

108TH CONGRESS  
1ST SESSION

# H. R. 2319

To include the Secretary of Homeland Security within the order of Presidential succession which applies in the absence of a qualified President and Vice President, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2003

Mr. COX (for himself, Mr. FROST, Mr. VITTER, Mr. BAIRD, Ms. JACKSON-LEE of Texas, Mr. CAMP, and Mr. SHADEGG) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To include the Secretary of Homeland Security within the order of Presidential succession which applies in the absence of a qualified President and Vice 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. FINDINGS.**

4       Congress finds as follows:

5               (1) The terrorist attacks of September 11th  
6       forced all lawmakers to consider the heretofore re-  
7       mote contingency of mass murder directed at our  
8       government.

1           (2) The protection and survival of our most  
2           basic democratic institutions is the most critical  
3           homeland security issue facing this country.

4           (3) The continuity of the office of the President  
5           is vital to the survival of this nation.

6           (4) The integrity of the office of the President  
7           must be maintained at all times.

8           (5) Presidential succession must be certain, well  
9           defined, and able to efficiently operate under the  
10          most adverse of circumstances.

11          (6) The legitimacy of the official taking the of-  
12          fice of the President must be assured.

13          (7) The least Constitutionally intrusive solution  
14          must be found to ensure certain, well defined, and  
15          efficient Presidential succession.

16          (8) Respecting the intentions of our Founding  
17          Fathers is paramount.

18 **SEC. 2. SECRETARY OF HOMELAND SECURITY TO BE IN-**  
19 **CLUDED IN LINE OF PRESIDENTIAL SUCCES-**  
20 **SION; NO DISPLACEMENT OF SUCCESSOR.**

21          (a) SECRETARY OF HOMELAND SECURITY.—Section  
22 19(d)(1) of title 3, United States Code, is amended by  
23 inserting “Secretary of Homeland Security” after “Attor-  
24 ney General,”.

1 (b) SPEAKER OF THE HOUSE OF REPRESENTA-  
2 TIVES.—Section 19(a)(1) of title 3, United States Code,  
3 is amended—

4 (1) by striking “If” and inserting “When”; and

5 (2) by striking “the Speaker of the House of  
6 Representatives” and inserting “the person holding  
7 the office of Speaker of the House of Representa-  
8 tives at the time such event, inability, or failure oc-  
9 curs”.

10 (c) PRESIDENT PRO TEMPORE OF SENATE.—Section  
11 19(b) of such title is amended by striking “the President  
12 pro tempore of the Senate” and inserting “the person  
13 holding the office of President pro tempore of the Senate  
14 at such time”.

15 (d) NO DISPLACEMENT OF SUCCESSOR.—Section  
16 19(d)(2) of title 3, United States Code, is amended by  
17 striking “but not after a qualified and prior entitled indi-  
18 vidual” and all that follows and inserting the following:  
19 “or until the individual’s earlier death, resignation, re-  
20 moval from office, or inability, unless the individual’s dis-  
21 charge of the powers and duties of the office is founded  
22 in whole or in part on the inability of the President or  
23 Vice President, in which case the individual shall act only  
24 until the removal of the disability of the President or Vice  
25 President.”.

1 **SEC. 3. PREVENTING AUTOMATIC RESIGNATION OF INDIVIDUALS SERVING DURING TEMPORARY INCAPACITY OF PRESIDENT OR VICE PRESIDENT.**

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3  
4  
5 Section 19(d)(3) of title 3, United States Code, is  
6 amended by striking “The taking of the oath” and inserting  
7 “Except in the case of an individual acting as President based in whole or in part on the inability of the President or Vice President, the taking of the oath”.

10 **SEC. 4. REMOVAL OF ACTING CABINET OFFICERS FROM LINE OF SUCCESSION.**

11  
12 Section 19(e) of title 3, United States Code, is  
13 amended—

14 (1) in the first sentence, by striking “Subsections (a), (b), and (d) of this section shall apply only to such officers” and inserting “This section shall apply only to such individuals”; and

18 (2) in the second sentence, by inserting after  
19 “advice and consent of the Senate” the following:  
20 “to the offices designated in subsection (d) of this  
21 section”.

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