



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY

MEMORANDUM

TO: The Assistant Secretary for Elementary and Secondary Education

FROM: The Chief of Staff

SUBJECT: Redelegation of Authority

I. DELEGATION

Under the authority vested in me by a delegation from the Secretary, EA/EA/153, certified on May 13, 2004, and subject to the reservations noted below, I redelegate to you, and to anyone serving for you in an acting capacity, the authority to administer and utilize the gift funds described in the attached Memorandum of Agreement between the Department of State and the Department of Education signed on March 16, 2006, for the purpose of facilitating the work of the Department in Katrina relief and recovery efforts related to pre-K and K-12 education, pursuant to §421 of the Department of Education Organization Act, 20 U.S.C. §3481.

II. RESERVATIONS

The authority under this delegation may not be exercised without advance written concurrence by the Office of the General Counsel. This delegation does not delegate the authority to accept gifts of in-kind travel pursuant to 31 U.S.C. §1353.

III. REDELEGATION

No further redelegation is authorized.

IV. CERTIFICATION AND EFFECTIVE DATE

This delegation is effective upon certification of the Department's Principal Delegations Control Officer. This delegation does not alter the authority conveyed to Denise Dunckel by delegation EA/EOE/3 certified on April 25, 2006. I hereby ratify actions within the scope of this delegation taken by you prior to the date of certification.

/s/

David L. Dunn

Attachment

OGC Clearance and Date: /s/ David Berthiaume, 6/9/2006
Certified Date: 6/12/2006
Departmental Delegations Control Officer: /s/ Naty G. Beetle
Control Number: EA/ES/72

MEMORANDUM OF AGREEMENT
BETWEEN THE DEPARTMENT OF STATE

**AND
THE DEPARTMENT OF EDUCATION**

I. Introduction

In the aftermath of Hurricane Katrina, a number of foreign governments and international entities generously made donations of financial assistance to the V.S. Government (USG) to support Hurricane Katrina relief and recovery efforts. As provided for in the National Response Plan, the Department of State ("DOS") has acted as the intermediary for these foreign offers of assistance. DOS is currently holding donated funds in a custodial "deposit account" within the Treasury. To date, the VSG has received \$126.4 million in foreign monetary donations. Of that amount, \$66 million has been transferred to the Department of Homeland Security to finance case management services for Hurricane Katrina victims.

In early January 2006, DOS asked the Department of Education ("ED") to develop a proposal to use the remaining balance of donations on hand -approximately \$60.4 million -to finance educational initiatives in Louisiana and Mississippi. ED agreed to accept the donations pursuant to its gift acceptance authority for the purpose of aiding the work of ED. ED developed a proposal for the use of these gift funds and will work with both public and private institutions to support the ongoing efforts to rebuild and restore educational institutions at all levels in the areas of Louisiana and Mississippi most directly affected by Hurricane Katrina. ED's proposal is described in Attachment A. ED expects to disburse the gift funds within two months of receipt. All recognize the need for transparency and accountability in the use of foreign donations for Hurricane Katrina relief and recovery efforts. This Memorandum of Agreement (MOA) seeks to establish mechanisms so that foreign donations are properly managed and used in an accountable and transparent manner, resulting in identifiable educational benefits to Louisiana and Mississippi schools and institutions of higher education that were adversely affected by Hurricane Katrina.

II. Authorities

- .ED: 20 V.S.C. § 3481; 20 V.S.C. § 3475;
- DOS: 22 V.S.C. § 2656;
- .Homeland Security Presidential Directive Number 5.

III. Responsibilities

A. Department of Education

1. ED shall assume full responsibility for accountability of the foreign donations made for Hurricane Katrina relief and recovery efforts that DOS will transfer pursuant to section III.B.1. In fulfilling this responsibility, ED will impose conditions to promote accountability for and transparency in the use of funds, including, but not limited to, requirements to ensure that recipients:

- a. obligate and expend the funds in accordance with prudent management practices, to include internal controls sufficient to protect against waste, fraud and mismanagement;
- b. maintain records of the use of the funds in accordance with standard accounting practices, so that a clear audit trail is maintained; and
- c. develop performance measures to evaluate the effective use of these funds.

2. Upon transfer by DOS and until disbursement to recipients, ED shall maintain the foreign donations in trust account 91X8258 established in the Treasury for contributions received under the authority of 20 U.S.C. § 3481. These funds shall be tracked separately from other appropriated or gift funds.

3. Funds transferred pursuant to this MOA shall be used for educational initiatives in the areas of Louisiana and Mississippi adversely affected by Hurricane Katrina, as described in Attachment A.

4. The Inspector General of ED may audit the administration of the funds provided under this MOA by ED and the recipients.

5. On a quarterly basis, ED will provide DOS with documentation and information on the use of funds transferred under this MOA, including information that may be shared with foreign donors.

B. Department of State

1. Upon the signing of this MOA, the Department of State shall transfer to ED \$60,441,249.93 in foreign donations made for Hurricane Katrina relief and recovery efforts which are currently being held in Treasury account 19X6755.

2. DOS may, with the approval of ED, transfer additional foreign donations for Hurricane Katrina relief and recovery efforts which may be received after this MOA is executed.

3. DOS shall continue to serve as intermediary between 2

the USG and the foreign donors. DOS shall provide updates as necessary to foreign donors on the use of their donations for Hurricane Katrina relief and recovery efforts.

IV. Disposition of Remaining Funds

If any funds transferred pursuant to this MOA remain available upon termination of all projects described in Attachment A, the Parties to this MOA shall jointly determine the disposition of these remaining funds.

V. Modification

This MOA will be effective upon signature of the Parties and may be executed in counterparts. The MOA may be amended in writing as mutually agreed by the Parties.

Signed March 16, 2006:

_____/s/
Henrietta Force
US. Department of State
Under Secretary

_____/s/
Michell Clark
US. Department of Education
for Management Assistant Secretary
Office of Management