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Presidential Succession Act of 2003

United States. House of Representatives

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H. R. 2749

To amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2003

Mr. SHERMAN (for himself, Mr. BAIRD, Mr. CONYERS, and Mr. FATTAH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Succession Act of 2003”.
SEC. 2. PRESIDENTIAL SUCCESSION.

Section 19 of title 3, United States Code, is amended to read as follows:

“§ 19 Vacancy in offices of both President and Vice President; officers eligible to act

“(a) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the highest individual on the succession list who is eligible to the office of President under the Constitution, not under disability to discharge the powers and duties of the office of President, and not disqualified under subsection (f), shall act as President.

“(b) An individual acting as President under this section shall continue to so act until the expiration of the then current Presidential term except that—

“(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

“(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he
shall act only until the removal of the disability of
one of such individuals.

“(c) For purposes of this section, the term ‘success-
ion list’ means the following list: the individual holding
the office designated in subsection (d), the individual hold-
ing the office designated in subsection (e), the Secretary
of State, the Secretary of the Treasury, the Secretary of
Defense, the Attorney General, the Secretary of Homeland
Security, the Secretary of the Interior, the Secretary of
Agriculture, the Secretary of Commerce, the Secretary of
Labor, the Secretary of Health and Human Services, the
Secretary of Housing and Urban Development, the Sec-
retary of Transportation, the Secretary of Energy, the
Secretary of Education, and the Secretary of Veterans Af-
fairs.

“(d)(1) The President shall submit to the Clerk of
the House of Representatives notification in writing of the
designation of the office of Speaker of the House of Rep-
resentatives or the office of Minority Leader of the House
of Representatives as the office designated for the pur-
poses of this subsection.

“(2) The notification submitted by the President pur-
suant to paragraph (1) shall remain in effect until the
President submits a later notification pursuant to para-
graph (1), and shall not be rendered ineffective by the ex-
piration of any Presidential term.

“(3) Until such time as the President first submits a notification pursuant to paragraph (1), the office of Speaker of the House of Representatives is deemed to be the office designated under this subsection.

“(4) A person acting as Speaker pro tempore shall not be treated for purposes of this section as holding the office of Speaker of the House of Representatives.

“(e)(1) The President shall submit to the Secretary of the Senate a notification in writing of the designation of the office of Majority Leader of the Senate or the office of Minority Leader of the Senate as the office designated for the purposes of this subsection.

“(2) The notification submitted by the President pursuant to paragraph (1) shall remain in effect until the President submits a later notification pursuant to paragraph (1), and shall not be rendered ineffective by the expiration of any Presidential term.

“(3) Until such time as the President first submits a notification pursuant to paragraph (1), the office of Majority Leader of the Senate is deemed to be the office designated under this subsection.

“(f) An individual is disqualified to discharge the powers and duties of the office of President for purposes
of this section unless such individual, at the time that such
powers and duties devolve upon him, meets the following
requirements:

“(1) Such individual resigns the office by virtue
of the holding of which he qualifies to act as Presi-
dent.

“(2) In the case of an individual holding the of-
office designated in subsection (d), such individual re-
signs as a Representative in Congress if such indi-
vidual is a Representative in Congress.

“(3) In the case of an individual holding the of-
office designated in subsection (e), such individual re-
signs as a Senator.

“(4) In the case of any individual not identified
in subsection (d) or (e), such individual is not await-
ing trial or judgment by the Senate after such indi-
vidual’s impeachment by the House of Representa-
tives.

“(g) The rule of subsection (a) shall also apply in
the case of the death, resignation, removal from office, or
inability of an individual acting as President under this
section if, by reason of death, resignation, removal from
office, inability, or failure to qualify, there is no Vice
President to discharge the powers and duties of the office
of President.
“(h) An individual acting as President under this section shall promptly nominate a Vice President upon any vacancy in the office of Vice President.

“(i) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.”.