

HJRES 83

Proposing an amendment to the Constitution of the United States regarding the appointment of individuals to fill vacancies in the House of Representatives.

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Congress

Introduced: Dec 8, 2003

Current Status: Motion to reconsider laid on the table Agreed to without objection.

Latest Action: Motion to reconsider laid on the table Agreed to without objection. (Jun 2, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-joint-resolution/83>

Sponsor

Name: Rep. Baird, Brian [D-WA-3]

Party: Democratic • **State:** WA • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Apr 2, 2004
Rep. Frost, Martin [D-TX-24]	D · TX		Apr 21, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	Apr 29, 2004

Subjects & Policy Tags

Policy Area:

Congress

Related Bills

Bill	Relationship	Last Action
108 HRES 657	Procedurally related	Jun 2, 2004: Motion to reconsider laid on the table Agreed to without objection.
108 HRES 572	Procedurally related	Apr 20, 2004: Motion to Discharge Committee filed by Mr. Baird. Petition No: 108-7. (Discharge petition text with signatures.)

(This measure has not been amended since it was introduced. The summary of that version is repeated here.)

Constitutional Amendment - Requires an individual, who is elected to serve as a Member of the House of Representatives for a Congress, before taking the oath of office, to present to the chief executive of the State from which the individual is elected a list of at least two qualified nominees to take the individual's place in the event he or she dies or becomes incapacitated before the individual's term of office expires. Allows the individual, after such oath, to revise the list at any time during a Congress.

Provides that if at any time a majority of the whole membership of the House is unable to carry out its duties because of death or incapacity, or if any time the House adopts a resolution declaring that extraordinary circumstances exist which threaten the ability of the House to represent the interests of the people of the United States, the chief executive of any State represented by a Member who is dead or incapacitated at that time shall appoint, from the most recent list, an individual to take the Member's place. Requires: (1) the individual to be appointed as soon as practicable (but in no event later than seven days) after the Member's death or incapacity has been certified; (2) the individual to serve until the Member regains capacity or until another Member is elected to the vacancy; and (3) the State to provide for an election. Allows the appointed individual to be a candidate in the election. States that these provisions do not apply to any Member of the House who dies or becomes incapacitated before the seven-day period which ends on the date on which the event requiring such appointments occurs.

Provides that if the appointed individual is unable to carry out a Member's duties, the chief executive of the State involved shall appoint another individual from the same list of nominees.

Declares that Congress may by law establish the criteria for determining whether a Member of the House or Senate is dead or incapacitated, and shall have the power to enforce this Amendment through appropriate legislation.

Actions Timeline

- **Jun 2, 2004:** Rule H. Res. 657 passed House.
- **Jun 2, 2004:** Considered under the provisions of rule H. Res. 657. (consideration: CR H3665-3681)
- **Jun 2, 2004:** Rule provides for consideration of H.J. Res. 83 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments.
- **Jun 2, 2004:** DEBATE - The House proceeded with ninety minutes of debate on H.J. Res. 83.
- **Jun 2, 2004:** The previous question was ordered pursuant to the rule.
- **Jun 2, 2004:** Ms. Lofgren moved to recommit with instructions to Judiciary. (consideration: CR H3677-3678, H3680-3681)
- **Jun 2, 2004:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Lofgren motion to recommit with instructions. The instructions contained in the motion seek to require the Committee on the Judiciary to conduct hearings on the subject matter of the joint resolution.
- **Jun 2, 2004:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H3680)
- **Jun 2, 2004:** On motion to recommit with instructions Failed by recorded vote: 194 - 221 (Roll no. 218). (text: CR H3677)
- **Jun 2, 2004:** Failed of passage/not agreed to in House: On passage Failed by the Yeas and Nays: (2/3 required): 63 - 353, 2 Present (Roll no. 219).(text: CR H3665)
- **Jun 2, 2004:** On passage Failed by the Yeas and Nays: (2/3 required): 63 - 353, 2 Present (Roll no. 219). (text: CR H3665)
- **Jun 2, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 1, 2004:** Rules Committee Resolution H. Res. 657 Reported to House. Rule provides for consideration of H.J. Res. 83 with 1 hour and 30 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit. Measure will be considered read. Bill is closed to amendments.
- **May 19, 2004:** Reported adversely by the Committee on Judiciary. H. Rept. 108-503.
- **May 19, 2004:** Reported adversely by the Committee on Judiciary. H. Rept. 108-503.
- **May 19, 2004:** Placed on the House Calendar, Calendar No. 181.
- **May 5, 2004:** Committee Consideration and Mark-up Session Held.
- **May 5, 2004:** Ordered to be Reported Adversely by the Yeas and Nays: 17 - 12.
- **Apr 29, 2004:** Subcommittee on the Constitution Discharged.
- **Mar 30, 2004:** Sponsor introductory remarks on measure. (CR H1718-1723)
- **Jan 15, 2004:** Referred to the Subcommittee on the Constitution.
- **Dec 8, 2003:** Introduced in House
- **Dec 8, 2003:** Introduced in House
- **Dec 8, 2003:** Referred to the House Committee on the Judiciary.