

107th CONGRESS

2d 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.

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

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.

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 2002'.

SEC. 2. PRESIDENTIAL CHOICE OF SUCCESSORS.

Section 19 of title 3, United States Code, is amended--

(a) in subsection (a)--

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

`(a)(1) 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 individual holding the office designated under paragraph (3) shall, upon his resignation as a Representative in Congress and from the office designated in paragraph (3), act as President.'; and

(2) by inserting at the end the following:

`(3)(A) 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 Representatives or the office of Minority

Leader of the House of Representatives as the office designated for the purposes of this subsection.

`(B) The notification submitted by the President pursuant to subparagraph (A) shall remain in effect until the President submits a later notification pursuant to subparagraph (A), and shall not be rendered ineffective by the expiration of any Presidential term.

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

(b) by striking subsection (b) and inserting the following:

`(b)(1) If, at the time when under subsection (a) the individual holding the office designated under subsection (a)(3) is to begin the discharge of the powers and duties of the office of President, there is no individual holding the office designated under subsection (a)(3) or the individual holding such office fails to qualify as Acting President, the individual holding the office designated under paragraph (2) shall, upon his resignation as Senator and from the office designated under paragraph (2), act as President.

`(2)(A) 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.

`(B) The notifications submitted by the President pursuant to subparagraph (A) shall remain in effect until the President submits a later notification pursuant to subparagraph (A), and shall not be rendered ineffective by the expiration of any Presidential term.

`(C) Until such time as the President first submits a notification pursuant to subparagraph (A), for purposes of paragraph (1) the office of Majority Leader of the Senate is deemed to be the office designated under this paragraph.';

(c) in subsection (c), by striking `of this section';

(d) in subsection (d)(1)--

(1) by striking `President pro tempore' and inserting `individual holding the office designated under subsection (b)(2)'; and

(2) by striking `of this section';

(e) in paragraphs (2) and (3) of subsection (d), by striking `of this subsection'; and

(f) in subsection (e)--

(1) by striking `of this section' each place it occurs; and

(2) by striking `President pro tempore' and inserting `individual holding the office designated under subsection (b)(2)'.

