

108TH CONGRESS  
2D SESSION

# S. 2073

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

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. CORNYN (for himself and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## 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 2004”.

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

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

1 (b) LINE OF SUCCESSION.—Section 19 of title 3,  
2 United States Code, is amended—

3 (1) by redesignating subsection (d) as sub-  
4 section (a); and

5 (2) in such redesignated subsection—

6 (A) in paragraph (1)—

7 (i) by striking “no President pro tem-  
8 pore to act as President under subsection  
9 (b) of this section,” and inserting “neither  
10 a President nor Vice President to dis-  
11 charge the powers and duties of the office  
12 of President,”; and

13 (ii) by inserting “, Secretary of Home-  
14 land Security” after “Attorney General”;

15 (B) in paragraph (2)—

16 (i) by striking “acting as” and insert-  
17 ing “serving as acting”; and

18 (ii) by striking “but not” and all that  
19 follows through the period and inserting  
20 “or until the disability of the President or  
21 Vice President is removed.”; and

22 (C) in paragraph (3)—

23 (i) by striking “be held to constitute”  
24 and inserting “not require”; and

1                   (ii) by adding at the end “Such indi-  
2                   vidual shall not receive compensation from  
3                   holding that office during the period that  
4                   the individual acts as President or Vice  
5                   President under this section, and shall be  
6                   compensated for that period as provided  
7                   under subsection (c).”.

8           (c) SUCCESSOR TO THE ACTING PRESIDENT.—Sec-  
9           tion 19 of title 3, United States Code, as amended by this  
10          Act, is amended by inserting after subsection (a) the fol-  
11          lowing:

12          “(b) SUCCESSOR TO THE ACTING PRESIDENT.—

13                  “(1) IN GENERAL.—If a person acting as Presi-  
14                  dent under subsection (a) shall die, resign, or be re-  
15                  moved, a successor shall serve as acting President  
16                  under this section, in the same manner as in the  
17                  event of the death, resignation, removal, or inability  
18                  of the President and Vice President.

19                  “(2) INABILITY TO PERFORM DUTIES.—If a  
20                  person acting as President under this section be-  
21                  comes unable to discharge the powers and duties of  
22                  President, a successor shall serve as acting Presi-  
23                  dent under this section in the same manner as in the  
24                  event of the death, resignation, removal, or inability  
25                  of the President or Vice President, until the inability

1 of the previous acting President has been removed,  
2 or until a new President has been elected.”.

3 (c) ELIGIBILITY OF OFFICERS.—Section 19 of title  
4 3, United States Code, is amended—

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

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

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

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

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

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

21 **SEC. 3. EFFECTIVE DATE.**

22 (a) IN GENERAL.—This Act shall take effect on Jan-  
23 uary 3, 2005.

24 (b) APPLICATION.—The amendments made by sec-  
25 tion 2 shall apply to any death, resignation, removal from

- 1 office, inability, or failure to qualify occurring on or after
- 2 January 3, 2005.

