

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.

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

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 incapacitated,
12 the legislature of each State may enact such
13 laws declaring who shall serve in the place of incapacitated
14 members as the State determines necessary.
15

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

19 (A) appointment by the governor or legislature of the State;
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21 (B) appointment pursuant to a list of successors created by the incumbent member of the
22 Senate; or
23

24 (C) such other procedures as the legislature of the State determines appropriate.
25

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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