



**UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY**

MEMORANDUM

TO: The Under Secretary

FROM: The Secretary

SUBJECT: Delegation of Authority to Review and Decide Appeals of Initial Challenges under the FAIR Act.

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, to your successor in function, and to anyone serving for you in an acting capacity, the authority to review and decide appeals of all initial challenges under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270) ("FAIR Act").

Unless otherwise noted in future delegations of authority, legislative or regulatory amendments to the authority delegated herein are included within the scope of this delegation.

II. RESERVATIONS: None.

III. REDELEGATION

No further redelegation is permitted.

IV. CERTIFICATION AND EFFECTIVE DATE

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

/s/
Rod Paige

OGC Clearance and Date: /s/ David Berthiaume, 7/14/2004

Certified Date: 8/11/2004

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

Control Number: EA/EE/37