

(d) the term “service-disabled veteran business” means a small business concern owned and controlled by service-disabled veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)); and

(e) the term “small business concern” has the meaning specified in section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the definitions and standards issued under that section.

Sec. 9. General Provisions. (a) Heads of agencies shall carry out duties assigned by sections 3, 4, 5, 6, and 7 of this order to the extent consistent with applicable law and subject to the availability of appropriations.

(b) To the extent permitted by law, an agency shall disclose personally identifying information on service-disabled veterans to other agencies who require such information in order to discharge their responsibilities under this order.

(c) An agency that consists of a multi-member commission shall implement this order to the extent it determines appropriate to the accomplishment of the agency’s mission.

(d) 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, instrumentalities or entities, its officers, employees or agents, or any other person.

GEORGE W. BUSH

The White House,
October 20, 2004.

Executive Order 13361 of November 16, 2004

Assignment of Functions Under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003

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. Executive Order 12163 of September 29, 1979, as amended, is further amended as follows:

(a) in subsection 1–100(a), by striking the period at the end of paragraph (15), by inserting a semicolon at the end of paragraph (15), and by adding at the end thereof the following new paragraph:

“(16) the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25)(the “HIV/AIDS Act”), as amended, and amendments made by the HIV/AIDS Act, which the Secretary shall perform, in the case of section 304, after consultation with the Secretary of Health and Human Services.”;

(b) in section 1–701, by inserting, after subsection (g), the following new subsections:

“(h) Those functions conferred by section 1(f)(1) and section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2651a).

“(i) Those functions conferred by section 202(d)(4)(C)(i) and (ii) of the HIV/AIDS Act, as amended.”;

(c) by adding at the end thereof the following new section:

“1–906. *Implementation.* In carrying out this order, officers of the United States shall ensure that all actions taken by them are consistent with the President’s constitutional authority to: (a) conduct the foreign affairs of the United States; (b) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties; (c) recommend for congressional consideration such measures as the President may judge necessary and expedient; and (d) supervise the unitary executive branch.”.

Sec. 2. Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

Sec. 3. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

GEORGE W. BUSH

The White House,
November 16, 2004.

Executive Order 13362 of November 29, 2004

Designation of Additional Officers for the Department of Homeland Security Order of Succession

By the authority vested in me as President by the Constitution and the laws of the United States of America and pursuant to the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. During any period when the Secretary of Homeland Security (Secretary), the Deputy Secretary of Homeland Security, and the officers designated to perform the functions and duties of the office of Secretary by section 88 of Executive Order 13286 of February 28, 2003 (“Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security”), have died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary, the following officers of the Department of Homeland Security, in the order listed, shall perform the functions and duties of the office of Secretary, if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, until such time as at least one of the officers mentioned above is able to perform the functions and duties of the office of Secretary:

Director, Region V, Federal Emergency Management Agency;

Director, Region VI, Federal Emergency Management Agency;