

debarment takes effect when the respondent receives the Secretary's decision.

**Authority:** E.O. 12549 (3 CFR, 1986 Comp., p. 189) E.O. 12689 (3 CFR, Comp., p. 235); 20 U.S.C. 1082, 1094, 1221e-3 and 3474; and Sec. 2455 of Pub. L. 103-355, 108 Stat. 3243 at 3327.

■ 17. Subpart I of part 85 is further amended by adding § 85.942 to read as follows:

**§ 85.942 ED Deciding Official.**

The ED Deciding Official is an ED officer who has delegated authority under the procedures of the Department of Education to decide whether to affirm a suspension or enter a debarment.

**Authority:** E.O. 12549 (3 CFR, 1986 Comp., p. 189), E.O. 12689 (3 CFR, 1989 Comp., p. 235); 20 U.S.C. 1082, 1094, 1221e-3 and 3474; and Sec. 2455 of Pub. L. 103-355, 108 Stat. 3243 at 3327.

■ 18. Subpart I of part 85 is further amended by adding § 85.952 to read as follows:

**§ 85.952 HEA.**

HEA means the Higher Education Act of 1965, as amended.

■ 19. Section 85.995 is further amended by adding paragraph (c) to read as follows:

**§ 85.995 Principal.**

\* \* \* \* \*

(c) For the purposes of Department of Education title IV, HEA transactions—

(1) A third-party servicer, as defined in 34 CFR 668.2 or 682.200; or

(2) Any person who provides services described in 34 CFR 668.2 or 682.200 to a title IV, HEA participant, whether or not that person is retained or paid directly by the title IV, HEA participant.

\* \* \* \* \*

■ 20. Subpart I of part 85 is further amended by adding § 85.1016 to read as follows:

**§ 85.1016 Title IV, HEA participant.**

A *title IV, HEA participant* is—

(a) An institution described in 34 CFR 600.4, 600.5, or 600.6 that provides postsecondary education; or

(b) A lender, third-party servicer, or guaranty agency, as those terms are defined in 34 CFR 668.2 or 682.200.

**Authority:** E.O. 12549 (3 CFR, 1986 Comp., p. 189); E.O. 12689 (3 CFR, 1989 Comp., p. 235); 20 U.S.C. 1082, 1094, 1221e-3 and 3474; and Sec. 2455 of Pub. L. 103-355, 108 Stat. 3243 at 3327.

■ 21. Subpart I of part 85 is further amended by adding § 85.1017 to read as follows:

**§ 85.1017 Title IV, HEA program.**

A *title IV, HEA program* includes any program listed in 34 CFR 668.1(c).

**Authority:** E.O. 12549 (3 CFR, 1986 Comp., p.1890; E.O. 12689 (3 CFR, 1989 Comp., p.

235); 20 U.S.C. 1082, 1094, 1221e-3 and 3474; and Sec. 2455 of Pub. L. 103-355, 108 Stat. 3243 at 3327.

■ 22. Subpart I of part 85 is further amended by adding § 85.1018 to read as follows:

**§ 85.1018 Title IV, HEA transaction.**

A *title IV, HEA transaction* includes:

(a) A disbursement or delivery of funds provided under a title IV, HEA program to a student or borrower;

(b) A certification by an educational institution of eligibility for a loan under a title IV, HEA program;

(c) Guaranteeing a loan made under a title IV, HEA program; and

(d) The acquisition or exercise of any servicing responsibility for a grant, loan, or work study assistance under a title IV, HEA program.

**Authority:** E.O. 12549 (3 CFR, 1986 Comp., p. 189) E.O. 12689 (3 CFR, 1989 Comp., p. 235); 20 U.S.C. 1082, 1094, 1221e-3 and 3474; and Sec. 2455 of Pub. L. 103-355, 108 Stat. 3243 at 3327.

■ 23. The appendix to part 85 is amended by removing and reserving the Covered Transaction Chart and by adding a Covered Transactions for ED Chart to read as follows.

**Appendix to Part 85—Covered Transactions for ED Covered Transactions—[Reserved]**