§ 3345. Acting officer

(a) If an officer of an Executive agency (including the Executive Office of the President, and other than the Government Accountability Office) whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is otherwise unable to perform the functions and duties of the office—

(1) the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346; or

(2) notwithstanding paragraph (1), the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of section 3346; or

(3) notwithstanding paragraph (1), the President (and only the President) may direct an

agency employee detailed to an international organization for 5 years, to extend the 5-year period for up to an additional 3 years.

DETAILS TO INTERNATIONAL ORGANIZATIONS

For provisions concerning the providing for details of Federal employees to international organizations and the delegation of Presidential authority, concerning the extension of a detail under this section, to the Secretary of State, see Ex. Ord. No. 11552, Aug. 24, 1970, 35 F.R. 13569, set out as a note under section 3584 of this title.

HISTORICAL AND REVISION NOTES

Derivation | U.S. Code | Revised Statutes and Statutes at Large
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HISTORICAL AND REVISION NOTES

1969—Subsec. (b), Pub. L. 91-175 substituted "5" for "3" and inserted provision enabling President, regarding
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AMENDMENTS

EFFECTIVE DATE

“(1) EFFECTIVE DATE.—Subject to paragraph (2), this section [enacting this section and sections 3346 to 3349d of this title, repealing former sections 3345 to 3349 of this title, and enacting provisions set out as a note under section 3301 of this title] and the amendments made by this section shall take effect 30 days after the date of enactment of this section [Oct. 21, 1998].

“(2) APPLICATION.—

“(A) In general.—This section shall apply to any office that becomes vacant after the effective date of this section.

“(B) IMEDIATE APPLICATION OF TIME LIMITATION.—Notwithstanding subparagraph (A), for any office vacant on the effective date of this section, the time limitations under section 3346 of title 5, United States Code (as amended by this section) shall apply to such office. Such time limitations shall apply as though such office first became vacant on the effective date of this section.

“(C) CERTAIN NOMINATIONS.—If the President submits to the Senate the nomination of any person after the effective date of this section for an office for which such person had been nominated before such date, the next nomination of such person after such date shall be considered a first nomination of such person to that office for purposes of sections 3345 through 3349 and section 3349d of title 5, United States Code (as amended by this section).”

ORDER OF SUCCESSION WITHIN DEPARTMENT OF HOMELAND SECURITY

EXECUTIVE ORDER NO. 10513
Ex. Ord. No. 10513, Jan. 19, 1954, 19 F.R. 369, which designated certain officers of the Department of Labor to act as Secretary of Labor during any period of unavailability of both the Secretary and the Deputy Secretary of Labor, was revoked by Ex. Ord. No. 13245, § 4, Dec. 8, 2001, 66 F.R. 66269, set out below.

EXECUTIVE ORDER NO. 11274

EXECUTIVE ORDER NO. 11467

EXECUTIVE ORDER NO. 11822
Ex. Ord. No. 11822, Dec. 19, 1974, 39 F.R. 43275, which designated certain officers of the Department of the Treasury to act as Secretary of the Treasury during any period of unavailability of both the Secretary and
the Deputy Secretary of the Treasury, was revoked by Ex. Ord. No. 13246, § 4, Dec. 28, 2001, 67 F.R. 1599, set out below.

EXECUTIVE ORDER No. 11880

EXECUTIVE ORDER No. 11957
Ex. Ord. No. 11957, Jan. 13, 1977, 42 F.R. 3295, which designated certain officers of the Department of Agriculture to act as Secretary of Agriculture during any period of unavailability of the Secretary and the Deputy Secretary of Agriculture, was revoked by Ex. Ord. No. 13241, § 4, Dec. 18, 2001, 66 F.R. 66259, formerly set out below.

EXECUTIVE ORDER No. 12343
Ex. Ord. No. 12343, Jan. 27, 1982, 47 F.R. 4225, which designated certain officers of the Department of State to act as Secretary of State during any period of unavailability of both the Secretary and the Deputy Secretary of State, was revoked by Ex. Ord. No. 13251, § 4, Dec. 28, 2001, 67 F.R. 1599, set out below.

EXECUTIVE ORDER No. 12879
Ex. Ord. No. 12879, Nov. 8, 1993, 58 F.R. 59929, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including [former] section 3347 of title 5, United States Code, it is hereby ordered as follows:

SECTION 1. Succession to the Authority of the Secretary of the Navy.
(a) In the event of the death, permanent disability, or resignation of the Secretary of the Navy, the incumbents holding the positions designated below, in the order indicated, shall act for and exercise the powers of the Secretary of the Navy:

1. The Under Secretary of the Navy.
2. The Assistant Secretaries and General Counsel of the Navy, in the order fixed by their length of service as permanent appointees in such positions.
3. The Chief of Naval Operations.
4. The Commandant of the Marine Corps.

(b) When the Secretary of the Navy is temporarily absent from the position, the Secretary of the Navy may continue to exercise the powers and fulfill the duties of his office during his absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraph (a) of this section who have the same date of appointment shall be determined by the Secretary of the Navy at the time that such appointments are made.

(d) Notwithstanding paragraphs (a) and (b) of this section, an officer shall not act for or exercise the powers of the Secretary of the Navy under this order if that officer serves only in an acting capacity in the position that would otherwise entitle him to do so.

SISC. 2. Temporary Nature of Succession. Succession to act for and exercise the powers of the Secretary of the Navy pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

WILLIAM J. CLINTON.

EXECUTIVE ORDER No. 12908
Ex. Ord. No. 12908, Apr. 22, 1994, 59 F.R. 21907, provided:
By the authority vested in me as President by the Constitution and the laws of the United States of America, including [former] section 3347 of title 5, United States Code, it is hereby ordered as follows:

SECTION 1. Succession To Act as the Secretary of the Army.
(a) In the event of the death, permanent disability, or resignation of the Secretary of the Army, the incumbents holding the positions designated below, in the order indicated, shall act for and exercise the powers of the Secretary of the Army:

1. The Under Secretary of the Army.
2. The Assistant Secretaries and General Counsel of the Army, in the order fixed by their length of service as permanent appointees in such positions.
3. The Chief of Staff of the Army.

(b) In the event of the absence or temporary disability of the Secretary of the Army, the incumbents holding the Department of the Army positions designated in paragraph (a) of this section, in the order indicated, shall act for and exercise the powers of the Secretary of the Army:

1. The designation of an Acting Secretary of the Army under this subsection applies only for the duration of the Secretary’s absence or disability, and does not affect the authority of the Secretary to resume the powers of the Secretary’s office.

2. When the Secretary of the Army is temporarily absent from the position, the Secretary of the Army may continue to exercise the powers and fulfill the duties of his office during his absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraph (a) of this section who have the same date of appointment shall be determined by the Secretary of the Army at the time such appointments are made.

(d) Notwithstanding paragraphs (a) and (b) of this section, an officer shall not act for or exercise the powers of the Secretary of the Army under this order if that officer serves only in an acting capacity in the position that would otherwise entitle him to do so.

SISC. 2. Temporary Nature of Succession. Succession to act for and exercise the powers of the Secretary of the Army pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

WILLIAM J. CLINTON.

EXECUTIVE ORDER No. 12909
Ex. Ord. No. 12909, Apr. 22, 1994, 59 F.R. 21909, provided:
By the authority vested in me as President by the Constitution and the laws of the United States of America, including [former] section 3347 of title 5, United States Code, it is hereby ordered as follows:

SECTION 1. Succession To Act as the Secretary of the Air Force.
(a) In the event of the death, permanent disability, or resignation of the Secretary of the Air Force, in the order fixed by their length of service as permanent appointees in such positions.

(b) In the event of the absence or temporary disability of the Secretary of the Air Force, the incumbents holding the positions designated below, in the order indicated, shall act for and exercise the powers of the Secretary of the Air Force:

1. The Under Secretary of the Air Force.
2. The Assistant Secretaries and General Counsel of the Air Force, in the order fixed by their length of service as permanent appointees in such positions.
3. The Chief of Staff of the Air Force.

SISC. 2. Temporary Nature of Succession. Succession to act for and exercise the powers of the Secretary of the Air Force pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

WILLIAM J. CLINTON.
holding the Department of the Air Force positions designated in paragraph (a) of this section, in the order indicated, shall act for and exercise the powers of the Secretary of the Air Force.

(1) The designation of an Acting Secretary of the Air Force applies only for the duration of the Secretary’s absence or disability, and does not affect the authority of the Secretary to resume the powers of the Secretary’s office.

(2) In the event that the Secretary of the Air Force is temporarily absent from the position, the Secretary of the Air Force may continue to exercise the powers and fulfill the duties of his office during the absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraph (a) of this section who have the same date of appointment shall be determined by the Secretary of the Air Force at the time that such appointments are made.

(d) Notwithstanding paragraphs (a) and (b) of this section, an officer shall not act for or exercise the powers of the Secretary of the Air Force under this order if that officer serves only in an acting capacity in the position that would otherwise entitle him to do so.

Sect. 2. Temporary Nature of Succession. Succession to act for and exercise the powers of the Secretary of the Air Force pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

WILLIAM J. CLINTON.

EXECUTIVE ORDER No. 13000


EXECUTIVE ORDER No. 13241


EX. ORD. No. 13242. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF COMMERCE


By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Commerce (Secretary) during any period when both the Secretary and the Deputy Secretary of Commerce (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sect. 2. Order of Succession.

(a) General Counsel of the Department of Commerce; (b) Under Secretary of Commerce for International Trade; (c) Under Secretary of Commerce for Economic Affairs; (d) Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration; (e) Under Secretary of Commerce for Technology; (f) Under Secretary of Commerce for Export Administration; (g) Chief Financial Officer of the Department of Commerce and Assistant Secretary of Commerce in charge of Administration; and

(h) Assistant Secretary of Commerce in charge of Legislative and Intergovernmental Affairs.

Sect. 3. Exceptions.

(a) No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.


GEORGE W. BUSH.

EX. ORD. No. 13243. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT


By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Housing and Urban Development (Secretary) during any period when both the Secretary and the Deputy Secretary of Housing and Urban Development (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sect. 2. Order of Succession.

(a) General Counsel of the Department of Housing and Urban Development; (b) Assistant Secretary of Housing and Urban Development in charge of Housing-Federal Housing Commission; (c) Assistant Secretary of Housing and Urban Development in charge of Community, Planning and Development; (d) Assistant Secretary of Housing and Urban Development in charge of Policy Development and Research; (f) Assistant Secretary of Housing and Urban Development in charge of Public and Indian Housing; (e) Assistant Secretary of Housing and Urban Development in charge of Policy Development and Research; (g) Assistant Secretary of Housing and Urban Development in charge of Congressional and Intergovernmental Relations; (h) Assistant Secretary of Housing and Urban Development in charge of Administration; and

(i) Assistant Secretary of Housing and Urban Development in charge of Public Affairs.

Sect. 3. Exceptions.

(a) No individual who is serving in an office listed in section 2(a)–(i) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

Sect. 4. Executive Order 11274 of March 30, 1996, is hereby revoked.

GEORGE W. BUSH.

EX. ORD. No. 13244. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF THE INTERIOR


By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of the Interior (Secretary) during any period when both the Secretary and the Deputy Secretary of the Interior (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

Sect. 2. Order of Succession.

(a) General Counsel of the Department of the Interior; (b) Under Secretary of the Interior; (c) Assistant Secretary of the Interior for Fish and Wildlife Service; (d) Assistant Secretary of the Interior for Land and Minerals Management; (e) Assistant Secretary of the Interior for Mines and Minerals; (f) Assistant Secretary of the Interior for Natural Resources; (g) Assistant Secretary of the Interior for Policy, Management, and Budget; (h) Assistant Secretary of the Interior for Regional and Real Estate Services; (i) Assistant Secretary of the Interior for Resource Management; and

(j) Acting Secretary of the Interior.
America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of the Interior (Secretary) during any period when both the Secretary and the Deputy Secretary of the Interior (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

SIC. 2. Order of Succession.
(a) Solicitor of the Department of the Interior;
(b) Assistant Secretary of the Interior in charge of Policy, Management and Budget;
(c) Assistant Secretary of the Interior in charge of Land and Minerals Management;
(d) Assistant Secretary of the Interior in charge of Water and Science;
(e) Assistant Secretary of the Interior for Fish and Wildlife and Parks; and
(f) Assistant Secretary of the Interior for Indian Affairs.

SIC. 3. Exceptions.
(a) No individual who is serving in an office listed in section 2(a)–(f) in an acting capacity shall, by virtue of serving, act as Secretary pursuant to this order.
(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

SIC. 4. Executive Order 11467 of October 6, 1969, is hereby revoked.

GEORGE W. BUSH.

EX. ORD. No. 13245. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF LABOR


By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of the Treasury (Secretary) during any period when both the Secretary and the Deputy Secretary of the Treasury (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

SIC. 2. Order of Succession.
(a) Under Secretaries of the Treasury (including the Under Secretary of the Treasury for Enforcement), in the order in which they shall have taken the oath of office as such officers;
(b) General Counsel of the Department of the Treasury; and
(c) Deputy Under Secretaries of the Treasury and those Assistant Secretaries of the Treasury appointed by the President by and with the consent of the Senate, in the order in which they shall have taken the oath of office as such officers.

SIC. 3. Exceptions.
(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.
(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

SIC. 4. Executive Order 11822 of December 10, 1974, is hereby revoked.

GEORGE W. BUSH.

EX. ORD. No. 13247. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF VETERANS AFFAIRS


By the authority vested in me as President by the Constitution and the laws of the United States of America, including Subchapter III of Chapter 33 of title 5 of the United States Code, it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this Executive Order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Veterans Affairs (Secretary) during any period when both the Secretary and the Deputy Secretary of Veterans Affairs (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary.

SIC. 2. Order of Succession.
(a) Under Secretary of Veterans Affairs for Health;
(b) Under Secretary of Veterans Affairs for Benefits;
(c) Under Secretary of Veterans Affairs for Memorial Affairs;
(d) General Counsel of the Department of Veterans Affairs;
(e) Assistant Secretaries of Veterans Affairs, in the order in which they shall have taken the oath of office

(b) Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.
as Assistant Secretaries, other than the Chief Financial Officer and, if an Assistant Secretary, the Chief Information Officer;
(f) Chief Information Officer of the Department of Veterans Affairs, if the Chief Information Officer is an officer appointed by the President by and with the consent of the Senate;
(g) Chief Financial Officer of the Department of Veterans Affairs; and
(h) Chairman, Board of Veterans’ Appeals.
Snc. 3. Exceptions. No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.

Notwithstanding the provisions of this Executive Order, the President retains discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart from this Executive Order in designating an acting Secretary.

**GEORGE W. BUSH.**

**EXECUTIVE ORDER NO. 13250**


Ex. Ord. No. 13251, PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF STATE


By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as, and perform the duties of, the office of Secretary of State (Secretary) during any period in which the Secretary has died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary.

Snc. 2. Order of Succession.
(a) Deputy Secretary of State;
(b) Deputy Secretary of State for Management and Resources;
(c) Under Secretary of State designated for political affairs pursuant to section 2651a(b) of title 22, United States Code;
(d) Under Secretary of State designated for management affairs pursuant to section 2651a(b) of title 22, United States Code;
(e) The remaining Under Secretaries of State, in the order in which they shall have taken the oath of office as such;
(f) Assistant Secretaries of State designated for regional bureaus pursuant to section 2651a(c) of title 22, United States Code, in the order in which they have taken the oath of office as such;
(g) The following officers, in the order in which they shall have taken the oath of office as such:
(1) Remaining Assistant Secretaries of State;
(2) Coordinator for Counterterrorism;
(3) Director General of the Foreign Service; and
(4) Legal Adviser;
(h) United States Representative to the United Nations (New York);
(i) Deputy United States Representative to the United Nations (New York);
(j) The following other United States Representatives to the United Nations (New York), in the order in which they shall have taken the oath of office as such:
(1) United States Representative to the United Nations for United Nations Management and Reform;
(2) United States Representative to the United Nations on the Economic and Social Council of the United Nations; and
(3) Alternate United States Representative to the United Nations for Special Political Affairs in the United Nations;
(k) The following Chiefs of Mission, in the order listed:
(1) United States Ambassador to the United Kingdom;
(2) United States Ambassador to Canada;
(3) United States Ambassador to Australia;
(4) United States Ambassador to Mexico;
(5) United States Ambassador to Japan; and
(6) United States Ambassador to India;
(l) The following officers, in the order in which they shall have taken the oath of office as such:
(1) United States Ambassadors at Large;
(2) Counselor;
and
(3) Special Representatives of the President; and
(m) The remaining Chiefs of Mission, in the order in which they shall have taken the oath of office as such.
Snc. 3. Exceptions.
(a) No individual who has not been appointed by the President by and with the consent of the Senate shall act as Secretary pursuant to this order.
(b) No individual who is serving in an office listed in section 2(a)–(m) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.
(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., to depart from this order in designating an acting Secretary.
(d) A successor officer, intended to be the equivalent of an office identified in section 2 of this order, shall be deemed to be the position identified in section 2 for purposes of this order.

Snc. 4. Executive Order 12343 of January 27, 1982, is hereby revoked.

**GEORGE W. BUSH.**

**EXECUTIVE ORDER NO. 13261**

Ex. Ord. No. 13261, PROVIDING AN ORDER OF SUCCESSION IN THE ENVIRONMENTAL PROTECTION AGENCY AND AMENDING CERTAIN ORDERS ON SUCCESSION


By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as, and perform the functions and duties of the office of the Administrator of the Environmental Protection Agency (Administrator) during any period in which the Administrator have died, resigned, or become otherwise unable to perform the functions and duties of the office of Administrator.

Snc. 2. Order of Succession.
(a) Assistant Administrator, Office of Solid Waste;
(b) Assistant Administrator for Toxic Substances;
(c) Assistant Administrator (Air and Radiation);
(d) Assistant Administrator (Water Programs);
(e) Assistant Administrator (General Counsel);
(f) Assistant Administrator (Enforcement and Compliance Assurance);
(g) Chief Financial Officer;
(h) Assistant Administrator (Research and Development);
(i) Assistant Administrator (International Activities);
(j) Assistant Administrator (Administration and Resource Management); and
(k) Assistant Administrator (Environmental Information).
Snc. 3. Exceptions.
(a) No individual who is serving in an office listed in section 2(a)–(k) in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this order.
By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of the Secretary of Health and Human Services (Secretary), if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, during any period in which the Secretary has died, resigned, or become otherwise unable to perform the functions and duties of the office of Secretary.

Sect. 2. Order of Succession.
(a) Deputy Secretary of Health and Human Services;
(b) General Counsel of the Department of Health and Human Services;
(c) Assistant Secretary (Resources and Technology);
(d) Assistant Secretary (Planning and Evaluation);
(e) Administrator of the Centers for Medicare and Medicaid Services;
(f) Commissioner of Food and Drugs;
(g) Director of the National Institutes of Health;
(h) Assistant Secretary for Family Support;
(i) Other Assistant Secretaries of the Department of Health and Human Services appointed by the President, in the order in which they shall have taken the oath of office as such;
(j) Director, Centers for Disease Control and Prevention;
(k) Director, Region 4.

Sect. 3. Exceptions.
(a) No individual who is serving in an office listed in section 2 of this order in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this order.
(b) Notwithstanding the provisions of this order, the President retains discretion, consistent with the Federal Vacancies Reform Act of 1998, to depart from this order in designating an acting Secretary.

Sect. 4. Repeal. Executive Order 13241 of December 28, 2001 (Providing An Order of Succession Within the Department of Health and Human Services), and the President's memorandum of March 19, 2002 (Designation of Officers of the Department of Health and Human Services), are hereby revoked.

GEORGE W. BUSH.

EXECUTIVE ORDER NO. 13394

EXECUTIVE ORDER NO. 13391
Ex. Ord. No. 13391, Jan. 13, 2005, 70 F.R. 3137, provided:

(1) No individual who is serving in an office listed in section 2 in an acting capacity, by virtue of so serving, shall act as Director pursuant to this order.
(2) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Director.

GEORGE W. BUSH.

EXECUTIVE ORDER NO. 13394

EXECUTIVE ORDER NO. 13461
Providing An Order of Succession Within the Department of Health and Human Services
Ex. Ord. No. 13461, Feb. 15, 2008, 73 F.R. 9437, provided:
delegating or partially delegating the authority of an
office.
Sec. 3. Orders of Succession Requiring Presidential Ac-
tion. (a) Each agency for which presidential action is re-
quired to establish an order of succession shall draft a
proposed order of succession if no such order exists and,
not later than 30 days from the date of this order, send
such proposed draft order to the Counsel to the Presi-
dent for review and comment.
(b) Each agency described in subsection 3(a) of this
order shall send any proposed updates or revisions to
the agency’s order of succession to the Counsel to the
President for review and comment.
(c) Upon completion of the requirements set forth by
subsections (a) or (b) of this section with respect to a
proposed order, the agency shall submit the proposed
order to the Office of Management and Budget in ac-
cordance with Executive Order 11030, as amended.
Sec. 4. Orders of Succession Not Requiring Presidential Ac-
tion. (a) Each agency for which presidential action is
not required to establish an order of succession because
of the agency’s existing legal authority shall establish
and maintain such order in accordance with applicable
law and any applicable guidance issued by the Presi-
dent or the Secretary of Homeland Security, including
the laws and guidance regarding continuity plans and
processes for the executive branch.
(b) Each agency described in subsection 4(a) of this
order shall update and revise its order of succession as
necessary. Before implementing any revisions to its
order, each agency shall send the pro-
posed revisions to the Counsel to the President for
review and comment.
(c) Not later than 30 days from the date of this order,
and not later than 7 days from the issuance date of any
subsequent final revision to an existing order of succes-
sion, each agency described in subsection 4(a) of this
order shall provide a copy of its order of succession to
the Counsel to the President, the Assistant to the
President for Homeland Security and Counter-
terrorism, and the Director of the Office of Manage-
ment and Budget.
Sec. 5. General Provisions. (a) Nothing in this order
shall be construed to impair or otherwise affect:
(i) authority granted by law to a department, agen-
cy, or the head thereof; or
(ii) functions of the Director of the Office of Man-
agement and Budget relating to budget, administra-
tive, or legislative proposals.
(b) Nothing in this order shall be construed to dele-
gate the President’s authority under the Federal Va-
cancies Reform Act of 1998, 5 U.S.C. 3345 et seq., to
designate individuals to perform the functions and duties
of an absent office temporarily in an acting capacity.
(c) This order shall be implemented in a manner con-
sistent with applicable law and subject to the availabil-
ity of appropriations.
(d) This order is not intended to, and does not, create
any right or benefit, substantive or procedural, enforce-
able at law or in equity, by any party against the
United States, its agencies, instrumentalities, or enti-
ties, its officers, employees, or agents, or any other
person.

George W. Bush.

EXECUTIVE ORDER No. 13481
Ex. Ord. No. 13481, Dec. 9, 2008, 73 F.R. 75531, which
provided an order of succession within the Department
of Justice, was revoked by Ex. Ord. No. 13557, § 3, Nov.
4, 2010, 75 F.R. 68679, set out below.

Ex. Ord. No. 13485, Jan. 9, 2009, 74 F.R. 2237, provided:
By the authority vested in me as President under the Con-
stitution and the laws of the United States of Amer-
ica, including the Federal Vacancies Reform Act
of 1998, 5 U.S.C. 3345 et seq., it is hereby or-
dered that:

SECTION 1. Order of Succession. Subject to the provi-
sions of section 2 of this order, the following officials of
the Department of Transportation, in the order listed,
shall act as and perform the functions and duties of the
office of the Secretary of Transportation (Secretary),
during any period in which the Secretary, the Deputy
Secretary of Transportation, the Under Secretary of
Transportation and the officials designated by the Sec-
retary pursuant to 49 U.S.C. 102(e) have died, resigned,
or otherwise become unable to perform the
functions and duties of the office of Secretary, until
such time as the Secretary or one of the officials listed
above is able to perform the duties of that office:
(a) Administrator of the Federal Highway Adminis-
tration;
(b) Administrator of the Federal Aviation Adminis-
tration;
(c) Administrator of the Federal Railroad Adminis-
tration;
(d) Administrator of the Federal Motor Carrier Safe-
ty Administration;
(e) Administrator of the Federal Transit Administra-
tion;
(f) Administrator of the Maritime Administration;
(g) Administrator of the Pipeline and Hazardous Ma-
terials Safety Administration;
(h) Administrator of the National Highway Traffic
Safety Administration;
(i) Administrator of the Research and Innovative
Technology Administration;
(j) Administrator of the Saint Lawrence Seaway De-
velopment Corporation;
(k) Regional Administrator, Southern Region, Fed-
eral Aviation Administration;
(l) Director, Resource Center, Lakewood, Colorado,
Federal Highway Administration; and
(m) Regional Administrator, Northwest Mountain Re-
region, Federal Aviation Administration.

Sec. 2. Exceptions. (a) No individual who is serving in
an office listed in section 1 in an acting capacity, by
virtue of so serving, shall act as Secretary pursuant to
this section.
(b) No individual who is serving in an office listed in
section 1 shall act as Secretary unless that individual
is otherwise eligible to so serve under the Federal Va-
(c) Notwithstanding the provisions of this order, the
President retains discretion, to the extent permitted by
law, to depart from this order in designating an acting
Secretary.

Sec. 3. This order supersedes the President’s Memo-
randum of March 19, 2002 (Designation of Officers of
the Department of Transportation).

Sec. 4. This order is intended to improve the internal
management of the executive branch and is not in-
tended to, and does not, create any right or benefit,
substantive or procedural, enforceable at law or in eq-
ity, by any party against the United States, its aven-
cies, instrumentalities, or entities, its officers, employ-
ees, or agents, or any other person.

George W. Bush.

Ex. Ord. No. 13533, PROVIDING AN ORDER OF SUCCESSION
WITHIN THE DEPARTMENT OF DEFENSE
Ex. Ord. No. 13533, Mar. 1, 2010, 75 F.R. 10163, provided:
By the authority vested in me as President by the Con-
stitution and the laws of the United States of Amer-
ica, including the Federal Vacancies Reform Act
of 1998, as amended, 5 U.S.C. 3345 et seq., it is hereby or-
dered that:

SECTION 1. Order of Succession. (a) Subject to the provi-
sions of section 2 of this order, the following officials of
the Department of Defense, in the order listed, shall act as and perform the functions
and duties of the office of the Secretary of Defense (Secretary) during any period in which the Secretary
has died, resigned, or otherwise become unable to per-
f orm the functions and duties of the office of the Sec-
retary, until such time as the Secretary is able to per-
form the functions and duties of that office:
(1) Deputy Secretary of Defense;  
(2) Secretary of the Army;  
(3) Secretary of the Navy;  
(4) Secretary of the Air Force;  
(5) Under Secretary of Defense for Acquisition, Technology, and Logistics;  
(6) Under Secretary of Defense for Policy;  
(7) Under Secretary of Defense (Comptroller);  
(8) Under Secretary of Defense for Personnel and Readiness;  
(9) Under Secretary of Defense for Intelligence;  
(10) Under Secretary of Defense (Director of Cost Assessment and Program Evaluation);  
(11) Principal Deputy Under Secretary of Defense for Personnel and Readiness;  
(12) Principal Deputy Under Secretary of Defense for Intelligence;  
(13) Principal Deputy Under Secretary of Defense for Policy;  
(14) Principal Deputy Under Secretary of Defense for Personnel and Readiness;  
(15) Principal Deputy Under Secretary of Defense for Intelligence;  
(16) Director of Defense Research and Engineering;  
(17) General Counsel of the Department of Defense;  
(18) Under Secretaries of the Army, the Navy, and the Air Force; and  
(19) Assistant Secretaries of the Army, the Navy, and the Air Force, and General Counsels of the Army, the Navy, and the Air Force.

(b) Precedence among officers designated within the same paragraph of subsection (a) shall be determined by the order in which they have been appointed to such office. Where officers designated within the same paragraph of subsection (a) have the same appointment date, precedence shall be determined by the order in which they have taken the oath to serve in that office.

EX. ORD. No. 13542. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF AGRICULTURE  
Ex. Ord. No. 13542, May 13, 2010, 75 F.R. 27921, provided:  
By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, et seq., it is hereby ordered that:  
SECTION 1. Order of Succession. (a) Subject to the provisions of section 2 of this order, the following officials of the Department of Agriculture, in the order listed, shall act as and perform the functions and duties of the office of Secretary of Agriculture (Secretary) during any period in which both the Secretary and the Deputy Secretary of Agriculture (Deputy Secretary) have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary, until such time as the Secretary or Deputy Secretary is able to perform the functions and duties of that office:  
(1) Assistant Secretary of Agriculture for Administration;  
(2) Under Secretary of Agriculture for Marketing and Regulatory Programs;  
(3) Under Secretary of Agriculture for Food, Nutrition, and Consumer Services;  
(4) Under Secretary of Agriculture for Food Safety;  
(5) Under Secretary of Agriculture for Natural Resources and Environment;  
(6) Under Secretary of Agriculture for Farm and Foreign Agricultural Services;  
(7) Under Secretary of Agriculture for Rural Development;  
(8) Under Secretary of Agriculture for Research, Education, and Economics;  
(9) General Counsel of the Department of Agriculture;  
(10) Chief of Staff, Office of the Secretary;  
(11) Director, Kansas City Commodity Office, Farm Service Agency;  
(12) State Executive Directors of the Farm Service Agency for the States of California, Iowa, and Kansas, in order of seniority fixed by length of unbroken service as Regional Administrator of that State;  
(13) Regional Administrators of the Food and Nutrition Service for the Mountain Plains Regional Office (Denver, Colorado), Midwest Regional Office (Chicago, Illinois), and Western Regional Office (San Francisco, California), in order of seniority fixed by length of unbroken service as Regional Administrator of that Regional Office;  
(14) Chief Financial Officer of the Department of Agriculture;  
(15) Assistant Secretary of Agriculture for Civil Rights; and  
(16) Assistant Secretary of Agriculture for Congressional Relations.

(b) If any two or more individuals designated in paragraphs (12) and (13) of subsection (a) were sworn in to, or commenced service in, their respective offices on the same day, precedence shall be determined by the alphabetical order of the State in which the individual serves.

SUC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 shall act as Secretary unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998, as amended.  
(b) No individual listed in section 1 shall act as Secretary unless that individual was appointed by the President, by and with the advice and consent of the Senate, and that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998, as amended.  
(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

SUC. 3. Revocation. Executive Order 13294 of December 22, 2005 (Providing an Order of Succession Within the Department of Defense), is hereby revoked.

SUC. 4. Judicial Review. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

EX. ORD. No. 13557. PROVIDING AN ORDER OF SUCCESSION WITHIN THE DEPARTMENT OF JUSTICE  
Ex. Ord. No. 13557, Nov. 4, 2010, 75 F.R. 68679, provided:
By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisos of section 2 of this order, the following officers, in the order listed, shall act as and perform the functions and duties of the office of Attorney General, during any period in which the Attorney General, the Deputy Attorney General, the Associate Attorney General, and any officers designated by the Attorney General pursuant to 28 U.S.C. 508 to act as Attorney General have died, resigned, or otherwise become unable to perform the functions and duties of the office of Attorney General, until such time as at least one of the officers mentioned above is able to perform the functions and duties of that office:

(a) United States Attorney for the Eastern District of Virginia;
(b) United States Attorney for the District of Minnesota; and
(c) United States Attorney for the District of Arizona.

SEC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 of this order in an acting capacity, by virtue of so serving, shall act as Attorney General pursuant to this order.

(b) No individual listed in section 1 shall act as Attorney General unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Attorney General.

SEC. 3. Executive Order 13481 of December 9, 2008, is revoked.

SEC. 4. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

DESIGNATION OF OFFICERS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO ACT AS DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY


DESIGNATION OF OFFICERS OF THE DEPARTMENT OF VETERANS AFFAIRS TO ACT AS SECRETARY OF VETERANS AFFAIRS

Memorandum of President of the United States, Feb. 12, 2003, 68 F.R. 10141, provided:

Memorandum for the Secretary of Veterans Affairs

By the authority vested in me as President under the Constitution and laws of the United States of America and pursuant to the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., I hereby order that:

SECTION 1. Order of Succession.

During any period when the Secretary of Veterans Affairs (Secretary), the Deputy Secretary of Veterans Affairs (Deputy Secretary), and the officers designated by Executive Order 13247 of December 18, 2001 (set out above), to perform the functions and duties of the office of Secretary have died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary, the following officers of the Department of Veterans Affairs, in the order listed, shall perform the functions and duties of the office of Secretary, if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, until such time as at least one of the officers mentioned above is able to perform the functions and duties of the office of Secretary:

Veterans Integrated Service Network (VISN) 8 Director, Veterans Health Administration;
VISN 7 Director, Veterans Health Administration;
Veterans Benefits Administration Southern Area Director; and
North Florida/South Georgia Healthcare System Director.

SEC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this memorandum.

(b) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., to depart from this memorandum in designating an acting Secretary.

This memorandum supersedes the Presidential Memorandum of March 11, 2003 (formerly set out above), entitled, "Designation of Officers of the Office of Personnel Management to Act as Director of the Office of Personnel Management."

SEC. 4. Publication.
You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE DEPARTMENT OF JUSTICE

Memorandum of President of the United States, Dec. 8, 2006, 71 F.R. 74763, which provided a designation of officers of the Department of Justice, was superseded by Ex. Ord. No. 13481, § 3, Dec. 9, 2008, 73 F.R. 75531, formerly set out above.

DESIGNATION OF OFFICERS OF THE FEDERAL BUREAU OF INVESTIGATION

Memorandum of President of the United States, Feb. 9, 2007, 72 F.R. 7343, provided:
Memorandum for the Director of the Federal Bureau of Investigation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, et seq., it is hereby ordered that:

1. By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, et seq., it is hereby ordered that:

SEC. 1. Order of Succession.
During any period when the United States Trade Representative (USTR) has died, resigned, or otherwise becomes unable to perform the functions and duties of the office of the United States Trade Representative, the following officials of the Office of the United States Trade Representative, in the order listed, shall perform the functions and duties of the USTR, until such time as the USTR is able to perform the functions and duties of that office:

(a) Deputy United States Trade Representatives (stationed in Washington, D.C.; in order of their length of service as a Deputy USTR);
(b) Deputy United States Trade Representative (stationed in Geneva);
(c) General Counsel;
(d) Chief Negotiator for Agriculture;
(e) Deputy General Counsel; and
(f) Deputy Chief of Mission (stationed in Geneva).

SEC. 2. Exceptions.
(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the USTR pursuant to this memorandum.
(b) No individual shall act as USTR unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.
(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting USTR.

SEC. 3. Judicial Review.
This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

SEC. 4. Publication.
You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE COUNCIL ON ENVIRONMENTAL QUALITY TO ACT AS CHAIRMAN OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Memorandum of President of the United States, Sept. 18, 2008, 73 F.R. 54487, provided:

Memorandum for the Chairman of the Council on Environmental Quality

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, et seq., it is hereby ordered that:

SEC. 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Council on Environmental Quality in the order listed, shall act as and perform the functions and duties of the office of the Chairman of the Council on Environmental Quality (Chairman), during any period in which the Chairman has died, resigned, or otherwise become unable to perform the functions and duties of the office of Chairman until such time as the Chairman is able to perform the functions and duties of that office:

(a) Chief of Staff;
(b) General Counsel; and
(c) Associate Directors in the order that they shall have been appointed as such.

SEC. 2. Exceptions.

GEORGE W. BUSH.
§ 3345

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

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(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the Chairman pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Chairman unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Chairman.

§ 3345. Judicial Review

This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

SIRC. 4. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO ACT AS DIRECTOR OF NATIONAL INTELLIGENCE

Memorandum of President of the United States, Dec. 20, 2005, 70 F.R. 76375, which provided for a designation of officers of the Office of the Director of National Intelligence to act as Director of National Intelligence, was superseded by Memorandum of President of the United States, § 4, Oct. 3, 2008, 73 F.R. 58869, set out below.

Memorandum of President of the United States, Oct. 3, 2008, 73 F.R. 58869, provided:

Memorandum for the Director of National Intelligence

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Subject to the provisions of sections 2 and 3 of this memorandum, the following officers of the office of the Director of National Intelligence, in the order listed, shall act as and perform the functions and duties of the office of the Director of National Intelligence (DNI), during any period in which the DNI and the Principal Deputy Director of National Intelligence have died, resigned, or otherwise become unable to perform the functions and duties of the office of the DNI, until such time as the DNI or the Principal Deputy Director of National Intelligence is able to perform the functions and duties of the office of DNI:

(a) Director of the Intelligence Staff;
(b) Deputy Director of National Intelligence for Policy, Plans, and Requirements;
(c) Deputy Director of National Intelligence for Analysis;
(d) Deputy Director of National Intelligence for Collection;
(e) Director of the National Counterterrorism Center; and
(f) National Counterintelligence Executive.

SIRC. 2. National Security Act of 1947. This memorandum shall not supersede the authority of the Principal Deputy Director of National Intelligence to act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence (National Security Act of 1947, as amended, 50 U.S.C. 403-3a).

SIRC. 3. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as DNI pursuant to this memorandum.

(b) No individual listed in section 1 shall act as DNI unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting DNI.

SIRC. 4. This memorandum supersedes the President’s memorandum of December 20, 2005 (Designation of Officers of the Office of the Director of National Intelligence to Act as Director of National Intelligence).

SIRC. 5. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

SIRC. 6. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE SOCIAL SECURITY ADMINISTRATION TO ACT AS THE COMMISSIONER OF SOCIAL SECURITY

Memorandum of President of the United States, Apr. 17, 2006, 71 F.R. 20353, which provided for a designation of officers of the Social Security Administration, was superseded by Memorandum of President of the United States, §3, Oct. 17, 2008, 72 F.R. 62845, set out below.

Memorandum of President of the United States, Oct. 17, 2008, 72 F.R. 62845, provided:

Memorandum for the Commissioner of Social Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Social Security Administration, in the order listed, shall act as and perform the functions and duties of the office of the Commissioner of Social Security (Commissioner), during any period in which both the Commissioner and Deputy Commissioner have died, resigned, or become otherwise unable to perform the functions and duties of the office of the Commissioner, until such time as the Commissioner or Deputy Commissioner are able to perform the duties of that office:

(a) Chief of Staff;
(b) Deputy Commissioner for Operations;
(c) Deputy Commissioner for Budget, Finance and Management;
(d) Deputy Commissioner for Systems;
(e) Deputy Commissioner for Quality Performance;
(f) Regional Commissioner, Atlanta; and
(g) Regional Commissioner, Dallas.

SIRC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Commissioner pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Commissioner unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains the discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Commissioner.

SIRC. 3. This memorandum supersedes the President’s Memorandum of April 17, 2006 (Designation of Officers of the Social Security Administration).

SIRC. 4. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

SIRC. 5. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.
DESIGNATION OF OFFICERS OF THE PENSION BENEFIT GUARANTY CORPORATION TO ACT AS DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION

Memorandum of President of the United States, Dec. 9, 2008, 73 F.R. 75633, provided:

Memorandum for the Director of the Pension Benefit Guaranty Corporation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Pension Benefit Guaranty Corporation, in the order listed, shall act as and perform the functions and duties of the office of the Director of the Pension Benefit Guaranty Corporation (Director), during any period in which the Director has died, resigned, or otherwise become unable to perform the functions and duties of the office of Director, until such time as the Director is able to perform the functions and duties of that office:

(a) Deputy Director for Operations;
(b) Chief Management Officer;
(c) Chief Operating Officer; and
(d) General Counsel.

SEC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the Director pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Director unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Director.

SEC. 3. This memorandum supersedes the President's memorandum of July 10, 2002, (Designation of Officers of the United States Agency for International Development to Act as Administrator).

SEC. 4. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, it [sic] agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 5. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE PENSION BENEFIT GUARANTY CORPORATION TO ACT AS DIRECTOR

Memorandum of President of the United States, Dec. 9, 2008, 73 F.R. 76533, provided:

Memorandum for the Director of the Pension Benefit Guaranty Corporation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Pension Benefit Guaranty Corporation (Director), during any period in which the Director has died, resigned, or otherwise become unable to perform the functions and duties of the office of Director, until such time as the Director is able to perform the functions and duties of that office:

(a) Deputy Director for Operations;
(b) Chief Management Officer;
(c) Chief Operating Officer; and
(d) General Counsel.

SEC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the Administrator pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Administrator unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Administrator.

SEC. 3. This memorandum supersedes the President's memorandum of July 10, 2002, (Designation of Officers of the United States Agency for International Development to Act as Administrator).

SEC. 4. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, it [sic] agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 5. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ACT AS ADMINISTRATOR

Memorandum of President of the United States, Jan. 16, 2009, 74 F.R. 4099, provided:

Memorandum for the Administrator of the National Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the National Aeronautics and Space Administration (NASA), in the order listed, shall act as and perform the functions and duties of the office of the Administrator of NASA (Administrator), during any period in which both the Administrator and Deputy Administrator of NASA (Deputy Administrator) have died, resigned, or otherwise become unable to perform the functions and duties of the office of Administrator, until such time as the Administrator or Deputy Administrator is able to perform the functions and duties of that office:

(a) Associate Administrator;
(b) Chief of Staff to the NASA Administrator;
(c) Director for Johnson Space Flight Center; and
(d) Director for Marshall Space Flight Center.

SEC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Administrator unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Administrator.

SEC. 3. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, it [sic] agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 4. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO ACT AS ADMINISTRATOR

Memorandum of President of the United States, Jan. 16, 2009, 74 F.R. 4099, provided:

Memorandum for the Administrator of the National Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the National Aeronautics and Space Administration (NASA), in the order listed, shall act as and perform the functions and duties of the office of the Administrator of NASA (Administrator), during any period in which both the Administrator and Deputy Administrator of NASA (Deputy Administrator) have died, resigned, or otherwise become unable to perform the functions and duties of the office of Administrator, until such time as the Administrator or Deputy Administrator is able to perform the functions and duties of that office:

(a) Associate Administrator;
(b) Chief of Staff to the NASA Administrator;
(c) Director for Johnson Space Flight Center; and
(d) Director for Marshall Space Flight Center.

SEC. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Administrator unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Administrator.

SEC. 3. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, it [sic] agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 4. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.
SEC. 4. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DESIGNATION OF OFFICERS TO ACT AS PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

Memorandum of President of the United States, Jan. 16, 2009, 74 F.R. 4301, provided:

Memorandum for the President of the Overseas Private Investment Corporation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Overseas Private Investment Corporation, in the order listed, shall act as and perform the functions and duties of the office of the President of the Overseas Private Investment Corporation (POPIC), during any period in which the POPIC has died, resigned, or otherwise become unable to perform the functions and duties of that office:

(a) Executive Vice President;
(b) Vice President and General Counsel;
(c) Vice President and Chief Financial Officer;
(d) Deputy General Counsel; and
(e) Director of Operations.

SEC. 2. Exceptions.

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as POPIC pursuant to this memorandum.

(b) No individual listed in section 1 shall act as POPIC unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Director.

SEC. 3. Revocation. The President’s memorandum of December 11, 2002 (Designation of Officers of the Office of Science and Technology Policy to Act as Director), is hereby revoked.

SEC. 4. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

DESIGNATION OF OFFICERS OF THE UNITED STATES SECTION, INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO TO ACT AS THE COMMISSIONER OF THE UNITED STATES SECTION

Memorandum of President of the United States, Aug. 31, 2009, 74 F.R. 45582, provided:

Memorandum for the Commissioner of the United States Section, International Boundary and Water Commission, United States and Mexico

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that:

SECTION 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the United States Section, International Boundary and Water Commission, United States and Mexico, in the order listed, shall act as and perform the functions and duties of the office of the Commissioner of the United States Section, International Boundary and Water Commission, United States and Mexico (Commissioner), during any period in which the Commissioner has died, resigned, or otherwise become unable to perform the functions and duties of the office of Commissioner, until such time as the Commissioner is able to perform the functions and duties of that office:

(a) United States Section Principal Engineer—Operations Department;
(b) United States Section Principal Engineer—Engineering Department.

SEC. 2. Exceptions.

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Commissioner pursuant to this memorandum.

(b) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Commissioner.

SEC. 3. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 3346. Time limitation

(a) Except in the case of a vacancy caused by sickness, the person serving as an acting officer as described under section 3345 may serve in the office—
(1) for no longer than 210 days beginning on the date the vacancy occurs; or