

1 REFERENCE TITLE: _____
2 State of _____
3 (Introducing _____)
4 _____ Legislature
5 _____ Session
6 20____
7 ____ B. _____

6 Be it enacted by the Legislature of the State of _____:

7 Section 1. Title ____, _____, is amended by adding chapter ____, to read:

8 CHAPTER ____
9 Compact for a Balanced Budget
10 _____ Adoption of compact; text of compact

11 THE STATE OF _____ ENACTS, ADOPTS AND AGREES
12 TO BE BOUND BY THE FOLLOWING COMPACT:

13 ARTICLE I

14 DECLARATION OF POLICY, PURPOSE AND INTENT

15
16 Whereas, every State enacting, adopting and agreeing to be bound by this Compact
17 intends to ensure that their respective Legislature’s use of the power to originate a Balanced
18 Budget Amendment under Article V of the Constitution of the United States will be exercised
19 conveniently and with reasonable certainty as to the consequences thereof.

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

24 ARTICLE II

25 DEFINITIONS

26 Section 1. “Compact” means this “Compact for a Balanced Budget.”

27 Section 2. “Convention” means the convention for proposing amendments organized by this
28 Compact under Article V of the Constitution of the United States and, where contextually
appropriate to ensure the terms of this Compact are not evaded, any other similar gathering or
body, which might be organized as a consequence of Congress receiving the application set out
in this Compact and claim authority to propose or effectuate any amendment, alteration or

1 revision to the Constitution of the United States. This term does not encompass a convention for
2 proposing amendments under Article V of the Constitution of the United States that is organized
independently of this Compact based on the separate and distinct application of any State.

3 Section 3. "State" means one of the several States of the United States. Where contextually
4 appropriate, the term "State" shall be construed to include all of its branches, departments,
5 agencies, political subdivisions, and officers and representatives acting in their official capacity.

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

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

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

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

16 "Article __

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

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

22 Section 3. From time to time, Congress may increase authorized debt to an amount in excess of
23 its initial amount set by Section 2 only if it first publicly refers to the legislatures of the several
24 states an unconditional, single subject measure proposing the amount of such increase, in such
25 form as provided by law, and the measure is thereafter publicly and unconditionally approved
26 by a simple majority of the legislatures of the several states, in such form as provided
27 respectively by state law; provided that no inducement requiring an expenditure or tax levy shall
be demanded, offered or accepted as a quid pro quo for such approval. If such approval is not
obtained within sixty (60) calendar days after referral then the measure shall be deemed
disapproved and the authorized debt shall thereby remain unchanged.

1 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit set by Section 2,
2 the President shall enforce said limit by publicly designating specific expenditures for
3 impoundment in an amount sufficient to ensure outstanding debt shall not exceed the authorized
4 debt. Said impoundment shall become effective thirty (30) days thereafter, unless Congress first
5 designates an alternate impoundment of the same or greater amount by concurrent resolution,
6 which shall become immediately effective. The failure of the President to designate or enforce
7 the required impoundment is an impeachable misdemeanor. Any purported issuance or
8 incurrence of any debt in excess of the debt limit set by Section 2 is void.

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

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

17 Section 7. This article is immediately operative upon ratification, self-enforcing, and Congress
18 may enact conforming legislation to facilitate enforcement.”

19 ARTICLE III

20 COMPACT MEMBERSHIP AND WITHDRAWAL

21 Section 1. This Compact governs each Member State to the fullest extent permitted by their
22 respective constitutions, superseding and repealing any conflicting or contrary law.

23 Section 2. By becoming a Member State, each such State offers, promises and agrees to perform
24 and comply strictly in accordance with the terms and conditions of this Compact, and has made
25 such offer, promise and agreement in anticipation and consideration of, and in substantial
26 reliance upon, such mutual and reciprocal performance and compliance by each other current
27 and future Member State, if any. Accordingly, in addition to having the force of law in each
28 Member State upon its respective effective date, this Compact and each of its Articles shall also
be construed as contractually binding each Member State when: (a) at least one other State has
likewise become a Member State by enacting substantively identical legislation adopting and

1 agreeing to be bound by this Compact; and (b) notice of such State's Member State status is or
2 has been seasonably received by the Compact Administrator, if any, or otherwise by the chief
executive officer of each other Member State.

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4 Section 3. For purposes of determining Member State status under this Compact, as long as all
5 other provisions of the Compact remain identical and operative on the same terms, legislation
6 enacting, adopting and agreeing to be bound by this Compact shall be deemed and regarded as
7 "substantively identical" with respect to such other legislation enacted by another State
8 notwithstanding: (a) any difference in section 2 of Article IV with specific regard to the
9 respectively enacting State's own method of appointing its member to the Commission; (b) any
10 difference in section 5 of Article IV with specific regard to the respectively enacting State's
11 own obligation to fund the Commission; (c) any difference in sections 1 and 2 of Article VI
12 with specific regard to the number and identity of each delegate respectively appointed on
13 behalf of the enacting State, provided that no more than three delegates may attend and
14 participate in the Convention on behalf of any State; or (d) any difference in section 7 of Article
15 X with specific regard to the respectively enacting State as to whether section 1 of Article V of
16 this Compact shall survive termination of the Compact, and thereafter become a continuing
17 resolution of the Legislature of such State applying to Congress for the calling of a convention
18 of the states under Article V of the Constitution of the United States, under such terms and
19 limitations as may be specified by such State.

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21 Section 4. When fewer than three-fourths of the States are Member States, any Member State
22 may withdraw from this Compact by enacting appropriate legislation, as determined by state
23 law, and giving notice of such withdrawal to the Compact Administrator, if any, or otherwise to
24 the chief executive officer of each other Member State. A withdrawal shall not affect the
25 validity or applicability of the compact with respect to remaining Member States, provided that
26 there remain at least two such States. However, once at least three-fourths of the States are
27 Member States, then no Member State may withdraw from the Compact prior to its termination
28 absent unanimous consent of all Member States.

ARTICLE IV

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

21 Section 1. Nature of the Compact Commission. The Compact Commission ("Commission") is
22 hereby established. It has the power and duty: (a) to appoint and oversee a Compact
23 Administrator; (b) to encourage States to join the Compact and Congress to call the Convention
24 in accordance with this Compact; (c) to coordinate the performance of obligations under the
25 Compact; (d) to oversee the Convention's logistical operations as appropriate to ensure this
26 Compact governs its proceedings; (e) to oversee the defense and enforcement of the Compact in
27 appropriate legal venues; (f) to request funds and to disburse those funds to support the
28 operations of the Commission, Compact Administrator, and Convention; and (g) to cooperate
with any entity that shares a common interest with the Commission and engages in policy
research, public interest litigation or lobbying in support of the purposes of the Compact. The
Commission shall only have such implied powers as are essential to carrying out these express
powers and duties. It shall take no action that contravenes or is inconsistent with this Compact

1 or any law of any State that is not superseded by this Compact. It may adopt and publish
2 corresponding bylaws and policies.

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

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

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

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

20 Section 6. Compact Administrator. The Compact Administrator has the power and duty: (a) to
21 timely notify the States of the date, time and location of the Convention; (b) to organize and
22 direct the logistical operations of the Convention; (c) to maintain an accurate list of all Member
23 States, their appointed delegates, including contact information; and (d) to formulate, transmit,
24 and maintain all official notices, records, and communications relating to this Compact. The
25 Compact Administrator shall only have such implied powers as are essential to carrying out
26 these express powers and duties; and shall take no action that contravenes or is inconsistent with
27 this Compact or any law of any State that is not superseded by this Compact. The Compact
28 Administrator serves at the pleasure of the Commission and must keep the Commission
seasonably apprised of the performance or nonperformance of the terms and conditions of this
Compact. Any notice sent by a Member State to the Compact Administrator concerning this
Compact shall be adequate notice to each other Member State provided that a copy of said
notice is seasonably delivered by the Compact Administrator to each other Member State's
respective chief executive officer.

Section 7. Notice of Key Events. Upon the occurrence of each of the following described
events, or otherwise as soon as possible, the Compact Administrator shall immediately send the
following notices to all Compact Notice Recipients, together with certified conforming copies
of the chaptered version of this Compact as maintained in the statutes of each Member State: (a)
whenever any State becomes a Member State, notice of that fact shall be given; (b) once at least
three-fourths of the States are Member States, notice of that fact shall be given together with a
statement declaring that the Legislatures of at least two-thirds of the several States have applied

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

22 Section 8. Cooperation. The Commission, Member States and Compact Administrator shall
23 cooperate with each other and give each other mutual assistance in enforcing this Compact and
24 shall give the chief law enforcement officer of each other Member State any information or
25 documents that are reasonably necessary to facilitate the enforcement of this Compact.

26 Section 9. This Article does not take effect until there are at least two Member States.

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ARTICLE V

RESOLUTION APPLYING FOR CONVENTION

Section 1. Be it resolved, as provided for in Article V of the Constitution of the United States,
the Legislature of each Member State herewith applies to Congress for the calling of a
convention for proposing amendments limited to the subject matter of proposing for ratification
the Balanced Budget Amendment.

Section 2. Congress is further petitioned to refer the Balanced Budget Amendment to the States
for ratification by three-fourths of their respective Legislatures.

Section 3. This Article does not take effect until at least three-fourths of the several States are
Member States.

1 ARTICLE VI

2 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

3 Section 1. Number of Delegates. Each Member State shall be entitled to one delegate as its sole
4 and exclusive representative at the Convention as set forth in this Article.

5 Section 2. Identity of Delegates. Each Member State’s chief executive officer, who is serving on
6 the enactment date of this Compact, is appointed in an individual capacity to represent his or her
7 respective State at the Convention as its sole and exclusive delegate.

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

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

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

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

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

36 Section 8. Delegate Authority. The power and authority of any delegate at the Convention does
37 not include any power or authority associated with any other public office held by the delegate.
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1 Any person appointed to serve as a delegate shall take a temporary leave of absence, or
2 otherwise shall be deemed temporarily disabled, from any other public office held by the
3 delegate while attending the Convention, and may not exercise any power or authority
4 associated with any other public office held by the delegate, while attending the Convention. All
5 actions taken by any delegate in violation of this section are void ab initio.

6 Section 9. Order of Business. Before introducing, debating, voting upon, rejecting or proposing
7 for ratification any constitutional amendment at the Convention, each delegate of every Member
8 State must first ensure the Convention Rules in this Compact govern the Convention and their
9 actions. Every delegate and each Member State must immediately vacate the Convention and
10 notify the Compact Administrator by the most effective and expeditious means if the
11 Convention Rules in this Compact are not adopted to govern the Convention and their actions.

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

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

20 ARTICLE VII

21 CONVENTION RULES

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

24 Section 2. Agenda of the Convention. The agenda of the Convention shall be entirely focused
25 upon and exclusively limited to introducing, debating, voting upon, and rejecting or proposing
26 for ratification the Balanced Budget Amendment under the Convention Rules specified in this
27 Article and in accordance with the Compact. It shall not be in order for the Convention to
28 consider any matter that is outside the scope of this agenda.

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

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

Section 5. Quorum. A majority of the several States of the United States, each present through its respective delegate in the case of any State that is represented by one delegate, or through a majority of its respective delegates, in the case of any State that is represented by more than one delegate, shall constitute a quorum for the transaction of any business on behalf of the Convention.

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

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

Section 8. Parliamentary Procedure. In adopting, applying and formulating parliamentary procedure, the Convention shall exclusively adopt, apply or appropriately adapt provisions of the most recent editions of Robert’s Rules of Order and the American Institute of Parliamentarians Standard Code of Parliamentary Procedure. In adopting, applying or adapting parliamentary procedure, the Convention shall exclusively consider analogous precedent arising within the jurisdiction of the United States. Parliamentary procedures adopted, applied or adapted pursuant to this section shall not obstruct, override or otherwise conflict with this Compact.

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

Section 10. Transparency. Records of the Convention, including the identities of all attendees

1 and detailed minutes of all proceedings, shall be kept by the Chair of the Convention or
2 Secretary designated by the Convention. All proceedings and records of the Convention shall be
3 open to the public upon request subject to reasonable regulations adopted by the Convention
that are closely tailored to preventing disruption of proceedings under this Article.

4 Section 11. Adjournment of the Convention. The Convention shall permanently adjourn upon
5 the earlier of twenty-four (24) hours after commencing proceedings under this Article or the
completion of the business on its Agenda.

6 ARTICLE VIII

7 PROHIBITION ON ULTRA VIRES CONVENTION

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

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

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

18 ARTICLE IX

19 RESOLUTION PROSPECTIVELY RATIFYING THE 20 BALANCED BUDGET AMENDMENT

21 Section 1. Each Member State, by and through its respective Legislature, hereby adopts and
22 ratifies the Balanced Budget Amendment.

23 Section 2. This Article does not take effect until Congress effectively refers the Balanced
24 Budget Amendment to the States for ratification by three-fourths of the Legislatures of the
several States under Article V of the Constitution of the United States.

25 ARTICLE X

26 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

27 Section 1. To the extent that the effectiveness of this Compact or any of its Articles or
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1 provisions requires the alteration of local legislative rules, drafting policies, or procedure to be
2 effective, the enactment of legislation enacting, adopting and agreeing to be bound by this
3 Compact shall be deemed to waive, repeal, supersede, or otherwise amend and conform all such
4 rules, policies or procedures to allow for the effectiveness of this Compact to the fullest extent
5 permitted by the constitution of any affected Member State.

6 Section 2. Date and Location of the Convention. Unless otherwise specified by Congress in its
7 call, the Convention shall be held in Dallas, Texas and commence proceedings at 9:00 a.m.
8 Central Standard Time on the sixth Wednesday after the latter of the effective date of Article V
9 of this Compact or the enactment date of the Congressional resolution calling the Convention.

10 Section 3. In addition to all other powers and duties conferred by state law which are consistent
11 with the terms and conditions of this Compact, the chief law enforcement officer of each
12 Member State is empowered to defend the Compact from any legal challenge, as well as to seek
13 civil mandatory and prohibitory injunctive relief to enforce this Compact; and shall take such
14 action whenever the Compact is challenged or violated.

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

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

28 Section 6. Article VIII of this Compact is hereby deemed non-severable prior to termination of
the Compact. However, if any other phrase, clause, sentence or provision of this Compact, or
the applicability of any other phrase, clause, sentence or provision of this Compact to any
government, agency, person or circumstance, is declared in a final judgment to be contrary to
the Constitution of the United States, contrary to the state constitution of any Member State, or
is otherwise held invalid by a court of competent jurisdiction, such phrase, clause, sentence or
provision shall be severed and held for naught, and the validity of the remainder of this
Compact and the applicability of the remainder of this Compact to any government, agency,
person or circumstance shall not be affected. Furthermore, if this Compact is declared in a final
judgment by a court of competent jurisdiction to be entirely contrary to the state constitution of
any Member State or otherwise entirely invalid as to any Member State, such Member State
shall be deemed to have withdrawn from the Compact, and the Compact shall remain in full
force and effect as to any remaining Member State. Finally, if this Compact is declared in a final
judgment by a court of competent jurisdiction to be wholly or substantially in violation of

1 Article I, Section 10, of the Constitution of the United States, then it shall be construed and
2 enforced solely as reciprocal legislation enacted by the affected Member State(s).

3 Section 7. Termination. This Compact shall terminate and be held for naught when the Compact
4 is fully performed and the Constitution of the United States is amended by the Balanced Budget
5 Amendment. However, notwithstanding anything to the contrary set forth in this Compact, in
6 the event such amendment does not occur within seven (7) years after the first State passes
7 legislation enacting, adopting and agreeing to be bound to this Compact, the Compact shall
8 terminate as follows: (a) the Commission shall dissolve and wind up its operations within ninety
9 (90) days thereafter, with the Compact Administrator giving notice of such dissolution and the
10 operative effect of this section to the Compact Notice Recipients; and (b) upon the completed
11 dissolution of the Commission, this Compact shall be deemed terminated, repealed, void ab
12 initio, and held for naught.

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