

House Judiciary Sub-Committee on the Constitution and Limited Government  
December 3, 2025  
Balancing the Federal Budget: Exploring Proposals for a Balanced Budget Amendment  
Hon. David M. Walker  
Former Comptroller General of the United States  
Chair, Federal Fiscal Sustainability Foundation

Chairman Roy, Ranking Member Scanlon, and Members of the Constitution Sub-Committee, thank you for the opportunity to testify today on this important topic. I have been fighting for fiscal sanity and sustainability for many years from different positions on the battlefield both within and outside of the federal government, including as Comptroller General of the United States and head of the GAO.

Let me state at the outset, the federal government's financial condition is worse than advertised. Many people focus on the level of federal debt, which is over \$38 trillion. However, that debt is just the tip of our financial iceberg. Total federal liabilities and unfunded obligations exceed \$125 trillion and are growing faster than the economy. Our current level of total debt/GDP is about 123%. That is a greater debt burden than at the end of World War II, and it is rising rather than declining after World War II. Today, over 75% of the annual budget is now on autopilot, for which we have written a blank check. Shockingly, net interest is now our second largest and fastest growing expense for which we get nothing.

The truth is, our federal finances have been out of control since 2002. For example, total debt/GDP was 59% as of September 30, 2002, versus 123% today. Mandatory spending, including net interest, has increased from about \$1.6 trillion in Fiscal 2002 to a projected \$5.1 trillion for Fiscal 2026. In addition, federal deficits have increased from \$158 billion to a projected \$1.8 trillion during the same period even though the United States is not currently engaged in any major armed conflicts as was the case in 2002.

In my view, we must adopt a fiscal responsibility Constitutional Amendment if we want to restore fiscal sanity and achieve fiscal sustainability. The debt ceiling is a bad joke and statutory approaches to constrain the growth of the federal government and mounting debt burdens have not stood the test of time. A Constitutional amendment is the only way to force Congress and the President to make the tough choices needed to reduce our overall debt burdens as a percentage of the economy to a lower and reasonable level over the next 10-15 years and have mechanisms in place to make sure it does not spin out of control again.

There are several types of approaches that could be taken in drafting such a Constitutional Amendment. Some advocate for a traditional balanced budget approach like the one employed by many states. Others advocate for a principles based balanced budget approach designed to achieve balance over a stated period of time. I and others prefer a debt/GDP based approach since it is pro-growth and does not dictate how to best address

the numerator challenge. Namely, how much of needed actions should be focused on reducing spending versus increasing revenues? The latter two approaches have been used successfully by other countries (e.g., Switzerland, Germany, Sweden). Importantly, irrespective of the approach that is employed, it must contain very limited exceptions and effective enforcement mechanisms.

As you know, there are two ways to achieve a Constitutional amendment under Article V of the Constitution. Two-thirds of the House and Senate pass an identical proposed amendment and then three-quarters of the states must ratify it. This approach has been used in connection with all twenty-seven amendments to date. However, our nation's founders recognized that Congress may not act in connection with issues that need to be addressed so they provided the states with the right to propose amendments if Congress failed to act. Specifically, if two-thirds of the states file an application for a Convention to propose one or more amendments to the Constitution, the Congress **shall** call the convention. This is a non-discretionary and ministerial duty of the Congress. If a majority of the states can agree on a proposed amendment, it must be ratified by three-quarters of the states. Under Article V, Congress may choose the mode of ratification. In my view, the best mode of ratification is to hold individual state conventions of delegates pledged to vote for or against any proposed amendment. That method is the closest thing our country has to a referendum of the people. This method was successfully used to achieve ratification of the 21st Amendment, which repealed prohibition.

The Federal Fiscal Sustainability Foundation (FFSF), which I chair, discovered over three years ago that enough states had filed applications for a Convention dedicated solely to proposing a balanced budget or fiscal responsibility amendment as far back as 1979. Enough active applications existed for 25 years (i.e., 1979-2003) and again in 2016 and 2017 and yet the Congress failed to call the convention.

Shockingly, the Congress never assigned responsibility to any party or entity to receive, store, and count state applications until January 2015, when the House rules assigned the responsibility to the House Judiciary Committee (Committee). The Committee started performing the function in that year but did not have all the historical applications.

This Committee began to take steps to bring its records up to date earlier this year. Specifically, the National Federalism Commission (NFC), which is an official inter-state governmental body, began working with the Committee in early 2025 to help bring all the Committee's state application records up to date. The NFC started with fiscal responsibility related applications, but they plan to continue with all other subject applications. Their work confirmed FFSF's findings and the NFC issued a related report to the Committee in September. That report was the subject of a press briefing this past Constitution Day (i.e., September 17). House Budget Committee Chair Jodey Arrington, NFC Executive Director W. Bruce Lee, and I spoke at that press briefing.

H.C.R. 15, which is sponsored by House Budget Committee Chairman Jodey Arrington, is designed to right this past wrong, and to call the related limited Convention. That legislation is within the jurisdiction of this committee, and I respectfully request that you move it forward. I expect the states will sue if the Congress fails to act within a reasonable period of time. The issue would then have to be addressed by the Supreme Court. If that happens, it would be the biggest federalism case in the history of our great nation.

Let me be clear, we MUST adopt a Constitutional amendment if we want to restore and sustain fiscal sanity at the federal level. If the Congress can achieve the necessary support to pass a credible proposed amendment, then it should do so in a timely manner. If not, Congress needs to call a limited Convention and allow the states to exercise their Constitutional right to do so under Article V. Doing nothing is not an option!

In closing, we are currently mortgaging the future of our country and American families at or near a record rate and have been doing so for too long. This is irresponsible, unethical, and immoral. We must take steps to change course if we want to Keep America Great, and if we want the future for mainstream Americans to be better than the past. Adopting a fiscal responsibility Constitutional Amendment and enacting a statutory Fiscal Sustainability Commission are two essential steps to accomplishing those objectives. I hope that the members of this sub-committee will support these efforts.

Thank you again for the opportunity to testify. I would be happy to answer any questions that you may have.



September 17, 2025

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

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

In the 114<sup>th</sup> Congress (beginning January 3, 2015) the House adopted a rule that state calls for an Article V amending convention be directed to the chair of the Committee on Judiciary and that the Clerk would organize those calls by State of origin and year of receipt. Prior to that time, to the best of our knowledge, there was no consistent, organized process for receipt and organization of those calls.

In January 2025, it was agreed that the Congressional Records held by the Judiciary Committee should be consistent and concurrent with State records on those calls. The PCC/NFC (Commission) was created in 2017 as the only formal government agency to represent the States on federalism and related Article V matters. The Commission would focus on such calls from the inception of our country to current date, and it the Commission would take a topical focus. The Commission began on the topical area of national fiscal integrity because of the far ranging impact of the fiscal health or insolvency of our nation.

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

### Details to Understand the Analysis Document:

#### 1) Explanation of the Columns:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2) The totals set forth in columns O through T represent the total number of single, multiple and plenary applications active at the designated point in time. There is some disagreement within the academic community as to the proper mechanism for aggregating balanced budget, fiscal responsibility, multiple subject, and plenary applications. The weight of modern scholarship seems to acknowledge that plenary applications should be aggregated with specific applications. The analysis attached incorporates a broad interpretation of aggregation in keeping with the Founders' expressed intent that Congress' duty under the Article V state-initiated amendment process is mandatory and non-discretionary. Congress' discretion in assessing aggregation and the rules for such aggregation are matters which may need to be resolved and may ultimately require Court interpretation.

3) There are some states which have passed multiple applications which address an open, balanced budget or fiscal responsibility application. For those states with multiple active applications, only the oldest active application was included for that state in the counts set forth in columns O through T. The analysis does not duplicate within its count multiple applications from a single state.

4) Some applications contained sunset clauses or were ultimately rescinded by a subsequent legislative act of a given state. This analysis honors those sunsets and rescissions and removes an application from "active" status as of those expiration dates.

5) We have provided counts for the years 1979 and 1982 because some within the Article V community assert as this analysis supports that, using the proper aggregation mechanism, the threshold for calling a convention for a balanced budget/fiscal responsibility amendment was first reached in 1979 and peaked in 1982. It is noteworthy that the 34 threshold was achieved or exceeded between February 5, 1979 to March 9, 2004.

6) \*\* We have provided the count from 2016 to 2017 in Column S. As of April 26, 2016 the count of 34 was achieved again. It then grew to 36 on March 13, 2017 and then dipped back to 34 until August 2, 2017.

7) The terms "application", "call", "memorial", or "resolution" are used interchangeably.

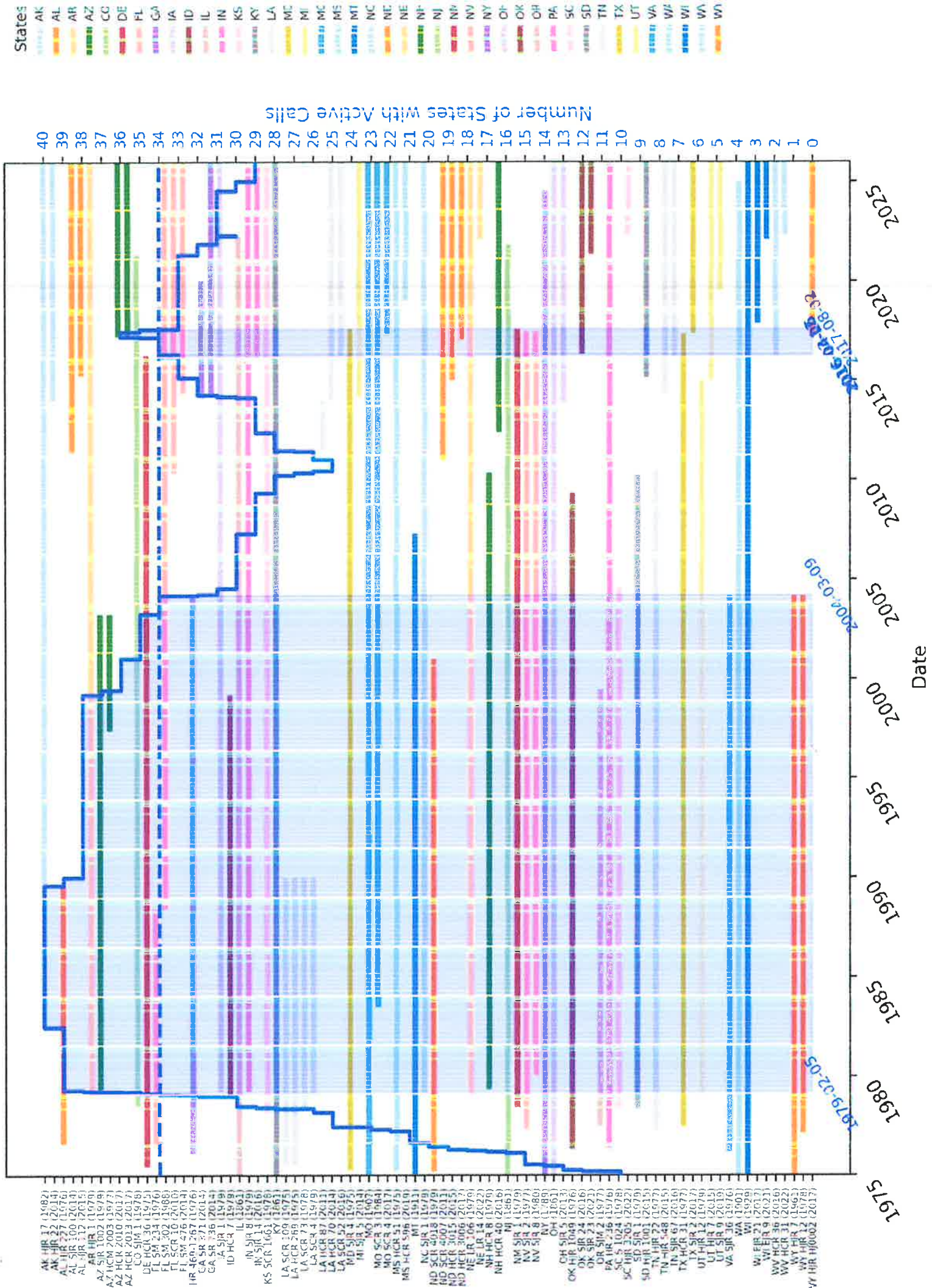
8) The attached timeline graphs were generated by Python code for the purposed of visually demonstrating periods of time the 34 state threshold was met. Code is available at: [https://github.com/NFCCommission/art\\_v\\_call\\_counter](https://github.com/NFCCommission/art_v_call_counter)

9) This analysis was performed expressly at the request of the House Judiciary Committee and represents the most extensive, comprehensive analysis of Article V state applications for an amending convention related to the subject of a balanced budget/fiscal responsibility amendment ever performed.

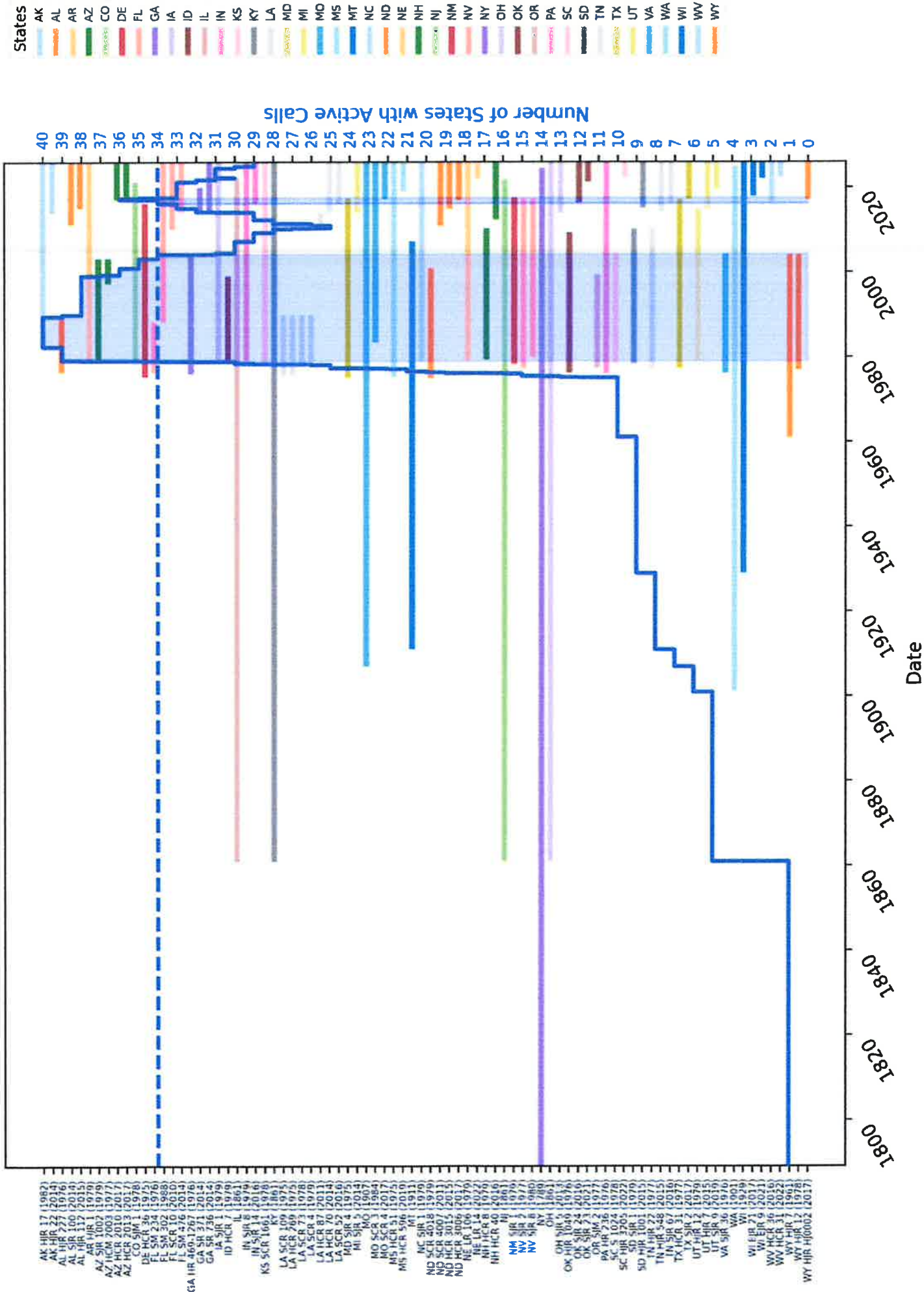
The NFC welcomes any constructive feedback on its identification of fiscal-related applications, state submissions/certifications, Congressional acknowledgments, active status, rescissions, sunsets or other legislative developments that might affect the analysis offered herein. We are also investigating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



## Number of States with Active Calls

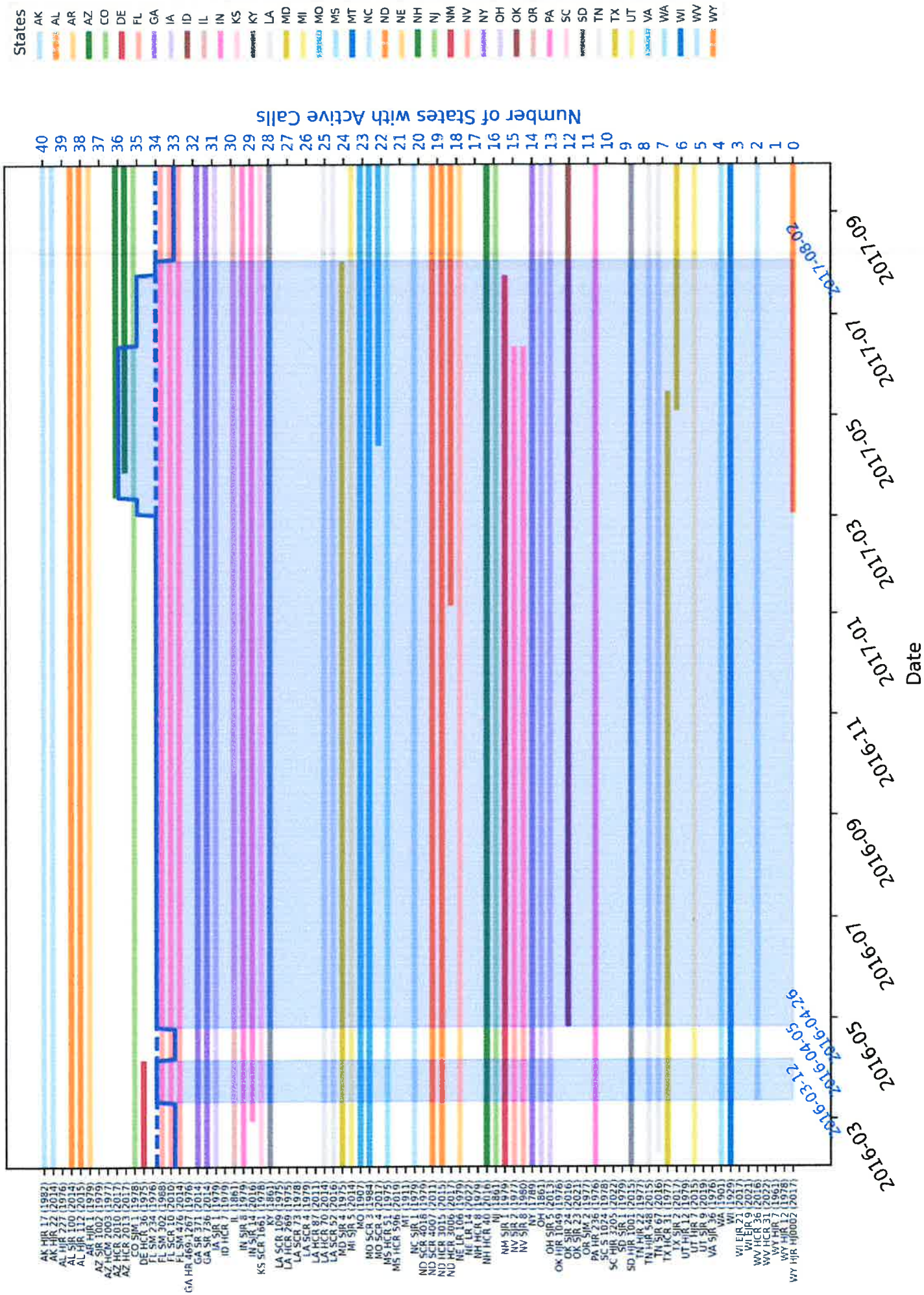


Active Fiscal & Plenary Art. V Calls Timeline  
NFC/PCC Congressional Article V Call Comparison Anylasis (9/25)





Active Fiscal & Plenary Art. V Calls Timeline  
NFC/PCC Congressional Article V Call Comparison Analysis (9/25)



**Illustrative Resolution Calling a Convention for Proposing Amendments  
Pursuant to Article V of the U.S. Constitution  
To Consider and Propose Amendments Addressing  
a Balanced Budget and Fiscal Responsibility  
Within the Federal Government**

WHEREAS, Article V of the Constitution of the United States provides that upon receipt of applications from two thirds of the legislatures of the several states, Congress shall call a convention of the states for proposing amendments; and

WHEREAS, the Judiciary Committee of the U.S. House of Representatives has been tasked to perform an analysis of all Article V “applications” passed by the individual states since 1789 to determine if such a threshold for calling a convention has been met; and

WHEREAS, the Judiciary Committee has worked with the National Federalism Commission, a governmental entity created by the states in 2017 for the purpose, among other things, of assisting Congress in its monitoring of Article V applications; and

WHEREAS, the House Judiciary Committee has been provided reliable documentation reflecting that for the periods 1979 through 2003 and 2016-2017, the threshold (34 state applications) for calling an Article V amendments convention was met by states submitting applications for an Article V convention for the related purposes of proposing a balanced budget or fiscal responsibility

## **Illustrative Resolution Calling a Convention for Proposing Amendments -p.2-**

amendment to the Constitution and/or for broader purposes which encompassed a balanced budget or fiscal responsibility amendment; and

WHEREAS, under Article V, upon receipt of applications from two thirds of the legislatures of the several states on the same or similar topic, Congress is mandated to call a convention for proposing amendments;

NOW THEREFORE, pursuant to Article V of the Constitution of the United States, Congress hereby invites the states, consisting of commissioners chosen and authorized in the manner that each respective state legislature determines, to meet in convention on the *[e.g.: 17<sup>th</sup> day of September, 2026 in the city of Philadelphia, Pennsylvania]* to consider and/or propose amendments limited to the topic of providing for the balancing of the budget-fiscal responsibility within the federal government.

Should any such convention propose an amendment not reasonably within the scope of this limited call by Congress, such amendment will be considered merely a recommendation to the Congress, and Congress will not assign a method for ratification for such a proposed amendment or refer such an amendment out to the states for ratification.

The House Judiciary Committee, in coordination with the National Federalism Commission, shall be responsible to facilitate for the states the arrangements for carrying out such a convention.