

1 Amendment under Article V of the Constitution of the United States
2 will be exercised conveniently and with reasonable certainty as to
3 the consequences thereof.

4 Now, therefore, in consideration of their expressed mutual
5 promises and obligations, be it enacted by every State enacting,
6 adopting and agreeing to be bound by this Compact, and resolved by
7 each of their respective Legislatures, as the case may be, to
8 exercise herewith all of their respective powers as set forth
9 herein notwithstanding any law to the contrary.

10 ARTICLE II

11 DEFINITIONS

12 Section 1. "Compact" means this "Compact for a Balanced
13 Budget."

14 Section 2. "Convention" means the convention for proposing
15 amendments organized by this Compact under Article V of the
16 Constitution of the United States and, where contextually
17 appropriate to ensure the terms of this Compact are not evaded, any
18 other similar gathering or body, which might be organized as a
19 consequence of Congress receiving the application set out in this
20 Compact and claim authority to propose or effectuate any amendment,
21 alteration or revision to the Constitution of the United States.
22 This term does not encompass a convention for proposing amendments
23 under Article V of the Constitution of the United States that is
24 organized independently of this Compact based on the separate and
25 distinct application of any State.

26 Section 3. "State" means one of the several States of the
27 United States. Where contextually appropriate, the term "State"

1 shall be construed to include all of its branches, departments,
2 agencies, political subdivisions, and officers and representatives
3 acting in their official capacity.

4 Section 4. "Member State" means a State that has enacted,
5 adopted and agreed to be bound to this Compact. For any State to
6 qualify as a Member State with respect to any other State under
7 this Compact, each such State must have enacted, adopted and agreed
8 to be bound by substantively identical compact legislation.

9 Section 5. "Compact Notice Recipients" means the Archivist of
10 the United States, the President of the United States, the
11 President of the United States Senate, the Office of the Secretary
12 of the United States Senate, the Speaker of the United States House
13 of Representatives, the Office of the Clerk of the United States
14 House of Representatives, the chief executive officer of each
15 State, and the presiding officer of each house of the Legislatures
16 of the several States.

17 Section 6. Notice. All notices required by this Compact shall
18 be by U.S. Certified Mail, return receipt requested, or an
19 equivalent or superior form of notice, such as personal delivery
20 documented by evidence of actual receipt.

21 Section 7. "Balanced Budget Amendment" means the following:

22 "Article ____

23 Section 1. Total outlays of the government of the United
24 States shall not exceed total receipts of the government of the
25 United States at any point in time unless the excess of outlays
26 over receipts is financed exclusively by debt issued in strict
27 conformity with this article.

1 Section 2. Outstanding debt shall not exceed authorized debt,
2 which initially shall be an amount equal to 105 percent of the
3 outstanding debt on the effective date of this article. Authorized
4 debt shall not be increased above its aforesaid initial amount
5 unless such increase is first approved by the legislatures of the
6 several states as provided in Section 3.

7 Section 3. From time to time, Congress may increase authorized
8 debt to an amount in excess of its initial amount set by Section 2
9 only if it first publicly refers to the legislatures of the several
10 states an unconditional, single subject measure proposing the
11 amount of such increase, in such form as provided by law, and the
12 measure is thereafter publicly and unconditionally approved by a
13 simple majority of the legislatures of the several states, in such
14 form as provided respectively by state law; provided that no
15 inducement requiring an expenditure or tax levy shall be demanded,
16 offered or accepted as a quid pro quo for such approval. If such
17 approval is not obtained within 60 calendar days after referral
18 then the measure shall be deemed disapproved and the authorized
19 debt shall thereby remain unchanged.

20 Section 4. Whenever the outstanding debt exceeds 98 percent of
21 the debt limit set by Section 2, the President shall enforce said
22 limit by publicly designating specific expenditures for impoundment
23 in an amount sufficient to ensure outstanding debt shall not exceed
24 the authorized debt. Said impoundment shall become effective 30
25 days thereafter, unless Congress first designates an alternate
26 impoundment of the same or greater amount by concurrent resolution,
27 which shall become immediately effective. The failure of the

1 President to designate or enforce the required impoundment is an
2 impeachable misdemeanor. Any purported issuance or incurrence of
3 any debt in excess of the debt limit set by Section 2 is void.

4 Section 5. No bill that provides for a new or increased
5 general revenue tax shall become law unless approved by a two-
6 thirds roll call vote of the whole number of each House of
7 Congress. However, this requirement shall not apply to any bill
8 that provides for a new end user sales tax which would completely
9 replace every existing income tax levied by the government of the
10 United States; or for the reduction or elimination of an exemption,
11 deduction, or credit allowed under an existing general revenue tax.

12 Section 6. For purposes of this article, "debt" means any
13 obligation backed by the full faith and credit of the government of
14 the United States; "outstanding debt" means all debt held in any
15 account and by any entity at a given point in time; "authorized
16 debt" means the maximum total amount of debt that may be lawfully
17 issued and outstanding at any single point in time under this
18 article; "total outlays of the government of the United States"
19 means all expenditures of the government of the United States from
20 any source; "total receipts of the government of the United States"
21 means all tax receipts and other income of the government of the
22 United States, excluding proceeds from its issuance or incurrence
23 of debt or any type of liability; "impoundment" means a proposal
24 not to spend all or part of a sum of money appropriated by
25 Congress; and "general revenue tax" means any income tax, sales
26 tax, or value-added tax levied by the government of the United
27 States excluding imposts and duties.

1 enacting, adopting and agreeing to be bound by this Compact shall
2 be deemed and regarded as "substantively identical" with respect to
3 such other legislation enacted by another State notwithstanding:

4 (a) any difference in section 2 of Article IV with specific regard
5 to the respectively enacting State's own method of appointing its
6 member to the Commission; (b) any difference in section 5 of
7 Article IV with specific regard to the respectively enacting
8 State's own obligation to fund the Commission; (c) any difference
9 in sections 1 and 2 of Article VI with specific regard to the
10 number and identity of each delegate respectively appointed on
11 behalf of the enacting State, provided that no more than three
12 delegates may attend and participate in the Convention on behalf of
13 any State; or (d) any difference in section 7 of Article X with
14 specific regard to the respectively enacting State as to whether
15 section 1 of Article V of this Compact shall survive termination of
16 the Compact, and thereafter become a continuing resolution of the
17 Legislature of such State applying to Congress for the calling of a
18 convention of the states under Article V of the Constitution of the
19 United States, under such terms and limitations as may be specified
20 by such State.

21 Section 4. When fewer than three-fourths of the States are
22 Member States, any Member State may withdraw from this Compact by
23 enacting appropriate legislation, as determined by state law, and
24 giving notice of such withdrawal to the Compact Administrator, if
25 any, or otherwise to the chief executive officer of each other
26 Member State. A withdrawal shall not affect the validity or
27 applicability of the compact with respect to remaining Member

1 States, provided that there remain at least two such States.
2 However, once at least three-fourths of the States are Member
3 States, then no Member State may withdraw from the Compact prior to
4 its termination absent unanimous consent of all Member States.

5 ARTICLE IV

6 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

7 Section 1. Nature of the Compact Commission. The Compact
8 Commission ("Commission") is hereby established. It has the power
9 and duty: (a) to appoint and oversee a Compact Administrator; (b)
10 to encourage States to join the Compact and Congress to call the
11 Convention in accordance with this Compact; (c) to coordinate the
12 performance of obligations under the Compact; (d) to oversee the
13 Convention's logistical operations as appropriate to ensure this
14 Compact governs its proceedings; (e) to oversee the defense and
15 enforcement of the Compact in appropriate legal venues; (f) to
16 request funds and to disburse those funds to support the operations
17 of the Commission, Compact Administrator, and Convention; and (g)
18 to cooperate with any entity that shares a common interest with the
19 Commission and engages in policy research, public interest
20 litigation or lobbying in support of the purposes of the Compact.
21 The Commission shall only have such implied powers as are essential
22 to carrying out these express powers and duties. It shall take no
23 action that contravenes or is inconsistent with this Compact or any
24 law of any State that is not superseded by this Compact. It may
25 adopt and publish corresponding bylaws and policies.

26 Section 2. Commission Membership. The Commission initially
27 consists of three unpaid members. Each Member State may appoint one

1 member to the Commission through an appointment process to be
2 determined by their respective chief executive officer until all
3 positions on the Commission are filled. Positions shall be assigned
4 to appointees in the order in which their respective appointing
5 States became Member States. The bylaws of the Commission may
6 expand its membership to include representatives of additional
7 Member States and to allow for modest salaries and reimbursement of
8 expenses if adequate funding exists.

9 Section 3. Commission Action. Each Commission member is
10 entitled to one vote. The Commission shall not act unless a
11 majority of its appointed membership is present, and no action
12 shall be binding unless approved by a majority of the Commission's
13 appointed membership. The Commission shall meet at least once a
14 year, and may meet more frequently.

15 Section 4. First Order of Business. The Commission shall at
16 the earliest possible time elect from among its membership a
17 Chairperson, determine a primary place of doing business, and
18 appoint a Compact Administrator.

19 Section 5. Funding. The Commission and the Compact
20 Administrator's activities shall be funded exclusively by each
21 Member State, as determined by their respective state law, or by
22 voluntary donations.

23 Section 6. Compact Administrator. The Compact Administrator
24 has the power and duty: (a) to timely notify the States of the
25 date, time and location of the Convention; (b) to organize and
26 direct the logistical operations of the Convention; (c) to maintain
27 an accurate list of all Member States, their appointed delegates,

1 including contact information; and (d) to formulate, transmit, and
2 maintain all official notices, records, and communications relating
3 to this Compact. The Compact Administrator shall only have such
4 implied powers as are essential to carrying out these express
5 powers and duties; and shall take no action that contravenes or is
6 inconsistent with this Compact or any law of any State that is not
7 superseded by this Compact. The Compact Administrator serves at the
8 pleasure of the Commission and must keep the Commission seasonably
9 apprised of the performance or nonperformance of the terms and
10 conditions of this Compact. Any notice sent by a Member State to
11 the Compact Administrator concerning this Compact shall be adequate
12 notice to each other Member State provided that a copy of said
13 notice is seasonably delivered by the Compact Administrator to each
14 other Member State's respective chief executive officer.

15 Section 7. Notice of Key Events. Upon the occurrence of each
16 of the following described events, or otherwise as soon as
17 possible, the Compact Administrator shall immediately send the
18 following notices to all Compact Notice Recipients, together with
19 certified conforming copies of the chaptered version of this
20 Compact as maintained in the statutes of each Member State: (a)
21 whenever any State becomes a Member State, notice of that fact
22 shall be given; (b) once at least three-fourths of the States are
23 Member States, notice of that fact shall be given together with a
24 statement declaring that the Legislatures of at least two-thirds of
25 the several States have applied for a convention for proposing
26 amendments under Article V of the Constitution of the United
27 States, petitioning Congress to call the Convention contemplated by

1 this Compact, and further requesting cooperation in organizing the
2 same in accordance with this Compact; (c) once Congress has called
3 the Convention contemplated by this Compact, and whenever the date,
4 time and location of the Convention has been determined, notice of
5 that fact shall be given together with the date, time and location
6 of the Convention and other essential logistical matters; (d) upon
7 approval of the Balanced Budget Amendment by the Convention, notice
8 of that fact shall be given together with the transmission of
9 certified copies of such approved proposed amendment and a
10 statement requesting Congress to refer the same for ratification by
11 three-fourths of the Legislatures of the several States under
12 Article V of the Constitution of the United States (however, in no
13 event shall any proposed amendment other than the Balanced Budget
14 Amendment be transmitted); and (e) when any Article of this Compact
15 prospectively ratifying the Balanced Budget Amendment is effective
16 in any Member State, notice of the same shall be given together
17 with a statement declaring such ratification and further requesting
18 cooperation in ensuring that the official record confirms and
19 reflects the effective corresponding amendment to the Constitution
20 of the United States. However, whenever any Member State enacts
21 appropriate legislation, as determined by the laws of the
22 respective state, withdrawing from this Compact, the Compact
23 Administrator shall immediately send certified conforming copies of
24 the chaptered version of such withdrawal legislation as maintained
25 in the statutes of each such withdrawing Member State, solely to
26 each chief executive officer of each remaining Member State, giving
27 notice of such withdrawal.

1 Compact, is appointed in an individual capacity to represent his or
2 her respective State at the Convention as its sole and exclusive
3 delegate.

4 Section 3. Replacement or Recall of Delegates. A delegate
5 appointed hereunder may be replaced or recalled by the Legislature
6 of his or her respective State at any time for good cause, such as
7 criminal misconduct or the violation of this Compact. If replaced
8 or recalled, any delegate previously appointed hereunder must
9 immediately vacate the Convention and return to their respective
10 State's capitol.

11 Section 4. Oath. The power and authority of a delegate under
12 this Article may only be exercised after the Convention is first
13 called by Congress in accordance with this Compact and such
14 appointment is duly accepted by such appointee publicly taking the
15 following oath or affirmation: "I do solemnly swear (or affirm)
16 that I accept this appointment and will act strictly in accordance
17 with the terms and conditions of the Compact for a Balanced Budget,
18 the Constitution of the State I represent, and the Constitution of
19 the United States. I understand that violating this oath (or
20 affirmation) forfeits my appointment and may subject me to other
21 penalties as provided by law."

22 Section 5. Term. The term of a delegate hereunder commences
23 upon acceptance of appointment and terminates upon the permanent
24 adjournment of the Convention, unless shortened by recall,
25 replacement or forfeiture under this Article. Upon expiration of
26 such term, any person formerly serving as a delegate must
27 immediately withdraw from and cease participation at the

1 Convention, if any is proceeding.

2 Section 6. Delegate Authority. The power and authority of any
3 delegate appointed hereunder is strictly limited: (a) to
4 introducing, debating, voting upon, proposing and enforcing the
5 Convention Rules specified in this Compact, as needed to ensure
6 those rules govern the Convention; and (b) to introducing,
7 debating, voting upon, and rejecting or proposing for ratification
8 the Balanced Budget Amendment. All actions taken by any delegate in
9 violation of this section are void ab initio.

10 Section 7. Delegate Authority. No delegate of any Member State
11 may introduce, debate, vote upon, reject or propose for
12 ratification any constitutional amendment at the Convention unless:
13 (a) the Convention Rules specified in this Compact govern the
14 Convention and their actions; and (b) the constitutional amendment
15 is the Balanced Budget Amendment.

16 Section 8. Delegate Authority. The power and authority of any
17 delegate at the Convention does not include any power or authority
18 associated with any other public office held by the delegate. Any
19 person appointed to serve as a delegate shall take a temporary
20 leave of absence, or otherwise shall be deemed temporarily
21 disabled, from any other public office held by the delegate while
22 attending the Convention, and may not exercise any power or
23 authority associated with any other public office held by the
24 delegate, while attending the Convention. All actions taken by any
25 delegate in violation of this section are void ab initio.

26 Section 9. Order of Business. Before introducing, debating,
27 voting upon, rejecting or proposing for ratification any

1 constitutional amendment at the Convention, each delegate of every
2 Member State must first ensure the Convention Rules in this Compact
3 govern the Convention and their actions. Every delegate and each
4 Member State must immediately vacate the Convention and notify the
5 Compact Administrator by the most effective and expeditious means
6 if the Convention Rules in this Compact are not adopted to govern
7 the Convention and their actions.

8 Section 10. Forfeiture of Appointment. If any Member State or
9 delegate violates any provision of this Compact, then every
10 delegate of that Member State immediately forfeits his or her
11 appointment, and shall immediately cease participation at the
12 Convention, vacate the Convention, and return to his or her
13 respective State's capitol.

14 Section 11. Expenses. A delegate appointed hereunder is
15 entitled to reimbursement of reasonable expenses for attending the
16 Convention from his or her respective Member State. No delegate may
17 accept any other form of remuneration or compensation for service
18 under this Compact.

19 ARTICLE VII

20 CONVENTION RULES

21 Section 1. Nature of the Convention. The Convention shall be
22 organized, construed and conducted as a body exclusively
23 representing and constituted by the several States.

24 Section 2. Agenda of the Convention. The agenda of the
25 Convention shall be entirely focused upon and exclusively limited
26 to introducing, debating, voting upon, and rejecting or proposing
27 for ratification the Balanced Budget Amendment under the Convention

1 Rules specified in this Article and in accordance with the Compact.
2 It shall not be in order for the Convention to consider any matter
3 that is outside the scope of this agenda.

4 Section 3. Delegate Identity and Procedure. States shall be
5 represented at the Convention through duly appointed delegates. The
6 number, identity and authority of delegates assigned to each State
7 shall be determined by this Compact in the case of Member States
8 or, in the case of States that are not Member States, by their
9 respective state laws. However, to prevent disruption of
10 proceedings, no more than three delegates may attend and
11 participate in the Convention on behalf of any State. A certified
12 chaptered conforming copy of this Compact, together with
13 government-issued photographic proof of identification, shall
14 suffice as credentials for delegates of Member States. Any
15 commission for delegates of States that are not Member States shall
16 be based on their respective state laws, but it shall furnish
17 credentials that are at least as reliable as those required of
18 Member States.

19 Section 4. Voting. Each State represented at the Convention
20 shall have one vote, exercised by the vote of that State's delegate
21 in the case of States represented by one delegate, or, in the case
22 of any State that is represented by more than one delegate, by the
23 majority vote of that State's respective delegates.

24 Section 5. Quorum. A majority of the several States of the
25 United States, each present through its respective delegate in the
26 case of any State that is represented by one delegate, or through a
27 majority of its respective delegates, in the case of any State that

1 is represented by more than one delegate, shall constitute a quorum
2 for the transaction of any business on behalf of the Convention.

3 Section 6. Action by the Convention. The Convention shall only
4 act as a committee of the whole, chaired by the delegate
5 representing the first State to have become a Member State, if that
6 State is represented by one delegate, or otherwise by the delegate
7 chosen by the majority vote of that State's respective delegates.
8 The transaction of any business on behalf of the Convention,
9 including the designation of a Secretary, the adoption of
10 parliamentary procedures and the rejection or proposal of any
11 constitutional amendment, requires a quorum to be present and a
12 majority affirmative vote of those States constituting the quorum.

13 Section 7. Emergency Suspension and Relocation of the
14 Convention. In the event that the Chair of the Convention declares
15 an emergency due to disorder or an imminent threat to public health
16 and safety prior to the completion of the business on the Agenda,
17 and a majority of the States present at the Convention do not
18 object to such declaration, further Convention proceedings shall be
19 temporarily suspended, and the Commission shall subsequently
20 relocate or reschedule the Convention to resume proceedings in an
21 orderly fashion in accordance with the terms and conditions of this
22 Compact with prior notice given to the Compact Notice Recipients.

23 Section 8. Parliamentary Procedure. In adopting, applying and
24 formulating parliamentary procedure, the Convention shall
25 exclusively adopt, apply or appropriately adapt provisions of the
26 most recent editions of Robert's Rules of Order and the American
27 Institute of Parliamentarians Standard Code of Parliamentary

1 Procedure. In adopting, applying or adapting Parliamentary
2 procedure, the Convention shall exclusively consider analogous
3 precedent arising within the jurisdiction of the United States.
4 Parliamentary procedures adopted, applied or adapted pursuant to
5 this section shall not obstruct, override or otherwise conflict
6 with this Compact.

7 Section 9. Transmittal. Upon approval of the Balanced Budget
8 Amendment by the Convention to propose for ratification, the Chair
9 of the Convention shall immediately transmit certified copies of
10 such approved proposed amendment to the Compact Administrator and
11 all Compact Notice Recipients, notifying them respectively of such
12 approval and requesting Congress to refer the same for ratification
13 by the States under Article V of the Constitution of the United
14 States. However, in no event shall any proposed amendment other
15 than the Balanced Budget Amendment be transmitted as aforesaid.

16 Section 10. Transparency. Records of the Convention, including
17 the identities of all attendees and detailed minutes of all
18 proceedings, shall be kept by the Chair of the Convention or
19 Secretary designated by the Convention. All proceedings and records
20 of the Convention shall be open to the public upon request subject
21 to reasonable regulations adopted by the Convention that are
22 closely tailored to preventing disruption of proceedings under this
23 Article.

24 Section 11. Adjournment of the Convention. The Convention
25 shall permanently adjourn upon the earlier of 24 hours after
26 commencing proceedings under this Article or the completion of the
27 business on its Agenda.

ARTICLE VIII

PROHIBITION OF ULTRA VIRES CONVENTION

1
2
3 Section 1. Member States shall not participate in the
4 Convention unless: (a) Congress first calls the Convention in
5 accordance with this Compact; and (b) the Convention Rules of this
6 Compact are adopted by the Convention as its first order of
7 business.

8 Section 2. Any proposal or action of the Convention is void ab
9 initio and issued by a body that is conducting itself in an
10 unlawful and ultra vires fashion if that proposal or action: (a)
11 violates or was approved in violation of the Convention Rules or
12 the delegate instructions and limitations on delegate authority
13 specified in this Compact; (b) purports to propose or effectuate a
14 mode of ratification that is not specified in Article V of the
15 Constitution of the United States; or (c) purports to propose or
16 effectuate the formation of a new government. All Member States are
17 prohibited from advancing or assisting in the advancement of any
18 such proposal or action.

19 Section 3. Member States shall not ratify or otherwise approve
20 any proposed amendment, alteration or revision to the Constitution
21 of the United States, which originates from the Convention, other
22 than the Balanced Budget Amendment.

ARTICLE IX

RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT

23
24
25 Section 1. Each Member State, by and through its respective
26 Legislature, hereby adopts and ratifies the Balanced Budget
27 Amendment.

1 action whenever the Compact is challenged or violated.

2 Section 4. The exclusive venue for all actions in any way
3 arising under this Compact shall be in the United States District
4 Court for the Northern District of Texas or the courts of the State
5 of Texas within the jurisdictional boundaries of the foregoing
6 district court. Each Member State shall submit to the jurisdiction
7 of said courts with respect to such actions. However, upon written
8 request by the chief law enforcement officer of any Member State,
9 the Commission may elect to waive this provision for the purpose of
10 ensuring an action proceeds in the venue that allows for the most
11 convenient and effective enforcement or defense of this Compact.
12 Any such waiver shall be limited to the particular action to which
13 it is applied and not construed or relied upon as a general waiver
14 of this provision. The waiver decisions of the Commission under
15 this provision shall be final and binding on each Member State.

16 Section 5. The effective date of this Compact and any of its
17 Articles is the latter of: (a) the date of any event rendering the
18 same effective according to its respective terms and conditions; or
19 (b) the earliest date otherwise permitted by law.

20 Section 6. Article VIII of this Compact is hereby deemed non-
21 severable prior to termination of the Compact. However, if any
22 other phrase, clause, sentence or provision of this Compact, or the
23 applicability of any other phrase, clause, sentence or provision of
24 this Compact to any government, agency, person or circumstance, is
25 declared in a final judgment to be contrary to the Constitution of
26 the United States, contrary to the state constitution of any Member
27 State, or is otherwise held invalid by a court of competent

1 jurisdiction, such phrase, clause, sentence or provision shall be
2 severed and held for naught, and the validity of the remainder of
3 this Compact and the applicability of the remainder of this Compact
4 to any government, agency, person or circumstance shall not be
5 affected. Furthermore, if this Compact is declared in a final
6 judgment by a court of competent jurisdiction to be entirely
7 contrary to the state constitution of any Member State or otherwise
8 entirely invalid as to any Member State, such Member State shall be
9 deemed to have withdrawn from the Compact, and the Compact shall
10 remain in full force and effect as to any remaining Member State.
11 Finally, if this Compact is declared in a final judgment by a court
12 of competent jurisdiction to be wholly or substantially in
13 violation of Article I, Section 10, of the Constitution of the
14 United States, then it shall be construed and enforced solely as
15 reciprocal legislation enacted by the affected Member States.

16 Section 7. Termination. This Compact shall terminate and be
17 held for naught when the Compact is fully performed and the
18 Constitution of the United States is amended by the Balanced Budget
19 Amendment. However, notwithstanding anything to the contrary set
20 forth in this Compact, in the event such amendment does not occur
21 within 7 years after the first State passes legislation enacting,
22 adopting and agreeing to be bound to this Compact, the Compact
23 shall terminate as follows: (a) the Commission shall dissolve and
24 wind up its operations within 90 days thereafter, with the Compact
25 Administrator giving notice of such dissolution and the operative
26 effect of this section to the Compact Notice Recipients; and (b)
27 upon the completed dissolution of the Commission, this Compact

1 shall be deemed terminated, repealed, void ab initio, and held for
2 naught.