



## CONTINUITY OF GOVERNMENT

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Continuity of government plans have been developed and established to ensure the continued functioning of the US government if a vacancy is created in 1 or a few key leadership positions. However, a number of concerns remain, especially in the event of mass vacancies across many government positions.

### The Presidency

- The order of presidential succession was established by the Presidential Succession Act of 1947.
- The order of succession is the Vice President, the Speaker of the House, the President pro tempore, and cabinet secretaries in order of the creation of their offices.
  - Secretarial order of succession and agency continuity of operations have also been planned and established.
- However, there is lack of clarity about procedures when there are multiple officers assuming new positions during an unfolding event.<sup>1</sup>

### Congress

- Vacancies in the Senate may be filled by appointment.
- Positions in the House must be filled by election, the rules for which vary by state.
- Incapacitation of members may cause a lack of quorum (majority of living sworn and chosen), though this is unclear.
  - A quorum is required to perform congressional business.
- Widespread deaths and delay in elections may allow congressional action by only a small number of members.
  - This includes election of a Speaker of the House, third in line for the presidency.<sup>2</sup>

In summary, continuity of government plans are likely sufficient for limited loss of government officials. However, in the event of an unfolding disease outbreak, with many vacancies and incapacitated members of government, it is unlikely that continuity of governance would be an orderly or legally clear process.

## REFERENCES



1. The Continuity of Government Commission. *The Continuity of the Presidency: The Second Report of the Continuity of Government Commission*. Washington, DC: Brookings Press; July 2, 2009. <https://www.brookings.edu/research/the-continuity-of-the-presidency-the-second-report-of-the-continuity-of-government-commission/>. Accessed March 8, 2018.
2. The Continuity of Government Commission. *Preserving Our Institutions: The First Report of the Continuity of Government Commission*. Washington, DC: Brookings Press; July 2, 2009. <https://www.brookings.edu/research/the-continuity-of-the-presidency-the-second-report-of-the-continuity-of-government-commission/>. Accessed March 8, 2018.

*Date: April 20, 2018*