

119TH CONGRESS
2D SESSION

H. R. 8275

To establish the Commission on Presidential Capacity to Discharge the
Powers and Duties of the Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2026

Mr. RASKIN (for himself, Mr. MFUME, Ms. DEXTER, Mr. COHEN, Mr. GOLDMAN of New York, Mrs. DINGELL, Ms. ROSS, Mr. PANETTA, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, Ms. GARCIA of Texas, Ms. BROWN, Mr. THANEDAR, Ms. NORTON, Mr. THOMPSON of Mississippi, Ms. BALINT, Ms. SALINAS, Mr. CORREA, Mr. CARTER of Louisiana, Ms. CHU, Ms. KAMLAGER-DOVE, Ms. SCANLON, Mr. DESAULNIER, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MULLIN, Mrs. FLETCHER, Mr. WALKINSHAW, Mr. LICCARDO, Ms. PINGREE, Mr. MENEFEE, Mr. AMO, Ms. UNDERWOOD, Mr. MOULTON, Ms. RANDALL, Ms. JAYAPAL, Mr. EVANS of Pennsylvania, Ms. MCBRIDE, Mr. NEGUSE, Mrs. MCCLAIN DELANEY, Mr. GREEN of Texas, Mrs. WATSON COLEMAN, Mr. HUFFMAN, Ms. STANSBURY, Ms. CROCKETT, Mr. LIEU, Mr. IVEY, Ms. RIVAS, Mr. KENNEDY of New York, Mr. CARSON, Ms. SIMON, Mr. BEYER, Ms. MATSUI, Mr. NADLER, Ms. ANSARI, Mr. STANTON, Mr. GARCÍA of Illinois, Ms. FRIEDMAN, Mr. CASTRO of Texas, Mr. BELL, Mrs. FOUSHEE, Mr. MCGARVEY, Ms. LOFGREN, Ms. JOHNSON of Texas, Mr. MAGAZINER, and Mr. POCAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Commission on Presidential Capacity to
Discharge the Powers and Duties of the Office, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commission on Presi-
5 dential Capacity to Discharge the Powers and Duties of
6 the Office Act”.

7 **SEC. 2. ESTABLISHMENT.**

8 There is established a commission in the legislative
9 branch to be known as the “Commission on Presidential
10 Capacity to Discharge the Powers and Duties of the Of-
11 fice” (in this Act referred to as the “Commission”). The
12 Commission shall serve as the body provided by law by
13 Congress to carry out section 4 of the 25th Amendment
14 to the Constitution of the United States.

15 **SEC. 3. DUTY OF COMMISSION.**

16 (a) IN GENERAL.—If directed by Congress pursuant
17 to section 5, the Commission shall carry out a medical ex-
18 amination of the President to determine whether the
19 President is mentally or physically unable to discharge the
20 powers and duties of the office, as described under sub-
21 section (b).

22 (b) DETERMINATION.—The determination under sub-
23 section (a) shall be made if the Commission finds that the
24 President is temporarily or permanently impaired by any
25 of the following conditions to the extent that the person

1 lacks sufficient understanding or capacity to execute the
2 powers and duties of the office of President:

3 (1) Physical illness or disability.

4 (2) Mental illness or deficiency.

5 (3) Alcohol or drug use.

6 (4) Any other condition or contingency ren-
7 dering the President unable to execute the powers
8 and duties of the office of the President.

9 **SEC. 4. MEMBERSHIP OF THE COMMISSION.**

10 (a) NUMBER.—

11 (1) IN GENERAL.—The Commission shall be
12 composed of 17 members, appointed as follows:

13 (A) Two members appointed by the major-
14 ity leader of the Senate.

15 (B) Two members appointed by the minor-
16 ity leader of the Senate.

17 (C) Two members appointed by the Speak-
18 er of the House of Representatives.

19 (D) Two members appointed by the minor-
20 ity leader of the House of Representatives.

21 (E) Eight members—

22 (i) four of whom are former high-
23 ranking executive branch officers appointed
24 jointly by the two appointing individuals
25 under subparagraphs (A) through (D) who

1 are members of, or caucus with, the Demo-
2 cratic party;

3 (ii) four of whom are former high-
4 ranking executive branch officers appointed
5 jointly by the two appointing individuals
6 under subparagraphs (A) through (D) who
7 are members of, or caucus with, the Re-
8 publican party; and

9 (iii) each of whom has served as
10 President, Vice President, Secretary of
11 State, Attorney General, Secretary of the
12 Treasury, Secretary of Defense, or Sur-
13 geon General.

14 (F) One member, to serve as Chair of the
15 Commission, appointed by simple majority vote
16 of the 16 members appointed under subpara-
17 graphs (A) through (E). The Chair may not be
18 any member appointed under such subpara-
19 graphs. For purposes of appointing the Chair,
20 a voting quorum shall be established by the
21 presence of 50 percent plus one of the members
22 appointed under such subparagraphs.

23 (2) FAILURE OF APPOINTMENT.—If any ap-
24 pointment under paragraph (1) is not made, the

1 Commission shall consist of the members duly ap-
2 pointed.

3 (b) APPOINTMENT.—

4 (1) INITIAL APPOINTMENT.—

5 (A) IN GENERAL.—For the initial appoint-
6 ment of members to the Commission, each
7 member under subparagraphs (A) through (E)
8 of subsection (a)(1) shall be appointed not later
9 than 10 days after the date of enactment of
10 this Act.

11 (B) CHAIR.—The members of the Commis-
12 sion appointed under subparagraph (A) shall
13 appoint the Chair under subsection (a)(1)(F)
14 not later than 3 days after the date the mem-
15 bers are so appointed.

16 (C) TERM.—A member appointed under
17 subparagraph (A) shall serve as a member of
18 the Commission until January 1, 2031. A mem-
19 ber so appointed may serve after the expiration
20 of that member's term until a successor has
21 taken office.

22 (2) SUBSEQUENT APPOINTMENTS.—

23 (A) IN GENERAL.—For any appointment
24 of members to the Commission after the initial
25 appointment under paragraph (1), each member

1 under subparagraphs (A) through (E) of sub-
2 section (a)(1) shall be appointed not later than
3 January 10 of the year immediately following
4 any year (beginning in 2028) in which a presi-
5 dential election is held.

6 (B) CHAIR.—The members of the Commis-
7 sion appointed under subparagraph (A) shall
8 appoint the Chair under subsection (a)(1)(F)
9 not later than 10 days after the date the mem-
10 bers are so appointed.

11 (C) TERM.—A member appointed under
12 subparagraph (A) shall serve on the Commis-
13 sion for a term of 4 years. A member so ap-
14 pointed may serve after the expiration of that
15 member's term until a successor has taken of-
16 fice.

17 (3) VACANCIES.—A vacancy in the Commission
18 shall be filled in the manner in which the original
19 appointment was made, not later than 30 days after
20 the vacancy occurs. Any member appointed to fill a
21 vacancy occurring before the expiration of the term
22 for which the member's predecessor was appointed
23 shall be appointed only for the remainder of that
24 term.

25 (c) CRITERIA FOR APPOINTMENT.—

1 (1) IN GENERAL.—Each member appointed to
2 the Commission under subparagraphs (A) through
3 (D) of subsection (a)(1) shall be a physician. Of the
4 two members appointed by each individual under
5 such subparagraphs, one shall be a physician with a
6 specialty in psychiatry. The Chair shall be a physi-
7 cian or an individual who meets the requirements of
8 subsection (a)(1)(E)(iii), or both. In this paragraph,
9 the term “physician” means a doctor of medicine li-
10 censed to practice medicine, surgery, or osteopathy
11 in a State.

12 (2) LIMITATIONS.—A member appointed under
13 subsection (a) may not, at the time the member is
14 appointed or serving as a member on the Commis-
15 sion, be—

16 (A) an elected official to any Federal,
17 State, or local office;

18 (B) an employee (as that term is defined
19 in section 2105 of title 5, United States Code,
20 including any employee of the United States
21 Postal Service or the Postal Regulatory Com-
22 mission); or

23 (C) a member of the Armed Forces, in-
24 cluding reserve components thereof.

1 (d) TRAVEL EXPENSES.—Each member of the Com-
2 mission shall receive travel expenses, including per diem
3 in lieu of subsistence, in accordance with applicable provi-
4 sions under subchapter I of chapter 57 of title 5, United
5 States Code.

6 **SEC. 5. EXAMINATION OF THE PRESIDENT.**

7 (a) IN GENERAL.—A concurrent resolution described
8 in this subsection is a concurrent resolution directing the
9 Commission to conduct an examination of the President
10 to determine whether the President is incapacitated, either
11 mentally or physically, the title of which is “Directing the
12 Commission on Presidential Capacity to Discharge the
13 Powers and Duties of the Office to conduct an examina-
14 tion of the President”, and the text of which consists solely
15 of a directive to the Commission to conduct the examina-
16 tion.

17 (b) PROCEDURES.—The provisions of section 2908
18 (other than subsection (a)) of the Defense Base Closure
19 and Realignment Act of 1990 shall apply to the consider-
20 ation of a concurrent resolution described in subsection
21 (a) in the same manner as such provisions apply to a joint
22 resolution described in section 2908(a) of such Act.

23 (c) SPECIAL RULES.—For purposes of applying sub-
24 section (b) with respect to such provisions, the following
25 rules shall apply:

1 (1) Any reference to the Committee on Armed
2 Services of the House of Representatives shall be
3 deemed a reference to the Committee on the Judici-
4 ary of the House of Representatives and any ref-
5 erence to the Committee on Armed Services of the
6 Senate shall be deemed a reference to the Committee
7 on the Judiciary of the Senate.

8 (2) Any reference in subsection (c) to a “20-day
9 period” shall be deemed a reference to a “48-hour
10 period”.

11 (3) Any reference in subsection (d) to “the
12 third day” shall be deemed a reference to “the first
13 day”.

14 (4) Any reference to the date on which the
15 President transmits a report shall be deemed a ref-
16 erence to the date on which a Member of Congress
17 introduced a concurrent resolution described in sub-
18 section (a).

19 (d) EXAMINATION.—Not later than 72 hours after
20 the adoption by Congress of the concurrent resolution de-
21 scribed in subsection (a), the Commission shall conduct
22 the examination described under such subsection.

23 **SEC. 6. REPORT.**

24 (a) IN GENERAL.—Not later than 72 hours after
25 completing the examination under section 5, and notwith-

1 standing the HIPAA privacy regulations (as defined in
2 section 1180(b)(3) of the Social Security Act (42 U.S.C.
3 1320d–9(b)(3))), the Commission shall, in consultation
4 with the Vice President, transmit a report to the Speaker
5 of the House of Representatives and the President Pro
6 Tempore of the Senate that shall include the declaration
7 described in section 4 of the 25th Amendment providing
8 whether the President is able to discharge the powers and
9 duties of the office and otherwise describing the findings
10 and conclusions of the examination.

11 (b) DISAGREEMENT OF VICE PRESIDENT.—If the
12 Vice President disagrees with the declaration or any other
13 conclusion of the Commission under subsection (a), the
14 report submitted under such subsection shall include a
15 statement by the Vice President setting forth such dis-
16 agreement and the basis for such disagreement.

17 (c) CONSIDERATION.—Any refusal by the President
18 to undergo such examination shall be taken into consider-
19 ation by the Commission in reaching a conclusion in the
20 report under subsection (a).

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