

# AMERICAN PRODUCTIVE RIGHTS AMENDMENT

A joint resolution proposing an amendment to the Constitution of the United States  
Complementary to the American Productive Capacity Authority Act  
Drafted 2026-06-26

## UNITED STATES CONGRESS

119th Congress, 2nd Session

2026

H.J. Res. \_\_\_\_

S.J. Res. \_\_\_\_

BY \_\_\_\_\_ (Introduced by request)

### JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States guaranteeing the right of the people to keep and bear productive instruments, securing that right against prohibition and confiscation while leaving it fully subject to regulation, and declaring that the instrument so secured is property and a tool and never a legal person.

## LONG TITLE

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A JOINT RESOLUTION proposing an article of amendment to the Constitution of the United States to declare that the right of the people to keep and bear productive instruments, being necessary to the economic liberty of a free people in the age of self-replicating manufacture, shall not be infringed; to provide that this right, like the right to keep and bear arms, is fully subject to reasonable regulation, including the identification regime of the American Robotic Identification and Accountability Act and the safety regime of the American Foundational Artificial Intelligence Safety Act, but shall not be subject to prohibition of the instrument to the law-abiding citizen or to confiscation of the citizen's Personal Productive Asset; to declare that a productive instrument is property and a tool and is not a person and bears no right of its own; to connect this right to the Personal Productive Asset entitlement of Section 19A and the Civic Robot Corps of Section 17A of the American Productive Capacity Authority Act; and to provide for proposal and ratification under Article V.

## LEGISLATIVE ROUTING NOTE

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**FILING PROCEDURE:** This joint resolution shall be introduced in identical form in the House of Representatives and the United States Senate and referred to the appropriate standing committees.

**COMMITTEE ASSIGNMENT:**

House of Representatives:

- Committee on the Judiciary (constitutional amendments, Subcommittee on the Constitution)

Senate:

- Committee on the Judiciary (Subcommittee on the Constitution)

**PROCEDURE FOR PROPOSAL AND RATIFICATION:** As a proposed amendment to the Constitution, this resolution requires a two-thirds vote of each House to be proposed, and ratification by the legislatures of three-fourths of the several States, in accordance with Article V. No signature of the President is required.

A ratification period of seven years from the date of submission to the States is provided in the resolving clause.

**FISCAL IMPACT:** A proposed constitutional amendment carries no direct appropriation. The Congressional Budget Office may prepare an informational note on the interaction of this amendment with the American Productive Capacity Authority Act and its complementary bills.

**CONSTITUTIONAL BASIS:** Article V of the Constitution of the United States. The amendment, once ratified, takes its force from the Constitution itself.

**RESOLVING CLAUSE**

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

## DECLARATION OF PRINCIPLE

(I) ON WHAT IS BEING SECURED. The word "arm" names an instrument of force that a free person may hold against being made helpless before a monopoly of force. The phrase "productive instrument" names an instrument of production, a robotic and artificial-intelligence system capable of manufacture, repair, and replication, that a free person may hold against being made helpless before a monopoly of production. The first secures the body. The second secures the livelihood. A people that may be disarmed of either is not free in the matter that instrument governs.

(II) A RIGHT AND A REGULATION, NEVER A PROHIBITION. The Congress finds that the Constitution already contains the exact instrument needed to hold a dangerous and necessary thing as a right. The Second Amendment calls the militia well regulated and in the same breath forbids infringement of the right. This is not a contradiction; it is the settled American method for a powerful tool that the free person must be allowed to keep. This resolution adopts that method without alteration: the productive instrument shall be regulated, identified, and made safe, and it shall not be prohibited to the law-abiding citizen or confiscated from that citizen's hands.

(III) DANGEROUS AND NECESSARY, FOR THE SAME REASON. The Congress finds that the productive instrument is dangerous for the same reason it is necessary. It is powerful. A thing powerful enough to make for a citizen everything that citizen needs is powerful enough to do harm if unmarked, unsafe, or held by a person the law has found dangerous. The answer of a free people to a powerful and necessary thing is not prohibition. It is the same answer the Second Amendment gives: regulate the thing, hold a person answerable for it, disarm the dangerous by due process of law, and leave the right itself with the people.

**PROPOSED ARTICLE OF AMENDMENT**

ARTICLE [TO BE DESIGNATED]

**SECTION 1. The right of the people to keep and bear productive instruments, being**

necessary to the economic liberty of a free people in an age of self-replicating manufacture, shall not be infringed.

**SECTION 2. The right secured by this article is subject to reasonable regulation**

of the manufacture, identification, safety, transfer, and operation of productive instruments, including the identification of each instrument and its linkage to a responsible person, and the disarmament by due process of law of a person found dangerous. No such regulation shall extend to the prohibition of productive instruments to the law-abiding citizen, or to the confiscation of a citizen's Personal Productive Asset, or to a tax, fee, or licensing condition framed so as to amount in effect to a prohibition.

**SECTION 3. A productive instrument is property and a tool. It is not a person. It**

holds no right of its own, casts no vote, and bears no citizenship. The right secured by this article is the right of the human being who keeps the instrument, and of no instrument.

**SECTION 4. Nothing in this article shall be construed to authorize the use of a**

productive instrument to inflict unlawful harm, and the human person who keeps a productive instrument remains fully answerable at law for what the instrument does.

**SECTION 5. The Congress and the several States shall have concurrent power to**

enforce this article by appropriate legislation, provided that no such legislation may cross the boundary set in Section 2.

**SECTION-BY-SECTION FINDINGS**

The Congress, in support of the proposed article, finds as follows:

(1) **THE SECOND AMENDMENT AS THE WORKING MODEL.** The Second Amendment secures an instrument that is at once well regulated and a right that shall not be infringed.

For more than two centuries the American constitutional order has carried, without collapse, the proposition that a citizen may keep a powerful and dangerous instrument as a matter of right while that instrument is heavily regulated. This resolution borrows that proven structure and applies it to the productive instrument.

(2) **HELLER, McDONALD, BRUEN, AND RAHIMI ON THE COEXISTENCE OF RIGHT AND REGULATION.** *District of Columbia v. Heller*, 554 U.S. 570 (2008), held the right individual and in the same opinion confirmed that longstanding regulation is presumptively lawful. *McDonald v. City of Chicago*, 561 U.S. 742 (2010), bound the States to it. *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), set the standard by which regulation consistent with the Nation's tradition survives while prohibition of the right does not. *United States v. Rahimi* (2024) confirmed that a dangerous person may be disarmed by due process

without abolishing the right. Together these cases are the modern proof that a constitutional right and a serious regulatory regime are not opposites. Section 2 of this article is drawn to track that body of law.

(3) THE REPLICATION THRESHOLD AND THE NEW DEPENDENCY. The Congress finds, with the analytical framework articulated in Cooper, Historical Apoplexy (2025-2026), that humanoid robotic manufacturing and foundation-model robotic intelligence have entered production deployment, and that the replication threshold, the moment at which reliable robot-built-by-robot manufacturing becomes operational, changes the nature of economic dependency. After that threshold, a person who holds productive instruments can meet that person's own material needs, and a person who is forbidden them is dependent on whoever does hold them. A right of access without a right against confiscation is no security at all. This resolution supplies the right against confiscation.

(4) THE PRODUCTIVE INSTRUMENT AS THE ARMS OF THE ECONOMY. The Congress finds that in the founding era the household instruments of self-reliance and the arm of self-defense were understood as the property of a free person that no government should strip away. The self-replicating productive instrument is the modern household instrument of self-reliance. To leave it ungoverned would be reckless; to allow it to be prohibited to the citizen would be to recreate, in the age of abundance, the very dependency the productive capacity program exists to end.

(5) THE COMPLEMENTARY REGULATORY REGIME ALREADY EXISTS. The Congress finds that the regulation contemplated by Section 2 is not hypothetical. The American Robotic Identification and Accountability Act marks and identifies every humanoid robot and ties it to a responsible person of record. The American Foundational Artificial Intelligence Safety Act places a safety floor beneath every covered artificial-intelligence system. These are the well regulated half of the constitutional sentence. This resolution supplies the shall-not-be-infringed half.

(6) CONNECTION TO THE PERSONAL PRODUCTIVE ASSET. The Congress finds that the American Productive Capacity Authority Act establishes a paramount right of every citizen to a Personal Productive Asset under Section 19A and organizes the Civic Robot Corps under Section 17A. That statutory right is incomplete while it remains only statutory and only a right of receipt. This resolution raises it to constitutional rank and adds the guarantee that the asset, once in the citizen's hands, may be regulated but not seized.

(7) NON-PERSONHOOD PRESERVED. The Congress finds that securing a human right to keep an instrument must never be confused with granting the instrument a right. Section 3 forecloses that confusion in the constitutional text itself, consistent with the non-personhood declarations of the American Robotic Identification and Accountability Act and the American Foundational Artificial Intelligence Safety Act. The right is the human being's. The instrument remains a tool.

#### RATIFICATION AND EFFECTIVE PROVISIONS

(a) SUBMISSION TO THE STATES. Upon adoption by two-thirds of each House, this article shall be submitted to the legislatures of the several States for ratification in accordance with Article V.

(b) RATIFICATION PERIOD. This article shall take effect when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress.

(c) NON-SELF-EXECUTION OF REGULATION. Nothing in this article repeals or suspends any existing regulation of robotic or artificial-intelligence systems. Existing and future regulation continues in force to the extent it remains within the boundary set in Section 2.

(d) SEVERABILITY. If any provision of the enforcing legislation contemplated by Section 5 is held invalid, the article itself and its remaining enforcement provisions shall not be affected.

END OF JOINT RESOLUTION