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Proposed Presidential Succession Legislation

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# Presidential Succession Act of 2003

United States. House of Representatives

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108TH CONGRESS  
1ST SESSION

# 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.

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## 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

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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, and for other purposes.

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 2003”.

1 **SEC. 2. PRESIDENTIAL SUCCESSION.**

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

4 **“§ 19 Vacancy in offices of both President and Vice**  
5 **President; officers eligible to act**

6 “(a) If, by reason of death, resignation, removal from  
7 office, inability, or failure to qualify, there is neither a  
8 President nor Vice President to discharge the powers and  
9 duties of the office of President, then the highest indi-  
10 vidual on the succession list who is eligible to the office  
11 of President under the Constitution, not under disability  
12 to discharge the powers and duties of the office of Presi-  
13 dent, and not disqualified under subsection (f), shall act  
14 as President.

15 “(b) An individual acting as President under this sec-  
16 tion shall continue to so act until the expiration of the  
17 then current Presidential term except that—

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

23 “(2) if his discharge of the powers and duties  
24 of the office is founded in whole or in part on the  
25 inability of the President or Vice President, then he

1 shall act only until the removal of the disability of  
2 one of such individuals.

3 “(c) For purposes of this section, the term ‘succes-  
4 sion list’ means the following list: the individual holding  
5 the office designated in subsection (d), the individual hold-  
6 ing the office designated in subsection (e), the Secretary  
7 of State, the Secretary of the Treasury, the Secretary of  
8 Defense, the Attorney General, the Secretary of Homeland  
9 Security, the Secretary of the Interior, the Secretary of  
10 Agriculture, the Secretary of Commerce, the Secretary of  
11 Labor, the Secretary of Health and Human Services, the  
12 Secretary of Housing and Urban Development, the Sec-  
13 retary of Transportation, the Secretary of Energy, the  
14 Secretary of Education, and the Secretary of Veterans Af-  
15 fairs.

16 “(d)(1) 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 “(2) The notification submitted by the President pur-  
23 suant to paragraph (1) shall remain in effect until the  
24 President submits a later notification pursuant to para-

1 graph (1), and shall not be rendered ineffective by the ex-  
2 piration of any Presidential term.

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

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

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

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

20 “(3) Until such time as the President first submits  
21 a notification pursuant to paragraph (1), the office of Ma-  
22 jority Leader of the Senate is deemed to be the office des-  
23 igned under this subsection.

24 “(f) An individual is disqualified to discharge the  
25 powers and duties of the office of President for purposes

1 of this section unless such individual, at the time that such  
2 powers and duties devolve upon him, meets the following  
3 requirements:

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

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

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

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

19           “(g) The rule of subsection (a) shall also apply in  
20 the case of the death, resignation, removal from office, or  
21 inability of an individual acting as President under this  
22 section if, by reason of death, resignation, removal from  
23 office, inability, or failure to qualify, there is no Vice  
24 President to discharge the powers and duties of the office  
25 of President.

1       “(h) An individual acting as President under this sec-  
2 tion shall promptly nominate a Vice President upon any  
3 vacancy in the office of Vice President.

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

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