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Presidential Succession Act of 2005

United States. Senate

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S. 920

To amend chapter 1 of title 3, United States Code, relating to Presidential succession.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2005

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend chapter 1 of title 3, United States Code, relating to Presidential succession.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Succession Act of 2005”.

SEC. 2. PRESIDENTIAL SUCCESSION.

(a) IN GENERAL.—Section 19(d) of title 3, United States Code, is amended—

(1) in paragraph (1), by inserting “, Secretary of Homeland Security, Ambassador to the United
Nations, Ambassador to Great Britain, Ambassador to Russia, Ambassador to China, Ambassador to France” after “Secretary of Veterans Affairs”;

(2) in paragraph (2), by striking “but not” and all that follows through the period and inserting “or until the disability of the President or Vice President is removed.”;

(3) in paragraph (3)—

(A) by striking “be held to constitute” and inserting “not require”; and

(B) by adding at the end the following:

“Such individual shall not receive compensation from holding that office during the period that the individual acts as President under this section, and shall be compensated for that period as provided under subsection (c).”; and

(4) by adding at the end the following:

“(4) This subsection shall apply only to such officers that are—

“(A) eligible to the office of President under the Constitution;

“(B) appointed to an office listed under paragraph (1), by and with the advice and consent of the Senate, prior to the time the powers and duties of
the President devolve to such officer under para-
graph (1); and

“(C) not under impeachment by the House of
Representatives at the time the powers and duties of
the office of President devolve upon them.”.

(b) CONFORMING AMENDMENTS.—Section 19 of title
3, United States Code, is amended—

(1) in subsection (b), by striking “as Acting
President” and inserting “to act as President”; and

(2) in subsection (e)—

(A) in the first sentence, by striking “(a),
(b), and (d)” and inserting “(a) and (b)”;
and

(B) by striking the second sentence.

SEC. 3. SENSE OF CONGRESS REGARDING VOTES BY ELEC-
TORS AFTER DEATH OR INCAPACITY OF
NOMINEES.

It is the sense of Congress that—

(1) during a Presidential election year, the
nominees of each political party for the office of
President and Vice President should jointly an-
announce and designate on or before the final day of
the convention (or related event) at which they are
nominated the individuals for whom the electors of
President and Vice President who are pledged to
vote for such nominees should give their votes for
such offices in the event that such nominees are deceased or permanently incapacitated prior to the date of the meeting of the electors of each State under section 7 of title 3, United States Code;

(2) in the event a nominee for President is deceased or permanently incapacitated prior to the date referred to in paragraph (1) (but the nominee for Vice President of the same political party is not deceased or permanently incapacitated), the electors of President who are pledged to vote for the nominee should give their votes to the nominee of the same political party for the office of Vice President, and the electors of Vice President who are pledged to vote for the nominee for Vice President should give their votes to the individual designated for such office by the nominees under paragraph (1);

(3) in the event a nominee for Vice President is deceased or permanently incapacitated prior to the date referred to in paragraph (1) (but the nominee for President of the same political party is not deceased or permanently incapacitated), the electors of Vice President who are pledged to vote for such nominee should give their votes to the individual designated for such office by the nominees under paragraph (1);
(4) in the event that both the nominee for President and the nominee for Vice President of the same political party are deceased or permanently incapacitated prior to the date referred to in paragraph (1), the electors of President and Vice President who are pledged to vote for such nominees should vote for the individuals designated for each such office by the nominees under paragraph (1); and

(5) political parties should establish rules and procedures consistent with the procedures described in the preceding paragraphs, including procedures to obtain written pledges from electors to vote in the manner described in such paragraphs.

SEC. 4. SENSE OF CONGRESS ON THE CONTINUITY OF GOVERNMENT AND THE SMOOTH TRANSITION OF EXECUTIVE POWER.

It is the sense of Congress that during the period preceding the end of a term of office in which a President will not be serving a succeeding term—

(1) that President should consider submitting the nominations of individuals to the Senate who are selected by the President-elect for offices that fall within the line of succession;
(2) the Senate should consider conducting confirmation proceedings and votes on the nominations described under paragraph (1), to the extent determined appropriate by the Senate, between January 3 and January 20 before the Inauguration; and

(3) that President should consider agreeing to sign and deliver commissions for all approved nominations on January 20 before the Inauguration to ensure continuity of Government.