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§ 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.)

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.

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.)

PRESIDENTIAL 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—

(a) ''State'' includes the District of Columbia.

(b) ''executives of each State'' includes the Board of Commissioners of the District of Columbia.

(Added Pub. L. 87–389, §2(a), Oct. 4, 1961, 75 Stat. 820.)

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.

CHAPTER 2—OFFICE AND COMPENSATION OF PRESIDENT

Sec.
101. Commencement of term of office.
102. Compensation of the President.
103. Traveling expenses.
104. Salary of the Vice President.
105. Assistance and services for the President.
106. Assistance and services for the Vice President.
107. Domestic Policy Staff and Office of Administration; personnel.
108. Assistance to the President for unanticipated needs.
109. Public property in and belonging to the Executive Residence at the White House.
110. Furniture for the Executive Residence at the White House.
111. Expense allowance of Vice President.
112. Detail of employees of executive departments.
113. Personnel report.
114. General pay limitation.
115. Veterans' preference.

AMENDMENTS

1998—Pub. L. 105–339, §4(b)(2), Oct. 31, 1998, 112 Stat. 3185, added item 115.

1978—Pub. L. 95–570, §§1(b), 2(b), 3(b), 5(b)(2), (c)(2), Nov. 2, 1978, 92 Stat. 2447, 2449, 2450, 2451, substituted in item 105 ''Assistance and services for the President'' for ''Compensation of secretaries and executive, administrative, and staff assistants to President''; in item 106 ''Assistance and services for the Vice President'' for ''Administrative assistants''; in item 107 ''Domestic Policy Staff and Office of Administration; personnel'' for ''Detail of employees of executive departments to office of President''; in item 108 ''Assistance to the President for unanticipated needs'' for ''Accommodations for vehicles''; and in item 109 ''the Executive Residence at the White House'' for ''Executive Mansion''; inserted in item 110 ''the Executive Residence at the'' before ''White House''; and added items 112, 113 and 114.

EXECUTIVE OFFICE PERSONNEL BACKGROUND INVESTIGATIONS; LEAVES OF ABSENCE

Pub. L. 103–329, title VI, §632, Sept. 30, 1994, 108 Stat. 2425, provided that:

''(a) IN GENERAL.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed on leave without pay status if the individual—

''(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF–86) or equivalent form; or

''(2) has not, within 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to the United States Secret Service for issuance of the appropriate access pass.

''(b) EXEMPTION.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.''

[For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

REORGANIZATION PLAN NO. 1 OF 1977

42 F.R. 56101, 91 Stat. 1633, as amended by Pub. L. 97–195, §1(c)(5), June 16, 1982, 96 Stat. 115

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 15, 1977,[1] pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 1. REDESIGNATION OF DOMESTIC COUNCIL STAFF

The Domestic Council staff is hereby designated the Domestic Policy Staff and shall consist of such staff personnel as are determined by the President to be necessary to assure that the needs of the President for prompt and comprehensive advice are met with respect to matters of economic and domestic policy. The staff shall continue to be headed by an Executive Director who shall be an Assistant to the President, designated by the President, as provided in Section 203 of Reorganization Plan No. 2 of 1970 [set out in Title 5, Appendix]. The Executive Director shall perform such functions as the President may from time to time direct.

SEC. 2. ESTABLISHMENT OF AN OFFICE OF ADMINISTRATION

There is hereby established in the Executive Office of the President the Office of Administration which shall be headed by the President. There shall be a Director of the Office of Administration. The Director shall be

[1] As amended Sept. 15, 1977.