



GC, DoD
67-1-1245

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January 22, 1968
NUMBER 5160.59

AD-A272 404



GC

Department of Defense Directive

SUBJECT Delegation of Authority Under Executive Order 11390,
dated 22 January 1968

I hereby designate the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and, in accordance with the assignment of their duties and responsibilities, the corresponding Under Secretary and Assistant Secretaries of each military department, to perform, as applicable to their respective departments, the functions described in clauses (1), (2), (5), (6), (7), (8), (12), (13), and (14) of section 1 of Executive Order 11390 without the approval, ratification, or other action of the President.

However, the Secretary of the Navy shall inform the Secretary of Defense and the Armed Forces Aide to the President of the concert tours of the Navy Band and the Marine Corps Band that are approved by the Secretary of the Navy under the authority cited in clause (14) of section 1 of Executive Order 11390.

Paul H. Nitze
Deputy Secretary of Defense

Attachment - 1
Copy of EO 11390

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C O P Y

EXECUTIVE ORDER
11390

January 22, 1968

DELEGATION OF CERTAIN FUNCTIONS OF
THE PRESIDENT TO THE SECRETARY OF DEFENSE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Section 1. The Secretary of Defense, and, as designated by the said Secretary for this purpose, any of the Secretaries, Under Secretaries, and Assistant Secretaries of the military departments, are hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President:

(1) The authority vested in the President by section 3539(a) of title 10, United States Code, to detail not more than five commissioned officers of the Army Medical Service for duty with the Service to the Armed Forces Division of the American National Red Cross.

(2) The authority vested in the President by sections 3293 and 8293 of title 10, United States Code, to prescribe an examination concerning the moral, mental, and physical qualifications of chaplains.

(3) The authority vested in the President by sections 3313 and 8313 of title 10, United States Code, to suspend, in time of war or emergency, any provision of law relative to the promotion or mandatory retirement or separation of Regular Army and Regular Air Force commissioned officers.

(4) The authority vested in the President by sections 565, 599, 3450, and 8450 of title 10, United States Code, to suspend, in time of war or emergency, any provision of law relative to promotion and mandatory retirement or separation of warrant officers of the armed forces.

(5) The authority vested in the President by sections 4337 and 9337 of title 10, United States Code, to appoint the chaplains at the United States Military and Air Force Academies.

(6) The authority vested in the President by sections 4302(a) and 9302(a) of title 10, United States Code, to approve regulations concerning instruction of enlisted members of the Army and Air Force.

(7) The authority vested in the President by sections 3611 and 8611 of title 10, United States Code, to prescribe the uniform of the Army and the Air Force.

(8) The authority vested in the President by sections 5139 and 5149 of title 10, United States Code, relating to the retirement of the Chief of the Medical Service Corps, the Deputy Judge Advocate General, and the Assistant Judge Advocate General, of the Navy.

C O P Y

(9) The authority vested in the President by section 6394(e) of title 10, United States Code, to approve or disapprove, in whole or in part, recommendations of boards convened to consider and recommend flag and general officers of the Navy and Marine Corps for retirement.

(10) The authority vested in the President by section 2102(a) of title 10, United States Code, to prescribe regulations governing the establishment and maintenance of senior reserve officers' Training Corps units at civilian educational institutions.

(11) The authority vested in the President by section 123 of title 10, and section 111 of title 32, United States Code, to suspend in time of war or national emergency those provisions cited therein relating to promotion of reserve officers.

(12) The authority vested in the President by section 6398 of title 10, United States Code, to retire certain women officers of the Navy and the Marine Corps.

(13) The authority vested in the President by section 6223(b) of title 10, United States Code, relating to members of the Marine Corps Band.

(14) The authority vested in the President by section 425 of title 37, United States Code, to approve concert tours of the Navy Band and the Marine Corps Band.

Sec. 2. All actions heretofore taken by or for the President with respect to the matters affected by this order and in force and effect at the time of the issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in force and effect until amended, modified, or revoked pursuant to the authority conferred by this order.

/s/ Lyndon B. Johnson

THE WHITE HOUSE,
January 22, 1968.

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DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DESCRIPTION
5160.59 - Ch 1	July 12, 1971	5100 series

ATTACHMENTS - 2

Pages 1 and 2 of Attachment 1 (Copy of E. O. 11390) to DoD Directive 5160.59, Jan. 22, 1968

INSTRUCTIONS FOR RECIPIENTS

The following pen and page changes to Department of Defense Directive 5160.59, "Delegation of Authority Under Executive Order 11390, dated 22 January 1968," dated January 22, 1968, have been authorized:

PEN CHANGE

Page 1, Paragraph 1, Change line 7 to read:

"(7), (8), (12), (13), (14), and (15) of section 1 of Executive Order 11390..."

Changed portion is underscored.

PAGE CHANGES

Remove: Pages 1 and 2 of Attachment 1
 Insert: Attached replacement pages.

Change appears on page 2 of the Executive Order 11390 and is indicated by marginal asterisks.

Maurice W. Roche

MAURICE W. ROCHE
 Director, Correspondence and Directives Division
 OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

C O P Y
EXECUTIVE ORDER
11390

January 22, 1968

DELEGATION OF CERTAIN FUNCTIONS OF
THE PRESIDENT TO THE SECRETARY OF DEFENSE

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- (3) The authority vested in the President by sections 3313 and 8313 of title 10, United States Code, to suspend, in time of war or emergency, any provisions of law relative to the promotion or mandatory retirement or separation of Regular Army and Regular Air Force commissioned officers.
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(9) The authority vested in the President by section 6394(e) of title 10, United States Code, to approve or disapprove, in whole or in part, recommendations of boards convened to consider and recommend flag and general officers of the Navy and Marine Corps for retirement.

(10) The authority vested in the President by section 2102(a) of title 10, United States Code, to prescribe regulations governing the establishment and maintenance of senior reserve officers' Training Corps units at civilian educational institutions.

(11) The authority vested in the President by section 123 of title 10, and section 111 of title 32, United States Code, to suspend in time of war or national emergency those provisions cited therein relating to promotion of reserve officers.

(12) The authority vested in the President by section 6398 of title 10, United States Code, to retire certain women officers of the Navy and the Marine Corps.

(13) The authority vested in the President by section 6223(b) of title 10, United States Code, relating to members of the Marine Corps Band.

(14) The authority vested in the President by section 425 of title 37, United States Code, to approve concert tours of the Navy Band and the Marine Corps Band.

* (15) ^{1/}The authority vested in the President by section 6386(c) of *
* title 10, United States Code, to suspend, during a war or national *
* emergency, certain provisions of law relative to the mandatory retire- *
* ment or separation of officers of the Navy and Marine Corps. *

Sec. 2. All actions heretofore taken by or for the President with respect to the matters affected by this order and in force and effect at the time of the issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in force and effect until amended, modified, or revoked pursuant to the authority conferred by this order.

/s/ Lyndon B. Johnson

THE WHITE HOUSE,
January 22, 1968

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DEPARTMENT OF DEFENSE DIRECTIVES SYSTEM TRANSMITTAL

NUMBER

5160.59, Ch 2

DATE

January 22, 1987

DISTRIBUTION

5100 series

ATTACHMENTS

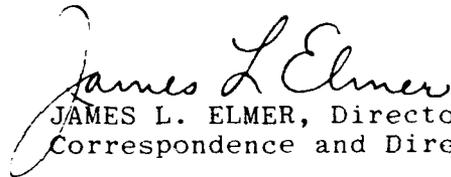
None

INSTRUCTIONS FOR RECIPIENTS

The following pen change to DoD Directive 5160.59, "Delegation of Authority Under Executive Order 11390, dated 22 January 1968," January 22, 1968, is authorized:

PEN CHANGE

Page 1: Delete the second paragraph in its entirety. The requirement to notify the White House of approvals of Navy and Marine Corps Band concert tours has been eliminated.


JAMES L. ELMER, Director
Correspondence and Directives

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT