

CHAPTER 4—DELEGATION OF FUNCTIONS

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SIMILAR PROVISIONS; REPEAL; SAVING CLAUSE

Similar provisions were contained in former chapter 4, comprising former sections 301 to 303 of this title, which was set out here but which was not a part of this title. Former sections 301 to 303 were derived from act Aug. 8, 1950, ch. 646, §§1–3, 64 Stat. 419, and were repealed by section 56(j) of act Oct. 31, 1951. Subsec. (i) of section 56 provided that the repeal should not affect any rights or liabilities existing under the repealed sections on the effective date of the repeal (Oct. 31, 1951).

§ 301. General authorization to delegate functions; publication of delegations

The President of the United States is authorized to designate and empower the head of any department or agency in the executive branch, or any official thereof who is required to be appointed by and with the advice and consent of the Senate, to perform without approval, ratification, or other action by the President (1) any function which is vested in the President by law, or (2) any function which such officer is required or authorized by law to perform only with or subject to the approval, ratification, or other action of the President: *Provided*, That nothing contained herein shall relieve the President of his responsibility in office for the acts of any such head or other official designated by him to perform such functions. Such designation and authorization shall be in writing, shall be published in the Federal Register, shall be subject to such terms, conditions, and limitations as the President may deem advisable, and shall be revocable at any time by the President in whole or in part.

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

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated Bureau of the Budget as Office of Management and Budget and Director of Bureau of the Budget as Director of Office of Management and Budget. See Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

SIMILAR PROVISIONS; REPEAL; SAVING CLAUSE

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

EX. ORD. NO. 10250. DELEGATION OF FUNCTIONS TO THE SECRETARY OF THE INTERIOR

Ex. Ord. No. 10250, June 5, 1951, 16 F.R. 5385, as amended by Ex. Ord. No. 10732, Oct. 10, 1957, 22 F.R. 8135; Ex. Ord. No. 10752, Feb. 12, 1958, 23 F.R. 973; Pub. L. 101–509, title V, §529 [title I, §112(c)], Nov. 5, 1990, 104 Stat. 1427, 1454, provided:

1. The Secretary of the Interior is hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(a) The authority vested in the President by section 1 of the act of July 10, 1935, ch. 375, 49 Stat. 477 [see 54

U.S.C. 10111 et seq.], to appoint members of the National Park Trust Fund Board.

(b) The authority vested in the President by section 2059 of the Revised Statutes [25 U.S.C. 62] to discontinue any Indian agency, or transfer the same, from the place or tribe designated by law to such other place or tribe as the public service may require.

(c) The authority vested in the President by section 6 of the act of May 17, 1882, ch. 168, 22 Stat. 88, as amended [25 U.S.C. 63], to consolidate two or more Indian agencies into one, to consolidate one or more Indian tribes, and to abolish such agencies as are thereby rendered unnecessary.

(d) The authority vested in the President by the act of March 1, 1907, ch. 2285, 34 Stat. 1016 [25 U.S.C. 140], to divert appropriations made for certain purposes to other uses for the benefit of the several Indian tribes: *Provided*, That the Secretary of the Interior shall make to the Congress reports required in connection with action taken by him under this provision.

(e) The authority vested in the President by section 5 of the act of February 8, 1887, ch. 119, 24 Stat. 389, as amended [25 U.S.C. 348], by the act of December 24, 1942, ch. 814, 56 Stat. 1081 [25 U.S.C. 348a], by the act of June 21, 1906, ch. 3504, 34 Stat. 326 [25 U.S.C. 391], and by section 3 of the act of January 12, 1891, 26 Stat. 712, as amended by section 3 of the act of March 2, 1917, ch. 146, 39 Stat. 976, to extend trust periods on land patents issued to Indians and to continue restrictions on alienation.

(f) The authority vested in the President by section 4705(b) of the Internal Revenue Code of 1954 [former 26 U.S.C. 4705(b)] to authorize certain persons in the Virgin Islands to obtain certain drugs for legitimate medical purposes without regard to order forms, and by section 4762(b) of such Code [former 26 U.S.C. 4762(b)] to provide for the registration of and the imposition of special and transfer taxes upon persons in the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana: *Provided*, That the Secretary of the Interior shall perform the functions referred to in this subsection in consultation with the Department of the Treasury.

(g) The authority vested in the President by section 2343 of the Revised Statutes [30 U.S.C. 46] to establish additional land districts and to appoint necessary officers under existing laws when deemed necessary for the public convenience in executing certain provisions of law with respect to mineral lands and mining.

(h) The authority vested in the President by section 2252 of the Revised Statutes as affected by section 403 of Reorganization Plan No. 3 of 1946, 60 Stat. 1100 [43 U.S.C. 121], to order the discontinuance of any land office and the transfer of any of its business and archives to any other land office within the same State or Territory.

(i) The authority vested in the President by section 2250 of the Revised Statutes [43 U.S.C. 125] to discontinue a land office in a land district under certain circumstances and to annex the same to some other adjoining land district.

(j) The authority vested in the President by section 2251 of the Revised Statutes [43 U.S.C. 126] to change the location of the land offices in the several land districts established by law and to relocate the same from time to time at such point in the district as may be deemed expedient.

(k) The authority vested in the President by section 2253 of the Revised Statutes [43 U.S.C. 127], to change and reestablish the boundaries of land districts.

(l) The authority vested in the President by section 2 of the act of March 2, 1917, ch. 145, 39 Stat. 951, as amended [48 U.S.C. 737], to approve the payment out of the Treasury for other purposes of money derived from any tax levied or assessed for a special purpose in Puerto Rico.

(m) The authority vested in the President by section 7 of the act of March 2, 1917, ch. 145, 39 Stat. 954, as amended [48 U.S.C. 748], to convey to the people of