

SEC. 3. *Reassignment of Functions Assigned.* The Secretary of Defense and the Secretary of Homeland Security may reassign the functions assigned to them by this order to civilian officers, within their respective departments, who hold a position for which the President makes an appointment by and with the advice and consent of the Senate, except that the Secretary of Defense and the Secretary of Homeland Security may not reassign the functions assigned by sections 1(b) and 2(b), respectively. The Secretary of Defense may not reassign the function assigned by section 1(c) of this order except to such an officer within the Office of the Secretary of Defense (as defined in section 131(b) of title 10).

SEC. 4. *General Provisions.* (a) This order shall take effect on October 1, 2004.

(b) Nothing in this order shall be construed to limit or otherwise affect the authority of the President as Commander in Chief of the Armed Forces of the United States, or under the Constitution and laws of the United States to nominate or to make or terminate appointments.

(c) 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, entities, officers, employees or agents, or any other person.

GEORGE W. BUSH.

MEMORANDUM ON ASSIGNMENT OF REPORTING FUNCTIONS UNDER THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 48633, as amended by Memorandum of President of the United States, July 1, 2005, 70 F.R. 41341, provided:

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Director of National Intelligence[,] the Attorney General[, and] the Secretary of Homeland Security

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code:

1. The reporting functions of the President under sections 4026(a)(4)(A), 4026(c)(2), 7104(e)(4)(A), 7202(d) [now 7202(g)], 7204(c)(1)–(2), and 7120 [118 Stat. 3803] of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458, 118 Stat. 3638) (the “Act”) [8 U.S.C. 1777(g), 22 U.S.C. 2656 note, 2751 note, 7555] are hereby assigned to the Secretary of State.

The reporting function under section 7202(d) [now 7202(g)] of the Act [8 U.S.C. 1777(g)] on the Human Smuggling and Trafficking Center shall be coordinated with the Attorney General and the Secretary of Homeland Security.

Heads of departments and agencies shall, to the extent permitted by law, furnish to the Secretary of State information the Secretary requests to perform such functions, in the format and on the schedule specified by the Secretary.

2. The reporting function of the President under section 7104(i) of the Act [22 U.S.C. 7536] is hereby assigned to the Secretary of Defense.

Heads of departments and agencies shall, to the extent permitted by law, furnish to the Secretary of Defense information the Secretary requests to perform such functions, in the format and on the schedule specified by the Secretary.

3. The reporting functions under sections 1022 and 1094 of the Act [50 U.S.C. 4040–1, 401 note] are hereby assigned to the Director of National Intelligence.

Heads of departments and agencies shall, to the extent permitted by law, furnish to the Director of National Intelligence information the Director requests to perform such functions, in the format and on the schedule specified by the Director.

The Secretaries of State and Defense, and the Director of National Intelligence shall perform such functions in a manner consistent with the President’s con-

stitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties.

Any reference in this memorandum to the provision of any Act shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 302. Scope of delegation of functions

The authority conferred by this chapter shall apply to any function vested in the President by law if such law does not affirmatively prohibit delegation of the performance of such function as herein provided for, or specifically designate the officer or officers to whom it may be delegated. This chapter shall not be deemed to limit or derogate from any existing or inherent right of the President to delegate the performance of functions vested in him by law, and nothing herein shall be deemed to require express authorization in any case in which such an official would be presumed in law to have acted by authority or direction of the President.

(Added Oct. 31, 1951, ch. 655, § 10, 65 Stat. 712.)

SIMILAR PROVISIONS; REPEAL; SAVING CLAUSE

For similar provisions contained in prior law, and saving clause in connection therewith, see note preceding section 301 of this title.

§ 303. Definitions

As used in this chapter, the term “function” embraces any duty, power, responsibility, authority, or discretion vested in the President or other officer concerned, and the terms “perform” and “performance” may be construed to mean “exercise”.

(Added Oct. 31, 1951, ch. 655, § 10, 65 Stat. 712.)

SIMILAR PROVISIONS; REPEAL; SAVING CLAUSE

For similar provisions contained in prior law, and saving clause in connection therewith, see note preceding section 301 of this title.

CHAPTER 5—EXTENSION OF CERTAIN RIGHTS AND PROTECTIONS TO PRESIDENTIAL OFFICES

SUBCHAPTER I—GENERAL PROVISIONS

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401. Definitions.

402. Application of laws.

SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS

PART A—EMPLOYMENT DISCRIMINATION, FAMILY AND MEDICAL LEAVE, FAIR LABOR STANDARDS, EMPLOYEE POLYGRAPH PROTECTION, WORKER ADJUSTMENT AND RETRAINING, EMPLOYMENT AND REEMPLOYMENT OF VETERANS, AND INTIMIDATION

411. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990.
412. Rights and protections under the Family and Medical Leave Act of 1993.
413. Rights and protections under the Fair Labor Standards Act of 1938.