

Executive Order 13753—Amending the Order of Succession in the Department of Homeland Security

December 9, 2016

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 as follows:

Section 1. Section 88 of Executive Order 13286 of February 28, 2003 ("Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security"), is amended by striking the text of such section in its entirety and inserting the following in lieu thereof:

"Sec. 88. Order of Succession.

Subject to the provisions of subsection (b) of this section, the officers named in subsection (a) of this section, in the order listed, shall act as, and perform the functions and duties of the office of, the Secretary of Homeland Security (Secretary), if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.* (Vacancies Act), 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.

(a) Order of Succession.

- (i) Deputy Secretary of Homeland Security;
- (ii) Under Secretary for Management;
- (iii) Administrator of the Federal Emergency Management Agency;
- (iv) Under Secretary for National Protection and Programs;
- (v) Under Secretary for Science and Technology;
- (vi) Under Secretary for Intelligence and Analysis;
- (vii) Commissioner of U.S. Customs and Border Protection;
- (viii) Administrator of the Transportation Security Administration;
- (ix) Director of U.S. Immigration and Customs Enforcement;
- (x) Director of U.S. Citizenship and Immigration Services;
- (xi) Assistant Secretary for Policy;
- (xii) General Counsel;
- (xiii) Deputy Under Secretary for Management;
- (xiv) Deputy Commissioner of U.S. Customs and Border Protection;
- (xv) Deputy Administrator of the Transportation Security Administration;
- (xvi) Deputy Director of U.S. Immigration and Customs Enforcement;
- (xvii) Deputy Director of U.S. Citizenship and Immigration Services; and

(xviii) Director of the Federal Law Enforcement Training Center.

(b) Exceptions.

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

(ii) Notwithstanding the provisions of this section, the President retains discretion, to the extent permitted by the Vacancies Act, to depart from this order in designating an acting Secretary."

Sec. 2. Executive Order 13442 of August 13, 2007 ("Amending the Order of Succession in the Department of Homeland Security"), is hereby revoked.

BARACK OBAMA

The White House,
December 9, 2016.

[Filed with the Office of the Federal Register, 11:15 a.m., December 13, 2016]

NOTE: This Executive order was published in the *Federal Register* on December 14.

Categories: Executive Orders : Homeland Security, Department of, order of succession amendment.

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