

DELEGATIONS OF AUTHORITY

1. **REASON FOR ISSUE:** Directive 0000 is being reissued to update policy regarding VA Delegations Of Authority (DOA).
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This revised directive announces changes in the responsible office from the Office of Information and Technology (OIT) to the Office of Enterprise Integration (OEI), establishes an Enterprise Delegation Control Officer within OEI, and clarifies roles and responsibilities of officials managing the Delegation of Authority program for the enterprise.
3. **RESPONSIBLE OFFICE(S):** The Office of Policy and Interagency Collaboration (008D3) within the Office of the Assistant Secretary for Enterprise integration (008).
4. **RELATED HANDBOOK:** None.
5. **RESCISSION:** VA Directive 0000, Delegations of Authority, dated September 9, 2009.

CERTIFIED BY:

**BY THE DIRECTION OF THE
SECRETARY OF VETERANS AFFAIRS:**

/s/
Melissa S. Glynn, Ph.D.
Assistant Secretary
for Enterprise Integration

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1. **PURPOSE AND SCOPE.** This directive sets forth policies for issuing delegations of authority from the Secretary of Veterans Affairs, Deputy Secretary of Veterans Affairs, Chief of Staff, Assistant Secretaries, Under Secretaries, and Other Key Officials. Section 512(a) of title 38 of the United States Code (U.S.C.), allows the Secretary to delegate, except as otherwise provided by law, the authority to act or render decisions with respect to all laws administered by the Department of Veterans Affairs (VA). In addition, part 2 of title 38 of the Code of Federal Regulations (C.F.R.), identifies those delegations specific to VA organizations and positions and has the effect of law.
2. **POLICY.**
 - a. VA officials shall delegate decision-making authority to the maximum extent possible within the confines of the law, while ensuring proper accountability for all actions. Delegators remain ultimately accountable for decisions made under delegations of authority.
 - b. VA officials normally delegate and re-delegate authority to titles of positions rather than to named employees. Unless otherwise prohibited by law or the terms of the delegation, authority delegated to a position by title may be exercised by a person officially designated to serve in that position or an individual serving in that position in an acting capacity or on a temporary basis.
 - c. Authority delegated or re-delegated to a named individual may not be exercised by another person.
 - d. All delegations of authority memoranda must include a sunset date of 2 years or less; however, the Secretary may approve an extended sunset date of up to 4 years.
3. **RESPONSIBILITIES.**
 - a. **The Secretary of Veterans Affairs** shall determine which authorities may be delegated and assign them to Under Secretaries, Assistant Secretaries, and Other Key Officials. The Secretary will direct changes to delegations of authority as appropriate.
 - b. **Assistant Secretary for Enterprise Integration (008)** shall:
 - (1) Recommend to the Secretary Department-wide policies, procedures, and guidance governing the Delegation of Authority program.
 - (2) Provide information to the Secretary on procedural issues relating to existing or proposed delegations of authority, when requested.
 - (3) Designate an individual to serve as the Enterprise Delegation Control Officer.

- c. **Enterprise Delegation Control Officer** shall:
- (1) Serve as the Assistant Secretary for Enterprise Integration's principal advisor for delegation matters.
 - (2) Conduct the day-to-day operations of the Delegation Control program, to include assisting staff with training, advice, and compliance with this Directive.
 - (3) Maintain and publish an inventory of all delegations and re-delegations approved by the Secretary, Deputy Secretary, Chief of Staff, Under Secretaries, Assistant Secretaries, and Other Key Officials.
 - (4) Publish a site listing Statutory Delegations of Authority under Title 38 §2.1 as a reference for delegating authorities.
 - (5) Maintain and publish an annual list of individuals in the Administrations and Staff Offices designated to serve as Delegation Control Officers (DCO).
- d. **Under Secretaries, Assistant Secretaries, and Other Key Officials** shall:
- (1) Delegate decision-making authority to the maximum extent possible within the confines of the law while ensuring proper accountability for all actions delegated. Delegators remain ultimately accountable for decisions made under delegations of authority.
 - (2) Establish additional plans and procedures to govern delegations of authority within their organizations, as necessary.
 - (3) Designate an individual to serve as the DCO for their organization. The individual designated shall be responsible for administering the delegations of authority program under the jurisdiction of their organizational element and forwarding copied of delegations of authority to the VA DCO.
 - (4) Notify the Enterprise Delegation Control Officer of the name, e-mail, and telephone number of their organization's DCO.
- e. **The General Counsel.** In addition to duties outlined in paragraph 3d, the General Counsel shall review all new or revised delegations of authority from the Secretary, Deputy Secretary, or Chief of Staff to Under Secretaries, Assistant Secretaries, and Other Key Officials for all legal sufficiency and conformity with law.

- f. **Delegation Control Officers (DCOs)** will develop and maintain a list all DOAs in their Administration or Staff Office. DCOs will ensure that the list is sent electronically on a semi- annual basis to the Enterprise Delegation Control Officer. DCOs will also perform an annual inventory of their organization’s existing delegations of authority to ensure they are still current and relevant. DCOs are responsible for:
 - (1) Notifying the Enterprise Delegation Control Officer of changes in DOAs.
 - (2) When a DOA is conferred on an individual by name, inform the Enterprise Delegation Control Officer of changes in any of the following:
 - (a) The delegate’s functional title;
 - (b) The expiration or termination of the delegate’s appointment;
 - (c) The loan or transfer of the delegate to another organization;
 - (d) The delegate taking leave of absence longer than 90 days;
 - (e) The (re)assignment of the delegate to a different duty station.
 - (3) Notifying the Enterprise Delegation Control Officer of the withdrawal or suspension of delegation of authority.

4. REFERENCES.

- a. 38 U.S.C. §512.
- b. 38 C.F.R., part 2.

APPENDIX A: PROCEDURES FOR ESTABLISHING DELEGATIONS OF AUTHORITY

1. GENERAL

- a. A delegation of authority is the formal transfer of an authority to take certain actions or to make certain decisions, which have legal or administrative significance. Delegations of authority are to perform functions such as:
 - (1) Regulating nongovernmental activities;
 - (2) Entering into a contract or making a grant involving the obligation of Federal funds;
 - (3) Procuring supplies and services; and
 - (4) Certifying documents.
- b. A delegation of authority occurs when a decision is made to delegate an authority from the primary level in which it is vested to a secondary level. Delegations of authority may be originated by the delegating official or recommended by the official who needs the delegation to more efficiently accomplish assigned responsibilities. Delegations may also occur because of changes to law or as a result of a reorganization of functional responsibilities.
- c. The following criteria are used to decide if any authority or responsibility should be delegated:
 - (1) Is the delegation legal and ethical?
 - (2) Will the delegation enhance or create prompt and effective program administration or management?
 - (3) Will the delegation ensure an appropriate level of oversight and control?
 - (4) Will the delegation eliminate a procedural step, shorten lines of communication, improve services, or otherwise save time or cost of operations?
 - (5) Is the position to which the authority is to be delegated appropriate in terms of grade level and assigned responsibilities?
 - (6) Is the delegation consistent with VA's mission?
 - (7) Will the delegation improve service to Veterans and their dependents?
- d. All delegations of authority memoranda must include a sunset date establishing a 2-year time limit for the delegation. The Secretary may waive the 2-year time limit

and establish a time limit of up to 4 years. After that sunset date, authority reverts to the delegator. This does not affect delegations prescribed by law.

- 2. METHODS FOR DELEGATING AUTHORITY.** Delegations of authority may be established 38 C.F.R., part 2, or by a delegation memorandum. The delegations contained in the C.F.R. are specific to VA organizations and positions and have the effect of law. The C.F.R. should be amended when delegations occur because of new law or changes to existing law, or as a result of a reorganization of VA functional responsibilities. Delegation memoranda will be used to delegate internal management functions which are not defined by law.
- a. Delegations in the C.F.R.. A delegation of authority established in 38 C.F.R., part 2, does not require a delegation memorandum. When a proposal is drafted to amend 38 C.F.R., part 2, the originating office shall obtain the concurrence of impacted offices, if applicable, and forward the package to OEI and the Office of the General Counsel through VA's correspondence tracking system.
 - b. Delegation Memorandum
 - (1) When a delegation of authority is established using a memorandum, use the format in the Appendix A, Delegation of Authority Memorandum Sample, of this directive.
 - (2) The delegation memorandum will be circulated using VA's correspondence tracking system to impacted offices for concurrence. Once such concurrences are received, the delegation memorandum should be sent to the Assistant Secretary for Enterprise Integration through VA's correspondence tracking system. (**Note:** Concurrence of the General Counsel is not required during this phase.)
 - (3) When all necessary concurrences have been obtained, forward the complete folder to the General Counsel for legal review. (**Note:** The General Counsel will be the last concurrence prior to submission to the Office of the Secretary, the Under Secretary, Assistant Secretary, or Other Key Official.)
 - (4) Upon concurrence by the General Counsel, forward packet to the Executive Secretariat for Secretary, Deputy Secretary, or Chef of Staff, or to the staff of the appropriate Under Secretary Assistant Secretary, or Other Key Official for signature.
 - (5) After signature, the originating office shall forward a copy to the Enterprise Delegation Control Officer for record purposes.

DELEGATION OF AUTHORITY MEMORANDUM SAMPLE

Date:

MEMORANDUM FOR [State official the Delegation of Authority applies to]

SUBJECT: Delegation of Authority to [state function and VIEWS number].

1. **DELEGATION.** This memorandum delegates to the [state title of the VA official that the authority is being delegated to] the authority to [state what authority is being delegated].
2. **AUTHORITY.** [State the law and/or policy under which this delegation is made or, if this is a redelegation, state the date and VIEWS number of the initial delegation].
3. **RESTRICTIONS.** [State if delegation is only effective in cases below a certain dollar amount, for employees below a certain grade, or other level of magnitude].
4. **REDELEGATION.** [State if the delegated official can further delegate this authority].
5. **EFFECTIVE DATE AND EXPIRATION DATE.** [Normally, a delegation is effective upon signature, but it could be tied to enactment of legislation, executive order, or another external trigger. A delegation's expiration date is normally 2 years after signature unless the Secretary, and only the Secretary, waives the 2-year limit and directs that the delegation will remain in effect for up to 4 years.

Signature block of delegating official