

2 FAM 1140

DELEGATIONS OF AUTHORITY

(CT:GEN-330; 08-09-2006)
(Office of Origin: A/ISS/DIR)

2 FAM 1141 GENERAL

2 FAM 1141.1 Policy

(CT:GEN-330; 08-09-2006)
(State Only)

The Department of State's policies regarding delegations of authority are as follows:

- (1) Written Department of State delegations of authority are the primary means for assigning specific legal responsibilities conferred on the Department, the Secretary, or other senior Department officials by statute, Executive Order, or similar legal instrument to other Department of State officials and offices.
- (2) Delegations of authority generally are for programmatic, long-term, and other similar responsibilities.
- (3) A redelegation of authority can occur, depending on the terms of the original delegation and applicable law. (See 2 FAM 1142 c.)
- (4) Department offices are required to follow the procedures set forth in this section. Failure to follow them may affect the validity of the delegation of authority.

NOTE: The terms "authorities" and "functions" generally have the same meaning.

2 FAM 1141.2 Scope and Applicability

(CT:GEN-330; 08-09-2006)
(State Only)

This subchapter applies worldwide to the Department of State and its employees.

2 FAM 1141.3 Responsibilities

(CT:GEN-330; 08-09-2006)

(State Only)

- a. Office of Directives Management (A/ISS/DIR):
 - (1) Manages the Department of State's Delegations of Authority Program;
 - (2) Processes delegations of authority for publication in the Federal Register;
 - (3) Maintains the Department's inventory of delegations of authority, including the web-based Delegation of Authority Database; and
 - (4) Provides advice and guidance for formatting delegations (see A/ISS/DIR Website).
- b. Originating office:
 - (1) Drafts delegations of authority (see A/ISS/DIR Website).
 - (2) Obtains all appropriate clearances, including the Office of the Legal Adviser;
 - (3) Obtains the appropriate authorizing officer's signature on the originals (see 2 FAM 1143);
 - (4) After signature, forwards the delegation of authority and required documentation to A/ISS/DIR (see 2 FAM 1143); and
 - (5) If appropriate, revises the relevant Foreign Affairs Manual (FAM) sections to reflect the new delegation of authority.
- c. The Office of the Legal Adviser (L):
 - (1) Provides legal services for the originating office;
 - (2) Reviews, inter alia, the requirement for the delegation and statutory or other basis of authority or function proposed for delegation and normally clears it on behalf of L. That L office may consult with the L office responsible for delegation of authority issues and, in the case of Vacancy Act issues, the L office responsible for employment law issues.

2 FAM 1141.4 Authorities

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Authorities include:

- (1) Section 1(a)(4) of the State Department Basic Authorities Act , as amended (22 U.S.C. 2651a);
- (2) 3 U.S.C. 301; and
- (3) 5 U.S.C. 552.

2 FAM 1142 IMPORTANT POINTS FOR DEVELOPING DELEGATIONS OF AUTHORITY

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- a. Draft delegations of authority directly to the designated officer or office by title. In most cases, this would be an assistant secretary or an under secretary. Provide for redelegations of authority only as specifically authorized under the provisions of, if applicable, the original delegation or of other relevant authority.
- b. A delegation of authority states the specific actions for which an officer has authority, as well as the limitations and special conditions that apply to the authority. A delegation of authority is subject to any legally prescribed condition or criteria of execution, whether or not mentioned in the delegation. A delegation of authority may also require periodic reports of the delegated authority.
- c. Redelegations:
 - (1) **Authorities originally assigned to the Secretary or the Department:** Unless otherwise specified in law, the Secretary of State may delegate authority to perform any of the functions of the Secretary or the Department of State to officers and employees under the direction and supervision of the Secretary. If the Secretary so specifies, such functions may be redelegated by the delegated officer or employee to any officers and employees under the delegated officer's direction and supervision (see 22 U.S.C. 2651a); and
 - (2) **Authorities originally assigned to the President:** If an authority was originally assigned to the President, there must be a delegation of authority from the President to the Secretary or the Department before a Department of State delegation of authority to a Department officer can be signed. In addition, unless otherwise specified in law, authorities originally delegated from the President may only be redelegated to officials who are appointed by and with the advice of the Senate (see 3 U.S.C. 301).

NOTE: Certain statutes contain specific redelegation authority that modifies the above general guidance.

2 FAM 1143 SIGNING AND PROCESSING

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- a. The authorizing officer must approve and sign the delegation under his or her own title. **An officer may not sign on behalf of another; the signature must match the typed name and, if appropriate, indicate an acting capacity.**
- b. The signer's office immediately forwards the signed originals and an electronic version to the originating office (see 2 FAM 1126).
- c. The originating office must then:
 - (1) If not directed otherwise, covert and transfer the unsigned electronic version to an unclassified diskette for publication in the Federal Register;
 - (2) Complete Form DS-7605, Required Information for Delegations of Authority Database;
 - (3) Forward a paper or scanned copy of the signed delegation to L; and
 - (4) Forward the signed originals, the diskette, and the DS-7605 to A/ISS/DIR.
- d. A/ISS/DIR will review the delegation; assign a delegation number; and record and process the document, including, as appropriate, formatting and transmitting the electronic version to the Federal Register and notifying the appropriate offices.
- e. A/ISS/DIR will post the delegation on the A/ISS/DIR Website after the Federal Register publishes it, or as otherwise directed.

2 FAM 1144 CONTROL OF DELEGATIONS

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- a. A/ISS/DIR assigns appropriate serial numbers to delegations of authority and maintains the Department's records of official delegations.
- b. A/ISS/DIR maintains an electronic listing and database of all current and rescinded Department delegations on the A/ISS/DIR Website.

2 FAM 1145 THROUGH 1149 UNASSIGNED