



One Hundred Sixteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

April 8, 2019

President Donald J. Trump  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear President Trump:

Secretary Kirstjen Nielsen's short-lived tenure at the Department of Homeland Security was a disaster from the start. Her departure on Wednesday will leave a vacancy that could not come at a worse time for the day-to-day management of the Department and the over 240,000 employees who need leadership to ensure America's security.

In announcing Secretary Nielsen's departure, you tweeted that you plan to install the Commissioner of U.S. Customs and Border Protection as the Acting Secretary. However, the law of succession at the Department is clear — the Under Secretary for Management shall serve as the Acting Secretary if the Secretary and Deputy Secretary are unavailable. Specifically, the law reads:

*Notwithstanding chapter 33 of title 5, United States Code, the Under Secretary for Management shall serve as the Acting Secretary if by reason of absence, disability, or vacancy in office, neither the Secretary nor Deputy Secretary is available to exercise the duties of the Office of the Secretary.<sup>1</sup>*

As such, the Under Secretary for Management, Claire M. Grady, who has served in that position since August 2017 and as the Acting Deputy Secretary or Senior Official Performing the Duties since April 2018, is statutorily required to serve as Acting Secretary. I strongly urge you to follow the law in this matter and to nominate a suitable candidate for Secretary as expeditiously as possible.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson".

Bennie G. Thompson  
Chairman

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<sup>1</sup> Sec. 103(g).