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Proposed Presidential Succession Legislation

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Presidential Succession Act of 2005

United States. Senate

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Recommended Citation

United States. Senate, "Presidential Succession Act of 2005" (2005). *Proposed Presidential Succession Legislation*. 5.
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109TH CONGRESS
1ST SESSION

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.

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 2005”.

6 **SEC. 2. PRESIDENTIAL SUCCESSION.**

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

9 (1) in paragraph (1), by inserting “, Secretary
10 of Homeland Security, Ambassador to the United

1 Nations, Ambassador to Great Britain, Ambassador
2 to Russia, Ambassador to China, Ambassador to
3 France” after “Secretary of Veterans Affairs”;

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

8 (3) in paragraph (3)—

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

11 (B) by adding at the end the following:

12 “Such individual shall not receive compensation
13 from holding that office during the period that
14 the individual acts as President under this sec-
15 tion, and shall be compensated for that period
16 as provided under subsection (c).”; and

17 (4) by adding at the end the following:

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

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

22 “(B) appointed to an office listed under para-
23 graph (1), by and with the advice and consent of the
24 Senate, prior to the time the powers and duties of

1 the President devolve to such officer under para-
2 graph (1); and

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

6 (b) CONFORMING AMENDMENTS.—Section 19 of title
7 3, United States Code, is amended—

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

10 (2) in subsection (e)—

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

13 (B) by striking the second sentence.

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

17 It is the sense of Congress that—

18 (1) during a Presidential election year, the
19 nominees of each political party for the office of
20 President and Vice President should jointly an-
21 nounce and designate on or before the final day of
22 the convention (or related event) at which they are
23 nominated the individuals for whom the electors of
24 President and Vice President who are pledged to
25 vote for such nominees should give their votes for

1 such offices in the event that such nominees are de-
2 ceased or permanently incapacitated prior to the
3 date of the meeting of the electors of each State
4 under section 7 of title 3, United States Code;

5 (2) in the event a nominee for President is de-
6 ceased or permanently incapacitated prior to the
7 date referred to in paragraph (1) (but the nominee
8 for Vice President of the same political party is not
9 deceased or permanently incapacitated), the electors
10 of President who are pledged to vote for the nominee
11 should give their votes to the nominee of the same
12 political party for the office of Vice President, and
13 the electors of Vice President who are pledged to
14 vote for the nominee for Vice President should give
15 their votes to the individual designated for such of-
16 fice by the nominees under paragraph (1);

17 (3) in the event a nominee for Vice President
18 is deceased or permanently incapacitated prior to the
19 date referred to in paragraph (1) (but the nominee
20 for President of the same political party is not de-
21 ceased or permanently incapacitated), the electors of
22 Vice President who are pledged to vote for such
23 nominee should give their votes to the individual des-
24 ignated for such office by the nominees under para-
25 graph (1);

1 (4) in the event that both the nominee for
2 President and the nominee for Vice President of the
3 same political party are deceased or permanently in-
4 capacitated prior to the date referred to in para-
5 graph (1), the electors of President and Vice Presi-
6 dent who are pledged to vote for such nominees
7 should vote for the individuals designated for each
8 such office by the nominees under paragraph (1);
9 and

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

15 **SEC. 4. SENSE OF CONGRESS ON THE CONTINUITY OF GOV-**
16 **ERNMENT AND THE SMOOTH TRANSITION OF**
17 **EXECUTIVE POWER.**

18 It is the sense of Congress that during the period pre-
19 ceding the end of a term of office in which a President
20 will not be serving a succeeding term—

21 (1) that President should consider submitting
22 the nominations of individuals to the Senate who are
23 selected by the President-elect for offices that fall
24 within the line of succession;

1 (2) the Senate should consider conducting con-
2 firmation proceedings and votes on the nominations
3 described under paragraph (1), to the extent deter-
4 mined appropriate by the Senate, between January
5 3 and January 20 before the Inauguration; and

6 (3) that President should consider agreeing to
7 sign and deliver commissions for all approved nomi-
8 nations on January 20 before the Inauguration to
9 ensure continuity of Government.

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