THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

DEC 10 2004

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

SUBJECT: Redelegation of Authority Under Executive Order 13358 - Assignment of Functions Relating to Certain Appointments, Promotions, and Commissions in the Armed Forces

The Under Secretary of Defense for Personnel and Readiness is hereby delegated the authority delegated to me by Executive Order 13358 (attached) to approve, but not to modify or disapprove, reports of Reserve promotion selection boards for appointment to all grades below the grade of O-7 under section 1(c) of the Executive order and the authority, under section 1(a), to issue a posthumous commission for a member of the armed forces, who was officially recommended for promotion to a commissioned grade but was unable to accept the promotion because of death in the line of duty. These authorities may not be further delegated.

The Under Secretary of Defense for Personnel and Readiness is also delegated the authority, under section 1(d) of the Executive order, to remove the name of any officer below the grade of O-7 from a Reserve promotion list, but not a promotion board report.

The delegation of these authorities (to approve Reserve promotion selection board reports, issue posthumous commissions, and remove a name of an officer from a Reserve promotion list) includes the Principal Deputy Under Secretary of Defense for Personnel and Readiness.

Attachment:
As stated

OSD 18520-04

Federal Register

Thursday,
September 30, 2004

Part VII

The President

Executive Order 13358—Assignment of Functions Relating to Certain Appointments, Promotions, and Commissions in the Armed Forces

Federal Register
Vol. 69, No. 189
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Presidential Documents

Title 3—

The President

Executive Order 13358 of September 28, 2004

Assignment of Functions Relating to Certain Appointments, Promotions, and Commissions in the Armed Forces

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

Section 1. *Assignment of Functions to the Secretary of Defense.* The Secretary of Defense shall perform, except with respect to the Coast Guard during any period in which it is not operating as a service in the Navy, the functions of the President under the following provisions of title 10, United States Code:

(a) subsection 1521(a);

(b) the first sentence of subsection 12203(a);

(c) the first sentence of subsection 14111(a), except with respect to reports relating to the grades of brigadier general or above, or rear admiral (lower half) or above; and

(d) subsection 14310(a), except with respect to removals relating to a promotion list for grades of brigadier general or above, or rear admiral (lower half) or above.

Sec. 2. *Assignment of Functions to the Secretary of Homeland Security.* The Secretary of Homeland Security shall perform, with respect to the Coast Guard during any period in which it is not operating as a service in the Navy, the functions assigned to the President by the following provisions of the United States Code:

(a) subsection 1521(a) of title 10;

(b) the first sentence of subsection 12203(a) of title 10;

(c) subsection 729(g) of title 14, except with respect to approval of, or removal of a name from, a report relating to the grades of rear admiral (lower half) or above; and

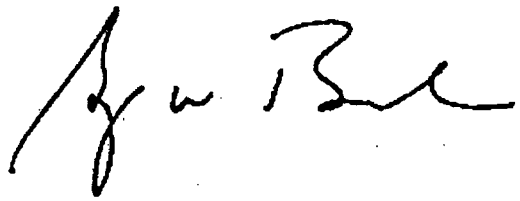
(d) subsection 738(a) of title 14, except with respect to removals relating to a promotion list for grades of rear admiral (lower half) or above.

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.



THE WHITE HOUSE,
September 28, 2004.

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