



Department of Defense

DIRECTIVE

NUMBER 3020.04
August 25, 2010

GC, DoD

SUBJECT: Order of Succession Pursuant to Executive Order 13533 and the Federal Vacancies Reform Act of 1998

- References:**
- (a) DoD Directive 3020.04, "Order of Succession Under Executive Order 13394 and the Federal Vacancies Reform Act of 1998," December 14, 2006 (hereby cancelled)
 - (b) Sections 3345 through 3349d of title 5, United States Code (also known and referred to in this Directive as "The Federal Vacancies Reform Act of 1998, as amended")
 - (c) Executive Order 12908, "Order of Succession of Officers To Act as Secretary of the Army," April 22, 1994
 - (d) Executive Order 12879, "Order of Succession of Officers To Act as Secretary of the Navy," November 8, 1993
 - (e) Executive Order 12909, "Order of Succession of Officers To Act as Secretary of the Air Force," April 22, 1994

1. **PURPOSE.** This Directive reissues Reference (a) and, pursuant to The Federal Vacancies Reform Act of 1998, as amended (Reference (b)) and Executive Order 13533, "Providing an Order of Succession Within the Department of Defense," March 1, 2010 (Enclosure):

a. Republishes the order of succession to act as the Secretary of Defense.

b. Establishes the order of succession to act as other Presidentially-Appointed, Senate-Confirmed (PAS) officials in the Department of Defense, except for the Secretaries of the Military Departments, whose order of succession is governed by References (c) through (e).

2. **APPLICABILITY.** This Directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. POLICY. It is DoD policy that:

a. The order of succession to act as the Secretary of Defense shall be that in the event of the death, resignation, or inability of the Secretary of Defense to perform the functions and duties of the office of Secretary of Defense, the DoD officials, in the order listed in the Enclosure, shall act for, and exercise the powers of, the Secretary of Defense.

b. The authority to act as a PAS official other than the Secretary of Defense shall be:

(1) For every office within the Department to which appointment is required to be made by the President with the advice and consent of the Senate (PAS office) for which there is a Principal Deputy to the PAS office, the Principal Deputy shall be the First Assistant for the purposes of The Federal Vacancies Reform Act of 1998, as amended.

(2) For any PAS office not covered by subparagraph 3.b.(1) of this section, the First Assistant shall be the person designated in writing by the Secretary of Defense, the Deputy Secretary of Defense, the Secretary of the Military Department concerned, or other PAS official(s) concerned. This authority may not be redelegated.

4. RESPONSIBILITIES. The officials listed in the Enclosure shall be fully familiar with the order of succession to the position of Secretary of Defense. Other officials designated as a First Assistant for the purposes of The Federal Vacancies Reform Act of 1998, as amended, to a PAS office shall be fully familiar with the order of succession to the respective PAS office.

5. RELEASABILITY. UNLIMITED. This Directive is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This Directive is effective upon its publication to the DoD Issuances Website.



William J. Lynn III
Deputy Secretary of Defense

Enclosure
Executive Order 13533

ENCLOSURE

EXECUTIVE ORDER 13533

Providing an Order of Succession Within the Department of Defense

March 1, 2010

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, as amended, 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 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 perform the functions and duties of the office of the Secretary, until such time as the Secretary is able to perform 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) Deputy Chief Management Officer, Department of Defense;
- (11) Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics;
- (12) Principal Deputy Under Secretary of Defense for Policy;
- (13) Principal Deputy Under Secretary of Defense (Comptroller);

- (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, the Assistant Secretaries of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, the Director of Operational Test and Evaluation, the Director of Operational Energy Plans and Programs, and the Director of Cost Assessment and Program Evaluation;
- (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.

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 order.
- (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.

Sec. 3. Revocation. Executive Order 13394 of December 22, 2005 (Providing An Order of Succession Within the Department of Defense), is hereby revoked.

Sec. 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

THE WHITE HOUSE
March 1, 2010