



February 1, 2013

MEMORANDUM FOR THE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION

SUBJECT: Designation of Officers of the Pension Benefit Guaranty Corporation to Act as 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.* (the "Act"), it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, and to the limitations set forth in the Act, 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 Director of the Pension Benefit Guaranty Corporation (Director) during any period in which the Director has died, resigned, or is otherwise unable to perform the functions and duties of the office of Director:

- (a) Chief Management Officer;
- (b) Chief Operating Officer;
- (c) Chief Financial Officer; and
- (d) General Counsel.

Sec. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 of this memorandum 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 of this memorandum shall act as Director unless that individual is otherwise eligible to so serve under the Act.

(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. Prior Memorandum Superseded. This memorandum supersedes the President's Memorandum of December 9, 2008 (Designation of Officers of the Pension Benefit Guaranty Corporation to Act as Director of the Pension Benefit Guaranty Corporation).

Sec. 4. Judicial Review. This memorandum 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. 5. Publication. You are authorized and directed to publish this memorandum in the *Federal Register*.

[FR Doc. 2013-02855 Filed 02/05/2013 at 11:15 am; Publication Date: 02/06/2013]