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Proposed Presidential Succession Legislation

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2-27-2002

### Presidential Succession Act of 2002

United States. House of Representatives

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107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3816

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2002

Mr. SHERMAN (for himself and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Succession  
5 Act of 2002”.

1 **SEC. 2. PRESIDENTIAL CHOICE OF SUCCESSORS.**

2 Section 19 of title 3, United States Code, is  
3 amended—

4 (a) in subsection (a)—

5 (1) by striking paragraph (1) and inserting the  
6 following:

7 “(a)(1) If, by reason of death, resignation, removal  
8 from office, inability, or failure to qualify, there is neither  
9 a President nor Vice President to discharge the powers  
10 and duties of the office of President, then the individual  
11 holding the office designated under paragraph (3) shall,  
12 upon his resignation as a Representative in Congress and  
13 from the office designated in paragraph (3), act as Presi-  
14 dent.”; and

15 (2) by inserting at the end the following:

16 “(3)(A) The President shall submit to the Clerk of  
17 the House of Representatives notification in writing of the  
18 designation of the office of Speaker of the House of Rep-  
19 resentatives or the office of Minority Leader of the House  
20 of Representatives as the office designated for the pur-  
21 poses of this subsection.

22 “(B) The notification submitted by the President  
23 pursuant to subparagraph (A) shall remain in effect until  
24 the President submits a later notification pursuant to sub-  
25 paragraph (A), and shall not be rendered ineffective by  
26 the expiration of any Presidential term.

1       “(C) Until such time as the President first submits  
2 a notification pursuant to subparagraph (A), for purposes  
3 of paragraph (1) the office of Speaker of the House of  
4 Representatives is deemed to be the office designated  
5 under this paragraph.”;

6       (b) by striking subsection (b) and inserting the fol-  
7 lowing:

8       “(b)(1) If, at the time when under subsection (a) the  
9 individual holding the office designated under subsection  
10 (a)(3) is to begin the discharge of the powers and duties  
11 of the office of President, there is no individual holding  
12 the office designated under subsection (a)(3) or the indi-  
13 vidual holding such office fails to qualify as Acting Presi-  
14 dent, the individual holding the office designated under  
15 paragraph (2) shall, upon his resignation as Senator and  
16 from the office designated under paragraph (2), act as  
17 President.

18       “(2)(A) The President shall submit to the Secretary  
19 of the Senate a notification in writing of the designation  
20 of the office of Majority Leader of the Senate or the office  
21 of Minority Leader of the Senate as the office designated  
22 for the purposes of this subsection.

23       “(B) The notification submitted by the President  
24 pursuant to subparagraph (A) shall remain in effect until  
25 the President submits a later notification pursuant to sub-

1 paragraph (A), and shall not be rendered ineffective by  
2 the expiration of any Presidential term.

3 “(C) Until such time as the President first submits  
4 a notification pursuant to subparagraph (A), for purposes  
5 of paragraph (1) the office of Majority Leader of the Sen-  
6 ate is deemed to be the office designated under this para-  
7 graph.”;

8 (c) in subsection (c), by striking “of this section”;

9 (d) in subsection (d)(1)—

10 (1) by striking “President pro tempore” and in-  
11 sserting “individual holding the office designated  
12 under subsection (b)(2)”; and

13 (2) by striking “of this section”;

14 (e) in paragraphs (2) and (3) of subsection (d), by  
15 striking “of this subsection”; and

16 (f) in subsection (e)—

17 (1) by striking “of this section” each place it  
18 occurs; and

19 (2) by striking “President pro tempore” and in-  
20 sserting “individual holding the office designated  
21 under subsection (b)(2)”.

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