



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

MEMORANDUM

TO: Designated Agency Ethics Official
FROM: The Secretary
SUBJECT: Delegation of Authority to Issue Waivers Under the Conflict-of-Interest Statute

I. Delegation

Under the authority vested in me by section 412 of the Department of Education Organization Act (DEOA), 20 U.S.C. 3472, I hereby delegate to you the authority to issue an individual waiver of a conflict of interest in accordance with 18 U.S.C. § 208(b), and to serve as the agency designee for the purpose of issuing individual waivers under the following regulations:

A. **5 C.F.R. § 2635.402 – Disqualifying Financial Interest**

B. **5 C.F.R. § 2635.503 – Extraordinary Payments from Former Employers**

This section of the Standard of Ethical Conduct for Employee of the Executive Branch provides that those individuals granted the authority to issue individual waivers under 18 U.S.C. § 208(b) may also be delegated the authority to issue a waiver permitting an employee to participate in a matter in which the employee's former employer is, or represents, a party, even though the employer had paid an "extraordinary payment" to the employee prior to joining the Department.

C. **5 C.F.R. § 2635.605 – Waiver or Authorization Permitting Participation While Seeking Employment**

D. **5 C.F.R. § 2640.301 – Waivers Issued Pursuant to 18 U.S.C. § 208(b)(1)**

E. **5 C.F.R. § 2640.302 – Waivers Issued Pursuant to 18 U.S.C. § 208(b)(3)**

II. Reservations

The authority to issue waivers pursuant to 18 U.S.C. § 208(b) and the regulations referenced in paragraph I, for the Deputy Secretary, the Under Secretary, or the General Counsel of the U.S. Department of Education is reserved to the Secretary, with concurrence of the Designated Agency Ethics Official. The authority to issue waivers pursuant to these authorities for the Designated Agency Ethics Official is reserved to the Secretary.

III. Redelegations

This authority may not be further delegated.

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 these authorities. I hereby ratify actions within the scope of this delegation taken by you, your predecessors in function, or anyone serving in an acting capacity or officially performing the functions and duties of your position, which involved the exercise of the authorities delegated herein, prior to the date of the certification of this delegation.

Miguel A. Cardona, Ed.D. (signed)

OGC Concurrence and Date: Michael Taylor, 1/5/2023

Date Certified: 1/5/2023

Delegations Control Officer: Jim Clemmens

Control Number: EA/EGR3/131