



UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

MEMORANDUM

TO: Addressees

FROM: The Secretary

SUBJECT: Delegation of Authority

I. DELEGATION

Under the authority vested in me by section 412 of the Department of Education Organization Act, 20 U.S.C. 3472, I hereby delegate the authority to approve and sign the following documents for publication in the Federal Register:

A. To Principal Addressees:

1. Final regulations that only make technical or clarifying changes or incorporate statutory text into existing regulations. This category only applies to regulations for which notice-and-comment rulemaking is “unnecessary” under 5 U.S.C. 553(b) (B).
2. Final regulations that merely incorporate Office of Management and Budget control numbers in existing regulations, pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501-20.
3. Final regulations for which the Department did not receive significant public comments on the proposed regulations and for which any revisions to the proposed regulations are technical or for clarification.
4. Notices other than policy statements and interpretations, including notices extending public comment periods and notices of meetings and workshops.
5. Notices of intent to repay recovered funds as authorized under section 459 of the General Education Provisions Act, 20 U.S.C. 1234h.
6. Notices--subject to approval by the Assistant Secretary for Management--creating, deleting, or amending systems of records under the Privacy Act, 5 U.S.C. 552a, including new or revised routine uses of information.
7. Other notices, proposed regulations, final regulations, and documents for publication in the Federal Register, after approval of such authority by the Secretary.

B. To the following Addressees:

Assistant Deputy Secretary and Director, Office of English Language Acquisition,
Language Enhancement, and Academic Achievement for Limited English
Proficient Students,
Assistant Deputy Secretary, Office of Innovation and Improvement,
Assistant Deputy Secretary, Office of Safe and Drug-Free Schools,
Director, Institute of Education Sciences,
Assistant Secretary for Elementary and Secondary Education,
Assistant Secretary for Postsecondary Education,
Assistant Secretary for Special Education and Rehabilitative Services, and
Assistant Secretary for Vocational and Adult Education.

1. Notices, proposed regulations, final regulations, and other documents for discretionary grant programs under your authority. This includes authority for documents issued in accordance with statutes, rules, and regulations specifically or generally applicable to discretionary grant programs under your authority, such as the General Education Provisions Act, the Privacy Act, and similar statutes, rules, and regulations.
2. Notices announcing annual matching percentages or allocation amounts pursuant to an existing statute or regulation which authorizes Departmental discretion in setting a specific percentage or amount.

C. To all Addressees:

Notices under the Federal Advisory Committee Act without regard for the procedures in the Appendix to this delegation.

D. To the Chief Financial Officer:

1. Grant application notices involving programs from more than one Principal Office.
2. Notices of proposed claim compromise, pursuant to statutory authority (See 20 U.S.C. 1234a (j) (2) and 31 U.S.C. 3711(a) (2)).

E. To the General Counsel:

Notices of the Semiannual Unified Agenda of Federal Regulatory and Deregulatory Actions and the Regulatory Plan pursuant to Executive Order 12866 and the Regulatory Flexibility Act, 5 U.S.C. 601-12.

F. To the Assistant Secretary for Management:

Notices of proposed data collection activities, without regard for the procedures in the Appendix to this delegation. This authority may be redelegated.

G. To the Chief Operating Officer, Federal Student Aid

Notices other than policy statements and interpretations including the following:

1. Routine closing date notices for student financial assistance programs.
2. Notices--subject to approval by the Assistant Secretary for Management--creating, deleting, or amending systems of records under the Privacy Act, 5 U.S.C. 552a, including new or revised routine uses of information.

H. To the Assistant Secretary for Postsecondary Education:

1. Notices that, pursuant to applicable regulations, establish deadlines to match Federal funds under the Endowment Challenge Grant Program of the Higher Education Act (see 34 C.F.R. 628.41(b)).
2. Notices of accreditation status pursuant to an applicable statute (for example, see section 101(c) of the Higher Education Act (20 U.S.C. 1001(c)).)

I. To the Assistant Secretary for Special Education and Rehabilitative Services:

Notices that the Department of Education intends to initiate a Secretarial determination under the Randolph-Sheppard Act, 20 U.S.C. 107.

These authorities must be exercised in accordance with the procedures in the Appendix to this delegation, unless otherwise noted in this delegation or other documents.

Unless otherwise noted, successors in function to the officials to whom authority is delegated, and any individuals serving in an acting capacity for those officials, have full authority under this delegation. In addition, unless otherwise noted in future delegations of authority, the authority delegated herein is not altered by amendments to the legislative or regulatory authorities referred to in this delegation.

II. RESERVATIONS

Unless otherwise noted, this delegation authorizes each addressee to approve and sign Federal Register documents only for programs and activities under his or her authority, including approving and signing jointly with other addressees Federal Register documents that cover programs or activities under each of their respective authorities.

Unless otherwise noted, the authority is not delegated to approve or sign the following documents for publication in the Federal Register:

1. Proposed regulations.
2. Notices that contain final regulations adopted through a rulemaking action.
3. Notices of intent to regulate and advance notices of proposed rulemaking.
4. Notices of waiver of regulatory or statutory requirements pursuant to a regulatory or statutory authorization of waiver.
5. Notices of proposed or final interpretations or policy statements for a program.
6. Documents to be codified in the Code of Federal Regulations.

III. REDELEGATION

Unless otherwise noted, this authority may not be redelegated.

IV. Certification and Effective Date

This delegation is effective upon certification by the Department's Principal Delegation Control Officer and supersedes all previous delegations of this authority.

/s/
Margaret Spellings

OGC Clearance and Date: /s/ David Berthiaume, 5/5/2006

Certified Date: 6/15/2006

Departmental Delegations Control Officer: /s/ Naty G. Beetle

Control Number: EA/GEN/12

ADDRESSEE LIST OF FEDERAL REGISTER DELEGATION OF AUTHORITY

Principal Addressees

Deputy Secretary
Under Secretary
Assistant Secretary for Civil Rights
Assistant Secretary for Planning, Evaluation, and Policy Development
Inspector General
General Counsel
Assistant Secretary for Special Education and Rehabilitative Services
Chief Information Officer
Assistant Secretary for Legislation and Congressional Affairs
Chief Financial Officer
Assistant Secretary for Management
Assistant Secretary for Communications and Outreach
Assistant Secretary for Postsecondary Education
Assistant Deputy Secretary for Safe and Drug-Free Schools
Director, Institute of Education Sciences
Assistant Secretary for Elementary and Secondary Education
Assistant Deputy Secretary and Director, Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students
Assistant Deputy Secretary for Innovation and Improvement
Assistant Secretary for Vocational and Adult Education

Additional Addressee:

Chief Operating Officer, Federal Student Aid

Executive Director Addressees:

Executive Director, National Institute for Literacy Advisory Board
Executive Director, Advisory Committee on Student Financial Assistance
Executive Director, National Assessment Governing Board

APPENDIX TO FEDERAL REGISTER DELEGATION OF AUTHORITY

Procedures for Promulgating Delegated Documents by Publishing Them in the Federal Register

- 1. The Division of Regulatory Services (DRS) in the Office of the General Counsel ensures that each document complies with the terms of the delegation and meets Federal Register standards.**
- 2. DRS ensures that other appropriate offices, including the Offices of the Secretary, Deputy Secretary, and Under Secretary, receive each document for review and comment.**
- 3. After the Department completes the above steps, the Principal Officer with delegated approval authority signs the document, unless the Secretary exercises the Secretary's option to sign.**
- 4. After the Principal Officer or the Secretary signs the document, DRS transmits the document to the Office of Management and Budget (OMB) for review, if appropriate, and then to the Office of the Federal Register (OFR) for publication. If OMB does not review the document, DRS transmits the document directly to the OFR.**
- 5. If a Senior Officer objects to the document, DRS transmits the document to the OFR for publication only if the Secretary approves.**