

# Federal Fiscal Sustainability Foundation Urges States to Take Legal Action Under Article V

*More Than \$36 Trillion in Runaway Debt Demands Immediate Action to Restore Fiscal Sanity*

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EINPresswire.com/ -- The [Federal Fiscal Sustainability Foundation](#) (FFSF) chair and former Comptroller General of the

United States Dave Walker's 12/11 testimony before the House Budget Committee [made national news](#). He noted that litigation is needed to enforce the state's power under Article V of the Constitution to propose a fiscal responsibility amendment (FRA). The imperative for an FRA



Federal Fiscal Sustainability Foundation

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The people support the need for a constitutional amendment to put our nation's finances in order. Only a constitutional amendment can bind current and future Congresses”

*David Walker*

was demonstrated once again by last weeks' Continuing Resolution debate in Congress, and its decades-long failure to address excessive spending, growing deficits, and mounting debt burdens.

Economists worldwide warn that our present path -- \$2 trillion annual deficits and over \$1 trillion annual interest expense -- will result in punishing inflation, higher interest rates, reduced economic growth, lower standards of living, reduced innovation, weakened national security, and a significant increase in the risk of a national and worldwide debt crisis over time.

Responding to the prospect of an Article V convention, some opponents are recycling long-rebutted disinformation and misinformation.

Specifically, an Article V convention is not a constitutional convention to rewrite the Constitution; it is a convention to propose one or more amendments which, if a majority of states agree on amendment language, must be ratified by three-quarters (38) of the states. While opponents have one valid point -- that an amending convention would be a first in U.S. history -- they should cease their “runaway convention” fear mongering and acknowledge the protections that are already in place:

First, FFSF has determined that 39 states (greater than the required 34) had filed active applications to propose an FRA as of 1979. Thirty of those states, a clear majority, had applications limited to the subject of fiscal responsibility. Therefore, the scope of the convention can be limited solely to fiscal responsibility. In addition, the Supreme Court in a unanimous 2020 decision made it clear that the states have the right to limit the authority of their convention delegates. Consistent with that decision, nineteen states have passed state statutes to impose civil and, in some cases, criminal penalties on any delegates attempting to exceed their subject-matter authority. No other subject has reached the 34-state application threshold.

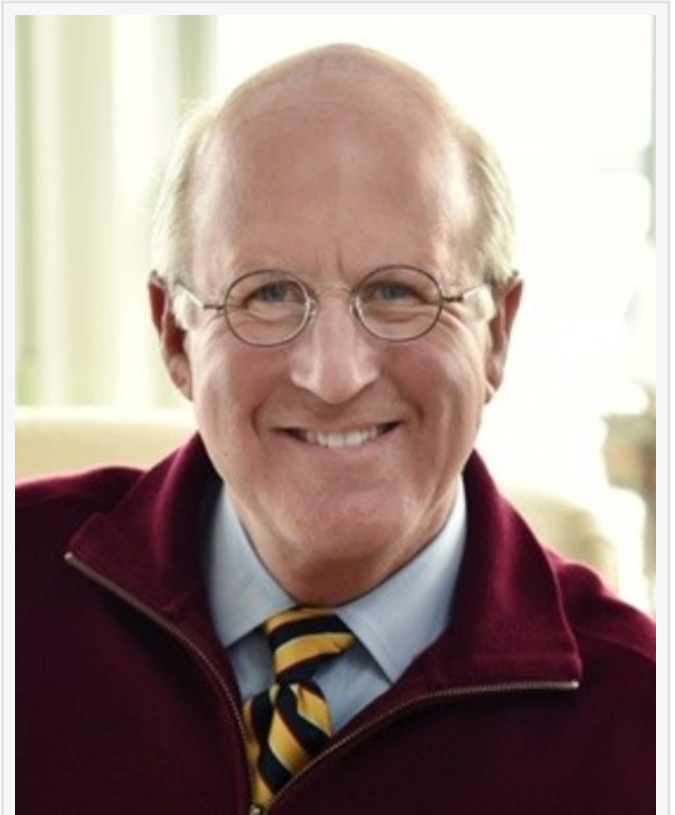
Second, any amendment – whether proposed by Congress or by the states -- must subsequently be ratified by the very high bar of thirty-eight (38) states. Therefore, thirteen states have absolute veto power over any proposed amendment.

Third, the American public supports a fiscal responsibility amendment by cross-partisan supermajority margins. A state-led amending convention can fulfill the people’s will where Congress has failed to act. The framers provided equal power to the states to propose amendments, recognizing that Congress – facing an embedded conflict of interest -- would be loath to constitutionally restrict its own power, in this case for unlimited spending and mounting debt. Only a constitutional amendment can bind current and future Congresses.

Fourth, convention rules and procedures have already been agreed to by the states via the Phoenix Correspondence Commission in operation since 2017. The one state, one vote rule means that the 28 states with current single-subject fiscal responsibility amendment applications will confine the convention agenda to just that one subject.

Fifth, over US history, constitutional amendments have occurred in waves and have served as a pathway to national healing and resolution of difficult political problems during times of gridlock, polarization, and regional division. A fiscal responsibility amendment focused convention may well pave the way to additional conventions to propose other amendments broadly supported by the public, such as term limits and campaign finance limits.

“Congress has lost control of our nation’s finances. The American people and their



Hon. David M. Walker - Former U.S. Comptroller General

representatives in the states are far ahead of Congress on this issue," said Dave Walker, FFSF Chair and former Comptroller General of the United States. "I've conducted public fiscal presentations in 47 states. The people support the need for a constitutional amendment to put our nation's finances in order. Only a constitutional amendment can bind current and future Congresses."

"We are confident that the states and the American people will rise to meet this historic opportunity to craft a workable amendment to protect America's strength and prosperity and to avoid a domestic and global debt crisis," said Jim Rubens, FFSF board member, former New Hampshire state senator, and longtime constitutional amending activist.

#### About the Federal Fiscal Sustainability Foundation

The Federal Fiscal Sustainability Foundation (FFSF) is dedicated to advocating for fiscal responsibility through statutory and constitutional solutions. FFSF supports state-led efforts to propose a fiscal responsibility amendment to the U.S. Constitution, ensuring long-term solutions to the nation's debt crisis. States need to pursue their rights under Article V and hold Congress accountable for failure to discharge its constitutional duty. The FFSF urges other states to join this effort.

To schedule an interview with a FFSF spokesperson, please contact Dan Rene at 202-329-8357 or [dan@danrene.com](mailto:dan@danrene.com)

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