

put each of the objections and questions to a vote without further debate.

(June 25, 1948, ch. 644, 62 Stat. 676; Pub. L. 117-328, div. P, title I, §110(a), Dec. 29, 2022, 136 Stat. 5240.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328 amended section generally. Prior to amendment, text read as follows: “When the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.”

§ 18. Same; parliamentary procedure at joint session

While the two Houses shall be in session as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw under section 15(d)(2)(C)(i).

(June 25, 1948, ch. 644, 62 Stat. 676; Sept. 3, 1954, ch. 1263, §3, 68 Stat. 1227; Pub. L. 117-328, div. P, title I, §110(b), (c)(2), Dec. 29, 2022, 136 Stat. 5240.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328, §110(c)(2), substituted “session” for “meeting” in section catchline and text.

Pub. L. 117-328, §110(b), inserted “under section 15(d)(2)(C)(i)” after “motion to withdraw”.

1954—Act Sept. 3, 1954, substituted “chapter” for “subchapter”.

§ 19. Vacancy in offices of both President and Vice President; officers eligible to act

(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 Speaker of the House of Representatives shall, upon his resignation as Speaker and as Representative in Congress, act as President.

(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this subsection.

(b) If, at the time when under subsection (a) of this section a Speaker is to begin the discharge of the powers and duties of the office of President, there is no Speaker, or the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall, upon his resignation as President pro tempore and as Senator, act as President.

(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term, except that—

(1) if his discharge of the powers and duties of the office is founded in whole or in part on

the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice President qualifies; and

(2) if his discharge of the powers and duties of the office is founded in whole or in part on the inability of the President or Vice President, then he shall act only until the removal of the disability of one of such individuals.

(d)(1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is no President pro tempore to act as President under subsection (b) of this section, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President shall act as President: Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs, Secretary of Homeland Security.

(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service.

(3) The taking of the oath of office by an individual specified in the list in paragraph (1) of this subsection shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

(e) Subsections (a), (b), and (d) of this section shall apply only to such officers as are eligible to the office of President under the Constitution. Subsection (d) of this section shall apply only to officers appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, inability, or failure to qualify, of the President pro tempore, and only to officers not under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon them.

(f) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

(June 25, 1948, ch. 644, 62 Stat. 677; Pub. L. 89-174, §6(a), Sept. 9, 1965, 79 Stat. 669; Pub. L. 89-670, §10(a), Oct. 15, 1966, 80 Stat. 948; Pub. L. 91-375, §6(b), Aug. 12, 1970, 84 Stat. 775; Pub. L. 95-91, title VII, §709(g), Aug. 4, 1977, 91 Stat. 609; Pub. L. 96-88, title V, §508(a), Oct. 17, 1979, 93 Stat. 692; Pub. L. 100-527, §13(a), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 109-177, title V, §503, Mar. 9, 2006, 120 Stat. 247.)

Editorial Notes

AMENDMENTS

2006—Subsec. (d)(1). Pub. L. 109-177 inserted “, Secretary of Homeland Security” after “Secretary of Veterans Affairs”.

1988—Subsec. (d)(1). Pub. L. 100-527 inserted reference to Secretary of Veterans Affairs.

1979—Subsec. (d)(1). Pub. L. 96-88 substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare” and inserted reference to Secretary of Education.

1977—Subsec. (d)(1). Pub. L. 95-91 inserted reference to Secretary of Energy.

1970—Subsec. (d)(1). Pub. L. 91-375 struck out “Postmaster General,” after “Attorney General.”

1966—Subsec. (d)(1). Pub. L. 89-670 inserted reference to Secretary of Transportation.

1965—Subsec. (d)(1). Pub. L. 89-174 inserted reference to Secretary of Health, Education, and Welfare and Secretary of Housing and Urban Development.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of Title 20, Education.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 16(a), formerly section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-670 effective Apr. 1, 1967, as prescribed by President and published in Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89-670, and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-174 effective upon expiration of first period of sixty calendar days following Sept. 9, 1965 or on earlier date specified by Executive order, see section 11(a) of Pub. L. 89-174 set out as an Effective Date note under section 3531 of Title 42, The Public Health and Welfare.

§ 20. Resignation or refusal of office

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

(June 25, 1948, ch. 644, 62 Stat. 678.)

Statutory Notes and Related SubsidiariesPRESIDENTIAL RECORDINGS AND MATERIALS
PRESERVATION ACT

For protection and preservation of tape recordings of conversations involving former President Richard M.

Nixon, see sections 101 to 106 of Pub. L. 93-526, set out as a note under section 2107 of Title 44, Public Printing and Documents.

§ 21. Definitions

As used in this chapter the term—

(1) “election day” means the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President held in each State, except, in the case of a State that appoints electors by popular vote, if the State modifies the period of voting, as necessitated by force majeure events that are extraordinary and catastrophic, as provided under laws of the State enacted prior to such day, “election day” shall include the modified period of voting.

(2) “State” includes the District of Columbia.

(3) “executive” means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a different State executive to perform the duties identified under this chapter.

(Added Pub. L. 87-389, §2(a), Oct. 4, 1961, 75 Stat. 820; amended Pub. L. 117-328, div. P, title I, §§102(b), 104(b), Dec. 29, 2022, 136 Stat. 5233, 5235.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-328, §102(b), added par. (1) and redesignated former subssecs. (a) and (b) as pars. (2) and (3), respectively.

Par. (3). Pub. L. 117-328, §104(b), added par. (3) and struck out former par. (3), as redesignated from subsec. (b), which read as follows: “‘executives of each State’ includes the Board of Commissioners of the District of Columbia.”

Executive Documents

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198.

§ 22. Severability

If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

(Added Pub. L. 117-328, div. P, title I, §111(a), Dec. 29, 2022, 136 Stat. 5240.)

**CHAPTER 2—OFFICE AND COMPENSATION
OF PRESIDENT**

Sec.

101. Commencement of term of office.