

House Calendar No. 37

89TH CONGRESS
1ST SESSION

H. J. RES. 1

[Report No. 203]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1965

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

MARCH 24, 1965

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Strike out all after the resolving clause and insert the part printed in italic]

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

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

“ARTICLE —

“SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

“SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

“SEC. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

“SEC. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

“SEC. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as

Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.”

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 from the date of its submission by the Congress:

“ARTICLE —

“SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President, and a vacancy shall thereupon ^{be} ~~thereupon~~ ^{filled} ~~in~~ the office of Vice President.

“SEC. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote ^{in each House} (of both Houses) of Congress.

“SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House

Pres + VP from same state.

Speaker of the House of Representatives shall become vice President for the balance of the term for which a Vice President was elected.

1 of Representatives his written declaration that he is unable
2 to discharge the powers and duties of his office, and until he
3 transmits a written declaration to the contrary, such powers
4 and duties shall be discharged by the Vice President as
5 Acting President.

6 "SEC. 4. Whenever the Vice President and a majority
7 of the principal officers of the executive departments, or such
8 other body as Congress may by law provide, transmit to the
9 President pro tempore of the Senate and the Speaker of the
10 House of Representatives their written declaration that the
11 President is unable to discharge the powers and duties of his
12 office, the Vice President shall immediately assume the powers
13 and duties of the office as Acting President.

14 "Thereafter, when the President transmits to the Presi-
15 dent pro tempore of the Senate and the Speaker of the House
16 of Representatives his written declaration that no inability
17 exists, he shall resume the powers and duties of his office
18 unless the Vice President and a majority of the principal
19 officers of the executive departments, or such other body as
20 Congress may by law provide, ^{within 2 days} transmit within two days to
21 the President pro tempore of the Senate and the Speaker of
22 the House of Representatives their written declaration that
23 the President is unable to discharge the powers and duties
24 of his office. Thereupon Congress shall decide the issue,
25 immediately assembling for that purpose if not in session. If

Cabinet
given a
Constitutional
Power

Who is
President
during
2 days?
Who during
the 10 days?

1 the Congress, within ten days after the receipt of the written
2 declaration of the Vice President and a majority of the prin-
3 cipal officers of the executive departments, or such other body
4 as Congress may by law provide, determines by two-thirds
5 vote of both Houses ^{of each House} that the President is unable to discharge the
6 powers and duties of the office, the Vice President shall con-
7 tinue to discharge the same as Acting President; otherwise,
8 the President shall resume the powers and duties of his office."

Will the Acting President
take the Presidential Oath

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