

108TH CONGRESS  
2D SESSION

# H. J. RES. 92

Proposing an amendment to the Constitution of the United States relating  
to Congressional succession.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2004

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

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United  
States relating to Congressional succession.

1       *Resolved by the Senate and House of Representatives*  
2       *of the United States of America in Congress assembled*  
3       *(two-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  
8       States within seven years after the date of its submission  
9       for ratification:

1 “ARTICLE —

2 “SECTION 1. Upon the death of a person elected as  
3 Representative, the duties and powers of that office shall  
4 be discharged by his designated successor as Acting Rep-  
5 resentative until a new Representative is elected.

6 “SECTION 2. Whenever a person elected as Rep-  
7 resentative transmits to the Speaker of the House of Rep-  
8 resentatives his written declaration that he is unable to  
9 discharge the powers and duties of his office, and until  
10 he transmits a written declaration to the contrary, such  
11 powers and duties shall be discharged by his designated  
12 successor as Acting Representative.

13 “SECTION 3. Whenever a majority of the potential  
14 successors of a person elected as Representative transmit  
15 to the Speaker of the House of Representatives their writ-  
16 ten declaration that such person is unable to discharge  
17 the powers and duties of the office of Representative, that  
18 person’s designated successor shall immediately assume  
19 the powers and duties of that office as Acting Representa-  
20 tive. Thereafter, when the person elected as Representa-  
21 tive transmits to the Speaker of the House of Representa-  
22 tives his written declaration that no such inability exists,  
23 he shall assume or resume the powers and duties of the  
24 office of Representative.

1       “SECTION 4. Each person elected as Representative  
2 may appoint, in ranked order, a number of potential suc-  
3 cessors no fewer than three and no greater than five, pro-  
4 vided that such appointments are transmitted to the  
5 Speaker of the House of Representatives in a publicly  
6 available written declaration no earlier than one year and  
7 no later than 60 days prior to the date such person is  
8 elected as Representative. The designated successor shall  
9 be the highest ranked potential successor appointed in  
10 conformance with this article who meets the qualifications  
11 for the office of Representative established in this Con-  
12 stitution, or if no such person exists, a person meeting  
13 such qualifications appointed by the executive authority of  
14 the same State. Appointments pursuant to this section  
15 shall be effective during the term of office for which the  
16 person elected as Representative has been elected.

17       “SECTION 5. Upon the death of a person elected as  
18 Senator the duties and powers of that office shall be dis-  
19 charged by his designated successor as Acting Senator  
20 until a new Senator is elected.

21       “SECTION 6. Whenever a person elected as Senator  
22 transmits to the President pro tempore of the Senate his  
23 written declaration that he is unable to discharge the pow-  
24 ers and duties of his office, and until he transmits a writ-  
25 ten declaration to the contrary, such powers and duties

1 shall be discharged by his designated successor as Acting  
2 Senator.

3       “SECTION 7. Whenever a majority of the potential  
4 successors of a person elected as Senator transmit to the  
5 President pro tempore of the Senate their written declara-  
6 tion that such person is unable to discharge the powers  
7 and duties of the office of Senator, that person’s des-  
8 ignated successor shall immediately assume the powers  
9 and duties of that office as Acting Senator. Thereafter,  
10 when the person elected as Senator transmits to the Presi-  
11 dent pro tempore of the Senate his written declaration  
12 that no such inability exists, he shall assume or resume  
13 the powers and duties of the office of Senator.

14       “SECTION 8. Each person elected as Senator may ap-  
15 point, in ranked order, a number of potential successors  
16 no fewer than three and no greater than five, provided  
17 that such appointments are transmitted to the President  
18 pro tempore of the Senate in a publicly available written  
19 declaration no earlier than one year and no later than 60  
20 days prior to the date such person is elected Senator. A  
21 Senator may also make or revise such appointment no ear-  
22 lier than one year and no later than 60 days prior to a  
23 date established by Congress for the regular election of  
24 Senators and Representatives. Such a midterm appoint-  
25 ment or revision shall be effective on the next date estab-

1 lished by this Constitution for the beginning and ending  
 2 of the terms of Senators and Representatives. The des-  
 3 ignated successor shall be the highest ranked potential  
 4 successor appointed in conformance with this article who  
 5 meets the qualifications for the office of Senator estab-  
 6 lished by this Constitution, or if no such person exists,  
 7 a person meeting such qualifications appointed by the ex-  
 8 ecutive authority of the same State. Appointments pursu-  
 9 ant to this section shall be effective during the term of  
 10 office for which the person elected Senator has been elect-  
 11 ed.

12       “SECTION 9. The proviso in the second paragraph of  
 13 the 17th article of amendment to the Constitution of the  
 14 United States is hereby repealed.

15       “SECTION 10. The Congress shall have power to en-  
 16 force this article by appropriate legislation.

17       “SECTION 11. This article shall take effect at noon  
 18 on the next date established by this Constitution for the  
 19 beginning and ending of the terms of Senators and Rep-  
 20 resentatives following the ratification of this article, except  
 21 for sections 4, 8 and 10, which shall take effect upon rati-  
 22 fication.”.

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