

SUBJECT: DELEGATIONS OF AUTHORITY

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8-100-00 PURPOSE

This chapter sets forth Department policies and practices governing the delegating of authority. Exhibit 8-100-A describes procedures for requesting the Secretary to delegate authority.

8-100-10 LEGAL IMPORTANCE OF DELEGATIONS

Delegations of authority are important to the operation of the Department. Without them the Department could not function very well since nearly all authority would reside with the Secretary. Delegations allow the Secretary and other officials to convey their authorities to subordinate officials so they may legally carry out the many activities of the Department. Carrying out these activities without legal authority could have a serious adverse impact on the Government, the Department, and the official who acts without legal authority. For example, an official who approves expenditure of funds without proper legal authority could be held liable for the funds.

It is essential that each official of this Department has written evidence of his/her legal authority before he or she takes any action to expend or use Government funds or resources.

8-100-20 LEGAL BASIS FOR DELEGATING AUTHORITY

- A. **Authority of the Secretary** – The authority of the Secretary to delegate comes from these provisions of law:

1. Section 6 of the Reorganization Plan No. 1 of 1953 and Section 2 of the Reorganization Plan No. 3 of 1966 provide that the Secretary may make such provisions as he or she deems appropriate in authorizing the performance of any of his/her functions by any other officer or by any agency or employee of the Department.
2. 5 U.S.C. 301 authorizes the head of a Department to prescribe regulations for the distribution and performance of the Department's business.
3. 5 U.S.C. 302 authorizes the head of a Department to delegate to subordinate officials various authorities pertaining to employment of personnel, purchase of articles from contingent funds, and other administrative matters.

In addition, laws which confer specific authorities upon the Secretary sometimes authorize the Secretary to delegate these authorities subject to certain conditions. For example, in 42 U.S.C. 3011, the Secretary is prohibited from approving or requiring a delegation of the functions of the Assistant Secretary of Aging to any other officer not directly responsible to the Assistant Secretary.

B. Authority to Delegate and Redelegate

1. The Secretary or any other Department officer may delegate and authorize redelegation of any authority conferred on him/her by law (statute, regulation, or Executive Order), unless the law prohibits such delegation.
2. Any HHS officer or employee may redelegate any authority delegated to him/her unless the delegation document prohibits such redelegation.
3. Any HHS officer or employee who delegates or redelegates authority may continue to exercise the authority, since the act of delegating does not divest the authority from the delegating official.

8-100-30 DEFINITIONS

A. Delegation of Authority

Delegation of authority is an action by which authority vested in one official may be shared with or transferred to another official. It may involve program authority, administrative authority, or both. It generally includes the authority to sign a legal document approving the taking of action by others. It not only empowers the delegate(s) with authority but may establish limitations on the exercise of the authority by others.

(**Note.** Certain employees of the Department have certain general authorities based on their status or position within their organization. For example, supervisors have the authority to assign work to employees under their supervision. These authorities are defined in position descriptions, functional statements, and other official documents. This chapter does not apply to these general grants of authority.)

B. Program Authorities

Program authorities are substantive authorities contained in Acts of the Congress or Executive Orders of the President that authorize programs. They authorize the taking of substantive actions such as issuing program guidelines, awarding grants, adjudicating eligibility for benefits, and analyzing applications for new drugs. Most program authorities of the Department are vested in the Secretary with the authority to delegate.

C. Administrative Authorities

Administrative authorities authorize the taking of financial, personnel, or other administrative actions in support of substantive programs, either directly or indirectly. Such actions include purchasing equipment, hiring employees, approving travel, issuing building passes, etc. These authorities are derived primarily from government-wide acts such as the Administrative Procedure Act of 1946, 5 U.S.C. 551 or the Chief Financial Officers Act of 1990, 31 U.S.C. 901 and from regulations based on these Acts and are issued by central control agencies such as the Office of Management and Budget, General Services Administration and the Office of Personnel Management. These authorities generally reside in, flow through, or are coordinated by management staff offices which report to the head of an organization. For HHS, most of the administrative authorities flow through the Assistant Secretary for Resources and Technology (Chief Financial Officer) and the Assistant Secretary for Administration and Management (e.g., acquisition, human resources (except as they relate to the Public Health Service (PHS) Commissioned Corps, which flow through the Assistant Secretary for Health), facilities, etc.

D. Delegation/Redelegation

Delegation and redelegation are acts of sharing or transferring legal authority. The term "delegation" describes the initial assignment of authority, while the term "redelegation" describes the reassignment of that authority.

8-100-40 RESPONSIBILITIES

A. Delegation Control System

The Head of each Operating Division (OPDIV), including the Assistant Secretary for Administration and Management (ASAM) for the Office of the Secretary shall develop and

maintain, within the guidelines of this chapter, a delegation control system for his/her organization that, at a minimum, provides for the:

1. Designation of a Principal Delegation Control Officer and, as needed, Delegation Control Officers for subordinate organizational levels.
2. Effective review of each delegation before putting it into effect to ensure that it meets the criteria stated in Section 8-100-60.
3. Prompt notification to all affected managers, supervisors, and other personnel of all changes in the authorities delegated to them. Effective means for keeping all delegations current and available, including but not limited to these actions:
 - a. Prompt identification of the need to delegate authority.
 - b. Filing of all delegations made to or by key officials within the organization with the organization's delegation control officer.
 - c. Periodic review of existing delegations to ensure that they are needed, up to date, and consistent with current Department policy.
 - d. Maintaining an automated filing system of the OPDIV's delegations, and where appropriate, place on the OPDIV's website. The website should comply with HHS information technology policy, relating the use of an HHS website @: www.hhs.gov/read/irmpolicy.

B. Delegation Control Officers

1. The HHS Delegation Control Officer, under the direction of the Assistant Secretary for Administration and Management (ASAM) develops Department wide policies and practices on the delegating of authority and provides Department wide instructions on those that are adopted, provides technical assistance on the use and application of delegations of authority, serves as the principal staff advisor within the Office of the Secretary on delegations of authority, coordinates review of proposed delegations submitted for approval by the Secretary, and maintains an electronic index of delegations made by the Secretary.
2. Each OPDIV Delegation Control Officer serves as his/her organization's principal advisor on delegations of authority, implements Department and agency policies and practices on delegations of authority, administers his/her organization's delegation control system, provides technical assistance on delegations of authority within his/her organization, and maintains and indexes delegations made to and within his/her organization. Each HHS manager is responsible for identifying the need for

delegating authority within his/her organization and to subordinate organizations, for delegating authority to his/her subordinates and making certain that these officials understand the substance and limits of their authorities, and for periodically reviewing delegations in effect within the organization to insure their continued need.

8-100-50 POLICIES ON DELEGATING AUTHORITY

A. Level of Decision Making

It is Department policy to delegate decision-making authority to the organization level that will provide the most timely, economical, and effective management and administration of programs and activities.

B. Flow of Delegated Authority

Delegations and redelegations of authority should follow organizational lines. Program authority usually flows from the Secretary through the Heads of Operating Divisions (OPDIV) or Heads of Staff Divisions (STAFFDIVs) (such as the Office for Civil Rights) to operating officials at subordinate organization levels within the components or offices. Administrative authority normally flows from the Secretary through a STAFFDIV Head (such as the ASAM, the Assistant Secretary for Resources Technology, the General Counsel, etc.) to Heads of OPDIV and STAFFDIV, and occasionally to Regional Directors; and hence to operating and administrative officials at subordinate organization levels within the components or offices.

C. Retention of Authorities Delegated

A delegation of authority does not divest the delegation of the authority delegated unless the particular delegation so provides (meaning the principal can still act on the same authority).

D. Authority to Redelegate

Any delegated authority may be redelegated totally or partially unless the delegation document or underlying legal authority prohibits or restricts redelegation. If the delegation document contains no such prohibition or restriction, redelegation may be made.

E. Authority to Positions and to Occupants of positions

Authority should be delegated to official positions (e.g., Director, Office of Resource Management) or authority may also be delegated by name to occupants of official positions (e.g., Marie Harris, Director, Office of Resource Management) under necessary circumstances. However, these restrictions apply when authority is delegated to a named

occupant of a position:

1. No one else can use the authority--not even the occupant's deputy serving in an acting capacity.
2. The authority becomes void when the occupant vacates the position.

Since neither of these conditions apply to delegation made to official positions, it is usually more effective to delegate to official positions rather than to name occupants of official positions.

F. Authority of Deputies or a Principal Deputy

A deputy or principal deputy does not automatically have the same authority as the senior official. The deputy's or principal deputy's authority is limited to the delegations specifically given to the position or the authorities the deputy or principal deputy may exercise when serving in an acting capacity during the absence of the senior official.

G. Authority of Acting Officials

1. **PAS Position:** A PAS position is one where the appointment to office is required to be made by the President with the advice and consent of the Senate. The Federal Vacancies Reform Act of 1998 ("Vacancies Act") provides that the "first assistant" or "principal deputy" to all PAS positions (absent Presidential action to select another qualified individual) shall perform the functions and duties of the office in the event of a legal vacancy. Under the Vacancies Act, the "first assistant" or "principal deputy" must be designated as such 90 days before the vacancy occurs. Therefore, as soon as a PAS is appointed, it is imperative that he or she designate a "principal deputy" or "first assistant." Further, it is best to make such a designation in writing so as to avoid any potential misunderstandings. When designations are to someone other than a single person who is clearly a "principal deputy" by title or function, OGC must be consulted.
2. **Acting Official:** For a PAS position, the "Acting" title is applicable and reserved only in instances in which there is a vacancy in the position by virtue of death, resignation of the incumbent, or where the incumbent is unable otherwise to perform the functions and duties of the office. For a non-PAS position, the term "acting" may be used by all others, serving in the absence (e.g., vacation, travel, sick leave, etc.) of an official.
3. **PAS and Non-PAS Positions:** Any employee serving in a position in an acting capacity can exercise any authority delegated to that position, unless prohibited from doing so by the terms of the delegation or the document designating him/her as

acting, or unless such exercise of authority is not otherwise legally permissible.

H. Delegations to be in Writing

Each delegation shall be made in writing in memorandum format, addressed to the positions or persons to whom the authority is being delegated, and signed by the official with the authority to make the delegation. (See Section 8-100-70 for format and content of delegation documents.) Please note, delegations of authority memorandum should read as follows: "I hereby delegate to you or your *successor*, the authority to . . ." This will ensure an official has the same authority as his or her predecessor when a position title changes or a function is transferred to another organizational unit.

Manuals and other official publications may be used to reflect delegations, but not to make them.

I. Effective Date of Delegations

Each delegation becomes effective on the date specified in the delegation document. No delegation can be made retroactively effective. However, under special circumstances actions taken prior to the effective date maybe ratified and affirmed by the delegating official with clearance from the Office of the General Counsel.

J. Review by Legal Counsel

Prior to their approval, all delegations of authority shall be submitted to the appropriate division of the Office of the General Counsel (OGC) for review to ensure their legality. Redelegations of authority should also be submitted to the OGC for review whenever the official making the redelegation questions the legality of any aspect of the redelegation. (Note that legal review of delegations and redelegations of authority conferred on the Inspector General (IG) by the IG Act of 1978, as amended, are reviewed for legal sufficiency by the Office of Counsel to the Inspector General.)

K. Effect of Reorganization on Delegations

Whenever an organization is reorganized, delegations to and within that organization may remain in effect in the successor organization, generally, unless:

1. The reorganization document specifies otherwise. (Note. The reorganization document should always contain a statement on how the reorganization affects existing delegations. See Chapter 8-60 "Reorganization" of this Manual for details.)
2. Functions upon which the delegations are based, or positions to which the delegations are made, are transferred to another organization or are abolished. (In

these cases, the delegations are terminated on the effective date of the reorganization unless the reorganization document specifies otherwise.)

Delegations that remain in effect in the successor organization generally should be reviewed and updated not later than 90 days after the reorganization becomes effective to reflect changes in: the flow of authority to and within the organization, the functions performed by the organization, the organization's structure and nomenclature, the key positions within the organization, and any other factor affecting the delegating of authority.

8-100-60 CRITERIA FOR DELEGATING AUTHORITY

The decision to delegate authority shall be based upon evaluation of pertinent factors, including the following:

- o **Legality.** Can the authority legally be delegated?
- o **Funds.** Have funds been specifically appropriated to implement the authorities? Or, have senior officials allocated funds to support the authorities? If yes, from what source?
- o **Need.** Will the delegation effectively improve management and administration?
- o **Responsibility.** Is the position to which the authority is to be delegated appropriate in terms of grade level and other assigned responsibilities?
- o **Economy.** Will the delegation eliminate procedural steps, lines of communication, or otherwise result in overall savings?
- o **Service.** Will the delegation improve services to the Department's clients?
- o **Existing Procedures:** Is the delegation consistent with existing policy for implementing HHS administrative and management functions and programs?

8-100-70 FORM AND CONTENT OF DELEGATIONS

Each delegation shall be made in writing in memorandum format, and shall be signed by the delegating official. It shall contain, at least, the following information:

1. The authority of the delegating official to make the delegation.
2. The authority or authorities being delegated.
3. Any restriction or limitation to be placed on the delegate(s) in exercising or redelegating the authority. Unless the delegation restricts or limits redelegation, a delegate can redelegate

any authority delegated to him or her.

4. The identity of any special instructions, if any, the delegate is to follow in exercising the delegated authority.
5. The date the delegation becomes effective. If such a date is not included in the body of the delegation, the effective date is the date that the delegating official signs the delegation.
6. The identity of each delegation that the delegation amends, supersedes, or cancels. Every effort should be made to be specific. Phrases such as "delegation supersedes all previous delegations on this subject," should be used when delegations are widespread or when delegations were never updated after one or more reorganizations.

Prior to issuing a delegation, the delegating official should have the delegation reviewed for technical correctness by the delegation control officer.

See Exhibit 8-100-B at the end of this chapter for a sample delegation of authority.

8-100-80 ACTIONS BY THE DELEGATING OFFICIAL

After signing a delegation, the delegating official shall make certain that:

1. Each delegate is promptly provided a copy of the delegation.
2. Each delegate has access to the policy or procedural instructions identified in the delegation that he or she will need to exercise the delegated authority. Where appropriate, these instructions should be provided to each delegate with the delegation.
3. The delegation or a summary of it is published as prescribed by Section 8-100-90.
4. A copy of the delegation is sent to his/her delegation control officer. The official file copy of the delegation is maintained for, at least, the life of the delegation; or, maintained permanently where there is a potential for litigation when the delegation is no longer viable for present actions but may be needed to show that the authority existed at the times an action was taken.

8-100-90 PUBLICATION OF DELEGATIONS

Whenever an HHS official makes a delegation or redelegation of authority that may have a significant impact on the public, that official shall have the complete text of the delegation or redelegation published as a notice in the Federal Register. Examples of delegations and redelegations that might have an impact include delegations of program authority by the Secretary, redelegations of program authority by OPDIV/STAFFDIV heads, and delegations

and redelegations of procurement authority or any authority where there is a potential for litigation and the delegation is needed after the delegation is no longer viable, but is required to show that the authority once existed. Delegating officials should consult their delegation control officer and legal counsel whenever they question whether publication in the Federal Register is necessary. (Part 3 of this Manual contains instructions on publishing notices in the Federal Register.)

B. Delegations of Program Authority

Whenever the Secretary or another official who has statutory power makes an initial delegation of program authority to the Head of an OPDIV or STAFFDIV, the OPDIV or STAFFDIV Head shall include the delegation in its functional statement in the Organization Manual.

C. Delegations of Administrative Authorities

Whenever an OS official makes a delegation of administrative authority that has wide interest, that official shall publish the delegation, or a summary of it, in the appropriate HHS staff manual. Officials in OPDIVs shall similarly publish in their directives systems redelegations of administrative authority that have wide interest.

8-100-100 REPORTING DELEGATIONS AFFECTING REGIONAL OFFICES

OPDIV regional officials and OS regional officials shall keep the Regional Director (RD) apprised of the authorities delegated to them by their headquarters. They may do this by sending the RD a copy or a summary of each delegation or by using another effective means of keeping the RD informed.

8-100-110 SUPERSEDING, AMENDING, AND CANCELLING DELEGATIONS

A. Superseding Delegations

Whenever a new delegation supersedes another delegation, the superseded delegation and all redelegations based on it become null and void on the effective date of the new delegation, unless the new delegation specifically provides otherwise.

To avoid disruption of operations, the superseding delegation may provide, if legally feasible, that redelegations based on the superseded delegation will remain in effect for a reasonable time (i.e., not more than 90 days) pending the issuance of new redelegations.

B. Amending Delegations

Only the official in the position (or successor position) which issued the original delegation

can amend the original delegation. Amendments to the original delegation should be processed in the same manner as the original delegation.

C. Canceling Delegations

To cancel a delegation, the official serving in the position (or the successor position) which issued the original delegation shall prepare a canceling memorandum, in which the delegation to be canceled and the date of cancellation is identified, and shall have the memorandum sent to each delegate who has the authority being canceled.

Whenever a delegation is canceled, the delegation and all redelegations based on it become null and void on the date stated in the canceling memorandum.

8-100-120 TECHNICAL ASSISTANCE

Technical assistance on delegating authority and applying the provisions of this chapter may be obtained from delegation control officers or from the Office of Human Resources, Office of the Assistant Secretary for Administration and Management, Office of the Secretary. Information on delegations made by the Secretary may also be obtained from this Office.

GUIDELINES TO REQUEST DELEGATION OF AUTHORITY FROM THE SECRETARY

- A. **Responsibility** – Each OPDIV or STAFFDIV is responsible for identifying the need for legal authority to administer its programs and activities and, when the authority resides with the Secretary, for requesting the Secretary to delegate the needed authority to the OPDIV or STAFFDIV Head. Section 8-100-70, titled “Form and Content of delegations,” outlines the content of the delegation of authority memorandum requesting the authority from the Secretary.
- B. **Documentation:** Each request to the Secretary should include:
1. The decision memorandum to the Secretary, which identifies:
 - a. The authority or authorities that the Secretary should delegate.
 - b. The law, executive order, or other enabling document which confers the authority on the Secretary.
 - c. Specific reasons why the Secretary should delegate the authority to the requesting official.
 - d. Any condition imposed by the enabling document or by previously issued Secretarial policy which affects the delegating of the requested authority. (For example, the enabling document may forbid delegating authority below a certain organizational level).
 - e. Whether the requesting official plans to redelegate the authority and, if yes, to what extent and to whom.
 2. The proposed delegation of authority memorandum should be addressed to the requesting official (and/or any other official to whom the Secretary should delegate the authority); it should be on Secretary’s letterhead, and prepared for the Secretary’s signature, as outlined under paragraph 8-70 of this chapter.
- C. **Processing:** OPDIV or STAFFDIV Heads should submit their requests for delegations to the Secretary through the Assistant Secretary for Administration and Management (ASAM). The ASAM acts as the Executive Secretary for all delegations of authority requiring the Secretary’s approval.

- D. **Review:** The ASAM will coordinate the review of the proposed delegation with the Office of the General Counsel, other pertinent OS offices and, as appropriate, with other OPDIVs; negotiate resolution of problems which may arise during the review; and present the delegation to the Secretary through the Deputy Secretary, Chief of Staff and the Executive Secretary.
- E. **Distribution and Depository:** After the Secretary approves the delegation, the Executive Secretary will return the signed delegation to the ASAM for distribution and publication in the Federal Register.
- F. **Authorities Reserved by the Secretary.** The Secretary reserves certain authorities. They include authorities to make report to the President and the Congress, to approve and issue regulations, establish advisory councils and committees, and appoint their members. Each delegation written for the Secretary's approval must contain a statement reserving these authorities to the Secretary.

Delegation of Authority Template

TO: [Insert Position of Delegatee]

SUBJECT: Delegation of Authority for [Insert Subject of Delegation]

Authority to Delegate

I hereby delegate to [Insert Position of Delegatee] the following authority vested in the [Insert Delegating Official's position].

Authority Delegated

Authority to [Insert the authority to be delegated with any applicable legal citations].

Limitation(s)

[Insert any limitations to the delegation.]

Effective Date

This delegation is effective immediately.

Effect on Existing Delegations

[If this delegation supersedes a prior delegation, insert a statement that the delegation supersedes the prior delegation.]

[As an option, the delegation may include the following language at the end: "I hereby affirm and ratify any actions taken by [Insert position of delegatee] or [his/her] subordinates which involved the exercise of the authorities delegated herein prior to the effective date of this delegation."]

[Date signed]

[Name of delegating official]

Delegation of Authority Template

TO: [Insert Position of Delegatee]

SUBJECT: Delegation of Authority for [Insert Subject of Delegation]

Authority to Delegate

I hereby delegate to [Insert Position of Delegatee] the following authority vested in the [Insert Delegating Official's position].

Authority Delegated

Authority to [Insert the authority to be delegated with any applicable legal citations].

Limitation(s)

[Insert any limitations to the delegation.]

Effective Date

This delegation is effective immediately.

Effect on Existing Delegations

[If this delegation supersedes a prior delegation, insert a statement that the delegation supersedes the prior delegation.]

[As an option, the delegation may include the following language at the end: "I hereby affirm and ratify any actions taken by [Insert position of delegatee] or [his/her] subordinates which involved the exercise of the authorities delegated herein prior to the effective date of this delegation."]

[Date signed]

[Name of delegating official]

EXAMPLE #1 DELEGATION OF AUTHORITY



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

OCT 11 2005

MEMORANDUM TO: Assistant Secretary for Administration and Management

SUBJECT: Delegation of Authority To Accept Gifts of Real Property pursuant to Section 231 of the Public Health Service Act (42 U.S.C. § 238) and 25 U.S.C. § 451.

I hereby delegate to the Assistant Secretary for Administration and Management the authorities vested in the Secretary of Health and Human Services under Section 231 of the Public Health Service Act (42 U.S.C. § 238) and 25 U.S.C. § 451, as amended, concerning the authority to accept gifts of real property.

This delegation rescinds all previous delegations insofar as it pertains to the authority to accept gifts of real property under 42 U.S.C. § 238 and 25 U.S.C. § 451.

Exercise of this authority shall be in accordance with established policies, procedures, guidelines and regulations as prescribed by the Secretary.

I hereby affirm and ratify any actions taken by you or your subordinates which involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

This delegation is effective immediately.

Handwritten signature of Michael O. Leavitt in black ink.

Michael O. Leavitt

EXAMPLE 2 - DELEGATION OF AUTHORITY



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Administration and Management
Washington, D.C. 20201

JUL 14 2006

MEMORANDUM

To: Heads of Operating Divisions
Deputy Assistant Secretary for Acquisition Management and Policy

From: Joe W. Ellis *[Signature]*
Assistant Secretary for Administration and Management

Subject: Delegation of Acquisition Authorities

Authority to Delegate: The memorandum from the Secretary, dated October 11, 2001, provides the delegation authority. I hereby delegate the following acquisition authorities, which include management of the acquisition workforce, to:

I. Operating Division (OPDIV) Heads

Authority Delegated: Acquisition authority to conduct the acquisition program of the Operating Division (OPDIV) of which you are the head. This includes the authority to: (a) award, modify, administer, and terminate contracts/other acquisition instruments and Other Transactions; and (b) select Heads of Contracting Activity (HCAs). The delegation of authority does not apply to the Administration for Children and Families (ACF) and Administration on Aging (AoA).

As OPDIV Head, you may redelegate these acquisition authorities to your HCA to the extent permitted by the Health and Human Services Acquisition Regulation (HHSAR), Title 48 Code of Federal Regulations Chapter 3; and the Federal Acquisition Regulation (FAR), Title 48 Code of Federal Regulations Chapter 1.

Limitations: HCA authorities may be redelegated, but only as specified in the HHSAR, or in the absence of coverage in the HHSAR, the FAR. Copies of each redelegation based on this delegation shall be made available to the Deputy Assistant Secretary for Acquisition Management and Policy upon request.

II. Deputy Assistant Secretary for Acquisition Management and Policy

Acquisition authority delegated to the Deputy Assistant Secretary for Acquisition Management and Policy includes:

- Authority to serve as the HCA for the Office of the Secretary.

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- Authority to serve as the Department's Senior Procurement Executive.
- Authority to issue contracting officer warrants to HCAs.
- Authority to develop, and grant deviations from, the Department's acquisition regulations and policies – including those governing interagency acquisitions.
- Authority to audit, monitor, and resolve deficiencies concerning the granting of OPDIV certifications under the Department's Federal Acquisition Certification in Contracting (FAC-C) program.
- Authority to waive FAC-C program certifications for any employee issued a Contracting Officer's warrant on or after January 1, 2007.
- Authority to waive the educational requirement in the Qualification Standard for Contract Specialists (GS-1102).
- Authority to grant or revoke an Other Transaction (OT) Officer's warrant for Other Transactions.
- Authority to select the chairperson and alternate chairperson of the HHS Other Transaction Authority Board.
- Authority to approve the selection of GS-15 and above HHS acquisition staff, in conjunction with the Office of Human Resources, regardless of General Schedule occupational series, including HCAs.
- Authority to monitor, in coordination with the Office of Human Resources, compliance with HHS' policy on "Direct-Hire Authority for 'Difficult-to-Fill' Acquisition Positions", dated May 11, 2006.
- Authority to approve Justifications for Other than Full and Open Competition over \$50 million in total value.
- Authority to monitor acquisition processes and functions and direct the implementation of improvement actions.
- Authority to review and concur/nonconcur with proposed Other Transaction solicitations and awards at any dollar threshold, and review any proposed HHS acquisitions at any dollar threshold.
- Authority to revoke HCA acquisition authority based on long-standing intractable performance problems, egregious ethics and procurement integrity violations, etc.
- Authority to manage the Program Support Center's Strategic Acquisition Service functions.
- Authority to redirect OPDIV acquisition staff to support the preparation for, or response to, potential or actual emergencies, e.g., terrorist strike, natural disaster, epidemic.

Effective Date: This delegation is effective immediately.

Effect on Existing Delegations: This delegation supersedes any and all previous delegations of acquisition authority from the Assistant Secretary for Administration and Management, or the former Assistant Secretary for Management and Budget.