

107TH CONGRESS
1ST SESSION

H. J. RES. 67

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of a national emergency.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2001

Mr. BAIRD introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to serve as Members of the House of Representatives in the event a significant number of Members are unable to serve at any time because of a national emergency.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution when*
7 *ratified by the legislatures of three-fourths of the several*

1 States within seven years after the date of its submission
2 for ratification:

3 “ARTICLE —

4 “SECTION 1. If at any time 25 percent or more of
5 the members of the House of Representatives are unable
6 to carry out their duties because of death or incapacity,
7 each Governor of a State represented by a member who
8 has died or become incapacitated shall appoint an other-
9 wise qualified individual to take the place of the member
10 as soon as practicable (but in no event later than 7 days)
11 after the member’s death or incapacity has been certified.

12 “SECTION 2. An individual appointed to take the
13 place of a member of the House of Representatives under
14 section 1 shall serve until a member is elected to fill the
15 vacancy resulting from the death or incapacity. A member
16 shall be elected to fill the vacancy in a special election to
17 be held at any time during the 90-day period which begins
18 on the date the individual is appointed under section 1,
19 in accordance with the applicable laws regarding special
20 elections in the State involved, except that if a regularly
21 scheduled general election for the office will be held during
22 such period or 30 days thereafter, no special election shall
23 be held and the member elected in such regularly sched-
24 uled general election shall fill the vacancy upon election.
25 An individual appointed under section 1 may be a can-

1 didate in such a special election or in such a regularly
2 scheduled general election.

3 “SECTION 3. During the period of an individual’s ap-
4 pointment under section 1, the individual shall be treated
5 as a Member of the House of Representatives for purposes
6 of all laws, rules, and regulations.

7 “SECTION 4. Congress shall have the power to en-
8 force this article through appropriate legislation.”.

○