



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

SEP 29 2003

Mr. William Reukauf, Acting Special Counsel
U. S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, DC 20036

Dear Mr. Reukauf:

This is in response to a May 22, 2003, letter from the Office of Special Counsel regarding File Numbers DI-01-0606 and DI-01-0608. The Bureau of Indian Affairs (BIA) initially received the files as investigative matters from the Office of Inspector General, Department of the Interior (OIG). The Agency Superintendent, Minnesota Agency, Department of the Interior reviewed the matters, and a response was provided to the OIG on June 16, 2003.

The Superintendent's review found that while the desk was not disposed of properly, it was broken and the cost of recovery would have exceeded the value of the desk. Ms. Janis Rock, the employee who was alleged to have violated the federal property regulations, was not involved in the exchange; therefore no action was taken against her. The Acting Agency Superintendent at the time, authorized the improper disposal. He is no longer an employee of the Bureau. The Superintendent will ensure that Agency personnel receive appropriate training in property management and disposition of government property. No other action is being taken with regard to this matter.

If you require additional information, please have your staff contact Mr. Woodrow Hopper, Deputy Assistant Secretary – Indian Affairs (Management) at (202) 208-5649.

Sincerely,

Aurene M. Martin
Principal Deputy Assistant Secretary-Indian Affairs

September 29, 2003

Note to Catherine McMullen:

Enclosed is the report of the Bureau of Indian Affairs. As you can see from the following delegations, the Assistant Secretary - Indian Affairs is delegated the authority of the Secretary. The position of Assistant Secretary - Indian Affairs is vacant. In the absence of the Assistant Secretary, the Principal Deputy Assistant Secretary exercises the authority of the Assistant Secretary. It is my view, therefore, that the Principal Deputy Assistant Secretary is authorized to sign this report under 5 U.S.C. §1213(d).



Timothy S. Elliott
Deputy Associate Solicitor
Division of General Law

109 DM
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and offices.
file

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Department of the Interior Departmental Manual

Effective Date: 4/21/03
Series: Delegation
Part 209: Secretarial Officers
Chapter 8: Assistant Secretary - Indian Affairs

Originating Office: Office of the Assistant Secretary - Indian Affairs

209 DM 8

8.1 Delegation. Subject to the limitations in 200 DM 1, the Assistant Secretary - Indian Affairs is authorized to exercise all of the authority of the Secretary including, but not limited to:

- A. The authority to promulgate regulations.
- B. The Secretary's authority under Section 204(a) of Public Law 94-579 relating to the withdrawal or reservation of certain lands by the issuance of public land orders.
- C. The administration of the oath of office or any oath required by law in connection with employment.

8.2 Limitation. The authorities for trust funds management functions are limited to those required to fulfill the responsibilities identified in 109 DM 8.3.

8.3 Authority to Redelegate. Except where redelegation is prohibited by statute, Executive order, or limitations established by other competent authority, the Assistant Secretary - Indian Affairs may redelegate general administrative authority and those program authorities specifically related to the functions and responsibilities assigned to the Assistant Secretary - Indian Affairs in 109 DM 8. All redelegations of authority made by the Assistant Secretary - Indian Affairs will be in the form of a Departmental Manual release issued in compliance with the provisions of 200 DM 3. No other form of redelegation is authorized.

8.4 Principal Deputy Assistant Secretary.

A. Subject to the limitations in 200 DM 1, the Principal Deputy Assistant Secretary is delegated all program and administrative authorities of the Assistant Secretary - Indian Affairs necessary to fulfill the responsibilities identified in 110 DM 8.2. The authority contained in this paragraph may be redelegated.

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B. In the absence of, and under conditions specified by the Assistant Secretary - Indian Affairs, the Principal Deputy Assistant Secretary may exercise the authority delegated in 209 DM 8.1, excluding 209 DM 8.1B. The authority contained in this paragraph may not be redelegated.

1/21/03 #3570

replaces 11/17/81 #2364