



1. **PURPOSE:** This directive establishes TSA policy and procedures for issuing, modifying and rescinding Delegations of Authority.
2. **SCOPE:** This directive applies to all TSA offices, organizations, and employees.
3. **AUTHORITIES:**
 - A. Aviation and Transportation Security Act of 2001, PL 107-71
 - B. [DHS Delegation Number 7060.2, Delegation to the Administrator of the Transportation Security Administration](#)
 - C. [DHS MD 0405.1, Issuing Delegations of Authority](#)
 - D. [TSA MD 200.9, Vital Records Program](#)
4. **DEFINITIONS:**
 - A. Delegation of Authority (DOA): A formal document specifying who is authorized to act on behalf of another official for specific purposes or in specific matters. Generally, the officials will be identified by title or position, rather than by name. When necessary due to particular training or qualification requirements, a DOA may be to a specific individual, by name. The term DOA includes the redelegation of authority.
 - B. Delegating Official: A TSA official who designates, in writing, another official to act in his or her stead for specific purposes or in specific matters. Unless otherwise stated, Delegating Officials do not divest themselves of the authority to take action; rather they designate another official, who may also take the same action.
 - C. Deegee: The recipient of a delegation or the official to whom authority to act has been granted by a delegating official.
 - D. General Delegations: A broad delegation of authority from a TSA senior management official to a subordinate official to plan, execute, oversee, and issue guidance regarding all policy and programs within the subordinate official's scope of responsibility. Unless restricted by law, superior regulation, or specific delegations of authority, this general delegation of authority is intended to give TSA officials all of the authority necessary to carry out the roles and responsibilities of their respective offices. While TSA senior management officials retain the overall responsibility and accountability for all functions of their office, unless otherwise restricted, they may assign subordinate offices and officials to carry out particular functions and implement and manage particular programs and policies.

E. Senior Management Official: A senior TSA official with responsibility for and authority over a major TSA organizational element, which comprise:

- (1) Assistant Secretary (also referred to as Administrator);
- (2) Deputy Administrator;
- (3) Associate Administrator for Business Transformation and Culture;
- (4) Chief Counsel;
- (5) Special Counselor; and
- (6) All Assistant Administrators

5. RESPONSIBILITIES:

A. Senior Management Officials are responsible for:

- (1) Providing broad, general delegations to subordinate officials through the Roles and Responsibilities process.
- (2) Drafting and submitting requests to issue, modify or rescind DOAs pertaining to their area(s) of responsibility.
- (3) Submitting draft DOAs in the prescribed format (see **Attachment**), including any necessary supporting documentation, to the Office of Chief Counsel (OCC) for review, coordination and clearance approval.
- (4) Reviewing and providing comments to OCC, as appropriate, on requests to issue, modify or rescind DOAs to ensure clarity and consistency across TSA areas of responsibility.
- (5) Ensuring that each request to issue, modify or rescind a DOA is reviewed and approved by the OCC.

Note: No DOA will be issued, modified or rescinded without OCC concurrence.

- (6) Notifying the Delegating Official when any authority received by DOA is to be redelegated to a subordinate official.
- (7) Ensuring that copies of their respective DOAs and supporting documents are included as part of their office's Vital Records Program documents.

B. Delegating Officials are responsible for the functions in Section 5, Responsibilities, paragraphs A(2) through A(7), inclusive.

C. Office of the Chief Administrative Officer (CAO) is responsible for:

- (1) Assigning DOA identification numbers and maintaining an appropriate accountability and control log of all issued, modified and rescinded DOAs. OCC will provide CAO with notice of what and when DOAs are approved, disapproved and rescinded.
- (2) Coordinating the posting and publication of DOAs, as appropriate, typically via the Intranet and TSA Broadcast messages.
- (3) Serving as the repository for DOA records, including the maintenance and storage of current and rescinded DOAs for purposes of the TSA records and Vital Records Program.

D. OCC is responsible for:

- (1) Coordinating the review and providing comments on all requests to issue, modify or rescind DOAs to ensure legal sufficiency, clarity, and necessity.
- (2) Proposing that DOAs be issued, modified or rescinded when necessary to protect the legal rights and authorities of TSA and its officials.
- (3) Coordinating proposed DOA action memo clearances within TSA and with DHS, as appropriate.
- (4) Notifying the CAO through the Office of Information Management Programs (OIMP) of all issued, modified and rescinded DOAs.
- (5) Providing OIMP with signed originals and electronic copies of approved DOAs, action memos and routing sheets.
- (6) Maintaining copies of current DOAs.

E. Office of Strategic Communications and Public Information is responsible for:

- (1) Allocating and securing designated DOA space on the Intranet. All of the most current and approved DOAs will be posted at this designated location.
- (2) Posting and removing DOAs in accordance with OCC and/or OIMP direction.

6. POLICY:

- A. Whenever possible, grants of authority to subordinate officials will be accomplished through general delegations in an approved document titled as a “Roles and Responsibilities” directive, or through specific responsibilities and authorities contained in a DHS or TSA directive.

- B. DOAs will be used sparingly and only when other means of granting authority are insufficient. Examples of when DOAs may be necessary include, but are not limited to: redelegations of DOAs received from DHS; underlying regulations or directives require written DOAs; or when a clear audit trail of authority is essential for fiscal, legal or other purposes.
- C. All DOAs will be prepared, coordinated and issued in accordance with this directive, under the management controls and processes established.
- D. Unless DHS requires the use of the format outlined in DHS MD 0405.1, all TSA DOAs will be submitted using the format provided in the **Attachment**.
- E. Each DOA will clearly identify the positions/titles of the Delegating Official and the Delegee.

Note: When necessary due to particular training or qualification requirements, a DOA may be to a specific individual, by name.

- F. Unless a DOA is by-name or otherwise limited in the DOA itself, a DOA remains valid when incumbents change and when “Acting” officials serve in the absence of principal officials.
 - G. In the case of reorganization of TSA or offices within TSA, all prior delegations exercised by the former officials will devolve to the successor officials, consistent with the new areas of responsibility. Unless otherwise prohibited by Federal statute or DHS policy, this rule applies until the underlying DOA is modified or rescinded.
 - H. Unless otherwise restricted by the DOA itself, a delegee has the authority to redelegate all of the authorities identified in the DOA.
 - I. Upon assumption of a new position (e.g., through reassignment or new appointment), TSA officials should receive copies of, or web links to, all DOAs in which they are either Delegating Officials or Delegees. Each TSA official will become familiar with all DOAs that impact his or her position.
 - J. DOAs may be modified or rescinded only by issuance of another DOA signed by the appropriate Delegating Official or higher authority. Because Delegating Officials do not divest themselves of the authority to take action when they issue a DOA, a Delegating Official may exercise the authority previously delegated at any time without modification to or rescission of the DOA.
 - K. DOAs will not be used as substitutes for designating roles, responsibilities, and authorities more appropriately defined in other documents (e.g., TSA “Roles and Responsibilities” directives, Job Analysis Tools, Performance Agreements).
7. **PROCEDURES:** Subject to the above policies, the DOA process will be managed by OCC in coordination with the requesting office/delegee. Depending on the nature and complexity of the DOA, OCC may implement a different format for a particular DOA. The process should be as follows:

- A. When proposing to issue or modify a DOA, the organizational element will provide OCC (General Law) with a draft DOA in the format prescribed in the Attachment and an Action Memo. A request to rescind a DOA also requires an Action Memo.
 - B. OCC will review the proposed DOA and Action Memo for clarity, consistency and compliance with this directive.
 - C. OCC will review the proposed DOA and Action Memo for legal sufficiency and clarity. Once approved by OCC, OCC will route the DOA package to obtain necessary concurrences and final signature effecting the delegation.
 - D. OCC will contact OIMP to obtain or confirm a DOA number.
 - E. OCC will notify originating office of approvals or disapprovals and also provide them with a copy of the signed document if approved.
 - F. OCC will provide OIMP with the signed original and an electronic copy of approved DOAs and copies of all related documentation concerning the DOA decision process for TSA's Vital Records Program and posting on the Intranet, respectively. Disapprovals will also be documented and forwarded to OIMP for recording.
8. **EFFECTIVE DATE AND IMPLEMENTATION:** This policy is effective immediately upon signature.

APPROVAL



David R. Nicholson
Assistant Administrator for Finance and
Administration / Chief Financial Officer

2/15/06
Date

Filing Instructions: File 200.1.1
Effective Date: 2/15/06
Review Date: 2/15/08
Distribution: Assistant Administrators and equivalents
Point-of-Contact: INFOMGTPROGS@dhs.gov, (571) 227-3536/1170

DEPARTMENT OF HOMELAND SECURITY
Transportation Security Administration
Delegation of Authority No. _____

DELEGATION OF AUTHORITY TO
[ENTER SUBJECT]

Example of delegations:

By virtue of the authority vested in me by the Aviation and Transportation Security Act (Public Law 107-71), specifically 49 U.S.C. § 46104, and by Department of Homeland Security Delegation Number 7060.2, I hereby delegate to the Director, Federal Air Marshal Service, and each Special Agent in Charge the authority to issue administrative subpoenas. An administrative subpoena issued under this delegation shall only be issued after consultation with the Office of Chief Counsel.

Example of redelegation of multiple authorities:

... I hereby further delegate to the Deputy Administrator of the Transportation Security Administration (TSA) the authority to take the following actions under 49 U.S.C. § 46111:

- To direct notification to the Federal Aviation Administration (FAA) that a holder of an FAA certificate poses or is suspected of posing a security risk, thereby requiring the FAA to act against a certificate issued under Title 49;
- To issue TSA regulations establishing procedures for hearings required by that section, and the taking of an appeal under 49 U.S.C. § 46110 from an adverse decision; and
- To provide an unclassified summary of classified evidence, to the extent required.

Example of limitation on redelegation:

This delegation may not be further redelegated without my express written authorization.

Name and title of the Delegating Official and the effective date:

Assistant Secretary
Transportation Security Administration
Dated: