, pre-drafted balanced budget and taxing amendment which would not be subject to revision or amendment by the convention.<sup>3</sup> Both the Compact for America and the Convention of States are attempting to consolidate a sufficient number of states to call the limited conventions they seek by having participating state legislatures adopt a pre-drafted resolution which is identical in all important aspects from one state to the next. If either achieves a sufficient number of resolutions, there will be no question as to whether the states have collectively made “application” because

they will have all asked for exactly the same convention, under the same terms.

### **The BBATF Aggregation Problem**

In contrast, the Balanced Budget Amendment Task Force (BBATF) seeks to take advantage of a hodge-podge of existing applying resolutions adopted by various states and dating back to 1976 seeking a balanced budget or a limited spending amendment.<sup>4</sup> The BBATF wants to aggregate some 27 varying resolutions to constitute an application for the purpose of calling a convention to consider and propose a balanced budget or limited spending amendment. The 27 resolutions the BBATF seeks to aggregate are attached in the appendix. The supposed advantage of the BBATF approach exists in the notion that there are already 27 resolutions and thus, only 7 more are said to be needed to achieve the two thirds threshold required to trigger Congress’s call of the convention. What the advocates of this approach ignore is that the applying resolutions are distinct, many of them seeking by their express terms conventions which are mutually exclusive of one another. As a result, they cannot be aggregated together in order to constitute “the application.”

Unlike the Compact for America and the Convention of States projects, there was no persistent effort to make the resolutions identical or even consistent with one another. Only in the past few years has the BBATF encouraged newly participating states to adopt consistent resolutions. Accordingly, some of the resolutions vary substantially. This diversity raises a crucial question that should not be overlooked by anyone who seriously hopes to champion the cause of any state induced amendment. Pursuant to Article V, it is “the application” which triggers Congress’s constitutional obligation to call the convention. “The Congress...on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments.” It is, therefore, Congress which must determine whether “the application” has been made, thus triggering its duty to call the convention.<sup>5</sup> In order to determine whether

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two thirds of the states have made “the application,” Congress must analyze the various applying resolutions to determine if they collectively in fact make “application” for the same convention to consider the same subject matter.

As constitutional scholar, Robert G. Natelson, has stated, “there is a risk that conflicting conditions among state applications otherwise covering the same subject may prevent Congress from aggregating them toward the two-thirds threshold.”<sup>6</sup> Further, even where states have sought a convention on the same subject matter, the question of aggregation is made more difficult if the language of their respective resolutions is fundamentally inconsistent with one another.<sup>7</sup> Where applications seem to address the same subject, but some are inherently inconsistent with others, Natelson opines that “both contract principles and common sense dictate that applications with fundamentally inconsistent terms should not be aggregated together.”<sup>8</sup> Accordingly, it is no answer to say that two-thirds of the states have made such an application by virtue of the sole fact that they have each sent Congress a resolution seeking any convention on any subject matter. The resolutions must each seek essentially the same convention in order that 34 of them can be deemed to have made a single, unified application on behalf of all the involved states. Moreover, they must not be inconsistent or mutually exclusive of each other.

For example, in its applying resolution, Delaware asked Congress “to call a convention for the proposing of the following amendment...’The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war.’” Congress cannot count this application as one of the two thirds necessary to constitute an application of at least 34 states for any purpose other than the consideration of Delaware’s specifically identified amendment. This resolution cannot be aggregated with a resolution for a convention to consider and adopt an unspecified, as yet undrafted balanced budget amendment because any deviation from Delaware’s specified amendment language would result in a convention different than

the convention Delaware requested. If two states submit resolutions to Congress seeking conventions to consider amendments for different purposes, or even with different criteria for addressing the same subject matter, they cannot be aggregated together in order to achieve the 34 state threshold.

The reason is fundamental to the Constitution’s structure and the federalism it so carefully institutes. Article V allows both the central government and the state governments a method of initiating amendments. The method we are discussing is the method designed for the states, exercising their sovereignty jointly, to initiate amendments. Congress may not disregard the express terms of the applying resolutions in order to cobble together a false “application” of 34 states in order to call a convention. Were Congress permitted to disregard the specific terms and conditions the states expressed in their applying resolutions, the method intended by the founders to be under the control of the states acting in true concert would become in actuality a tool of Congress to call a convention it would otherwise have no power to call. The practical result of such a scenario would be the states rendered wary of exercising their authority to induce an amendment in the future for fear that Congress might choose again to improperly aggregate distinct resolutions. Hence, the unintended consequence of Congress’s aggregation of irreconcilable resolutions would be a weakening of state sovereignty generally and their ability to induce Article V amendments more specifically.

Almost all of the resolutions the BBATF wants to aggregate contain specific language to limit the request for a convention to the subject matter as stated in the particular resolution. Included are provisos limiting the request for a convention to the “sole and exclusive purpose” (3 states), the “specific and exclusive purpose” (13 states), the “exclusive purpose” (1 state), and “a convention limited to proposing an amendment...” (7 states). Two other states have adopted resolutions with no specific limiting language but which request a convention for consideration of a specific predrafted amendment the text of which

is included in the resolution. In all, 26 of the 27 resolutions include language which overtly limits the request for a convention to the purpose as stated in the resolution. Nine of those 26 states go even further to ensure that any convention called is limited to the subject matter of their respective resolutions. For example, five states (Iowa, Missouri, New Hampshire, Alaska and Colorado) included provisions that their respective resolutions are “null and void,” “rescinded,” or of no “force or effect” in the event the convention is not limited to the “specific” and/or “exclusive” purpose stated in their resolutions. Another (Nevada) conditions its request on Congress establishing restrictions on the convention “limiting the subject matter of the convention called...to the subject matter of this resolution.” Two states (Ohio and Utah) limit the authority of their delegates to the convention to debate and vote only on a proposed amendment as described in its resolution. Finally, one state (North Carolina) provides that its resolution is “rescinded in the event that the convention is not limited to the subject matter of this application.”

In short, nearly all of the states that have adopted resolutions the BBATF wishes to aggregate into an application have included language which limits their request to a convention to consider only an amendment as they have described in their respective resolutions. To the extent that these states have described the amendments differently and in a mutually exclusive way, they cannot be aggregated for purposes of constituting an “application” for a convention.

Because Congress will presumably be seeking to avoid calling a convention for purposes of limiting its power to borrow and spend, it is likely that Congress will seize upon every cogent argument not to aggregate resolutions for purposes of constituting “the application.” In the remainder of this paper, I will demonstrate the most obvious arguments Congress might use to leverage the distinctive nature of

the various application resolutions in order to thwart aggregation and thus, justify refusal to call a convention. It is important to note that there are other arguments that can be made against aggregation based upon somewhat less obvious distinctions and contradictions in the language of the various resolutions. My intention is to present only the most obvious distinctions and incongruities in order to demonstrate the ease with which Congress will be able to justify its refusal to aggregate.

Finally, it is not my purpose to ascertain the correct or best legal argument concerning the aggregation issues presented. Rather, my goal is merely to present the most obvious arguments Congress might be expected to make in order to avoid aggregation. That such arguments might ultimately be judicially determined to be wrong does not detract from the ultimate point – that Congress’s role in determining aggregation poses a substantial obstacle to the BBATF effort given the diversity among the 27 resolutions in play. The delay associated with litigation over any of Congress’s aggregation decisions constitutes a substantial obstacle to the timely calling of a convention.

### **The Mutual Exclusivity Problems of the 9 Application Types of the BBATF**

To aid in analysis, it is helpful to categorize the similar applying resolutions. I have grouped them into 9 groups or “Types.”<sup>9</sup> Below, I describe each Type, identify which states have adopted resolutions with respect to each Type, and offer the most obvious arguments for why they are or are not capable of being aggregated with one another.

Type 1; Iowa (1979), Missouri (1983), New Hampshire (2012). The resolutions of Iowa and Missouri call for a convention “for the specific and exclusive purpose of proposing an amendment...to require a balanced federal budget and to make certain exceptions with respect thereto.” New Hampshire’s

## **The unintended consequence of Congress’s aggregation of irreconcilable resolutions would be a weakening of state sovereignty.**

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resolution calls for a convention “for the specific and exclusive purpose of proposing an amendment...requiring, with certain exceptions, that for each fiscal year the president of the United States submit and the Congress of the United States adopt a balanced budget.” Though they employ different language, all three call for a balanced budget with “certain exceptions” presumably left to convention delegates to determine.

Type 2; North Carolina (1979). This resolution calls for a convention “for the exclusive purpose of proposing an amendment...to require a balanced Federal budget in the absence of a national emergency.”

Type 2 calls for a balanced budget in the absence of a national emergency. Because the Type 1 resolution contemplates the convention delegates making “certain exceptions” to any proposed amendment, the Type 1 states clearly anticipate that the convention delegates will not be limited in considering these exceptions. Because Type 2 would require a balanced budget in any event other than a national emergency, it cannot be aggregated with Type 1 as it would prevent delegates from considering such other “certain exceptions.”

Type 3; Alabama (2011). This resolution calls for a convention “for the specific and exclusive purpose of proposing an amendment...requiring that, in the absence of a national emergency (as determined by the positive vote of such members of each house of Congress as the amendment shall require), the total of all federal appropriations made by Congress for any fiscal year not exceed the total of all federal revenue for that fiscal year.”

Types 1 and 2 call for an amendment requiring a balanced budget. By definition, budgets are forward looking estimates with respect to both revenues and expenditures. Type 3 seeks a convention to

consider an amendment requiring that “the total of all federal appropriations...not exceed the total of all federal revenue for that fiscal year.” Accordingly, Type 3 calls for an amendment that disallows deficit spending in fact, not merely as a matter of budgeting and planning. Where amendments falling within Types 1 and 2 would only require the forward looking estimates of expenses not exceed estimates of revenues, Type 3 would require that actual expenses not exceed actual revenue. Further, though one would assume Congress and the President would normally produce a balanced budget in working to accomplish the Type 3 ultimate objective of not spending more than actually taken in, they would not strictly speaking, be required to do so.

***The delay associated with litigation over any of Congress’s aggregation decisions constitutes a substantial obstacle.***

Because of the limiting language in Type 3 to the effect that the resolution is “for the specific and exclusive purpose” of proposing an amendment that would require actual appropriations

not to exceed actual revenues, it cannot be made to fit the parameters of Types 1 and 2 and cannot be aggregated with them, for purposes of constituting an “application.”

Type 4; Kansas (1979), Indiana (1979), Nevada (1980) Alaska (1982). These resolutions call for a convention for the “sole and exclusive purpose,” the “specific and exclusive purpose,” or call for a convention “limited to proposing” an amendment which would require that, “in the absence of a national emergency” the total of all appropriations for any fiscal year not exceed the total of all estimated federal revenues for that year. Type 4 is a hybrid of sorts, requiring that the “total of all (actual) appropriations...not exceed the total of all estimated federal revenues.” These resolutions cannot be aggregated with Types 1 and 2 which require only that estimated expenses not exceed estimated revenues. Nor can Type 4 be aggregated with Type 3 which requires that actual revenues not exceed actual expenses.



Type 5; Ohio (2013), Florida (2014), Louisiana (2014), Michigan (2014), Tennessee (2014), South Dakota (2015), North Dakota (2015), Utah (2015). These resolutions call for a convention limited to the same general description as Type 4 with the added provision, "together with any related and appropriate fiscal restraints."<sup>10</sup>

Accordingly, Type 5 contemplates that the convention delegates will have authority to propose and consider unspecified fiscal restraints, presumably at the discretion of the delegates to the convention. Type 4 resolutions do not contain this provision. Thus, Type 5 resolutions authorize the convention to do more than the Type 4 resolutions would permit. They, therefore, cannot be aggregated. Moreover, Type 5 resolutions cannot be aggregated with Types 1 through 3 for all of the same reasons that Type 4 could not.

Each of the Type 5 resolutions contain a provision directing that it should be considered as covering the same subject matter, and aggregated with "outstanding balanced budget applications" previously adopted by other states. The states expressly identified in this regard by one or more of the Type 5 applying resolutions are: Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, and Texas. However, the Type 5 states cannot unilaterally override the specific language of the resolutions of other states to the extent those states adopted resolutions seeking a different "Type" of amendment. Congress might interpret this provision to warrant disregarding the "together with any related and appropriate fiscal restraints" language in order to aggregate Type 5 with Type 4 but a Congress presumably seeking to defeat the aggregation of 34 states would not likely be inclined to do so. Congress is more likely to conclude that the statement expressing a desire to be aggregated with resolutions of other types is contra-

dictory to the other provisions of Type 5 requesting a convention on the limited terms expressed therein. If so, Congress should be expected to err on the side of the limitation rather than the aggregation provision.<sup>11</sup>

Type 6; Georgia (2014). Georgia's resolution is the least limited of all the resolutions. It simply calls for a convention and "recommends that the convention be limited to consideration and proposal of an amendment requiring that in the absence of a national emergency the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year." Because there is no express limitation to the convention stated, only a recommendation, Congress could aggregate Georgia's resolution with any other Type if it is so desired. However, it is most clearly capable of being aggregated with Type

**Congress should be expected to err on the side of the limitation rather than the aggregation provision.**

4 because the scope of the convention Georgia's resolution "recommends" mirrors the Type 4 resolutions.

Type 7; Arkansas (1979), Nebraska (1979), New Mexico (1979), Pennsylvania (1979), Texas (1979). These resolutions are identical to Type 4 insofar as they call for a convention "for the specific and exclusive purpose of proposing an amendment...requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year." The distinction is that Type 7 applications first propose that Congress prepare and submit to the states such an amendment and make the request for a limited convention only in the alternative. Congress, seeking any plausible excuse to avoid aggregation, may take the position that because Congress could still prepare and submit a balanced budget amendment to the states at any time, these states' alternative requests for a convention are not ripe. In the event Congress cedes this argument and aggregates Type 7 with Type 4, the result would be 9 resolutions

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aggregated.

Type 8; Colorado (1978). This resolution calls for a convention “for the specific and exclusive purpose of proposing an amendment...prohibiting deficit spending except under conditions specified in such amendment.” Though it employs different language, Colorado’s resolution is very similar to Alabama’s Type 3 resolution because in application, they both essentially prohibit spending more than actually taken in. There is, however, a crucial difference. Type 8 contemplates that the convention delegates have discretion to consider and adopt conditions pursuant to which the amendment would not apply. In contrast, the Type 3 resolution contemplates a single exception to when the amendment would apply; in the event of a “national emergency (as determined by the positive vote of such members of each house of Congress as the amendment shall require).” Type 3’s “national emergency” exception is far more restrictive than Type 8’s contemplation of delegates having the broad authority to adopt undefined “conditions” on the application of the amendment’s terms. Thus, Type 8 and Type 3 cannot be aggregated.

Type 9; Delaware (1976), Maryland (1977), Mississippi (1979). These resolutions call for a convention for the purpose of proposing a specific, pre-drafted amendment. The three applying resolutions which fall into this category each specify a different amendment for consideration by the convention. Thus, they cannot be aggregated with each other, nor can they be aggregated with any of the other Types because none of the other Types require only the consideration of a pre-drafted amendment. However, it might be the case that one or more of Types 1 through 8 can be aggregated with one or more of the Type 9 resolutions if the pre-drafted amendment proposed does not run afoul of the more general language of the previously discussed Types. In order to make this determination, we’ll need to consider each of the pre-drafted Type 9 resolutions as compared to the Types discussed thus far.

Delaware’s proposed amendment is as follows: “The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war.” This resolution is similar to Type 3 which requires that all actual appropriations for any fiscal year not exceed the total of all actual revenue for that fiscal year, but Type 3 does not include the additional provision excepting its application in the event of declared war. Type 3 cannot, therefore, be aggregated with Delaware’s resolution. It is also similar to Type 8 which prohibits deficit spending, except that Type 8 has a broader exception, “except under conditions specified in such amendment.” As discussed earlier, Type 8’s

**Congress could seek any plausible excuse to avoid aggregation.**

exception contemplates the convention delegates making a determination as to what the “conditions specified in such amendment” shall be. Delaware’s resolution cannot be

aggregated with Type 8 because it would refuse the convention delegates this authority to consider conditions when the amendment would not apply.

Maryland’s proposed amendment is as follows:

The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived

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from borrowing, and two-thirds of all Members elected to each House of the Congress so determined by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year.

Maryland's resolution is similar to Type 4 which calls for the consideration of an amendment which would require that in the absence of a national emergency, the total of all appropriations for any fiscal year not exceed the total of all estimated federal revenues for that year. The only substantive difference is that Maryland's resolution contains additional provisions to (a) explicitly state that the President and Congress must comply and (b) proscribing how the question of whether a "national emergency" exists is to be determined. These additional provisions do not run afoul of Type 4's requirement that the convention must be for the "sole and exclusive purpose," the "specific and exclusive purpose," or that the convention be "limited to proposing" such an amendment. Accordingly, Type 4 resolutions could be aggregated with Maryland's for a convention to consider and propose Maryland's pre-drafted amendment. If Congress cedes the argument that Type 7 cannot be aggregated with Type 4 due to Type 7 making the request for a convention in the alternative to the request that Congress propose such an amendment, then Type 7 can also be aggregated for the purpose of calling a convention to consider Maryland's pre-drafted amendment.

Mississippi's resolution states as follows:

Section 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

Section 2. There shall be no increase in the national debt and such debt, as it exists on the date on which this ar-

title is ratified, shall be repaid during the one-hundred-year period beginning with the first fiscal year which begins after the date on which this article is ratified. The rate of repayment shall be such that one-tenth (1/10) of such debt shall be repaid during each ten-year interval of such one-hundred-year period.

Section 3. In time of war or national emergency, as declared by the Congress, the application of Section 1 or Section 2 of this article, or both such sections, may be suspended by a concurrent resolution which has passed the Senate and the House of Representatives by an affirmative vote of three-fourths (3/4) of the authorized membership of each such house. Such suspension shall not be effective past the two-year term of the Congress which passes such resolution, and if war or an emergency continues to exist such suspension must be reenacted in the same manner as provided herein.

Section 4. This article shall apply only with respect to fiscal years which begin more than six (6) months after the date on which this article is ratified.

Mississippi's resolution calls for actual appropriations not to exceed actual revenues. It is, therefore, most similar to Type 3 and Type 8. However, Type 3 limits its focus to the "sole and exclusive" purpose of proposing an amendment requiring that, "in the absence of a national emergency," total appropriations may not exceed total revenues. Type 3 does not expressly provide for an exception "in time of war." Because Type 3's scope is limited by its terms to the "sole and exclusive" purpose stated, it is not capable of being aggregated with Mississippi's resolution. Similarly, Type 8 limits its focus to "the specific and exclusive purpose" of prohibiting deficit spending "except under conditions specified in such amendment. The Type 8 resolution contem-



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plates that convention delegates will have discretion to consider and propose conditions under which the amendment will not apply. Because Mississippi's resolution does not provide for the convention delegates to consider and propose such conditions, Type 8 is not capable of being aggregated with Mississippi's resolution. Furthermore, neither Type 3 nor Type 8 would otherwise be capable of aggregation with Mississippi's resolution due to the fact that it includes a provision scheduling the payment of the existing debt which exceeds the "sole and exclusive" purpose of Type 3 and "the specific and exclusive purpose" of Type 8.

### **Conclusion: Differences Abound**

In summation, all resolutions within a "Type" may be consolidated together, with the exception of the three resolutions in Type 9. Because Georgia's Type 6 resolution only "recommends" a convention with a limited scope, it could be aggregated with any other resolution. The only other Types which can clearly be aggregated with one another are Types 4 and possibly 7 (depending upon whether Congress decides to rely on the argument that Type 7 resolutions are not ripe for a convention call because it is still possible for Congress to propose an amendment first). If aggregated, Types 4 and 7 would result in an aggregation of 10 resolutions if Georgia's Type 6 is included as well. These 10 resolutions could also be aggregated along with Maryland's to call a convention to consider Maryland's pre-drafted amendment.<sup>12</sup> Again, I have only presented the most obvious distinctions and incongruities with respect to these resolutions and it should be expected that anyone attempting to defeat aggregation will argue for further divisions based upon other, less obvious differences and perhaps less compelling arguments.

This analysis has far reaching implications for those advocating the BBATF approach. In the event Congress takes the position outlined in this paper, many citizens will be greatly disappointed having been led to believe that a convention to consider and propose a balanced budget amendment was so close at hand. Many of the state legislatures

which have bought into the BBATF approach will be chagrined that they have participated in an effort which has led to a dead end. Many individuals and national politicians who have lead the effort will likely be embarrassed that their efforts have failed to deliver the promised result. Any effort to revive the project would require revisiting state legislatures in an attempt to obtain revised resolutions, political efforts to persuade Congress to reconsider its position on aggregation, or litigation over the aggregation question. None of these alternatives are attractive. All of them imply extensive delay.

Those interested in advancing the cause of a state induced amendment would be wise to focus their efforts on an approach that involves the adoption of identical applying resolutions from the participating states such as the Compact for America and the Convention of States. Both of these efforts are employing an effective strategy to avoid any question as to whether the participating states' resolutions are properly aggregated in order to constitute an "application" for the limited convention they seek. By creating an application which is truly a joint product of the states that participate acting in concert, rather than an awkwardly conjoined montage of distinct and often unrelated resolutions, both of these efforts eliminate an obvious obstacle which Congress could otherwise emplace to defeat the convention call.

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## Endnotes

1. It is argued by some that Article V does not permit states to apply for a “limited convention”. Those making this argument assert, among other things, that the strict text of Article V does not necessarily imply a right of the states to apply for anything less than a general convention constituted for the purpose of proposing any amendments the convention desires. For purposes of this paper, I will assume that the states are constitutionally entitled to make application for a limited convention for three reasons. First, the arguments in favor of the constitutionality of a limiting application are more persuasive. See Michael B. Rappaport, *The Constitutionality of a Limited Convention: An Originalist Analysis*, 81 *Const. Comm.* 53 (2012), (<http://ssrn.com/abstract=2035638>); Michael Stern, *Reopening the Constitutional Road to Reform: Toward a Safeguarded Article V Convention*, 78 *Tenn. L. Rev.* 765 (2011), (<http://ssrn.com/abstract=1904587>); Natelson, Robert G., *State Initiation of Constitutional Amendments: A Guide for Lawyers and Legislative Drafters* (April 6, 2014), (<http://constitution.i2i.org/files/2014/11/Compendium-3.01.pdf>). Second, all three of the most serious efforts to make application for a convention involve limited applications. Finally, the point of this paper is to illustrate one potential problem with a limited application which can easily be avoided. Were the limited application ultimately found to be unconstitutional, the primary point of this paper would be moot.
2. See, *Convention of States “Application for a Convention of the States under Article V of the Constitution of the United States”*; <https://d3n8a8pro7vhmx.cloudfront.net/conventionofstates/pages/142/attachments/original/1410009563/Application-for-a-Convention-of-States-v.5.pdf?1410009563>
3. See, Compact for America website; <http://www.compactforamerica.org/#!/solution/c1flq>
4. See, Balanced Budget Amendment Task Force website; <http://www.bba4usa.org/bba-in-the-states.html>
5. Natelson, *supra*, pp. 57-58.
6. Natelson, *supra*, p. 43.
7. Natelson, *supra*, p. 58.
8. Natelson, *supra*, p. 60.
9. The resolutions are provided, grouped by Type, in the Appendix.
10. Utah’s resolution differs from the others in that it requires that all actual expenses not exceed all estimated revenues for a “specific period” rather than for a “fiscal year.” An argument could be made that Utah’s resolution therefor permits more flexibility than the other Type 4 or 5 resolutions and should be a Type unto itself. However, in keeping with the stated intention of offering only the most obvious distinctions and incongruities, I have included Utah’s among the Type 5 resolutions).
11. Congress’s refusal to aggregate Type 5 with Type 4 for the consideration of a Type 4 amendment is a position which seems obviously subject to legal challenge. Again, the delay occasioned by such litigation is itself an obstacle to the timely calling of a convention under the BBATF approach.
12. Because the BBATF has been advancing the Type 5 resolution in its recent efforts to sign on additional states, the BBATF advocates would likely prefer a convention based on a Type 5 resolution rather than a convention focused on Type 4. They would obviously like to aggregate Type 5 and Type 4 if Congress will agree. Otherwise, BBATF advocates would likely use the eight Type 5 resolutions along with the Type 6 resolution and wait for an additional 25 states to adopt a Type 5 resolution rather than seek aggregation of 33 Type 4 (and Type 7) resolutions. Though beyond the scope of this paper, the utilization of Type 5 resolutions to accomplish a convention raises many questions. How would the amendment’s language prevent Congress from over estimating revenues in order to justify increased spending? What will prevent Congress and/or the President from declaring a constant state of “national emergency” in order to circumvent the amendment’s requirements? How

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will the convention close all loopholes to ensure  
the intended result of the amendment is realized?

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# Appendix

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# Type 1



resident of one of the territories to vote in Presidential elections; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the Speaker, House of Representatives; to the Vice President of the United States; to the President Pro Tempore of the Senate; to each state and territorial legislature; to the American Civil Liberties Union; to the National Legislative Conference; to the American Bar Association; to the Federal Bar Association; to Representative Antonio B. Won Pat; and to the Governor of Guam."

POM-300. A joint resolution adopted by the Legislature of the State of North Carolina; to the Committee on Environment and Public Works:

"HOUSE JOINT RESOLUTION 1477

"Whereas, the Federal Clean Air Act of 1970 established mandatory automobile emission standards and time schedules for their implementation by automobile manufacturers; and

"Whereas, in response to the stringent emission control requirements of the Clean Air Act, automobile manufacturers have installed catalytic converters to reduce harmful pollutants on most cars built after 1974; and

"Whereas, catalytic converters are muffler-type devices intended to chemically alter harmful carbon monoxide, hydrocarbons, and nitric oxides in automobile exhausts into harmless emissions; and

"Whereas, while the catalytic converters have enabled automobile manufacturers to comply with the mandates of the Clean Air Act, a serious question has arisen as to whether these devices are in the best interests of the nation's drivers and the general public as well; and

"Whereas, for example, the installation of catalytic converters on new vehicles reportedly increases the initial selling price of vehicles so equipped by an estimated average cost of up to four hundred dollars (\$400.00) per vehicle; and

"Whereas, in addition, it is an established fact that minimal amounts of lead, a common ingredient in regular and premium gasolines, will seriously impair, if not totally negate the intended cleaning function of the catalytic converters; and

"Whereas, as a result, vehicles fitted with catalytic converters must, out of practical necessity, use only unleaded gasoline to assure the effective functioning of the emission control systems and to contain the emission of harmful pollutants within acceptable limits; and

"Whereas, unleaded gasoline is more expensive than conventional gasolines because of the extra costs associated with the production of unleaded gasoline; and

"Whereas, efforts of the federal government to assure adequate supplies of unleaded gasoline have not been entirely successful due in large part to circumstances of an international nature beyond the control of the federal government with the resultant shortage of unleaded fuel in several regions of the United States; and

"Whereas, experience has demonstrated that frequent repairs and engine service work are required for vehicles equipped with catalytic converters to assure maximum fuel efficiency and effective functioning of the emission control system with the resultant obvious additional costs which must be borne by owners of such vehicles; and

"Whereas, informed sources point to the additional cost of manufacturing unleaded gasoline coupled with the expected increase in price when and if gasoline is deregulated; and

"Whereas, the cost of replacing a defective catalytic converter with a new one is upwards of three hundred dollars (\$300.00) per installation; and

"Whereas, effective alternative technologies have been developed to reduce the emission of harmful pollutants; and

"Whereas, the questionable effectiveness, fuel efficiency, high repair and maintenance cost, and other problems associated with the catalytic converter give rise to the firm conviction that the elimination of the catalytic converter and its replacement with alternate technologies may better serve the intended purposes of the catalytic converter is a matter of compelling national interest;

"Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

"Section 1. That the President of the United States, the United States Congress, the Department of Energy, the Department of Transportation, the Environmental Protection Agency, and all other State Legislatures are respectfully urged to join in a concerted national effort to do away with the reliance on the use of catalytic converters in view of the concerns expressed in this resolution.

"Sec. 2. Upon ratification, copies of this resolution shall be sent to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and the President of the United States.

"Sec. 3. This resolution is effective upon ratification.

"In the General Assembly read three times and ratified, this the 8th day of June, 1979."

POM-301. A joint resolution adopted by the Legislature of the State of Iowa to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 1

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is one of the greatest threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article five (V) of the Constitution of the United States, amendments to the federal Constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by three-fourths of the several states, and we believe such action is vital: Now therefore,

"Be it resolved by the General Assembly of the State of Iowa:

"Section 1. The Iowa general assembly proposes to the congress of the United States

that procedures be instituted in the congress to propose and submit to the several states before July 1, 1980, an amendment to the Constitution of the United States requiring that the federal budget be balanced in the absence of a national emergency.

"Sec. 2. Alternatively, effective July 1, 1980, if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution, the Iowa general assembly respectfully makes application to and petitions the congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

"Sec. 3. Effective July 1, 1980, this application by the Iowa general assembly constitutes a continuing application in accordance with Article five (V) of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article five (V), but if the congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, or if before July 1, 1980, the general assembly renounces this application to call a constitutional convention, then this application and petition for a constitutional convention shall no longer be of any force or effect.

"Sec. 4. This application and petition shall be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

"Sec. 5. The Iowa general assembly also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal Constitution, or requiring the congress to call a constitutional convention for proposing such an amendment to the federal Constitution if the Congress of the United States has not proposed and submitted to the several states an amendment as provided in section one (1) of this resolution before July 1, 1980.

"Sec. 6. The secretary of state of Iowa is directed to send copies of this resolution to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the speaker and the clerk of the United States House of Representatives, the president and the secretary of the United States senate, and each member of the Iowa congressional delegation."

POM-302. A petition from a private citizen, relating to SALT II; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Pursuant to the authority of the order of June 14, 1979, the following reports of committees were submitted on June 15, 1979:

By Mr. NELSON, from the Select Committee on Small Business:

Special report relating to Section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 96-222)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

Mr. STENNIS, from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amend-



international and domestic marine issues; and be it further

"Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-323. A concurrent resolution adopted by the General Assembly of the State of Missouri, to the Committee on the Judiciary:

**"SENATE CONCURRENT RESOLUTION NO. 3**

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds one trillion dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to limit the growth of federal spending and taxes and balance the budget; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget; and

"Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance on a regular basis; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, the federal deficit in Fiscal Year 1982 was \$110.7 billion, nearly double the deficit in Fiscal Year 1981; and

"Whereas, the Congressional Budget Office projects a deficit for Fiscal Years 1983 and 1984 of \$155 billion and \$200 billion, respectively; and

"Whereas, the United States Senate approved a proposed balance budget amendment in response to the efforts of the thirty-one state legislatures which have requested a limited convention on this subject, and its conviction about the needs for a constitutional restraint upon Congress' fiscal authority; and

"Whereas, the Reagan Administration has indicated that the budget will not be balanced by 1984; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid for all intents and purposes when ratified by three-fourths of the several states, believing such action to be vital;

"Now, therefore, be it resolved by the Senate of the Eighty-second General Assembly of the State of Missouri, the House of Representatives concurring therein, that the Missouri General Assembly proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the Missouri General Assembly requests the Congress to prepare and submit to the several states before January 1, 1984, an amendment to the Con-

stitution of the United States, requiring a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that if, by January 1, 1984, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that effective January 1, 1984, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V, but if the Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, then this application and petition for a constitutional convention shall no longer be of any force or effect; and

"Be it further resolved that this application shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

"Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar applications apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution, and making application to the Congress to call a constitutional convention for the purpose of proposing such an amendment to the federal constitution; and

"Be it further resolved that copies of this resolution be sent by the Secretary of the Senate and the Chief Clerk of the House of Representatives to each member of Congress representing Missouri; and

"Be it further resolved that the Secretary of the Senate and the Chief Clerk of the House of Representatives of this state be directed to send copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C."

POM-324. A joint resolution adopted by the legislature of the State of Oregon; to the Committee on the Judiciary:

"Be it further resolved that

**"ENROLLED SENATE JOINT MEMORIAL 5**

"Whereas the identification of a group of people for restrictive or punitive action based on race or national origin is a violation of the Fourteenth Amendment of the United States Constitution and repugnant to the American ideals which uphold the rights of life, liberty and property; and

"Whereas there is a fundamental difference between a nation which is at war with the United States and the former residents of that nation and their descendants who are American citizens or resident aliens; and

"Whereas President Franklin D. Roosevelt issued Executive Order 9066 on February 19, 1942, leading to the assembly, removal and internment of more than 110,000 Americans of Japanese descent and Japanese resident aliens based solely on their race, thereby denying them their liberty

and property without due process of law; and

"Whereas 3,659 Oregonians of Japanese descent and Japanese resident aliens were denied their constitutional rights and suffered severe psychological and emotional trauma and grievous losses of property, jobs and income; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to consider appropriate compensation for Americans of Japanese descent and Japanese resident aliens who were denied the constitutional rights to liberty and property through detention, removal and internment.

"(2) The Congress of the United States recognize the humiliation and personal suffering experienced by Americans of Japanese descent and Japanese resident aliens during the years 1942 to 1946 and the personal embarrassment and sense of shame that Americans of Japanese descent and Japanese resident aliens have experienced since World War II because of their relocation and internment.

"(3) The Congress of the United States acknowledges this country suffers when any American is imprisoned because of race or national ancestry.

"(4) The Congress of the United States pass legislation to insure that the President of the United States or Congress, during times of crises, will not take punitive action against American citizens or resident aliens based on their race or national origin.

"(5) A copy of this memorial shall be sent to the President pro tempore of the Senate, the Speaker of the House of Representatives and to each member of the Oregon Congressional Delegation."

POM-325. A joint resolution adopted by the legislature of the State of California; to the Committee on the Judiciary:

**"ASSEMBLY JOINT RESOLUTION NO. 28—RELATIVE TO LAW ENFORCEMENT ASSISTANCE**

"Whereas, Senator Arlen Specter has introduced in the Congress of the United States S. 53, the Justice Assistance Act of 1983, which is legislation of vital importance to the safety and well-being of the people of California and throughout the United States; and

"Whereas, This comprehensive federal legislation encompasses local assistance programs in such essential areas as crime prevention, criminal law enforcement, victim services, offender rehabilitation, drug treatment, and justice personnel training, management, and technical assistance; and

"Whereas, In the amendments made by S. 53 to Section 403(a) of the Omnibus Crime Control and Safe Streets Act of 1968, the Director of the Office of Justice Assistance is authorized to make grants to the state for these purposes; and

"Whereas, It is particularly significant that one of the major components of the Justice Assistance Act of 1983 is to amend the Omnibus Crime Control and Safe Streets Act of 1968 (Section 403(a)(8)) to "provide community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime"; and

"Whereas, the legislation also establishes a Justice Assistance Board, which includes representatives of neighborhood and community-based groups, and representatives of local and state governments; and

**HCR 40 – FINAL VERSION**

2012 SESSION

12-2819

05/09

**HOUSE CONCURRENT RESOLUTION 40**

A RESOLUTION for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.

SPONSORS: Rep. Ulery, Hills 27; Sen. Carson, Dist 14

COMMITTEE: State-Federal Relations and Veterans Affairs

**ANALYSIS**

This resolution urges the United States Congress to adopt a balanced budget amendment to the Constitution of the United States or to call a constitutional convention for the purpose of proposing a federal balanced budget amendment for ratification by the states.

12-2819

05/09

**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Twelve*

A RESOLUTION for the purpose of petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the states, to require, with certain exceptions, that the federal budget be balanced; or, in the alternative, to call a convention for the sole and exclusive purpose of proposing a federal balanced budget amendment for submission to the states for ratification.

Whereas, with each passing year this nation becomes deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds \$12 trillion; and

Whereas, attempts to limit spending, including the impoundment of funds by the President of the United States, have resulted in strenuous assertions that the responsibility for appropriations is the constitutional duty of the Congress; and



Whereas, the annual federal budget repeatedly demonstrates the unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, the unified budget does not reflect actual spending because of the exclusion of special outlays which are not in the budget; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level is one of the greatest economic threats which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend; and

Whereas, the mounting debt level is putting our country not only at economic security risk, but it is opening our country up to a national security risk as our debt level restricts our capacity to act and shows weakness to our enemies; and

Whereas, under Article V of the Constitution of the United States, amendments to the United States Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court hereby petitions the Congress of the United States of America to adopt an amendment to the Constitution of the United States, for submission to the states for ratification, requiring, with certain exceptions, that for each fiscal year the president of the United States submit and the Congress of the United States adopt a balanced federal budget; or

That pursuant to Article V of the Constitution of the United States, the New Hampshire general court makes application to the Congress of the United States of America to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, requiring, with certain exceptions, that for each fiscal year the president of the United States submit and the Congress of the United States adopt a balanced federal budget; and

That if Congress adopts, within 90 days after the legislatures of two-thirds of the states have made application for such convention, an amendment to the Constitution of the United States similar in subject matter to that contained in this resolution, then this application for a convention shall no longer be of any force or effect; and

That this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to the aforementioned specific and exclusive purpose of a Federal Balanced Budget Amendment; and

That this application shall be deemed null and void, rescinded, and of no effect in the event the United States Supreme Court rules that a convention cannot be limited to the subject stated in 34 such applications; and

That this application by the New Hampshire general court constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made application for a similar convention pursuant to Article V or Congress has proposed an amendment to the Constitution of the United States similar in subject matter to that contained in this concurrent resolution; and

That certified copies of this concurrent resolution be transmitted by the house clerk to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the New Hampshire delegation to the Congress, and to the presiding officer of each house of each state legislature in the United States.

Approved May 16, 2012



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# Type 2

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

RESOLUTION 5  
SENATE JOINT RESOLUTION 1

A JOINT RESOLUTION APPLYING TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO REQUIRE A BALANCED FEDERAL BUDGET.

Whereas, believing that inflation is the most serious problem facing the people of the United States, and the primary cause of inflation is unchecked federal spending; and

Whereas, the State of North Carolina is required by its Constitution to have a balanced budget, and has long operated on a sound fiscal basis which the federal government would be well-served to emulate; and

Whereas, under Article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a Constitutional Convention for the purpose of proposing amendments which shall be valid when ratified by the legislatures of three-fourths of the several states or by conventions in three-fourths thereof;

Whereas, by Resolution 97 of the General Assembly, ratified July 1, 1977, the Congress was requested to submit an amendment to the states to require a balanced federal budget, but the Congress has failed to act;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

**Section 1.** That the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the federal budget be balanced each fiscal year within four years after the amendment is ratified by the various states.

**Sec. 2.** That, alternatively, this body respectfully petitions the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget in the absence of a national emergency.

**Sec. 3.** That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, or until this application is rescinded by the General Assembly of North Carolina; but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this joint resolution before January 1, 1980, this petition for a Constitutional Convention shall no longer be of any effect.

**Sec. 4.** That this application and request be deemed rescinded in the event that the convention is not limited to the subject matter of this application.

**Sec. 5.** That since this application under Article V of the Constitution of the United States is the exercise of a fundamental power of the sovereign states under the Constitution of the United States, it is requested that receipt of this application by the Senate and the House of Representatives of the United States Congress be officially noted and duly entered upon their

respective records, and that the full context of this resolution be published in the official publication of both the Senate and the House of Representatives of the Congress.

**Sec. 6.** That copies of this resolution be sent to the Secretaries of State, presiding officers of all state legislatures in the Union, the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and each member of the North Carolina Congressional delegation.

**Sec. 7.** This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of January, 1979.

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# Type 3

1 SJR100

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4 ENROLLED, SJR100,

5 URGING CONGRESS TO PROPOSE A FEDERAL BALANCED BUDGET  
6 AMENDMENT.

7

8 WHEREAS, the reluctance of the federal government to  
9 incur debt and other obligations was established early in  
10 American history, with deficits occurring only in relation to  
11 extraordinary circumstances such as war; yet for much of the  
12 20th century and into the 21st, the United States has operated  
13 on a budget deficit, including the 2010 budget year, which  
14 surpassed an astounding \$1,300,000,000,000, an annual deficit  
15 that exceeded the entire gross state product of many of the  
16 states; and

17 WHEREAS, an exception to this pattern was at the  
18 turn of the 21st century; in FY 2001, America enjoyed a \$128  
19 billion budget surplus; and

20 WHEREAS, since FY 2001, America has been burdened  
21 with 10 consecutive years of deficits, to-wit:

22 FY 2002: \$158 billion deficit

23 FY 2003: \$377 billion deficit

24 FY 2004: \$413 billion deficit

25 FY 2005: \$318 billion deficit



1           FY 2006: \$248 billion deficit  
2           FY 2007: \$161 billion deficit  
3           FY 2008: \$459 billion deficit  
4           FY 2009: \$1.4 trillion deficit  
5           FY 2010: \$1.3 trillion deficit  
6           FY 2011: \$1.5 trillion deficit (estimated); and  
7           WHEREAS, as of January 2011, America's accumulated  
8 national debt exceeded \$12 trillion now estimated at over \$13  
9 trillion; and

10           WHEREAS, the Congressional Budget Office projects  
11 that, if current trends continue under the White House's  
12 proposed budget, each of the next 10 years has a projected  
13 deficit exceeding \$600 billion; and

14           WHEREAS, the budget deficits of the United States of  
15 America are unsustainable and constitute a substantial threat  
16 to the solvency of the federal government as evidenced by the  
17 comments of Standard and Poor's on April 18, 2011, regarding  
18 the longer term credit outlook for the United States; and

19           WHEREAS, Congress has been unwilling or unable to  
20 address the persistent problem of overspending and has  
21 recently increased the statutory limit on the public debt and  
22 enacted a variety of legislation that will ultimately cause  
23 the federal government to incur additional debt; and

24           WHEREAS, the National Commission on Fiscal  
25 Responsibility and Reform in its report The Moment of Truth

1 includes recommendations to reduce the federal deficit that  
2 have not been considered by the United States Congress; and

3 WHEREAS, the consequences of current spending  
4 policies are far-reaching; United States indebtedness to  
5 governments of foreign nations continues to rise; costly  
6 federal programs that are essentially unfunded or underfunded;  
7 mandates to states threaten the ability of state and local  
8 governments to continue to balance their budgets; moreover,  
9 future generations of Americans inevitably face increased  
10 taxation and a weakened economy as a direct result of the  
11 bloated debt; and

12 WHEREAS, many states have previously requested that  
13 Congress propose a constitutional amendment requiring a  
14 balanced budget, but Congress has proven to be unresponsive;  
15 anticipating situations in which Congress at times could fail  
16 to act, the drafters of the United States Constitution had the  
17 foresight to adopt the language in Article V that establishes  
18 that on application of the Legislatures of two-thirds of the  
19 several states, Congress shall call a convention for proposing  
20 amendments; and

21 WHEREAS, in prior years the Alabama Legislature has  
22 called on Congress to pass a Balanced Budget Constitutional  
23 Amendment, many other states have done the same, all to no  
24 avail; and

1           WHEREAS, a balanced budget amendment would require  
2 the government not to spend more than it receives in revenue  
3 and compel lawmakers to carefully consider choices about  
4 spending and taxes; by encouraging spending control and  
5 discouraging deficit spending, a balanced budget amendment  
6 will help put the nation on the path to lasting prosperity;  
7 now therefore,

8           BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
9 HOUSES THEREOF CONCURRING, That the Legislature of the State  
10 of Alabama hereby respectfully urges the Congress of the  
11 United States to propose and submit to the states for  
12 ratification a federal balanced budget amendment to the United  
13 States Constitution.

14           BE IT FURTHER RESOLVED, That, in the event that  
15 Congress does not submit a balanced budget amendment to the  
16 states for ratification on or before December 31, 2011, the  
17 Alabama Legislature hereby makes application to the United  
18 States Congress to call a convention under Article V of the  
19 United States Constitution for the specific and exclusive  
20 purpose of proposing an amendment to that Constitution  
21 requiring that, in the absence of a national emergency (as  
22 determined by the positive vote of such members of each house  
23 of Congress as the amendment shall require), the total of all  
24 federal appropriations made by Congress for any fiscal year

1 not exceed the total of all federal revenue for that fiscal  
2 year.

3 BE IT FURTHER RESOLVED, That, unless rescinded by a  
4 succeeding Legislature, this application by the Alabama  
5 Legislature constitutes a continuing application in accordance  
6 with Article V of the United States Constitution until at  
7 least two-thirds of the Legislatures of the several states  
8 have made application for a convention to provide for a  
9 balanced budget.

10 BE IT FURTHER RESOLVED, That, in the event that  
11 Congress does not submit a balanced budget amendment to the  
12 states for ratification on or before December 31, 2011, the  
13 Alabama Legislature hereby requests that the legislatures of  
14 each of the several states that compose the United States  
15 apply to Congress requesting Congress to call a convention to  
16 propose such an amendment to the United States Constitution.

17 BE IT FURTHER RESOLVED, That this application is  
18 rescinded in the event that a convention to propose amendments  
19 to the United States Constitution includes purposes other than  
20 providing for a balanced federal budget.

21 BE IT FURTHER RESOLVED, That the copies of this  
22 resolution be provided to the following officials:

- 23 1. The President of the United States.  
24 2. The Speaker of the United States House of  
25 Representatives.

SJR100

1                   3. The President of the United States Senate.

2                   4. All members of the Alabama Delegation to Congress  
3 with the request that this resolution be officially entered in  
4 the Congressional Record as an application to the Congress of  
5 the United States of America for a convention to propose an  
6 amendment to provide for a federal balanced budget in the  
7 event that Congress does not submit such an amendment to the  
8 states for ratification on or before December 31, 2011.

9                   BE IT FURTHER RESOLVED, That copies of this  
10 resolution be provided to the Secretaries of State and to the  
11 presiding officers of the Legislatures of the other states.

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*Kay Ivey*

President and Presiding Officer of the Senate

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*[Signature]*

6

Speaker of the House of Representatives

7

SJR100

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Senate 26-APR-11

9

I hereby certify that the within Senate Joint Resolution  
originated in and was adopted by the Senate.

10

11

12

Patrick Harris  
Secretary

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14

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16

House of Representatives  
Adopted: 01-JUN-11

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21

By: Senator Orr

APPROVED *June 7, 2011*

TIME *10:18 a.m.*

*Robert Bentley*  
GOVERNOR

Alabama Secretary Of State

Act Num....: 2011-400  
Bill Num...: SJR-100

Recv'd 06/08/11 10:18amTLW

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# Type 4



on the application of the legislatures of two-thirds of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, now, therefore, be it

Resolved by the Legislature of the State of Florida:

That the Legislature of the State of Florida does hereby make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto. Be it further

Resolved that a copy of this memorial be transmitted to the presiding officers of the Senate and the House of Representatives of Congress, the members of the Congressional delegation from the State of Florida and to the presiding officers of each house of the several state legislatures.

**A RESOLUTION**  
(Georgia)

Applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States; and for other purposes.

Be it resolved by the General Assembly of Georgia:

That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

Be it further resolved that this application by the General Assembly of the State of Georgia constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Resolution before January 1, 1977, this petition for a Constitutional Convention shall no longer be of any force or effect.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and instructed to transmit a duly attested copy of this Resolution to the Secretary of the Senate of the United States Congress, the Clerk of the House of Representatives of the United States Congress, to the Presiding Officer of each House of each State Legislature in the United States, and to each member of the Georgia Congressional Delegation.

**SENATE CONCURRENT RESOLUTION No. 1661**  
(Kansas)

A CONCURRENT RESOLUTION requesting and applying to the Congress of the United States to propose, or to call a convention for the purpose of proposing, an amendment to the Constitution of the United States which would require that, in the absence of a statutorily defined national emergency, total federal appropriations shall not exceed total estimated federal revenues in a fiscal year.

Whereas, Annually the United States moves more deeply in debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

Whereas, Annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

Whereas, Proper planning, fiscal prudence and plain good sense require that the federal budget be in balance absent national emergency; and

Whereas, A continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

Whereas, Under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary or, on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional convention for the purpose of proposing amendments; Now, therefore,

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the Congress of the United States is hereby requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within five years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year; and

Be it further resolved: That, alternatively, the Legislature of the State of Kansas hereby makes application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by the Congress for a fiscal year shall not exceed the total of all estimated federal revenues for such fiscal year. If the Congress shall propose such an amendment to the Constitution, this application shall no longer be of any force or effect; and

Be it further resolved: That the legislature of each of the other states in the Union is hereby urged to request and apply to the Congress to propose, or to call a convention for the sole and exclusive purpose of proposing, such an amendment to the Constitution.

**SENATE CONCURRENT RESOLUTION No. 73**  
(Louisiana)

A CONCURRENT RESOLUTION.—To memorialize and apply to the Congress of the United States, petitioning that a convention be called pursuant to Article V of the United States Constitution, to consider amending the same to prohibit the incurrence of national debt except in a state of emergency as declared by a three-fourths vote of the members of both houses of Congress; providing that the purview of such convention be strictly limited to the consideration of this amendment.

Whereas, the United States Government has, over the past three decades, embarked on a course of continuous and ever increasing deficit spending; and

Whereas, the public debt engendered thereby now far exceeds 300 billion dollars, and current budget proposals include provision for a further deficit of 43 billion dollars; and

Whereas, such national debt is, in and of itself, a major contributor to the very

inflation to which the United States is committed to eradicating; and

Whereas, this massive national debt is inimical to the public welfare, limiting the amount of credit available to private citizens, thus curtailing opportunities for needed economic growth; and

Whereas, continued fiscal irresponsibility can only result in an eventual financial debacle of the sort recently experienced by New York City; and

Whereas, payment of the massive interest required to service national debt imposes an undue hardship on the citizenry, particularly those on fixed incomes; and

Whereas, the ability of the Federal Government to avoid the difficult budgetary choices posed by zero debt financing has resulted in a lack of objective budgetary analysis, and thus the funding of unnecessary or inefficient programs.

Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that pursuant to Article V of the Constitution of the United States, the Legislature of the state of Louisiana does hereby apply to the Congress of the United States for a convention to consider the following amendment to the United States Constitution:

Section 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

Section 2. There shall be no increase in the national debt, and the existing debt, as it exists on the date on which this amendment is ratified, shall be repaid during the one hundred-year period following the date of such ratification. The rate of repayment shall be such that not less than one-tenth of the debt shall be repaid during each ten-year period.

Section 3. In times of national emergency, declared by the concurrent resolution of three-fourths of the membership of both Houses of Congress, the application of Section 1 may be suspended, provided that such suspension shall not be effective past the two-year term of the Congress which passes such resolution. If such a national emergency continues to exist, a suspension of Section 1 may be re-enacted pursuant to the provisions of this Section. National debt incurred pursuant to this Section shall be repaid under the provisions of Section 2; provided, however, that the repayment period shall commence upon the expiration of the suspension under which it was incurred.

Section 4. This article shall apply to fiscal years that begin six months after the date on which this article is ratified.

Section 5. Congress shall provide by law for strict compliance with this amendment.

Be it further resolved that the purview of any convention called by the Congress pursuant to this resolution be strictly limited to the consideration of an amendment of the nature as herein proposed.

Be it further resolved that this application by the Legislature of the state of Louisiana constitutes a continuing application pursuant to Article V of the United States Constitution, until such time as two-thirds of the Legislatures of the several states have made similar application, and the convention herein applied for is convened.

Be it further resolved that a duly attested copy of this resolution be immediately transmitted to the President of the United States, to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives, to each member of the



bills, first, to deauthorize the Cross Florida Barge Canal project, second, to provide for restoration of the Oklawaha River portion of the project and disposition of other lands and facilities outside the Oklawaha River area, and third to authorize study of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System, be jointly referred to the Committees on Environment and Public Works and Energy and Natural Resources since the first two bills come under the jurisdiction of the Committee on Environment and Public Works and the third under the jurisdiction of the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM-192. A joint resolution adopted by the Legislature of the State of Indiana; to the Committee on the Judiciary:

"SENATE ENROLLED JOINT RESOLUTION NO. 8  
"Be it resolved by the General Assembly of the State of Indiana:

"Section 1. The General Assembly of the State of Indiana makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution to the effect that, in the absence of a national emergency, the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year.

"Section 2. The Secretary of the Senate is instructed to transmit a certified copy of this joint resolution to the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the presiding officer of each chamber of each state legislature in the United States, and each member of the Indiana congressional delegation."

POM-193. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Foreign Relations:

#### "RESOLUTION

"Whereas, The proliferation of dope including marijuana, the opiates, psychotropic and all other dangerous chemicals has reached epidemic proportions in our homes, schools and workplaces, until our entire "next generation" of American youth is now literally endangered; and

"Whereas, The estimated 200 billion dollars of international dope trafficking revenue is destroying the industrial integrity and scientific basis of the U.S. economy by disrupting honest capital markets and economic transactions; and

"Whereas, Developing sector countries, most notably Colombia, Guyana, and others in Latin America and Asia, are being forced into converting their economies into cash-crop drug production to satisfy World Bank-International Monetary Fund terms of debt demand; and

"Whereas, The Republic of Mexico has demonstrated in collaboration with U.S. agencies, that dope production can be rapidly and thoroughly eradicated by concentrated scientific use of appropriate advanced technology supplied by the United States for the purpose; therefore, be it

"Resolved, That the Massachusetts General Court call upon the President and the Congress of the United States to take all necessary investigative and prosecutory steps to collaborate with the governments of dope-producing countries to wipe out all dope acreage, and to assist in the rapid and thorough conversion of these economies away from the debilitating World Bank policies and into sound agricultural and industrial integration into a growing world economy; and be it further

"Resolved, That the Congress investigate and bring to justice all those banking and corporate networks complicit in the laundering of the international illegal dope trade money, which takes place in particular in the Hong Kong, Caribbean, and Canadian sections of the London-based banking networks and enforce to the fullest the existing laws against dope use and trafficking into and within the United States; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth."

POM-194. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Armed Services:

#### "RESOLUTION

"Whereas, On August fifteenth, nineteen hundred and seventy-three, the United States government formally ended its military involvement in the Indo-China Area thereby bringing to a close a period in which our government unstintingly gave of its resources and manpower to the South Vietnam, Cambodian and Laos governments in the Vietnam War, so-called; and

"Whereas, During this period of rejoicing over the end of our military involvement in this area, it is well that we remember that at the present time there are approximately thirteen hundred American men missing in action because of this involvement; and

"Whereas, Since the distraught families and friends of these men have been trying to no avail to get some information as to their existence, it now behooves every American and free people everywhere to use their influence on the North Vietnam government in Hanoi to make public all information it has on these men and to render all possible assistance in gathering as much information as possible about them; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the President of the United States to use the influence of his office to assist in establishing the status of the men who are missing in action because of our recent involvement in the Indo-China Area; and be it further

"Resolved, That the Massachusetts General Court requests the members of the Congress of the United States to use their good offices in assisting to secure this information and establishing a congressional committee to hold hearings and to do any other acts which they deem necessary to carry out the purpose of this resolution; and be it further

"Resolved, That copies of these resolutions be forwarded by the Clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-195. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Finance:

#### "RESOLUTION

"Whereas, The citizens of Massachusetts are justly disturbed over the taxes they must pay to support the ever increasing cost of public assistance; and

"Whereas, All of the fifty states of the

union are limited as to their ability to raise funds by taxation; and

"Whereas, The various states of the union differ in the amounts of benefits each provides for public assistance which in turn results in inducing persons on need to migrate to those states offering larger grants including Massachusetts; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the President and the Congress of the United States to take such action as may be necessary to take over the full cost and administration of public assistance and to equalize the benefits in all states; and be it further

"Resolved, That copies of these resolutions be forwarded by the Clerk of the Senate to the President of the United States, the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth."

POM-196. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Energy and Natural Resources:

#### "RESOLUTION

"Whereas, The price of home fuel oil is becoming exorbitant; and

"Whereas, Information is being publicized leading the citizens to believe all companies are fixing the prices of home fuel oil illegally; and

"Whereas, The oil companies are, in fact, setting arbitrary quotas which impose severe financial detriments to the people of the northeastern sections of the country; therefore, be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to investigate the legality of the causes for the high cost of home fuel oil in the northeastern sections of the country, including New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine and Vermont; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 640. A bill to authorize appropriations for the fiscal year 1980 for certain maritime programs of the Department of Commerce, and for other purposes (Rept. No. 96-105).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment and an amendment to the title:

S. 627. A bill to authorize appropriations for activities for the National Science Foundation for fiscal years 1980 and 1981, and for other purposes (together with additional views) (Rept. No. 96-106).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment, without recommendation:

H.R. 2729. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 96-107).

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 348. A bill to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ben Abruzzo, Maxie Anderson, and Larry Newman (Rept. No. 96-108).

S. 813. A bill to authorize the President of the United States to present a gold medal



together with an accompanying report, which was referred to the Committee on Labor and Human Resources:

*To the Congress of the United States:*

I transmit herewith the Annual Report of the National Advisory Council on Adult Education for Fiscal Year 1979, as required by Section 313(d) of the Adult Education Act (Public Law 91-230).

JIMMY CARTER.

THE WHITE HOUSE, January 29, 1980.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2853. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Farm Credit System: Some Opportunities for Improvements," January 26, 1980; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2854. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, five reports of violations of the Anti-Deficiency Act (Section 3679, Revised Statutes), and of Department of Defense Directive 7300.1; to the Committee on Appropriations.

EC-2855. A communication from the Assistant Director for Legislative and Public Affairs, United States International Development Cooperation Agency, transmitting, pursuant to law, a report on the progress made in carrying out section 610 of the FY 1979 Foreign Assistance Appropriations Act; to the Committee on Appropriations.

EC-2856. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Air Force's proposed Letter of Offer to Israel for Defense Articles estimated to cost in excess of \$25 million; to the Committee on Armed Services.

EC-2857. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Air Force's proposed Letter of Offer to Morocco for Defense Articles estimated to cost in excess of \$25 million; to the Committee on Armed Services.

EC-2858. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Army's proposed Letter of Offer to Morocco for Defense Articles estimated to cost in excess of \$25 million; to the Committee on Armed Services.

EC-2859. A communication from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2860. A communication from the Director of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 1980 annual report; to the Committee on Commerce, Science, and Transportation.

EC-2861. A communication from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development; to the Committee on Commerce, Science, and Transportation.

EC-2862. A communication from the Secretary of Commerce, transmitting, pursuant to

law, an interim report on the progress of the planning and construction of facilities for the 1980 Winter Olympic Games; to the Committee on Commerce, Science, and Transportation.

EC-2863. A communication from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that no grants or contracts were awarded under section 27 of the Toxic Substances Control Act during the past year; to the Committee on Commerce, Science, and Transportation.

EC-2864. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Uncertainties About the Effectiveness of Federal Programs to Make New Buildings More Energy Efficient," January 28, 1980; to the Committee on Energy and Natural Resources.

EC-2865. A communication from the Federal Cochairman, The Ozarks Regional Commission, transmitting, pursuant to law, the Commission's 1979 annual report; to the Committee on Environment and Public Works.

EC-2866. A communication from the Chairman, United States International Trade Commission, transmitting a revision of the draft bill to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1981 in the amount of \$16,981,000; to the Committee on Finance.

EC-2867. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the twelfth annual report on Medicare, covering the administration and operations of that program during fiscal year 1979; to the Committee on Finance.

EC-2868. A communication from the Chairman, Board for International Broadcasting, transmitting, pursuant to law, the Board's sixth annual report on its activities as well as its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty, for the period October 1, 1978 through September 30, 1979; to the Committee on Foreign Relations.

EC-2869. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-2870. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-2871. A communication from the Mayor, the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the City Administrator; to the Committee on Governmental Affairs.

EC-2872. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the 1979 annual report of the General Accounting Office; to the Committee on Governmental Affairs.

EC-2873. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Civil Service Reform Act of 1978; to the Committee on Governmental Affairs.

EC-2874. A communication from the Chairman, Council of the District of Columbia, reporting, pursuant to law, that the Mayor, via the Office of Documents, has indicated that Act 3-148, the University of the District of Columbia Bookstore Fund Establishment Act of 1979, should be regarded as a "pocket vetoed" measure; to the Committee on Governmental Affairs.

EC-2875. A communication from the Sec-

retary of Health, Education, and Welfare, reporting, pursuant to law, concerning the report on activities carried out under the Rehabilitation Act of 1973, as amended; to the Committee on Labor and Human Resources.

EC-2876. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual report on drug abuse, prevention, treatment and rehabilitation; to the Committee on Labor and Human Resources.

EC-2877. A communication from the Comptroller General of the United States, reporting, pursuant to law, on the President's third special message for fiscal year 1980, transmitted on December 26, 1979, pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Finance, and the Committee on Governmental Affairs.

EC-2878. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Water Supply Should Not Be An Obstacle to Meeting Energy Development Goals," January 24, 1980; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly, by unanimous consent.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that a communication transmitted by the Comptroller General of the United States, relative to water supplies not being an obstacle in meeting energy development goals, be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table, as indicated:

POM-535. A joint resolution adopted by the Legislature of the State of Nevada, to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 8

"Whereas, Proper economic planning, fiscal prudence and common sense require that the federal budget include all federal spending and be in balance; and

"Whereas, The annual federal budgets continually reflect the unwillingness or inability of the legislative and executive branches of the Federal Government to balance the budget; and

"Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures exceed federal revenues; and

"Whereas, The inflation and other results of the fiscal irresponsibility of the Federal Government demonstrate the need for a constitutional restraint upon excessive spending; and

"Whereas, Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the states, Congress shall call a convention for proposing amendments to the Constitution; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature requests the Congress of the United States to call a convention limited to proposing an amendment to the Constitution of the United States which would provide that, in the absence of a national emergency, the total of all federal appropriations for any



fiscal year must not exceed the total of the estimated federal revenue for that year; and be it further

"Resolved, That this legislature conditions this request upon the Congress of the United States' establishing appropriate restrictions limiting the subject matter of a convention called pursuant to this resolution to the subject matter of this resolution, and if the Congress fails to establish such restrictions, this resolution has no effect and must be considered at nullity; and be it further

"Resolved, That a copy of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-536. A resolution adopted by the House of Representatives of the State of Rhode Island; to the Committee on Labor and Human Resources:

"HOUSE RESOLUTION 7131

"Whereas, The Federal government, through the Health Planning Act of 1974 has required Rhode Island to submit, through the State Department of Health, a Statewide Health Systems Plan in the spring of 1980; and

"Whereas, The public hearing process has revealed substantial community opposition to the draft plan approved by the Statewide Health Coordinating Council; and

"Whereas, This community opposition has led to a need to substantially revise the plan prior to its submission; and

"Whereas, The implementation of a statewide health plan would have substantial impact on the way in which health services will be provided in Rhode Island, and

"Whereas, Additional time to prepare the plan would be in the best interests of the state, now therefore be it

"Resolved, That the House of Representatives hereby requests Congress to extend the date for submission of the Rhode Island Statewide Health Plan by one year, and be it further

"Resolved That the Secretary of State be and he is hereby directed to transmit a certified copy of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and the members of Congress representing Rhode Island."

POM-537. A resolution adopted by the Italian-American Labor Council, Inc., New York, New York, relating to the SALT II Treaty; which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 330. Resolution to waive section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2012.

By Mr. WILLIAMS, from the Committee on Labor and Human Resources, without amendment:

S. Res. 341. An original resolution authorizing additional expenditures by the Committee on Labor and Human Resources for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. PELL, from the Committee on Labor and Human Resources, with an amendment:

CXXVI—70—Part 1

S. 1986. A bill to amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes (Rept. No. 96-557).

S. 1429. A bill to extend the Museum Services Act for 2 years, and for other purposes (Rept. No. 96-558).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. McGOVERN (for himself and Mr. PRESSLER):

S. 2230. A bill to authorize the planning and development of the WEB Pipeline Project in South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIBICOFF (by request):

S. 2231. A bill to amend chapter 23 of title 44, United States Code, to reconstitute the membership of the National Archives Trust Fund Board, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PELL:

S. 2232. A bill to amend section 2382 of title 10, United States Code, to exempt contracts of \$1,000,000 or less; to the Committee on Armed Services.

By Mr. CRANSTON:

S. 2233. A bill to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California; to the Committee on Energy and Natural Resources.

By Mr. STEVENSON:

S. 2234. A bill to provide for notification to the Department of Health, Education, and Welfare by certain persons conducting recombinant DNA research, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. RIEGLE):

S. 2235. A bill to authorize the Secretary of the Army to convey to the Michigan Job Development Authority the lands and improvements comprising the Michigan Army Missile Plant in Sterling Heights, Macomb County, Michigan; to the Committee on Armed Services.

By Mr. BAYH (for himself, Mr. CRANSTON, and Mr. BAKER):

S.J. Res. 135. A joint resolution to provide for designation of the first Friday of March as "Teacher Day, United States of America"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN (for himself and Mr. PRESSLER):

S. 2230. A bill to authorize the planning and development of the WEB pipeline project in South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

WEB PIPELINE PROJECT

Mr. McGOVERN. Mr. President, today my colleague from South Dakota (Senator PRESSLER) and I are introducing legislation authorizing planning and development of the WEB Water Development Association's pipeline concept for the State of South Dakota.

The WEB pipeline is a project to serve domestic and livestock needs of 12,000 South Dakotans living on farms in my State and another 18,000 residents in 51 South Dakota communities.

It will consist of a main trunkline and smaller "feeder" systems spanning 9 north central South Dakota counties, including Campbell, Walworth, Potter, McPherson, Edmunds, Faulk, Brown, Spink, and Day Counties. Additionally, it will deliver water to the border with the State of North Dakota to serve a few hundred North Dakotans nearby. The water will be treated centrally.

The WEB Water Development Association, comprised of a Board of Directors and membership from the affected counties, has secured a feasibility study of this concept using local "interest fees" from the potential beneficiaries—including the municipalities to be served, money from the Oahe Conservancy Subdistrict, and if they can eventually fulfill their commitment to do so—the U.S. Department of the Interior.

Various alternative options were explored by the WEB Association's contracting engineer—a joint venture of Bartlett and West, and Boyle Engineering. The WEB Association board of directors has chosen a system that is more expensive and extensive than the cheapest alternative, but scaled down considerably from the most expensive option. They are recommending to the general membership of the association that they vote to adopt a 5.7 million gallon per day, \$69 million system.

The legislation which Senator PRESSLER and I are cosponsoring would provide a mechanism allowing for money to be appropriated to the Department of the Interior for construction of the pipeline, with the money then to be transferred to the Department of Agriculture so it can be granted and loaned under provisions of the Consolidated Farm and Rural Development Act by the Farmers Home Administration. As my colleagues will recall, that legislation provides that rural water systems can be constructed using a maximum of 75 percent grants and 25 percent loans. This bill specifically requests that precise percentage "mix" of grants and loans for this project, although the money would not come from the usual FmHA account for that purpose, this being one of the most extensive and expensive rural water systems ever constructed under FmHA authority.

Mr. President, my colleagues may well ask why this legislation is constructed in the manner it is. Some explanation is warranted.

Many of my colleagues may recall that the legislation which is to foster water resource development in the Missouri River Basin States is known as the Pick-Sloan Missouri Basin program, authorized by the Flood Control Act of 1944. Under that development "umbrella" various water resource projects such as the Initial Stage, Oahe Unit—a multiple-purpose irrigation, municipal-industrial water supply, flood control, recreation and wildlife conservation project—were to be constructed to meet the water development needs in the basin States.

That project, the Initial Stage, Oahe Unit, was rejected by local beneficiaries through their elected board of directors serving on the Oahe Conservancy Subdistrict and the Spink County Irrigation

**HOUSE JOINT RESOLUTION NO. 38**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE KELLER**

**Introduced: 2/20/12**  
**Referred: State Affairs**

**A RESOLUTION**

1 **Requesting the United States Congress to call a Constitutional Convention to propose an**  
2 **amendment to the Constitution of the United States requiring approval of a majority of**  
3 **state legislatures to increase the federal debt limit.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS**, in 1982, the Twelfth Alaska State Legislature passed Legislative  
6 Resolve No. 1, expressing concern that the public debt of the United States exceeded  
7 hundreds of billions of dollars and making application to the United States Congress, under  
8 Article V of the Constitution of the United States, for a constitutional convention for the  
9 purpose of proposing amendments to the Constitution of the United States requiring that in  
10 the absence of a national emergency, the total of all appropriations made by the United States  
11 Congress for a fiscal year shall not exceed the total of all estimated federal revenue for that  
12 fiscal year; and

13 **WHEREAS**, in 1997, the Twentieth Alaska State Legislature passed Legislative  
14 Resolve No. 20, expressing ongoing concern that a balanced budget amendment to the United  
15 States Constitution continued to be necessary to control the national deficit and to control

**HJR038a**

-1-

**HJR 38**

New Text Underlined [DELETED TEXT BRACKETED]

1 national government spending and urging the United States Congress and the President to  
 2 support a resolution proposing a balanced budget amendment to the Constitution of the United  
 3 States, and urging the legislature of each state of the nation to ratify the amendment; and

4 **WHEREAS**, because paying the nation's bills by simply raising the federal debt limit  
 5 has proven a failed policy, and the rapidly rising federal debt limit and rapidly increasing  
 6 federal debt compel the need for an urgent call for a balanced budget amendment to the  
 7 Constitution of the United States; and

8 **WHEREAS** it is increasingly critical to the national interest for the federal  
 9 government to live within its means and not to continue to authorize appropriations for a  
 10 current fiscal year that exceed the total estimated revenue fund by increasing the federal debt  
 11 limit; and

12 **WHEREAS**, in 2012, the United States continues to move more deeply into debt as  
 13 its expenditures exceed its available revenue, and, with recent increases, the federal debt limit  
 14 now exceeds \$15 trillion; and

15 **WHEREAS** the federal budget has increased in size at a rate that is out of control and  
 16 unsustainable in relation to available revenue; and

17 **WHEREAS** the goal of controlling the unsustainable growth of the federal debt limit  
 18 and federal government spending must be achieved to protect the economic and political  
 19 stability of the United States for current and future generations; and

20 **WHEREAS** Article V of the Constitution of the United States provides authority for a  
 21 convention to be called by the Congress of the United States for the purpose of proposing  
 22 amendments to the Constitution of the United States upon application of two-thirds of the  
 23 legislatures of the several states--an amendments convention;

24 **BE IT RESOLVED** that the Alaska State Legislature wishes to remind the United  
 25 States Congress of the Alaska State Legislature's 1982 call for a convention to be called by  
 26 the United States Congress for a balanced budget amendment to the Constitution of the  
 27 United States, that this call was and remains a continuing call for an amendments convention,  
 28 and that the Alaska State Legislature continues strongly to urge the separate states to join in  
 29 this call; and be it

30 **FURTHER RESOLVED** that the Alaska State Legislature makes an additional and  
 31 urgent call for a convention to be called by the United States Congress under Article V of the



1 Constitution of the United States for the proposal and ratification of an amendment to the  
2 Constitution of the United States that provides that an increase in the federal debt limit  
3 requires approval from a majority of the legislatures of the separate states; and be it

4 **FURTHER RESOLVED** that the amendments convention requested by this  
5 resolution be limited to the subject matter of proposing for ratification an amendment to the  
6 Constitution of the United States providing that an increase in the federal debt requires  
7 approval from a majority of the legislatures of the separate states; and be it

8 **FURTHER RESOLVED** that this application constitutes a continuing application in  
9 accordance with Article V of the Constitution of the United States until at least two-thirds of  
10 the legislatures of the several states have made application for an equivalently limited  
11 amendments convention; and be it

12 **FURTHER RESOLVED** that the Alaska State Legislature urges the legislatures of  
13 the other 49 states to make the same application.

14 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of  
15 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and  
16 President of the U.S. Senate; the Honorable Daniel K. Inouye, President pro tempore of the  
17 U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the  
18 Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas, Clerk  
19 of the U.S. House of Representatives; the Honorable Lisa Murkowski and the Honorable  
20 Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of  
21 the Alaska delegation in Congress; and the presiding officers of the legislatures of each of the  
22 other 49 states.

March 29, 1982

CONGRESSIONAL RECORD—SENATE

5643

Olympic games will be an event of unparalleled inspiration, teaching qualities of courage and commitment, dedication and discipline, sportsmanship and citizenship that reflect not only the Olympic ideal but the greatest strengths of the American character.

Amid the widespread global tensions on issues ranging from the nuclear arms race to human rights, the Olympic games shine through as a beacon of peaceful international competition and cooperation. None of us will ever forget the enormous lift to America's national spirit when the American hockey team performed its miracle on ice and scored one of the greatest upsets in Olympic history, by defeating the Soviet players to win the gold medal at Lake Placid in 1980.

I hope, therefore, that the Olympic Coin Act, which passed the Senate last December, will receive the prompt approval of the House of Representatives. Preparations for the 1984 games are already well underway in many nations, and the wise support that will become available under this legislation should begin to flow immediately.

In spirit, Charlots of Fire are already bearing the athletes of the world toward Los Angeles in 1984, and America's best must not be left behind.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States notified the Senate that he had approved and signed the following bills:

On March 24, 1982:

S. 2188. An act to provide for the distribution within the United States of the International Communication Agency slide show entitled "Montana: The People Speak."

On March 26, 1982:

S. 2284. An act to temporarily extend the authority to conduct experiments in flexible schedules and compressed under the Federal Employees Flexible and Compressed Work Schedules Act of 1978.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 634 An act to authorize the exchange of certain lands in Idaho and Wyoming.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bill, with amendments:

S. 1131. An act to require the Federal Government to pay interest on overdue payments and to take early payment discounts only when payment is timely made, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary reported that on today, March 29, 1982, he had presented to the President of the United States the following enrolled bill:

S. 634. An act to authorize the exchange of certain lands in Idaho and Wyoming.

PETITIONS AND MEMORIALS

APPLICATION

POM-706. A joint resolution adopted by the Legislature of the State of Alaska:

"RESOLUTION

"Be it resolved by the Legislature of the State of Alaska:

"Whereas annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

"Whereas annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

"Whereas proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

"Whereas a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

"Be it resolved by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

"Further resolved that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution."

(The foregoing resolution was received in the Senate of February 24, 1982, and was referred to the Committee on the Judiciary on that day.)

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

James Eugene Burnett, Jr., of Arkansas, to be Chairman of the National Transportation Safety Board;

Rear Adm. Wayne E. Caldwell, U.S. Coast Guard, to be the Commander, U.S. Coast Guard, Atlantic Area with the grade of vice admiral while so serving; and

Rear Adm. Charles E. Larkin, U.S. Coast Guard, to be the Commander, U.S. Coast Guard, Pacific Area with the grade of vice admiral while so serving.

(The above nominations were reported from the Committee on Commerce, Science, and Transportation with the recommendation that they be confirmed, subject to the nominees' commitment to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Preston Martin, of California, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1982;

Preston Martin, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MELCHER:

S. 2287. A bill to amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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# Type 5



## JOINT RESOLUTION

Urging the Congress of the United States to propose a balanced budget amendment to the United States Constitution and applying to the Congress, pursuant to Article V of the United States Constitution, to call a convention for proposing a balanced budget amendment.

*Be it resolved by the* General Assembly of the State of Ohio:

The General Assembly of the State of Ohio urges the Congress of the United States to propose a balanced budget amendment to the United States Constitution and hereby applies to the Congress, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing an amendment to the United States Constitution requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and

It is the intention of the General Assembly that matters shall not be considered at the convention that do not pertain to an amendment requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

RESOLVED, The Secretary of State is hereby directed to transmit copies of this application to the President and Secretary of the Senate and to the Speaker and Clerk of the House of Representatives of the Congress, and copies to the members of the Senate and House of Representatives from the State of Ohio; also to transmit copies of this application to the presiding officers of each of the legislative houses of the several states, requesting their cooperation; and be it further

RESOLVED, This application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida,

Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas. This application shall be aggregated with those other applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject; and be it further

RESOLVED, If the convention called by the Congress is not limited to considering a balanced budget amendment, then any delegates, representatives, or participants from the State of Ohio asked to participate in the convention are authorized to debate and vote only on a proposed amendment or amendments to the United States Constitution requiring that in the absence of a national emergency the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

RESOLVED, This application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject or the Congress has proposed an amendment to the United States Constitution equivalent to the amendment proposed in this resolution. This application supersedes all previous applications by the General Assembly of the State of Ohio on the same subject.

---

Am. S. J. R. No. 5

130th G.A.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Adopted \_\_\_\_\_, 20\_\_\_\_

**Florida**

Senate Memorial

A memorial to the Congress of the United States,  
applying to Congress to call a convention for the sole  
purpose of proposing an amendment to the Constitution  
of the United States which requires a balanced federal  
budget.

WHEREAS, the Legislature of the State of Florida passed  
Senate Concurrent Resolution 10 on April 21, 2010, and

WHEREAS, Senate Concurrent Resolution 10 made application  
to Congress to call a convention for proposing amendments  
pursuant to Article V of the Constitution of the United States  
for two purposes: to achieve and maintain a balanced federal  
budget and to control the ability of Congress and federal  
executive agencies to dictate to states requirements for the  
expenditure of federal funds, and

WHEREAS, the Legislature of the State of Florida desires to  
conform to the single subject applications from Alabama, Alaska,  
Arkansas, Colorado, Delaware, Indiana, Iowa, Kansas, Maryland,  
Michigan, Mississippi, Missouri, Nebraska, Nevada, New  
Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, and  
Texas and limit its application to Congress for the sole purpose  
of proposing an amendment to the Constitution of the United  
States to require a balanced federal budget, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

(1) That the Legislature of the State of Florida hereby  
applies to Congress, under Article V of the Constitution of the

30 United States, to call a convention limited to proposing an  
31 amendment to the Constitution requiring that, in the absence of  
32 a national emergency, the total of all federal appropriations  
33 made by the Congress for any fiscal year may not exceed the  
34 total of all estimated federal revenues for that fiscal year,  
35 together with any related and appropriate fiscal restraints.

36 (2) That this application is to be considered as covering  
37 the same subject matter as the presently outstanding balanced  
38 budget applications from other states and is to be aggregated  
39 with the applications from those states for the purpose of  
40 attaining the two-thirds number of states necessary to require  
41 the calling of a convention, but may not be aggregated with  
42 applications on any other subject calling for a constitutional  
43 convention under Article V of the United States Constitution.

44 (3) That this application constitutes a continuing  
45 application in accordance with Article V until the legislatures  
46 of at least two-thirds of the states have made applications on  
47 the same subject and supersedes all previous applications by  
48 this Legislature on the same subject.

49 BE IT FURTHER RESOLVED that copies of this memorial be  
50 dispatched to the President of the United States, to the  
51 President of the United States Senate, to the Speaker of the  
52 United States House of Representatives, and to each member of  
53 the Florida delegation to the United States Congress.





1           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
2 make application to the Congress of the United States to call a convention pursuant to  
3 Article V of the Constitution of the United States of America for the specific and exclusive  
4 purpose of proposing an amendment to the Constitution of the United States, for submission  
5 to the states for ratification, to require that in the absence of a national emergency the total  
6 of all federal outlays made by congress for any fiscal year may not exceed the total of all  
7 estimated federal revenues for that fiscal year, together with any related and appropriate  
8 fiscal restraints.

9           BE IT FURTHER RESOLVED that this application is to be considered as covering  
10 the same subject matter as the presently outstanding balanced budget applications from other  
11 states, including but not limited to previously adopted applications from Alabama, Alaska,  
12 Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Maryland,  
13 Mississippi, Missouri, Nebraska, Ohio, Nevada, New Hampshire, New Mexico, North  
14 Carolina, Pennsylvania, Tennessee, and Texas; and that this application shall be aggregated  
15 with such applications for the purpose of attaining the two-thirds of states necessary to  
16 require the calling of a convention but shall not be aggregated with applications on any other  
17 subject.

18           BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution  
19 be transmitted by the secretary of state to the president and the secretary of the United States  
20 Senate, to the speaker and clerk of the United States House of Representatives, to each  
21 member of this state's delegation to the congress, and to the presiding officer of each house  
22 of each state legislature in the United States, requesting their cooperation.

23           BE IT FURTHER RESOLVED that this application by this legislature supersedes  
24 all previous applications by this legislature on this same subject matter and that this  
25 application constitutes a continuing application in accordance with Article V of the  
26 Constitution of the United States until the legislatures of at least two-thirds of the several  
27 states have made application for a similar convention pursuant to Article V.

**STATE OF MICHIGAN**

**97TH LEGISLATURE**

**REGULAR SESSION OF 2014**

**Introduced by Senators Green, Jones, Colbeck, Pappageorge, Proos, Robertson, Marleau, Booher, Jansen, Brandenburg, Casperson, Caswell, Emmons, Hansen, Hildenbrand, Hune, Kahn, Kowall, Meekhof, Moolenaar, Nofs, Pavlov, Richardville, Rocca, Schuitmaker and Walker**

## **ENROLLED SENATE JOINT RESOLUTION V**

A JOINT RESOLUTION to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget.

Resolved by the Senate and House of Representatives of the state of Michigan, That pursuant to article V of the constitution of the United States, the legislature of the state of Michigan petitions the congress of the United States of America, at its session, to call a convention of the states limited to proposing an amendment to the constitution of the United States requiring that in the absence of a national emergency, including, but not limited to, an attack by a foreign nation or terrorist organization within the United States of America, the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Resolved further, That this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas; and this application shall be aggregated with those applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject.

Resolved further, That this application constitutes a continuing application in accordance with article V of the constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this legislature on the same subject.

Resolved further, That certified copies of this joint resolution be transmitted by the secretary of state to the president of the United States Senate, to the speaker of the United States House of Representatives, and to each member of this state's delegation to the congress and that printed copies be sent to each house of each state legislature in the United States.

(46)

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I hereby certify that on the twenty-sixth day of March, two thousand fourteen, the foregoing joint resolution was agreed to by the Senate, by a majority vote of the Senators elected and serving.

*Carol Morey Viventi*

Secretary of the Senate

I hereby certify that on the twentieth day of March, two thousand fourteen, the foregoing joint resolution was agreed to by the House of Representatives, by a majority vote of the Representatives elected and serving.

*Jay E. Randall*

Clerk of the House of Representatives

General Assembly of the State of Tennessee  
HOUSE JOINT RESOLUTION 548

By Powers

A RESOLUTION to make application to the Congress of the United States pursuant to Article V of the United States Constitution to call a constitutional convention for the sole purpose of proposing a balanced budget amendment and other related fiscal restraints.

WHEREAS, Article V of the United States Constitution requires the United States Congress to call a constitutional convention upon application of two-thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the Congress of the United States is directed to call a constitutional convention limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

BE IT FURTHER RESOLVED, that this application is to be considered as covering the same subject matter as the presently-outstanding balanced budget applications from other states, including, but not limited to, previously-adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas; and that this application shall be aggregated with such applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention, but shall not be aggregated with any applications on any other subject.

HJR0548  
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- 1 -



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BE IT FURTHER RESOLVED, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made applications for similar relief pursuant to Article V.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Honorable Joseph R. Biden, Jr., Vice President of the United States and President of the U.S. Senate, Washington, D.C.; the Honorable John Boehner, Speaker of the House of Representatives, Washington, D.C.; to each member of the United States Senate and House of Representatives from Tennessee; and to the Archivist of the United States.

BE IT FURTHER RESOLVED, that copies of this resolution also be sent to the presiding officers of the other state legislative bodies in the United States, with the request that the other states join Tennessee in applying to Congress to call a constitutional convention for the limited purpose proposed in this resolution.

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A JOINT RESOLUTION, Making formal application to Congress to call an Article V convention of the states for the sole purpose of proposing a federal balanced budget amendment.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA, THE SENATE CONCURRING THEREIN:

WHEREAS, the Legislature of the State of South Dakota hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing an amendment to the Constitution of the United States requiring that in the absence of a national emergency, the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and

WHEREAS, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this Legislature on the same subject:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninetieth Legislature of the State of South Dakota, the Senate concurring therein, that the State of South Dakota does hereby apply to the Congress of the United States to call an amendment convention pursuant to Article V of the United States Constitution limited to proposing an amendment to the United States Constitution requiring that in the absence of a national emergency, the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and

BE IT FURTHER RESOLVED, this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including previously-adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida,

HJR No. 1001

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Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio, Pennsylvania, Tennessee, and Texas. This application shall be aggregated with same for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment but may not be aggregated with any applications on any other subject; and

BE IT FURTHER RESOLVED, that the other states be encouraged to make similar applications for an amendment convention pursuant to Article V of the Constitution of the United States; and

BE IT FURTHER RESOLVED, that this application constitutes a continuing application for such amendment convention pursuant to Article V of the Constitution of the United States until the legislatures of two-thirds of the states have made such applications and such convention has been called by the Congress of the United States; and

BE IT FURTHER RESOLVED, that the secretary of state transmit copies of this resolution to the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Clerk of the United States Senate, the members of the South Dakota congressional delegation, and the legislatures of each of the several states, attesting the adoption of this resolution by the Legislature of the State of South Dakota.

HJR No. 1001

Making formal application to Congress to call an Article V convention of the states for the sole purpose of proposing a federal balanced budget amendment.

\_\_\_\_\_

I certify that the attached  
Resolution originated in the

HOUSE as Joint Resolution No.  
1001

\_\_\_\_\_

Chief Clerk

\_\_\_\_\_

\_\_\_\_\_

Speaker of the House

Attest:

\_\_\_\_\_

Chief Clerk

\_\_\_\_\_

President of the Senate

Attest:

\_\_\_\_\_

Secretary of the Senate

House Joint Resolution No. 1001

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

\_\_\_\_\_

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_

Secretary of State

By \_\_\_\_\_

Asst. Secretary of State

\_\_\_\_\_

15.3048.02000

Sixty-fourth  
Legislative Assembly  
of North Dakota

**HOUSE CONCURRENT RESOLUTION NO. 3015**

Introduced by

Representatives Dosch, Rick C. Becker, Bellew, Fehr, Kading, Kasper, Schatz, Streyle,  
Thoreson

Senators Casper, Dever, Larsen

1 A concurrent resolution making a formal application to Congress to call a convention for the sole  
2 purpose of proposing an amendment to the Constitution of the United States which requires a  
3 balanced federal budget.

4 **WHEREAS**, Article V of the Constitution of the United States mandates that upon the  
5 application of the legislatures of two-thirds of the states, Congress shall call a convention for  
6 proposing amendments; and

7 **WHEREAS**, this application is to be considered as covering the balanced budget  
8 amendment language of the presently outstanding balanced budget applications from other  
9 states; and

10 **WHEREAS**, this application shall be aggregated for the purpose of attaining the two-thirds  
11 necessary to require the calling of a convention for proposing a balanced budget amendment,  
12 but shall not be aggregated with any applications on any other subject; and

13 **WHEREAS**, this application is a continuing application until the legislatures of at least  
14 two-thirds of the states have made applications on the same subject; and

15 **WHEREAS**, the North Dakota Legislative Assembly deems an amendment to the  
16 Constitution of the United States requiring a balanced federal budget to be necessary for the  
17 good of the American people.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**  
19 **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

20 That the Sixty-fourth Legislative Assembly urges the Congress of the United States to call a  
21 convention of the states limited to proposing an amendment to the Constitution of the United  
22 States requiring that in the absence of a national emergency the total of all federal  
23 appropriations made by the Congress for any fiscal year may not exceed the total of all

---

Sixty-fourth  
Legislative Assembly

- 1 estimated federal revenues for that fiscal year, together with any related and appropriate fiscal  
2 restraints.
- 3 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution  
4 to the President and Secretary of the Senate and the Speaker and Clerk of the House of  
5 Representatives of the Congress, to each member of the United States Congressional  
6 Delegation, and also to transmit copies to the presiding officers of each of the legislative houses  
7 in the United States, requesting their cooperation.



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**JOINT RESOLUTION CALLING FOR A BALANCED  
BUDGET AMENDMENT TO THE U.S. CONSTITUTION**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: Curtis S. Bramble

Cosponsors:	Brian M. Greene	Dixon M. Pitcher
Stewart Barlow	Stephen G. Handy	Paul Ray
Melvin R. Brown	Timothy D. Hawkes	Scott D. Sandall
Scott H. Chew	Gregory H. Hughes	Mike Schultz
Kay J. Christofferson	Ken Ivory	V. Lowry Snow
Kim Coleman	John Knotwell	Jon E. Stanard
Bruce R. Cutler	Bradley G. Last	John R. Westwood
Rebecca P. Edwards	David E. Lifferth	Brad R. Wilson
Steve Eliason	Merrill F. Nelson	
Justin L. Fawson	Jeremy A. Peterson	

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**LONG TITLE**

19

**General Description:**

20

This joint resolution of the Legislature calls for an Article V convention to propose a balanced budget amendment to the United States Constitution.

22

**Highlighted Provisions:**

23

This resolution:

24

- ▶ applies to Congress for the calling of a convention of the states, limited to proposing

25

an amendment to the United States Constitution requiring that, in the absence of a

26

national emergency, the total of all federal appropriations made by Congress for a

27

specified period not exceed the total of all estimated federal revenues for that

28

period, together with any related and appropriate fiscal restraints;

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- 29           ▶ requests that this application be considered as covering the same subject matter as  
30 the presently outstanding balanced budget applications from other states;
- 31           ▶ requests that this application be aggregated with the outstanding balanced budget  
32 applications from the other states for the purpose of attaining the two-thirds of states  
33 necessary to require the calling of a convention, but not be aggregated with any  
34 applications on any other subject;
- 35           ▶ intends that the application made in this resolution constitute a continuing  
36 application, in accordance with Article V of the United States Constitution, until the  
37 legislatures of at least two-thirds of the several states have made applications on the  
38 same subject; and
- 39           ▶ intends that this application supersede all previous applications by the Legislature of  
40 the state of Utah on the same subject.

41 **Special Clauses:**

42           None

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44 *Be it resolved by the Legislature of the state of Utah:*

45           WHEREAS, under Article V of the Constitution of the United States, "The Congress,  
46 whenever two thirds of both houses shall deem it necessary, shall propose amendments to this  
47 Constitution, or, on the application of the legislatures of two thirds of the several states, shall  
48 call a convention for proposing amendments, which, in either case, shall be valid to all intents  
49 and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of  
50 the several states, or by conventions in three fourths thereof"; and

51           WHEREAS, the Legislature of the state of Utah has determined that calling for a  
52 balanced budget amendment to the United States Constitution is in the best interest of the  
53 citizens of Utah and the citizens of the United States of America:

54           NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, by  
55 this resolution, and under the provisions of Article V of the United States Constitution, applies  
56 to Congress for the calling of a convention of the states limited to proposing an amendment to

57 the Constitution of the United States requiring that, in the absence of a national emergency, the  
58 total of all federal appropriations made by Congress for a specified period may not exceed the  
59 total of all estimated federal revenues for that period, together with any related and appropriate  
60 fiscal restraints.

61 BE IT FURTHER RESOLVED, it is the intent of the Legislature of the state of Utah  
62 that the delegates to such convention are prohibited from considering any other amendment or  
63 change to the Constitution of the United States.

64 BE IT FURTHER RESOLVED that the Legislature of the state of Utah respectfully  
65 requests that this application be considered as covering the same subject matter as the presently  
66 outstanding balanced budget applications from other states, including, but not limited to,  
67 previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware,  
68 Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi,  
69 Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Ohio,  
70 Pennsylvania, South Dakota, Tennessee, and Texas.

71 BE IT FURTHER RESOLVED that the Legislature of the state of Utah respectfully  
72 requests that this application be aggregated with the applications from those states for the  
73 purpose of attaining the two-thirds of states necessary to require the calling of a convention, but  
74 not be aggregated with any applications on any other subject.

75 BE IT FURTHER RESOLVED that the Legislature of the state of Utah intends that this  
76 application constitute a continuing application in accordance with Article V of the Constitution  
77 of the United States until the legislatures of at least two-thirds of the several states have made  
78 applications on the same subject; provided, however, that the Legislature retains the authority  
79 to rescind this resolution and thereby cancel this application at any time for any reason.

80 BE IT FURTHER RESOLVED that the Legislature of the state of Utah reserves the  
81 right to withdraw its application in the event that Congress attempts to do anything other than  
82 call the convention as dictated by Article V of the United States Constitution.

83 BE IT FURTHER RESOLVED that the Legislature of the state of Utah intends that  
84 once the convention of the states applied for herein has been convened, the Legislature retains

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85 full authority, at its sole discretion, to immediately rescind and thereby cancel this application  
86 for convention, for any reason, including but not limited to, if the convention moves to  
87 consider or propose any amendment or change to the United States Constitution other than the  
88 amendment identified in this resolution.

89 BE IT FURTHER RESOLVED that the Legislature of the state of Utah intends that this  
90 application supersede all previous applications by the Legislature on the same subject.

91 BE IT FURTHER RESOLVED that copies of this resolution be sent to the Vice  
92 President of the United States, as President of the United States Senate, and to the Majority  
93 Leader of the United States Senate, the Speaker of the United States House of Representatives,  
94 and the members of Utah's congressional delegation.

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# Type 6



Senate Resolution 371

By: Senators Cowser of the 46th, Shafer of the 48th, Chance of the 16th, Hill of the 32nd, Loudermilk of the 14th and others

**ADOPTED**

A RESOLUTION

1 Making renewed application to the Congress of the United States to call for a convention for  
2 the purpose of proposing an amendment to the Constitution of the United States; and for  
3 other purposes.

4 WHEREAS, in 1976, by House Resolution 469-1267, Resolution Act No. 93 (Ga. L. 1976,  
5 p. 184), the Georgia General Assembly applied to the Congress to call a convention for the  
6 specific and exclusive purpose of proposing an amendment to the Constitution of the United  
7 States to require a balanced federal budget and to make certain exceptions with respect  
8 thereto; and

9 WHEREAS, in 2004, by House Resolution No. 1343, Act No. 802 (Ga. L. 2004, p. 1081),  
10 the Georgia General Assembly rescinded and repealed all prior applications for constitutional  
11 conventions, including but not limited to said 1976 application; and

12 WHEREAS, the need for such a balanced budget amendment remains and has become far  
13 more apparent and urgent.

14 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
15 GEORGIA that this body hereby applies again to Congress, under the provisions of Article  
16 V of the Constitution of the United States, for the calling of a convention for proposing an  
17 amendment to the Constitution of the United States and recommends that the convention be  
18 limited to consideration and proposal of an amendment requiring that in the absence of a  
19 national emergency the total of all federal appropriations made by the Congress for any fiscal  
20 year may not exceed the total of all estimated federal revenues for that fiscal year.

21 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed  
22 to transmit appropriate copies of this application to the President and Secretary of the United  
23 States Senate, the Speaker and Clerk of the United States House of Representatives, and  
24 members of the Georgia congressional delegation and to transmit appropriate copies also to

25 the presiding officers of each of the legislative houses of the several states, requesting their  
26 cooperation.

27 BE IT FURTHER RESOLVED that this application is to be considered as covering the same  
28 subject matter as the presently-outstanding balanced budget applications from other states,  
29 including but not limited to previously adopted applications from Alabama, Alaska,  
30 Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Kansas, Maryland, Mississippi,  
31 Missouri, Nebraska, Nevada, New Mexico, North Carolina, Pennsylvania, and Texas, and  
32 this application should be aggregated with same for the purpose of reaching the two-thirds  
33 of states necessary to require the calling of a convention, but should not be aggregated with  
34 any applications on any other subject.

35 BE IT FURTHER RESOLVED that this application shall constitute a continuing application  
36 in accordance with Article V of the Constitution of the United States until:

37 (1) The legislatures of at least two-thirds of the several states have made applications on  
38 the same subject and Congress has called for a convention for proposing an amendment to  
39 the Constitution of the United States;

40 (2) The Congress of the United States has in accordance with Article V of the Constitution  
41 of the United States proposed an amendment to said Constitution which is consistent with  
42 the balanced budget amendment referenced in this application; or

43 (3) January 1, 2020,  
44 whichever first occurs.

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# Type 7

"Whereas, it has been estimated that any additional emergency shipment from the Louisiana salt domes would take approximately sixty-three days to reach Hawaii and that any supply of Alaskan oil would have only limited use in Hawaii because of its high sulfur content; and

"Whereas, the storage of only three million barrels of oil in Hawaii would result, therefore, in a serious shortfall of energy for Hawaii in the event of another disruption to oil supplies as experienced in the Arab embargo of 1974; and

"Whereas, plans for a three million barrel, \$12 million emergency oil storage in Hawaii have been deleted from the Carter Administration budget; and

"Whereas, while the threat of an oil embargo for the continental United States is only partial because of its domestic crude oil, coal, natural gas, shale oil, hydroelectric and nuclear power, and its interconnecting electric grids and oil and gas distribution systems, the threat to the Island State of Hawaii which has none of the aforementioned backup resources, is total; now, therefore,

"Be it resolved by the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, that the United States Department of Energy is requested to increase Hawaii's Strategic Petroleum Reserve to a ten million barrel capacity in view of Hawaii's unique vulnerability and problem as an Island State situated thousands of miles from the continental United States; and

"Be it further resolved that Hawaii's delegation to the United States Congress is respectfully requested to do everything within its power to establish a ten million barrel Strategic Petroleum Reserve in Hawaii; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Energy, and to each member of Hawaii's delegation to the United States Congress."

POM-77. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Foreign Relations:

**RESOLUTION**

"Whereas, The industrial northeast is the backbone of the American economy; and

"Whereas, American industry and homes are extremely dependent on a continued flow of oil; and

"Whereas, A Mexican oil and natural gas pact is essential to the economic livelihood of the New England states; now, therefore be it

**Resolved**, That the Massachusetts Senate memorializes the President and the Congress of the United States to secure an oil and natural gas pact with Mexico; and be it further

**Resolved**, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States and to the presiding officer of each branch of Congress; and copies shall also be transmitted to the Governors of the several states of the Union."

POM-78. A joint resolution adopted by the Legislature of the State of Arkansas; to the Committee on the Judiciary:

**HOUSE JOINT RESOLUTION 1**

"Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and execu-

tive branches of the Federal government to curtail spending to conform to available revenues; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

"Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, Amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action vital;

"Now, therefore, be it resolved by the seventy-second General Assembly of the State of Arkansas:

"That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the General Assembly of the State of Arkansas requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and

"Be it further resolved:

"That, alternatively, this Body makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and

"Be it further resolved:

"That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution, or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution; and

"Be it further resolved:

"That copies of this Resolution be sent by the Secretary of State to the Arkansas Congressional Delegation; and

"Be it further resolved:

"That the Secretary of the State of Arkansas is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D. C."

POM-79. A resolution adopted by the Legislature of the State of Georgia; to the Committee on the Judiciary:

**HOUSE RESOLUTION 254**

"Whereas, millions of abortions have been performed in the United States since the

decision on abortions by the United States Supreme Court on January 22, 1973; and

"Whereas, to date, the Congress of the United States has not proposed a 'human life' amendment to the Constitution of the United States.

"Now, therefore, be it resolved by the House of Representatives that this body hereby urges the Congress of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution that would protect the lives of all human beings, including unborn children, at every stage of their biological development.

"Be it further resolved that this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States.

"Be it further resolved that copies of this concurrent Resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Congress from Georgia attesting the adoption of this Resolution by the House of Representatives of the State of Georgia."

POM-80. A joint resolution adopted by the Legislature of the State of Utah; to the Committee on the Judiciary:

**JOINT RESOLUTION**

"Whereas, with each passing year, this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues;

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit;

"Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance;

"Whereas, numerous states have constitutional requirements that appropriations not exceed anticipated revenues for the forthcoming year;

"Whereas, believing that fiscal irresponsibility at the federal level, and the inflation which results therefrom, constitutes the greatest threat now facing our nation, this Legislature is of the firm conviction that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, under Article V of the Constitution of the United States, amendments to the federal constitution may be proposed by the Congress, whenever two-thirds of both houses deem it necessary and, on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the sole purpose of proposing amendments, which action this Legislature deems vital.

"Now, therefore, be it resolved by the 43rd Legislature of the State of Utah, that the Congress of the United States is requested to institute procedures to add a new article to the Constitution of the United States and to prepare and submit to the several states an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all



in accordance with Article V of the Constitution of the United States until at least two-thirds (2/3) of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1978, this application for a convention of the several states shall no longer be of any force or effect.

*Be it Further Resolved,* That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States; to each member of the Congress from this state; and to each house of each state legislature in the United States.

SENATE JOINT RESOLUTION No. 22  
(Nevada)

Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures grossly exceed federal revenues; and

Whereas, Payment of the increased interest on this ever-expanding debt imposes a tremendous burden on the taxpayers of this country; and

Whereas, Continuous deficit financing by the Federal Government supports inflationary conditions which adversely affect the national economy and all Americans, particularly those persons with fixed or low income; and

Whereas, Constantly increasing use of deficit financing has enabled the Federal Government to allocate considerable sums to programs which in many instances have proved to be wasteful and nonbeneficial to the public; and

Whereas, Limiting federal expenditures in each fiscal year to revenues available in that year, except during national emergencies, will result in greater selectivity of federal programs for the benefit of the public; and

Whereas, The annual federal budgets continually reflect the unwillingness or inability of both the legislative and executive branches of the Federal Government to balance the budget and demonstrate the necessity for a constitutional restraint upon deficit financing; and

Whereas, Under article V of the Constitution of the United States, the Congress is required to call a convention for proposing amendments to the federal Constitution on the application of the legislatures of two-thirds of the several states; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That, pursuant to article V of the Constitution of the United States, the legislature of the State of Nevada hereby makes application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution which would require that, in the absence of a national emergency, the total of the appropriation made by the Congress for each fiscal year may not exceed the total of the estimated federal revenues for that year; and be it further

*Resolved,* That the legislature of the State of Nevada proposes that the legislatures of each of the several states apply to the Congress to call a constitutional convention for the exclusive purpose stated in this resolution; and be it further

*Resolved,* That this application by the legislature of the State of Nevada constitutes a continuing application in accordance with article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made

similar applications, but if Congress proposes an amendment to the Constitution similar to that contained in this resolution before January 1, 1981, this application for a convention of the several states shall no longer be of any force; and be it further

*Resolved,* That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

*Resolved,* That this resolution shall become effective upon passage and approval.

LEGISLATIVE RESOLUTION 106  
(Nebraska)

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

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Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

Now, Therefore, be it resolved by the members of the eighty-fourth legislature of Nebraska, second session:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

SENATE JOINT RESOLUTION  
(New Mexico)

Be it resolved by the legislature of the State of New Mexico:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article 5 of the constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

Now, therefore, be it resolved by the legislature of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that, alternatively, this body makes application and requests that the congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the constitution requiring in the absence of a national emergency that the



total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal constitution; and

Be it further resolved that copies of this resolution be sent by the secretary of state to the members of New Mexico's delegation to the Congress of the United States; and

Be it further resolved that the secretary of state of this state is directed to send copies of this joint resolution to the secretary of state and presiding officers of both houses of the legislature of each of the other states in the union, the clerk of the United States house of representatives, Washington, D. C. and the secretary of the United States Senate, Washington, D. C.

**SENATE CONCURRENT RESOLUTION No. 4018**  
(North Dakota)

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That we respectfully propose an amendment to the Constitution of the United States and call upon the people of the several states for a convention for such purpose as provided by Article V of the Constitution, the proposed Article providing as follows:

**ARTICLE —**

Section 1. The president shall submit, at the beginning of each new Congress, an annual budget for the ensuing fiscal year setting forth in detail the total proposed expenditures and the total estimated revenue of the Federal Government from sources other than borrowing. The president may set new revenue estimates from time to time. Expenditures for each two-year period shall not exceed the estimated revenue except in time of war or a national emergency declared by the Congress. The provisions of this Article shall not apply to the refinancing of the national debt; and

Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the legislatures of the several states.

**HOUSE JOINT RESOLUTION No. 1049**  
(OKLAHOMA)

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars.

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Section 3. That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the Federal Constitution.

Section 4. That copies of this Resolution shall be sent by the Secretary of State to our members of Congress.

Section 5. That the Secretary of State of this state is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislature, the Congress and of each of the other States in the Union.

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance.

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility.

Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states that the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action vital.

Now, therefore, be it resolved by the House of Representatives and the Senate of the 2nd session of the 35th Oklahoma legislature:

Section 1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Legislature of the State of Oklahoma makes application and requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Section 2. That alternatively, this Body requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency.

**SENATE JOINT MEMORIAL 2**  
(Oregon)

(1) That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

(2) That this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Joint Memorial before January 1, 1979, this petition for a constitutional convention shall no longer be of any force or effect.

(3) That this body propose that the legislative body of each of the several states comprising the United States apply to the Congress of the United States requesting the Congress to call a constitutional convention for proposing an appropriate amendment to the Federal Constitution or requesting the en-

actment of such an amendment to be submitted to the states for ratification.

(4) That a copy of this memorial shall be transmitted to the President of the United States; to each member of the Oregon Congressional Delegation; to the presiding officers of the Senate and House of Representatives of the United States of America; to each Governor of each state in the United States of America; and to the presiding officer of each legislative body in the United States of America.

**RESOLUTION No. 238**  
(Pennsylvania)

Whereas, Requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the Legislatures of two-thirds of the several states, calling a Constitutional Convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose of proposing amendments. We believe some such action vital; therefore be it

Resolved (The Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the General Assembly of the Commonwealth of Pennsylvania requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved That, alternatively, the General Assembly of the Commonwealth of Pennsylvania makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring



In the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a Constitutional Convention for proposing such an amendment to the Federal Constitution; and be it further

Resolved, That copies of this resolution be sent to the members of the Congress from Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send copies of this joint resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D. C. and the Secretary of the United States Senate, Washington, D. C.

CONCURRENT RESOLUTION No. S. 1024  
(South Carolina)

Whereas, with each passing year this Nation becomes more deeply in debt as congressional expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds a half-trillion dollars; and

Whereas, attempts to limit spending by means of the new congressional budget committee procedures have proved fruitless; and

Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, the proposed budget of five hundred billion dollars for fiscal year 1978-1979 does not reflect total spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the resulting inflation and decline in the Nation's trading position is a growing and corrosive threat to our economy, to the well-being of our people, and to our representative democracy, that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That Congress is requested, pursuant to Article V of the United States Constitution, to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

Be it further resolved that the proposed new amendment read substantially as follows:

"PROPOSED ARTICLE XXVII

The total of all federal appropriations made by the Congress for any fiscal year shall not exceed the total of the estimated federal revenues for that fiscal year, excluding any revenues derived from borrowing, and this prohibition extends to all federal appropriations and all estimated federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this article.

The provisions of this article shall be suspended for one year upon the proclamation by the President of an unlimited national emergency. The suspension may be extended,

but not for more than one year at any one time, if two-thirds of the membership of both Houses of Congress so determine by Joint Resolution."

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

NO. 774

An Act To Authorize The Secretary Of State To Restore The Charter Of Plainview Rural Water Co., Inc.

Be it enacted by the General Assembly of the State of South Carolina:

Section 1. Charter may be restored.—Authority is hereby granted to the Secretary of State to restore the charter of Plainview Rural Water Co., Inc., upon the payment to the South Carolina Tax Commission of such taxes, penalties and interest as the commission shall find to be due. The Secretary of State shall note the reinstatement upon the record of the original charter.

Section 2. Time effective.—This act shall take effect upon approval by the Governor. Became law without the signature of the Governor.

NO. 775

A Joint Resolution To Request Appropriate Action By The Congress Of The United States, On Its Own Action By Consent Of Two-Thirds Of Both Houses Or On The Application Of The Legislatures Of Two-Thirds Of The Several States, To Propose An Amendment To The Constitution Of The United States To Require That The Total Of All Federal Appropriations May Not Exceed The Total Of All Estimated Federal Revenues In Any Fiscal Year, With Certain Exceptions.

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, attempts to limit spending have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, the unified budget of over three hundred billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend; and

Whereas, under Article V of the Constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

Section 1. Amendment to U.S. Constitution proposed.—The General Assembly of South Carolina proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the Congress prepare and submit to the several states an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated federal revenues, excluding any revenues derived from borrowing, for that fiscal year.

The General Assembly further and alternatively requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the federal constitution, to be a new Article XXVII.

The General Assembly also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the federal constitution, to be a new Article XXVII, which shall read substantially as follows:

"ARTICLE XXVII

The total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated federal revenues for that fiscal year, excluding any revenues derived from borrowing, and this prohibition extends to all federal appropriations and all estimated federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this article. If the President proclaims a national emergency, suspending the requirement that the total of all federal appropriations not exceed the total estimated federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all members elected to each house of the Congress so determine by joint resolution, the total of all federal appropriations may exceed the total estimated federal revenues for that fiscal year."

Section 2. Copies to certain persons.—The Secretary of State is directed to forward copies of this resolution bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the United States House of Representatives and each member of the South Carolina Congressional Delegation in Washington, D. C.

Section 3. Time effective.—This act shall take effect upon approval by the Governor.

HOUSE JOINT RESOLUTION No. 22  
(Tennessee)

Whereas, each year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the legal public debt limit has exceeded 437 billion dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, nonetheless, the annual budget repeatedly demonstrates an unwillingness or inability to curtail spending to conform to available revenues; and

Whereas, the federal budget never reflects actual spending because of the exclusion of special outlays which are neither included in the budget nor subject to the legal public debt limit; and



scission proposal are contained in the attached report.

JIMMY CARTER.  
THE WHITE HOUSE, March 15, 1979.

**PRESIDENTIAL APPROVAL**

A message from the President of the United States stated that on March 7, 1979, he had approved and signed the following act:

S. 37. An act to repeal a section of Public Law 95-830.

**MESSAGES FROM THE HOUSE**

At 1:24 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to H.R. 2439, an act to rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96-46), transmitted pursuant to the Impoundment Control Act of 1974; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. WHITTEN, Mr. BOLAND, Mr. NATCHER, Mr. SLACK, Mr. SMITH of Iowa, Mr. YATES, Mr. CONTE, Mr. MICHEL, and Mr. O'BRIEN were appointed managers of the conference on the part of the House.

4:12 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to H.R. 2479, an act to help maintain peace, security and stability in the Western Pacific and to promote continued extensive, close, and friendly relations between the people of the United States and the people of Taiwan; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ZABLOCKI, Mr. FASCELL, Mr. WOLFF, Mr. MICA, Mr. HALL of Ohio, Mr. BROOMFIELD, Mr. DERWINSKI, and Mr. FINDLEY were appointed as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2534. An act to provide for a temporary increase in the public debt limit, and for other purposes.

**HOUSE BILL HELD AT DESK**

The following bill was read by title and ordered to be held at the desk, by unanimous consent:

H.R. 2534. An act to provide for a temporary increase in the public debt limit, and for other purposes.

**COMMUNICATIONS**

The PRESIDING OFFICER laid before the Senate the following communica-

tions, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-841. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to prescribe the power of the President to promulgate procedural rules for the administration of military justice within the armed forces; to the Committee on Armed Services.

EC-842. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to conduct policy assessments, collect data and work to improve the balance of payments with respect to international travel; to the Committee on Commerce, Science, and Transportation.

EC-843. A communication from the Secretary of Transportation, transmitting, pursuant to law, a final report on the Amtrak route system; to the Committee on Commerce, Science, and Transportation.

EC-844. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within 60 days of the execution thereof; to the Committee on Foreign Relations.

EC-845. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within 60 days after the execution thereof; to the Committee on Foreign Relations.

EC-846. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 5310 of title 5, United States Code, relating to crediting amounts received for certain reserve or National Guard service; to the Committee on Governmental Affairs.

EC-847. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A Review of the Department of Energy's Energy Tax Policy Analysis," March 13, 1979; to the Committee on Governmental Affairs.

EC-848. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the 12th report on the Indochina refugee assistance program, for the year October 1, 1977, to September 30, 1978; to the Committee on Labor and Human Resources.

EC-849. A communication from the Deputy Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, a proposed plan for the use and disposition of the Bois Forte Band of Chippewa Indian judgment funds in the award in docket 18-D before the Indian Claims Commission; to the Select Committee on Indian Affairs.

EC-850. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders entered in 1,186 cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens; to the Committee on the Judiciary.

EC-851. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend expiring appropriation authorizations for emergency medical services systems and health information and promotion, and for other purposes; to the Committee on Labor and Human Resources.

EC-852. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend and extend provisions of law concerned with nurse training, and for other purposes; to the Committee on Labor and Human Resources.

EC-853. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, its annual report for the fiscal year ending September 30, 1978; to the Committee on Labor and Human Resources.

EC-854. A communication from the President and national executive director, Girl Scouts of the United States of America, transmitting, pursuant to law, its 29th annual report; to the Committee on Labor and Human Resources.

**PETITIONS**

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM-94. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 11

"Whereas, At the time when the United States Fish and Wildlife Service requested the consent of the people of the State of Nevada to the acquisition and use of the portion of Ruby Lake in White Pine County as a refuge under the Migratory Bird Conservation Act (16 U.S.C. §§715-716r), the service represented to the people of the State of Nevada that one of the purposes of the acquisition was to provide them with an area for fishing, hunting and other recreation; and

"Whereas, The State of Nevada and White Pine County gave their consent in reliance upon that representation of purposes; and

"Whereas, Subsection 5 of NRS 328.201 provides that the consent of the State of Nevada continues only so long as Ruby Lake is used for the purposes for which it was acquired; and

"Whereas, The United States Fish and Wildlife Service has violated its representation to the State of Nevada by substantially impairing the recreational use of Ruby Lake; now, therefore, be it

"Resolved by the Assembly and Senate of Nevada, jointly, That the consent of the State of Nevada to the acquisition and use of the portion of Ruby Lake in White Pine County as a refuge for migratory waterfowl is hereby revoked, and the United States Fish and Wildlife Service and the Congress of the United States of America are hereby requested forthwith to terminate the status of the portion of Ruby Lake in White Pine County as such a refuge and to transfer the management of that area to the Nevada department of fish and game; and be it further

"Resolved, That copies of this resolution be transmitted by the legislative counsel to the Secretary of the Interior, to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-95. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary:



**"HOUSE CONCURRENT RESOLUTION No. 31**

"Whereas, With each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

"Whereas, The annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

"Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

"Whereas, Believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, Under Article V of the Constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the congress shall call a constitutional convention for the sole purpose of proposing amendments. We believe such action vital; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 65th Legislature propose to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Texas request the congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring, in the absence of a national emergency, that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

"Resolved, That alternatively, this body request that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and, be it further

"Resolved, That this body also propose that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional convention for proposing such an amendment to the federal constitution; and, be it further

"Resolved, That official copies of this resolution be prepared and forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to all members of the Texas delegation to congress; and, be it further

"Resolved, That official copies of this resolution also be prepared and forwarded to the secretaries of state and to the presiding officers of the legislatures of the other states with the request that they join this state in

making application to the United States Congress to call a convention for proposing the aforementioned amendment to the United States Constitution."

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

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

By Mr. LEAHY:

S. 670. A bill to amend the Rural Development Act of 1972; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. Brewster):

S. 671. A bill to extend for 2 years the authorization of appropriations for carrying out title V of the Rural Development Act of 1972; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRANSTON:

S. 672. A bill to exempt lands within the Imperial Irrigation district of California from certain acreage limitations of the Federal reclamation laws; to the Committee on Energy and Natural Resources.

By Mr. JACKSON (for himself and Mr. STENNIS) (by request):

S. 673. A bill to authorize appropriations to the Department of Energy for national security programs for fiscal year 1980 and fiscal year 1981, and for other purposes; to the Committee on Armed Services and the Committee on Energy and Natural Resources, jointly, by unanimous consent.

By Mr. CRANSTON (by request):

S. 674. A bill to amend section 101 of title 38, United States Code, to limit the recognition of persons as legally adopted children of a veteran if adopted through courts in foreign countries; to the Committee on Veterans' Affairs.

S. 675. A bill to amend title 38, United States Code, to authorize a pilot program for the treatment and rehabilitation of veterans with alcohol or drug-dependent disabilities, and for other purposes; to the Committee on Veterans' Affairs.

S. 676. A bill to amend title 38, United States Code, to provide readjustment professional counseling to Vietnam-era veterans and their families, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (by request):

S. 677. A bill to provide for improvements in the administration of justice, greater efficiency in the Federal appellate courts, and more uniform decisions in those courts, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. DeCONCINI):

S. 678. A bill to provide for improvements in the structure and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, and Mr. DOMENICI):

S. 679. A bill to eliminate the amount in controversy requirement for Federal question jurisdiction, to modify the jurisdictional requirements with respect to diversity of citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. KENNEDY, and Mr. RUDOLPH):

S. 680. A bill to strengthen the rights of citizens to sue in Federal courts for un-

lawful governmental action; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. DOLE, Mr. RUDOLPH, and Mr. MOYNIHAN):

S. 681. A bill to amend title XVIII of the Social Security Act to provide for reciprocal agreements for services covered outside the United States; to the Committee on Finance.

By Mr. McCLURE:

S. 682. A bill entitled the "Historic Coin Preservation Act"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COHEN:

S. 683. A bill to establish the North Country National Scenic Trail located in portions of New York, Pennsylvania, Ohio, Michigan, Wisconsin, Minnesota, and North Dakota, as a component of the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. MAGNUSON:

S. 684. A bill to establish an equitable and comprehensive liability regime for the marine transportation of oil by vessel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON (for himself, Mr. JACKSON, and Mr. CHURCH):

S. 685. A bill to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the long-term storage of nuclear waste from civilian activities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 686. A bill to amend the Congressional Budget Act of 1974 to require authorizing legislation for tax expenditures, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977.

By Mr. CHAFFEE (for Mr. PELL (for himself and Mr. CHAFFEE)):

S. 687. A bill to amend the Rhode Island Indian Claims Settlement Act to provide an exemption from taxes with respect to the settlement lands and amounts received by the State Corporation, and to provide a deferral of capital gains with respect to the sale of settlement lands; to the Committee on Finance.

By Mr. JACKSON (by request):

S. 688. A bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TALMADGE (for himself and Mr. CRANSTON) (by request):

S. 689. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their surviving spouses and children, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (by request):

S. 690. A bill to amend the Public Health Service Act to extend expiring appropriation authorizations for emergency medical services systems and health information and promotion, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DANFORTH:

S. 691. A bill to prohibit the use of appropriated funds to lobby members of State legislatures and legislative bodies of political subdivisions; to the Committee on Governmental Affairs.

By Mr. KENNEDY (by request):

S. 692. A bill to amend the Public Health Service Act concerning nurse training, and

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the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Further resolved, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

Further Resolved, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C., and to each member of the Alabama Congressional Delegation.

Approved August 18, 1976.  
Time: 6:30 P.M.

**HOUSE CONCURRENT MEMORIAL 2320**  
(Arizona)

To the President and the Congress of the United States of America:

Your memorialist respectfully represents: Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation; and

Whereas, constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend; and

Whereas, under article V of the Constitution of the United States, amendments to the constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the states the Congress shall call a constitutional convention for the purpose of proposing amendments.

Wherefore, your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the Congress of the United States prepare and submit to the several states an amendment to the constitution requiring, in the absence of a national emergency, that the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of the estimated federal revenues, excluding any revenues derived from borrowing, for that fiscal year.

2. That, in the alternative, the Congress of the United States call a constitutional con-

vention to prepare and submit such an amendment to the constitution.

3. That this application continue in effect until the will of the Legislature of Arizona to the contrary is communicated to the Congress of the United States.

4. That the Secretary of State of Arizona transmit certified copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of the Arizona delegation to the United States Congress and to the presiding officers of each house of the legislature of each of the other states of the union with the request that it be circulated among leaders in the executive and legislative branches of the state governments.

**SENATE JOINT MEMORIAL NO. 1**

(Colorado)

Whereas, With each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, Convinced that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the several states that the congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states; now, therefore,

Be it resolved by the Senate of the Fifty-first General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to call a constitutional convention pursuant to article V of the constitution of the United States for the specific and exclusive purpose of proposing an amendment to the federal constitution prohibiting deficit spending except under conditions specified in such amendment.

Be it Further Resolved, That this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose.

Be it Further Resolved, That copies of this memorial be sent to the secretary of state and presiding officers of both houses of the legislatures of each of the several states in the union, the clerk of the United States house of representatives, the secretary of the United States senate, and to each member of the Colorado congressional delegation.

**HOUSE CONCURRENT RESOLUTION NO. 36**  
(Delaware)

Be it resolved by the House of Representatives of the 128th General Assembly, the Senate concurring therein, that the General Assembly of the State of Delaware hereby,

and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE —

The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war."

Be it further resolved that this application by the General Assembly of the State of Delaware constitutes a continuing application in accordance with Article V of the Constitution of the United States until at method of proposing amendments to the several states have made similar applications pursuant to Article V.

Be it yet further resolved that since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and, since the power to use such right in full also carries the power to use such right in part, the General Assembly of the State of Delaware interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions.

Be it yet further resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

**SENATE MEMORIAL NO. 234**  
(Florida)

A memorial to the Congress of the United States making application to the Congress to call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions thereto.

Whereas, it is estimated, as of August, 1976, that the Federal debt at the end of the 1976 fiscal year will be \$568.637 billion, and

Whereas, the fiscal year deficit for 1976 will be the largest in our history, between \$70 and \$80 billion, and

Whereas, the growing debt is a major contributor to inflation, lagging economic investment, excessive interest rates, and the resulting unemployment, and

Whereas, the economic welfare of the United States and its citizens depends on a stable dollar and sound economy, and

Whereas, the National Conference of State Legislatures passed Resolution No. 11 at its Annual Business Meeting on October 10, 1975, urging the Congress to take prompt and affirmative action to limit federal spending, and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress,

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# Type 9



In the area of veterans' health care, I have requested \$4.5 billion to assure continued quality care by providing for increases in medical staff and research related to VA health care delivery.

A realistic assessment of the present health care programs and the responsibilities of Federal, State, and local governments fully demonstrates that the reforms I am proposing in Federal health care are needed now. The Medicare Improvements of 1976 that I recommended to the Congress on February 11 also represents a balanced response to needed program reforms. This proposal is designed to improve catastrophic health cost protection for our aged and disabled, restrain cost increases in the Medicare program and provide training for the hospital insurance trust fund.

I request that the Congress give both these measures the earliest possible consideration.

GERALD R. FORD,

THE WHITE HOUSE, February 25, 1976

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that a message from the President dealing with the subject of health care be referred jointly to the Committee on Finance and the Committee on Labor and Public Welfare.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the joint resolution (H.J. Res. 811) making supplemental appropriations for the legislative branch for the fiscal year ending June 30, 1976, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 811) making supplemental appropriations for the legislative branch for the fiscal year ending June 30, 1976, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS

The PRESIDENT pro tempore laid before the Senate the following petitions, which were referred as indicated:

House Concurrent Resolution No. 36 adopted by the Legislature of the State of Delaware; to the Committee on the Judiciary;

House Concurrent Resolution No. 30

Applying to the Congress for a convention to propose an amendment to the Constitution of the United States

Be it resolved by the House of Representatives of the 126th General Assembly, the Senate concurring therein, that the General Assembly of the State of Delaware hereby, and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States to call a convention for the proposing of the follow-

ing amendment to the Constitution of the United States:

ARTICLE —

"The costs of operating the Federal Government shall not exceed its income during any fiscal year, except in the event of declared war."

Be it further resolved that this application by the General Assembly of the State of Delaware constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications pursuant to Article V.

Be it yet further resolved that since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and, since the power to use such right in full also carries the power to use such right in part, the General Assembly of the State of Delaware interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary the text thereof nor would it have power to propose other amendments on the same or different propositions.

Be it yet further resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of the Congress from this State and to each House of each State Legislature in the United States.

A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on the Judiciary:

A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE AN AMENDMENT TO THE FEDERAL CONSTITUTION TO REQUIRE THAT THE TOTAL OF ALL FEDERAL APPROPRIATIONS MAY NOT EXCEED THE TOTAL OF ALL ESTIMATED FEDERAL REVENUES IN ANY FISCAL YEAR, WITH CERTAIN EXCEPTIONS

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress; and

Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, the unified budget of three hundred four and four-tenths billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, as reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of fifteen and six-tenths billion dollars, the sum of twelve and nine-tenths billion dollars

represents funding of essentially private agencies which provide special service to the Federal government; and

Whereas, knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress be memorialized to add a new Article XXVII to the Constitution of the United States and requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year.

Be it further resolved that Congress is requested to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

Be it further resolved that the proposed new article read substantially as follows:

PROPOSED ARTICLE XXVII

The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

COMMUNICATIONS TRANSMITTED AND RECEIVED BY THE SECRETARY OF THE SENATE

The Secretary of the Senate reported the transmittal and receipt of the following communications:

FEBRUARY 10, 1976.

HON. HENRY A. KISSINGER, Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I am forwarding herewith Senate Resolution 390, adopted by the United States Senate on February 17, 1976. It will be appreciated if you will forward this to the President of Guatemala.

With kindest regards,  
Sincerely,

FRANCIS R. VALRO, Secretary of the Senate.



mitting, pursuant to law, a copy of an act concerning official mail by public officials that was adopted by the Council on December 7, 1976, and returned without the signature of the Mayor on January 12, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-528. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning the establishment of a D.C. Armory Board that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 11, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-529. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning the D.C. municipal code that was adopted by the Council on December 7, 1976, and returned without the signature of the Mayor on January 11, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-530. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning motor vehicle registration dates that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 11, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-531. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning arbitration as a disputes-settling mechanism that was adopted by the Council on December 7, 1976, and returned without signature of the Mayor on January 17, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-532. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning drug price information that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 11, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-533. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning motorized bicycles that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 5, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-534. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning fire-station houses that was adopted by the Council on December 7, 1976, and returned without the signature of the Mayor on January 17, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-535. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning naming of public places that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 4, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-536. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning financial and medical assistance programs that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 3, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-537. A letter from the Senior Vice President for Finance of the Potomac Electric Power Company transmitting, pursuant

to law, a copy of a balance sheet of Potomac Electric Power Company, as of December 31, 1976 (with an accompanying report); to the Committee on the District of Columbia.

EC-538. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of an act concerning marriage and divorce that was adopted by the Council on December 7, 1976, and signed by the Mayor on January 4, 1977 (with accompanying papers); to the Committee on the District of Columbia.

EC-539. A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus for alterations at the Seattle, Washington, Federal Center South, in the amount of \$2,887 million (with an accompanying report); to the Committee on Public Works.

EC-540. A letter from the Secretary of Transportation transmitting, pursuant to law, Chapter IX of "The National Highway Safety Needs Report" concerning Indian Highway Safety Needs (with accompanying papers); to the Committee on Public Works.

EC-541. A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus for alterations at the Washington, D.C., Old Post Office, in the amount of \$18,011 million (with an accompanying report); to the Committee on Public Works.

EC-542. A letter from the Administrator of the General Services Administration transmitting, pursuant to law, a prospectus for alterations at the Washington, D.C., Mary E. Switzer Memorial Building, in the amount of \$7,574 million (with an accompanying report); to the Committee on Public Works.

#### PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

FOM-56. Senate Joint Resolution No. 4 adopted by the General Assembly of Maryland calling for a balanced federal budget; to the Committee on the Judiciary:

#### SENATE JOINT RESOLUTION NO. 4

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars.

Attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress.

The annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues.

The unified budget of 304.4 billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

As reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of 15.8 billion dollars, the sum of 12.9 billion dollars represents funding of essentially private agencies which provide special service to the federal government.

Knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance.

Believing that fiscal irresponsibility at the Federal level, with the inflation which results

from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend.

Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the General Assembly of Maryland requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year; and be it further

Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

Resolved, That this Body also proposes that the 115 legislatures of each of the several States comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an Article XXVII; and be it further

Resolved, That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

#### PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress so determined by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year."

and, be it further

Resolved, That copies of this Resolution under the Great Seal of the State of Maryland, be sent by the Secretary of State to: Honorable Gerald Ford, President of the United States, Washington, D.C.; Honorable Charles McC. Mathias, Old Senate Office Building, Washington, D.C.; Honorable J. Glenn Beall, Jr., Old Senate Office Building, Washington, D.C.; Honorable Carl Albert, Speaker of the House of Representatives, Washington, D.C.; Honorable Robert E. Bauman, Longworth Building, Washington, D.C.; Honorable Clarence D. Long, Rayburn Building, Washington, D.C.; Honorable Paul S. Sarbanes, Cannon Office Building, Washington, D.C.; Honorable Marjorie S. Holt, Longworth Building, Washington, D.C.; Honorable



Gladys Spellman, House Office Building, Washington, D.C.; Honorable Goodloe E. Byron, Longworth Building, Washington, D.C.; Honorable Parren J. Mitchell, Cannon Building, Washington, D.C.; and Honorable Gilbert Gude, Cannon House Office Building, Washington, D.C.; and be it further

Resolved, That under the Great Seal of the State of Maryland, the Secretary of State is directed to send copies of this Joint Resolution to the Secretary of State and the presiding officers of both Houses of the Legislature of each of the other States in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution of the General Assembly of Maryland.

#### JOINT REFERRAL OF BILL

Mr. HUMPHREY, Mr. President, I ask unanimous consent that S. 50, the Full Employment and Balanced Growth Act of 1977, be jointly referred to the Committee on Labor and Public Welfare and the Committee on Banking, Housing and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ZORINSKY:

S. 479. A bill for the relief of T. Sgt. Herman F. Baca, U.S. Air Force; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 480. A bill directing the Secretary of the Interior to issue a certain oil and gas lease to the Ballard E. Spencer Trust, Inc., New Mexico; to the Committee on Interior and Insular Affairs.

By Mr. DOMENICI (for himself, Mr. CHURCH, and Mr. HANSEN):

S. 481. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the 65-year age limitation; to the Committee on Labor and Public Welfare.

By Mr. DOMENICI (for himself and Mr. SCHMITT):

S. 482. A bill to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona; to the Committee on Interior and Insular Affairs.

By Mr. HEINZ:

S. 483. A bill requiring the President to suspend economic assistance, military assistance, Government and commercial sales of arms, Export-Import Bank loans, foreign air carrier landing rights, and most-favored-nation treatment to any country that willfully aids or abets terrorism; to the Committee on Foreign Relations.

By Mr. PEARSON (for himself and Mr. RANDOLPH):

S. 484. A bill to amend title XVIII of the Social Security Act to authorize payment

under the supplementary medical insurance program for services furnished by physician extenders; to the Committee on Finance.

By Mr. PEARSON:

S. 485. A bill for the relief of Yuk Lam Tsui and his wife, Chung Lau Cheung, and his son, Sing Wah Tsui; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 486. A bill for the relief of Erlinda Tomado Zaragosa;

S. 487. A bill for the relief of Samson Kossivi Kpadenou; and

S. 488. A bill for the relief of Patricia Arles Garcia; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 489. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. RIEGLE:

S. 490. A bill to amend title XVI of the Social Security Act to establish a more adequate and realistic guaranteed annual income for all aged, blind, and disabled individuals by increasing benefit amounts, and to establish outreach procedures to assure that all potential recipients of benefits under such program will be fully informed concerning such benefits; to the Committee on Finance.

By Mr. BURDICK (for himself and Mr. METCAL):

S. 491. A bill to amend the Act entitled "An Act to authorize establishment of the Fort Union Trading Post National Historic Site, North Dakota and Montana, and for other purposes, approved June 20, 1906 (80 Stat. 211) and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STAFFORD (for himself and Mr. MORGAN):

S. 492. A bill to amend the National Visitor Center Facilities Act of 1968, as amended, to facilitate the implementation of section 708 of the Railroad Revitalization and Regulatory Reform Act of 1976, and for other purposes; to the Committee on Public Works.

By Mr. STAFFORD:

S. 493. A bill to amend section 311(k) of the Federal Water Pollution Control Act to increase the authorization of appropriations for the revolving fund established to finance the removal of oil and hazardous substances discharged into navigable waters, adjoining shorelines and the contiguous zone; to the Committee on Public Works.

By Mr. JACKSON (for himself, Mr. MAGNUSON, and Mr. RANDOLPH):

S. 494. A bill to amend the Youth Conservation Corps Act of 1970 (84 Stat. 794); to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. BAKER) (by request):

S. 495. A bill to authorize appropriations for fiscal year 1978 in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. DOLE (for himself and Mr. McCLELLAN):

S. 496. A bill to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. DOLE:

S. 497. A bill to amend the Federal Crop Insurance Act and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. STEVENSON:

S. 498. A bill to amend the Federal Aviation Act of 1958 to provide improved notice to the public of changes in air carrier fares; to the Committee on Commerce.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 499. A bill to provide for the addition of certain lands in the State of Alaska to the National Park, National Wildlife Refuge, National Forest, and National Wild and Scenic Rivers Systems, and for other purposes; and

S. 500. A bill to designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BELLMON (for Mr. BARTLETT):

S. 501. A bill for the relief of Grace McDougall Anderson; to the Committee on the Judiciary.

By Mr. PELL:

S. 502. A bill for the relief of Manuel Martins de Paris; to the Committee on the Judiciary.

By Mr. McCLURE (for himself, Mr. DOMENICI, Mr. BELLMON, Mr. JAVITS, Mr. SCHMITT, Mr. DANFORTH, Mr. HANSEN, Mr. LUGAR, Mr. HATAKAWA, Mr. BAKER, Mr. LAXALT, Mr. STEVENS, Mr. WALLACE, Mr. GARN, and Mr. HATCH):

S. 503. A bill to expand manpower services reductions for individuals and businesses; to the Committee on Labor and Public Welfare.

By Mr. McCLURE:

S. 504. A bill to provide for permanent tax in order to expand both job opportunities and productivity in the private sector of the economy; to the Committee on Finance.

By Mr. BELLMON (for himself, Mr. DOMENICI, and Mr. YOUNG):

S. 505. A bill to authorize the Secretary of Agriculture to guarantee loans made to producers for the purpose of constructing grain storage facilities on the farms of such producers; to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S. 506. A bill to amend the Rehabilitation Act of 1973 to provide for a program of wage supplements for handicapped individuals; to the Committee on Labor and Public Welfare.

By Mr. PROXMIRE:

S. 507. A bill entitled "The Limbicide Limitation Act of 1977"; to the Committee on Government Operations.

By Mr. CHURCH:

S. 508. A bill to prohibit trading in potato futures on commodity exchanges; to the Committee on Agriculture and Forestry.

By Mr. CHURCH (for himself, Mr. BAYS, Mr. HOLLINGS, Mr. HUMPHREY, Mr. RANDOLPH, and Mr. HANSEN):

S. 509. A bill to amend the Controlled Substances Act so as to make unlawful the robbery of a controlled substance from a registered pharmacy; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. CHURCH, and Mr. HANSEN):

S. 481. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the 65-year age limitation; to the Committee on Labor and Public Welfare.

#### PREVENTION OF JOB DISCRIMINATION AGAINST PERSONS AGE 65 AND OVER

Mr. DOMENICI, Mr. President, today I am introducing legislation which, if enacted, will strengthen the Age Discrimi-



Louisiana delegation to the United States Congress, and to the presiding officer of each house of each state Legislature in the United States.

**RESOLUTION No. 77**  
(Maryland)

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars.

Attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress.

The annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues.

The unified budget of 304.4 billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

As reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of 15.8 billion dollars, the sum of 12.9 billion dollars represents funding of essentially private agencies which provide special service to the federal government.

Knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance.

Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend.

Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the General Assembly of Maryland requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year; and be it further

Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new article XXVII; and be it further

Resolved, That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

CCXXV—133—Part 2

Resolved, That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

**"PROPOSED ARTICLE XXVII**

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year."

and, be it further.

Resolved, That copies of this Resolution under the Great Seal of the State of Maryland, be sent by the Secretary of State to: Honorable Gerald Ford, President of the United States, Washington, D.C.; Honorable Charles McC. Mathias, Old Senate Office Building, Washington, D.C.; Honorable J. Glenn Beal, Jr., Old Senate Office Building, Washington, D.C.; Honorable Carl Albert, Speaker of the House of Representatives, Washington, D.C.; Honorable Robert E. Bauman, Longworth Building, Washington, D.C.; Honorable Clarence D. Long, Rayburn Building, Washington, D.C.; Honorable Paul S. Sarbanes, Cannon Office Building, Washington, D.C.; Honorable Marjorie S. Holt, Longworth Building, Washington, D.C.; Honorable Gladys Spellman, House Office Building, Washington, D.C.; Honorable Goodloe E. Byron, Longworth Building, Washington, D.C.; Honorable Parren J. Mitchell, Cannon Building, Washington, D.C.; and Honorable Gilbert Gude, Cannon House Office Building, Washington, D.C.; and be it further

Resolved, That under the Great Seal of the Senate of Maryland, the Secretary of State is directed to send copies of this Joint Resolution to the Secretary of State and to the presiding officers of both Houses of the Legislature of each of the other States in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution of the General Assembly of Maryland.

**HOUSE CONCURRENT RESOLUTION No. 51**

(Mississippi)

Whereas, an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

Whereas, the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

Whereas, a continuous program of deficit financing by the Federal Government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

Whereas, payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

Whereas, it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

Whereas, by constantly increasing deficit financing the Federal Government has been allowed to allocate considerable funds to wasteful and in many instances nonbeneficial public programs; and

Whereas, by limiting the Federal Government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of Federal Government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress;

Now Therefore, Be it Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring Therein. That we do hereby, pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States;

**"ARTICLE —**

Section 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

Section 2. There shall be no increase in the national debt and such debt, as it exists on the date on which this article is ratified, shall be repaid during the one-hundred-year period beginning with the first fiscal year which begins after the date on which this article is ratified. The rate of repayment shall be such that one-tenth (1/10) of such debt shall be repaid during each ten-year interval of such one-hundred-year period.

Section 3. In time of war or national emergency, as declared by the Congress, the application of Section 1 or Section 2 of this article, or both such sections, may be suspended by a concurrent resolution which has passed the Senate and the House of Representatives by an affirmative vote of three-fourths (3/4) of the authorized membership of each such house. Such suspension shall not be effective past the two-year term of the Congress which passes such resolution, and if war or an emergency continues to exist such suspension must be reenacted in the same manner as provided herein.

Section 4. This article shall apply only with respect to fiscal years which begin more than six (6) months after the date on which this article is ratified."

Be it Further Resolved, That this application by the Legislature of the State of Mississippi constitutes a continuing application



In accordance with Article V of the Constitution of the United States until at least two-thirds (2/3) of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1976, this application for a convention of the several states shall no longer be of any force or effect.

*Be it Further Resolved,* That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States; to each member of the Congress from this state; and to each house of each state legislature in the United States.

SENATE JOINT RESOLUTION NO. 22  
(Nevada)

Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures grossly exceed federal revenues; and

Whereas, Payment of the increased interest on this ever-expanding debt imposes a tremendous burden on the taxpayers of this country; and

Whereas, Continuous deficit financing by the Federal Government supports inflationary conditions which adversely affect the national economy and all Americans, particularly those persons with fixed or low income; and

Whereas, Constantly increasing use of deficit financing has enabled the Federal Government to allocate considerable sums to programs which in many instances have proved to be wasteful and nonbeneficial to the public; and

Whereas, Limiting federal expenditures in each fiscal year to revenues available in that year, except during national emergencies, will result in greater selectivity of federal programs for the benefit of the public; and

Whereas, The annual federal budgets continually reflect the unwillingness or inability of both the legislative and executive branches of the Federal Government to balance the budget and demonstrate the necessity for a constitutional restraint upon deficit financing; and

Whereas, Under article V of the Constitution of the United States, the Congress is required to call a convention for proposing amendments to the federal Constitution on the application of the legislatures of two-thirds of the several states; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That, pursuant to article V of the Constitution of the United States, the legislature of the State of Nevada hereby makes application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution which would require that, in the absence of a national emergency, the total of the appropriation made by the Congress for each fiscal year may not exceed the total of the estimated federal revenues for that year; and be it further

*Resolved,* That the legislature of the State of Nevada proposes that the legislatures of each of the several states apply to the Congress to call a constitutional convention for the exclusive purpose stated in this resolution; and be it further

*Resolved,* That this application by the legislature of the State of Nevada constitutes a continuing application in accordance with article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made

similar applications, but if Congress proposes an amendment to the Constitution similar to that contained in this resolution before January 1, 1981, this application for a convention of the several states shall no longer be of any force; and be it further

*Resolved,* That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

*Resolved,* That this resolution shall become effective upon passage and approval.

LEGISLATIVE RESOLUTION 106  
(Nebraska)

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

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Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

Now, Therefore, be it resolved by the members of the eighty-fourth legislature of Nebraska, second session:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretary of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

SENATE JOINT RESOLUTION  
(New Mexico)

Be it resolved by the legislature of the State of New Mexico:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

Now, therefore, be it resolved by the legislature of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that, alternatively, this body makes application and requests that the congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the constitution requiring in the absence of a national emergency that the



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