

# **2 FAM 1140**

## **DELEGATIONS OF AUTHORITY**

*(TL:GEN-295; 09-14-1999)*

### **2 FAM 1141 GENERAL**

#### **2 FAM 1141.1 Policy**

*(TL:GEN-295; 09-14-1999)*

*(State Only)*

*a. Written delegations of authority are the primary means by which legal responsibilities are assigned to Department of State officials and offices. As such, they are included in organizational and other functional statements as authorities.*

*b. Written delegations are for programmatic, long term, and other similar responsibilities. Delegations which cover short-term employee absences are not subject to this subchapter.*

*c. Authority may be redelegated, depending on the terms of the original delegation.*

#### **2 FAM 1141.2 Responsibility**

*(TL:GEN-295; 09-14-1999)*

*(State Only)*

*a. Offices are responsible for ensuring that delegations are in writing, properly formatted, and sent to the Directives Management Staff for numbering and, as appropriate, publication in the Federal Register.*

*b. A/RPS/DIR maintains the Department's inventory of delegations of authority, including presidential delegations.*

*c. A/RPS/DIR provides advice and guidance for delegations.*

#### **2 FAM 1141.3 Scope**

*(TL:GEN-295; 09-14-1999)*

*(State Only)*

*These regulations apply to the Department and its employees on a world-wide basis.*

## **2 FAM 1141.4 Authority for Delegation**

(TL:GEN-295; 09-14-1999)

(State Only)

a. The principal authority for administration of the programs and activities conducted by the Department of State and the Foreign Service is vested in the Secretary of State by Section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658).

b. The Secretary is authorized by this law to delegate authority to perform any functions now or hereafter vested in the Secretary of State, or the Department of State, including, if he *or she* shall so specify, the authority successively to redelegate any of such functions to officers and employees under his *or her* direction and supervision. Certain authorities, restricted in scope, are vested in consular officers and therefore do not require delegation.

## **2 FAM 1142 ISSUING DELEGATIONS**

(TL:GEN-00; 00-00-00)

(State Only)

a. Drafting officers *shall* follow the examples given in 2 FAM 1142 Exhibit 1142. The only difference in format is that a delegation to be published in the *Federal Register* shall contain, as the last sentence of text:

**This delegation shall be published in the *Federal Register*.**

b. Any delegation or re delegation of authority to officers and employees under the direction and supervision of the Secretary of State to perform function(s) now or hereafter vested in the Secretary is required by law to be published in the *Federal Register*, unless it relates essentially to internal management. These delegations are published as public notices. Some notices amend or otherwise concern previous notices; reference to the previous notice should be included in precise citations to the *Federal Register*, including volume and page.

c. Delegations of authority which relate primarily to internal management within the Department and not of general interest to the public are not published in the *Federal Register*. For example, authorization to incur an obligation on behalf of the U.S. Government or the certification of vouchers for payment; authority to determine that an exigency of the public business was of such major importance that an employee could not use annual leave and to approve restoration of the forfeited annual leave; or delegation of responsibility for program management; etc.

d. When approved and signed by the authorizing officer, forward the delegation, *and an electronic version if it is to be published in the Federal Register*, to the Directives Management Staff (A/RPS/DIR) for numbering and recording. Note that an officer may not sign on behalf of another; the signature must match the typed name and, if appropriate, indicate an acting capacity.

## **2 FAM 1144 MEDIA OF DELEGATIONS**

(TL:GEN-295; 09-14-1999)

(State Only)

a. All delegations of authority are promulgated through officially established media as *applicable, including the Federal Register. DIR maintains current and rescinded delegations of authority (the latter for historical purposes). Where possible, A/RPS/DIR will make delegations and their amendments available electronically.*

b. *Where possible, prepare statements of delegated authority for inclusion in 1 FAM, Organization and Functions, or other volumes of the Foreign Affairs Manual. This volume serves as the general medium for conferring authority to organizational units and their heads to perform the duties and responsibilities allocated to them. An assistant secretary is authorized to act in lieu of the Secretary on matters within the terms of reference of that particular assistant secretary. In the absence of the assistant secretary from duty, his or her functions are performed by the deputy assistant secretary of the particular bureau or area who uses the title "Acting Assistant Secretary for..." and exercises all the authority conferred upon the assistant secretary.*

## **2 FAM 1145 CONTENTS OF DELEGATIONS**

(TL:GEN-295; 09-14-1999)

(State Only)

a. Delegations of authority should be made directly to the designated officer by title. In most cases this would be a special assistant to the Secretary, an assistant secretary, *an* under secretary, *etc.* At Foreign Service posts, delegations are normally made to principal or administrative officers by position title rather than by individual name. No redelegations of authority may be made unless specifically authorized in accordance with the provisions of the *Foreign Affairs Manual* (see 1 FAM 015.7).

b. A delegation sets forth the specific actions for which an officer has authority, as well as the limitations and special conditions which apply to the authority. A delegation of authority is subject to any legally prescribed conditions or criteria of execution, whether or not mentioned in the delegation. In addition, conditions or criteria may be administratively included. A

delegation may also include a requirement for the preparation of periodic reports of the exercise of the delegated authority.

c. Delegations are prepared in the manner prescribed in 2 FAM 1142, *regardless of whether they will be published in the Federal Register. Publication in the Federal Register requires a specific line of text. See 2 FAM 1142 Exhibit 1142.*

## **2 FAM 1146 CONTROL OF DELEGATIONS**

*(TL:GEN-295; 09-14-1999)*

*(State Only)*

a. Delegations intended for promulgation through *the Federal Register* shall be prepared, cleared, and approved in accordance with 2 FAM 1124 and 2 FAM 1142 and forwarded to *A/RPS/DIR* for processing and/or publication in the *Federal Register*.

b. *Obtain appropriate other-office clearances and that of Office of the Legal Adviser (L) before delegations are signed and forwarded to A/RPS/DIR for processing.*

c. The *Directives Management Staff* assigns appropriate serial numbers to all delegations of authority and is responsible for maintaining the Department's official background file of signed original delegations. It makes appropriate distribution of copies of approved delegations within the Department and when appropriate, furnishes copies to the Office of Budget and Finance for filing, if required, with the Treasury Department and the General Accounting Office.

## **2 FAM 1147 THROUGH 1149 UNASSIGNED**

# 2 FAM 1142 Exhibit 1142 FORMAT FOR DELEGATIONS OF AUTHORITY

(TL:GEN:295; 09-14-1999)

## General Format for Delegation of Authority



Use appropriate Department

*Department of State*  
*Washington, D.C. 20520*

Directives (DIR) will insert number

DELEGATION OF AUTHORITY NO. \_\_\_\_\_

SUBJECT: Delegation of Authority to Determine and Exigency of the Public Business and to Approve Restoration of Forfeited Annual Leave

Indent Paragraphs

In the exercise of my authority under the provisions of subchapter 150 of Volume 1

of the *Foreign Affairs Manual*, I hereby delegate authority to the Assisant Secretary, Bureau of Diplomatic Security, to the Director General of the Foreign Service and Personnel, and to the Director of the Foreign Service Institute, for personnel under their respective jurisdictions, the following authorities, subject to the Office of Personnel Management and the Department of State:

Double space text

(a) To determine that an exigency of the public business was of such importance that an employee could not use annual leave to avoid forfeiture; and

(b) To approve restoration of forfeited annual leave under 5 U.S.C. 6304(d)(I)(B).

This authority may not be redelegated.

This delegation is effective immediately.

Ink signature on

Date signed

\_\_\_\_\_  
(Date)

Typed name and title

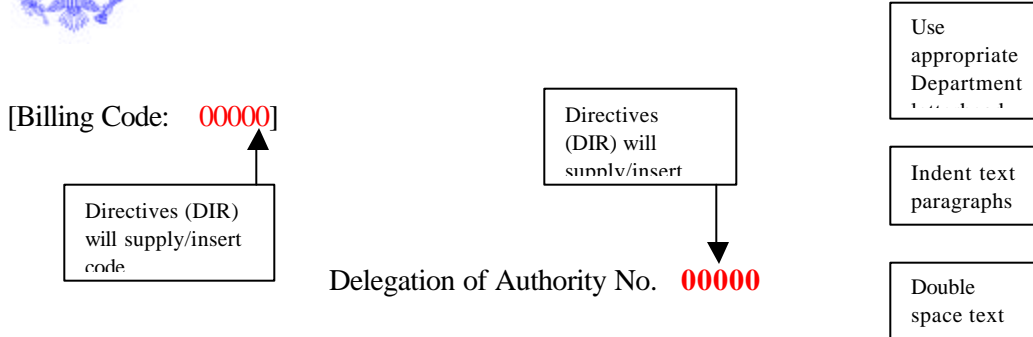
\_\_\_\_\_  
Name and Title

# Continuation-2 FAM 1142 Exhibit 1142

## Format for Delegation of Authority Published in *Federal Register*



Department of State  
Washington, D.C. 20520



SECRETARY OF STATE TO THE ASSISTANT SECRETARY OF STATE  
FOR INTER-AMERICAN AFFAIRS

### 1. General Delegation

By virtue of the authority vested in me as Secretary of State, including the authority of 22 U.S.C. 2651a and 22 U.S.C. 2656, I hereby delegate the duties and responsibilities vested in the Secretary of State by Section 401 of the Cuban Liberty and Democratic Solidarity (“Libertad”) Act of 1996, PL. 101-114 (Mar. 12, 1996), to the Assistant Secretary of State for Western Hemisphere Affairs.

### 2. Technical Provisions

(a) Notwithstanding this delegation of authority, the Secretary of State, the Deputy Secretary of State, and the Under Secretary of State for Political Affairs may exercise any function delegated by this delegation.

(b) Any act, regulation, delegation, or procedure affected by this delegation shall be deemed to be such act, regulation, delegation, or procedure as amended from time to time.

This delegation shall be published in the *Federal Register*.

Required for  
*Federal Register*  
publication

