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JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to fill vacancies in the Congress and the Supreme Court, and to restore state governments during a period of war, hostilities, or national emergency.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE-

"Section 1. During a period subsequent to a declaration of war, or hostilities authorized by Congress, or national emergency proclaimed by the President under this article, the executive authority in each state may temporarily appoint members of a State Legislature to fill vacancies (due to death, resignation, or permanent incapacity) in the representation of the State in the House of Representatives until such time as such vacancies are filled pursuant to a writ of election.

“Section 2. Congress may provide by law the manner by which each House shall determine the permanent or temporary incapacity of its members at any period, including the procedure by which determination of temporary incapacity may be removed, and the quorums required during such wars, hostilities, or national emergencies.

“Section 3. During such war, hostilities, or national emergency, whenever vacancies occur among the justices of the Supreme Court, the President may assign, in order of seniority, active judges from the highest level of inferior courts, to such vacancies, such assignments to terminate at the end of the next session of the Senate.

“Section 4. Persons holding such temporary positions shall retain all rights, privileges, and compensation of their original offices under the United States or any State, notwithstanding any prohibition against their holding simultaneously offices of profit or trust under the United States and any State. They shall receive no additional compensation by the United States, except for expenses as provided by law.

“Section 5. During such war, hostilities, or national emergency, Congress may declare, by a two-thirds vote of each House, that the Government of a State is no longer able to function in a manner as provided by the constitution of that State. Congress may by law provide for the temporary governance of that State and for the full restoration of government by the people of that State as soon as feasible.

“Section 6. Congress may terminate any national emergency declared under this article.”