

Other Presidential Documents

Sec. 4. Exceptions.

(a) No individual who is serving in an office listed in section 2 in an acting capacity shall act as the DNI pursuant to this section.

(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 DNI.

Sec. 5. Publication.

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

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 20, 2005.

Memorandum of December 22, 2005

Order of Succession of Officers to Act as Secretary of Defense

Memorandum for the Secretary of Defense

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.*, and notwithstanding the Executive Order I issued today entitled, "Providing an Order of Succession within the Department of Defense" (the order), it is hereby ordered as follows:

(1) Subject to the provisions of paragraphs 2 and 4 of this memorandum, the Acting Deputy Secretary of Defense, as designated by the President, shall act as and perform the functions and duties of the office of the Secretary of Defense (Secretary) during any period when the Secretary has died, resigned, or is otherwise unable to perform functions and duties of the office of the Secretary.

(2) The provisions of paragraph 1 of this memorandum shall only apply if, at the time of the death, resignation, or inability of the Secretary, the Acting Deputy Secretary of Defense meets one or more of the criteria established in section 3345(a)(1)–(3) of title 5, United States Code.

(3) In all other respects, the order shall remain in effect.

(4) The authority of this memorandum shall terminate upon the first appointment by the President of a Deputy Secretary of Defense to occur subsequent to this memorandum, unless sooner terminated by operation of law or by the President.

Title 3—The President

(5) You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 22, 2005.

Memorandum of December 22, 2005

Provision of Aviation Insurance Coverage for Commercial Air Carrier Service in Domestic and International Operations

Memorandum for the Secretary of Transportation

By the authority vested in me by 49 U.S.C. 44302, *et seq.*, I hereby:

1. determine that continuation of U.S.-flag commercial air service is necessary in the interest of air commerce, national security, and the foreign policy of the United States.
2. approve provision by the Secretary of Transportation of insurance or reinsurance to U.S.-flag air carriers against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in Chapter 443 of 49 U.S.C.:
 - (a) until August 31, 2006;
 - (b) after August 31, 2006, but no later than December 31, 2006, when he determines that such insurance or reinsurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States; and
3. delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(c), to extend this determination for additional periods beyond August 31, 2006, but no later than December 31, 2006, when he finds that the continued operation of aircraft to be insured or reinsured is necessary in the interest of air commerce or the national security, or to carry out the foreign policy of the United States Government.

You are directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(2), and to arrange for its publication in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 22, 2005.