

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.

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 of the United States, 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 for ratification:

**Article –**

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

SECTION 2. An individual appointed to take the place of a member of the House of Representatives under section 1 shall serve until a member is elected to fill the vacancy resulting from the death or incapacity. A member shall be elected to fill the vacancy in a special election to be held at any time during the 90-day period which begins on the date the individual is appointed under section 1, in accordance with the applicable laws regarding special elections in the State involved, except that if a regularly scheduled general election for the office will be held during such period or 30 days thereafter, no special election shall be held and the member elected in such regularly scheduled general election shall fill the vacancy upon election. An individual appointed under section 1 may be a candidate in such a special election or in such a regularly scheduled general election.

SECTION 3. During the period of an individual's appointment under section 1, the individual shall be treated as a Member of the House of Representatives for purposes of all laws, rules, and regulations.

SECTION 4. Congress shall have the power to enforce this article through appropriate legislation.'