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Presidential Succession Act of 2004

United States. Senate

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

IN THE SENATE OF THE UNITED STATES

February 12, 2004

Mr. CORNYN (for himself and Mr. LOTTI) 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 2004”.

SEC. 2. PRESIDENTIAL SUCCESSION.

(a) MEMBERS OF CONGRESS NOT IN LINE OF SUC-CESSION.—Section 19 of title 3, United States Code, is amended by repealing subsections (a), (b), and (c).
(b) Line of Succession.—Section 19 of title 3, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (a); and

(2) in such redesignated subsection—

(A) in paragraph (1)—

(i) by striking “no President pro tempore to act as President under subsection (b) of this section,” and inserting “neither a President nor Vice President to discharge the powers and duties of the office of President,”; and

(ii) by inserting “, Secretary of Homeland Security” after “Attorney General”; and

(B) in paragraph (2)—

(i) by striking “acting as” and inserting “serving as acting”; and

(ii) 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.”; and

(C) in paragraph (3)—

(i) by striking “be held to constitute” and inserting “not require”; and
(ii) by adding at the end “Such individual shall not receive compensation from holding that office during the period that the individual acts as President or Vice President under this section, and shall be compensated for that period as provided under subsection (c).”.

(c) SUCCESSOR TO THE ACTING PRESIDENT.—Section 19 of title 3, United States Code, as amended by this Act, is amended by inserting after subsection (a) the following:

“(b) SUCCESSOR TO THE ACTING PRESIDENT.—

“(1) IN GENERAL.—If a person acting as President under subsection (a) shall die, resign, or be removed, a successor shall serve as acting President under this section, in the same manner as in the event of the death, resignation, removal, or inability of the President and Vice President.

“(2) INABILITY TO PERFORM DUTIES.—If a person acting as President under this section becomes unable to discharge the powers and duties of President, a successor shall serve as acting President under this section in the same manner as in the event of the death, resignation, removal, or inability of the President or Vice President, until the inability...
of the previous acting President has been removed,
or until a new President has been elected.”.

(c) **Eligibility of Officers.**—Section 19 of title
3, United States Code, is amended—

(1) by striking subsection (e) and inserting the
following:

“(c) Subsection (a) shall apply only to such officers
that are—

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

“(2) appointed to an office listed under sub-
section (a)(1), by and with the advice and consent
of the Senate, prior to the time the powers and du-
ties of the President devolve to such officer under
subsection (a)(1); and

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

(2) by redesignating subsection (f) as sub-
section (d).

**SEC. 3. EFFECTIVE DATE.**

(a) **In General.**—This Act shall take effect on Jan-
uary 3, 2005.

(b) **Application.**—The amendments made by sec-
tion 2 shall apply to any death, resignation, removal from
office, inability, or failure to qualify occurring on or after January 3, 2005.