

Department of the Interior Departmental Manual

Effective Date: 8/22/01

Series: Delegation Series

Part 200: General Provisions

Chapter 1: Delegation of Authority

Originating Office: Office of Planning and Performance Management

200 DM 1

1.1 **Authority of the Secretary.** The primary authority of the Secretary of the Interior is provided by express operation of law or is inherent in the position of head of the Department or as a senior member of the Executive Branch. Additional sources of authority are delegations made by the President through Executive order and regulations issued by other executive agencies, such as the Office of Management and Budget; Office of Personnel Management; General Services Administration, etc.

1.2 **Authority of the Secretary to Delegate.** The Secretary of the Interior has broad power to delegate authority (5 U.S.C. 302, Reorganization Plan No. 3 of 1950, etc.). However, nothing in this Delegation Series empowers any officer or employee of the Department to exercise authority which the Secretary by the terms of the legislation, Executive order or other source of authority may not redelegate. If an Executive order confines redelegation to specified officers (as in Executive Order 10355), these specific positions and authorities must be referred to in the redelegation.

1.3 **Issuance of Delegations.** The authority to sign and issue delegations of the Secretary's authority is restricted to the Secretary, or an Acting Secretary. The Deputy Secretary may also sign delegations of the Secretary's authority, except as limited in 209 DM 2. The appropriate medium for issuing such delegations is in the Delegation Series of the Departmental Manual, as described below. For this reason, delegations of authority by the Secretary will not be prepared for other parts of the manual, or as memoranda, or included in regulations. Any statement regarding delegation of authority that is contained in any directive or regulatory material must be cross-referenced to, or have as its basis, a delegation published in Parts 200-299 of the Departmental Manual. A temporary delegation, however, may be issued as a Secretary's Order (012 DM 1).

1.4 **Scope of Delegation Series.** The Delegation (200) Series of the Departmental Manual contains and documents delegations of authority made by the Secretary, and Assistant Secretaries.

A. Part 205, General Delegations, sets forth the delegations of authority that are made on a functional basis generally to Assistant Secretaries and certain other designated officials.

B. Part 207, Limited Delegations, sets forth delegations of authority for special subject matter areas and/or special units or organizations of the Department.

C. Part 209, Secretarial Officers, sets forth delegations of authority made to Secretarial Officers.

D. Part 210 sets forth the delegations of authority to Directors of Secretarial Offices.

E. Parts 211 to 289 set forth the delegations of authority that are made on an organizational basis to heads of bureaus and other offices of the Department.

F. Parts 290 to 299 set forth the delegations of authority related to civil defense emergency, disaster assistance, and Departmental emergency operations.

1.5 Clearance of Proposed Delegations. Originators of all proposed delegations of the Secretary's authority will route such documents through the supervising Secretarial Officer, the Office of the Solicitor, the Office of Planning and Performance Management and the Assistant Secretary - Policy, Management and Budget before routing to the Secretary for signature (200 DM 3).

1.6 General Limitations.

A. Code of Federal Regulations Documents. Delegations of authority in the Delegation Series do not include authority to issue documents in the Code of Federal Regulations initiated by the Department of the Interior unless such authority is specifically mentioned in the delegation.

B. Correspondence with the President. There is no delegation of authority for conducting official correspondence with the President, which is reserved by and for the Secretary.

C. Legal Services. Except where otherwise specified, delegations of authority in the 200 series do not include any authority to perform legal work related to the function delegated. With the exception of specified legal functions, the authority of the Secretary respecting the legal work of the Department is delegated to the Solicitor in 209 DM 3.

D. Functional Authority. The general program authority delegated in DM Parts 209-289 on an organizational basis does not include authority delegated in DM Part 205 on a functional basis, unless specifically stated within the delegation.

E. Expenditure or Transfer of Funds. With the exception of the Deputy Secretary, delegations of authority in the Delegation Series do not include authority as contained in the General or Administrative Provisions sections of the Department's annual appropriations acts for the approval of the expenditure, transfer or use of funds for certain emergencies.

1.7 Organization Nomenclature. (Organizational nomenclature for the Department is defined in 101 DM 2.)

A. The term Abureaus and offices when used in the Delegation (200) Series refers collectively to the bureaus of the Department and Secretarial Offices, including the immediate offices of the Secretary and Deputy Secretary.

B. The term Abureaus and Departmental Offices when used in the Delegation (200) Series refers collectively to the bureaus of the Department and Secretarial Offices.

1.8 Exercise of Authority. An officer or employee who is delegated or redelegated authority must exercise it in conformity with any requirements that the person making the delegation would be called upon to observe. Requirements may be found in a variety of directives including the Departmental Manual, statutes, regulations, and Executive orders and they may be issued by the Department as well as other agencies such as the Office of Personnel Management, General Services Administration, and the Office of Management and Budget. Delegated authority must be exercised in accordance with relevant policies, standards, programs, organization and budgetary limitations, and administrative instructions prescribed by officials of the Office of the Secretary or bureau. While failure to comply with administrative instructions not issued as limitations on authority will not impair the legality of an action as far as the public is concerned, it may be grounds for appropriate disciplinary measures.

1.9 Effect of Delegation. An officer who delegates or redelegates authority does not divest the power to exercise that authority nor does the delegation or redelegation relieve that official of the responsibility for action taken pursuant to the delegation.

1.10 Policy on Publication. Consideration should be given to publishing in the Federal Register any delegation of authority made by the Secretary that has a direct impact on some sector of the public. Any redelegations of the Secretary's authority follow the same policy (200 DM 2.4). It must be recognized that most delegations of authority made by the Secretary do not have a direct impact on some sector of the public. However, officials making redelegations of such authority should exercise judgment in determining at what point a redelegation begins to directly affect the public, requiring its publication in the Federal Register. Publication of delegation, or redelegation of contracting authority is not required.

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