

UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY
MAR 3 0 1994

MEMORANDUM

FROM: The Secretary

TO: Director, Office of Hearings and Appeals

THROUGH: Assistant Secretary for Human Resources and Administration ◀—

SUBJECT: Delegation of Authority

I. DELEGATION

By the authority vested in me by section 412 of the Department of Education Organization Act, Public Law 96-88, 20 U.S.C. 3472, I hereby delegate to you the authority to act as the designated Deciding Debarment and Suspension Official (Deciding DSO) for purposes of considering and imposing debarments, and reviewing and affirming suspensions, against lenders, guarantee agencies, third-party servicers, institutions of higher education, or a person who is a principal of a lender, guarantee agency, third-party servicer, or institution of higher education.

The authority to act as the Deciding DSO is to be exercised in accordance with Executive Order 12549, "Debarment and Suspension," published in the Federal Register on February 21, 1986 (51 FR 6370), and with the Department of Education's implementing regulations at 34 CFR Part 85. This authority also is to be exercised in accordance with the procedures for conducting nonprocurement debarment and suspension actions issued under the Administrative Communications System, Departmental Directive C:GPA:1-105 (September 25, 1991), except that a Deciding DSO in OHA is not required to seek General Counsel review prior to issuing decisions involving lenders, guarantee agencies, third-party servicers, institutions of higher education, or a person who is a principal of a lender, guarantee agency, third-party servicer, or institution of higher education.

Unless otherwise noted in future delegations of authority, amendments to executive orders, regulations, directives, or other documents relating to the authority delegated herein are included within the scope of this delegation.

II. RESERVATIONS

Unless otherwise noted, the following authority is not delegated:

- (1) the authority to sign Federal Register documents; and,
- (2) unless otherwise provided by law, the authority to submit reports to Congress or the President.

III. REDELEGATION

This authority may be redelegated to hearing officials assigned to or employed within the Office of Hearing and Appeals. No further redelegation is permitted.

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.

I hereby ratify any actions by OHA hearing officials within the scope of this delegation taken prior to the date of certification.

/s/

Richard W. Riley

OGC Clearance and Date: /s/ R. Wexler, 3/22/94

Certified Date: 3/31/94

Departmental Delegations Control Officer: /s/ Wilma Hodo

Control Number: EA/EM/198