

108TH CONGRESS  
1ST SESSION

# S. 1820

To authorize the States to implement such mechanisms as are necessary to ensure the continuity of Congress in the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2003

Mr. CORNYN (for himself and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To authorize the States to implement such mechanisms as are necessary to ensure the continuity of Congress in the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated.

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 “Continuity of Congress  
5 Act of 2003”.

1 **SEC. 2. FILLING OF VACANCIES AND INCAPACITIES IN CON-**  
2 **GRESS FOLLOWING A CATASTROPHIC INCI-**  
3 **DENT.**

4 (a) HOUSE OF REPRESENTATIVES.—

5 (1) IN GENERAL.—In the event that one-fourth  
6 of the members of the House of Representatives are  
7 killed or incapacitated, the legislature of each State  
8 may enact such laws declaring who shall serve in the  
9 place of such members as the State determines nec-  
10 essary.

11 (2) OPTIONS.—Any law enacted under para-  
12 graph (1) by the legislature of a State may provide  
13 for—

14 (A) special elections in cases of vacancy;

15 (B) appointment by the governor or legis-  
16 lature of the State, which in cases of vacancy  
17 shall be accompanied by a subsequent special  
18 election;

19 (C) appointment pursuant to a list of suc-  
20 cessors created by the incumbent member of the  
21 House of Representatives, which in cases of va-  
22 cancy shall be accompanied by a subsequent  
23 special election; or

24 (D) such other procedures as the legisla-  
25 ture of the State determines appropriate, which

1 in cases of vacancy shall be accompanied by a  
2 subsequent special election.

3 (3) INCAPACITY.—A member that has been in-  
4 capacitated may reclaim his or her office at any time  
5 after such member determines that he or she is no  
6 longer incapacitated.

7 (4) VACANCY.—In the case of vacancy under  
8 paragraph (1), the executive authority of the rel-  
9 evant State shall issue writs of election, which shall  
10 be held not later than 120 days after any such va-  
11 cancy occurs. A general election occurring within  
12 such 120 day period shall be deemed to satisfy the  
13 requirements of this section.

14 (5) DETERMINATION.—One-fourth of the mem-  
15 bers of the House of Representatives shall be consid-  
16 ered to have been killed or incapacitated if—

17 (A) the Speaker of the House (or that per-  
18 son's designee) makes a joint declaration with  
19 the leader of the minority party in the House  
20 (or that person's designee) that one-fourth of  
21 such members have been killed or incapacitated;  
22 or

23 (B) if—

24 (i) the governors of the several States  
25 individually certify that one or more of the

1 members representing their respective  
2 States have been killed or incapacitated;  
3 and

4 (ii) the President certifies, based upon  
5 the certifications made under clause (i),  
6 that, in the aggregate, one-fourth of the  
7 members of the House of Representatives  
8 have been killed or incapacitated.

9 (b) SENATE.—

10 (1) IN GENERAL.—In the event that one-fourth  
11 of the members of the Senate are killed or incapaci-  
12 tated, the legislature of each State may enact such  
13 laws declaring who shall serve in the place of inca-  
14 pacitated members as the State determines nec-  
15 essary.

16 (2) OPTIONS.—Any law enacted under para-  
17 graph (1) by the legislature of a State may provide  
18 for—

19 (A) appointment by the governor or legisla-  
20 ture of the State;

21 (B) appointment pursuant to a list of suc-  
22 cessors created by the incumbent member of the  
23 Senate; or

24 (C) such other procedures as the legisla-  
25 ture of the State determines appropriate.

1           (3) INCAPACITY.—A member that has been in-  
2           capacitated may reclaim his or her office at any time  
3           after such member determines that he or she is no  
4           longer incapacitated.

5           (4) DETERMINATION.—One-fourth of the mem-  
6           bers of the Senate shall be considered to have been  
7           killed or incapacitated if—

8                   (A) the Majority Leader of the Senate (or  
9                   that person’s designee) makes a joint declara-  
10                  tion with the Minority Leader of the Senate (or  
11                  that person’s designee) that one-fourth of such  
12                  members have been killed or incapacitated; or

13                   (B) if—

14                           (i) the governors of the several States  
15                           individually certify that one or more of the  
16                           members representing their respective  
17                           States have been killed or incapacitated;  
18                           and

19                           (ii) the President certifies, based upon  
20                           the certifications made under clause (i),  
21                           that, in the aggregate, one-fourth of the  
22                           members of the Senate have been killed or  
23                           incapacitated.

1 **SEC. 3. LIMITATION.**

2       Nothing in this Act shall limit the authority of any  
3 State under the Constitution of the United States to fill  
4 a vacancy in the House of Representatives or the Senate.

5 **SEC. 4. EFFECTIVE DATE.**

6       This Act shall take effect upon the date of ratification  
7 of the related amendment to the Constitution of the  
8 United States authorizing this Act.

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