

SUPPORTING STATEMENT

FOR PAPERWORK REDUCTION ACT SUBMISSION

OMB Number: 1840-New

Revised 03/29/2018

A. Justification

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. Please limit pasted text to no longer than 3 pages. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.*

The *Bipartisan Budget Act of 2018*, signed into law by President Trump on February 9, 2018, included significant new funding to support disaster relief. The U.S. Department of Education (Department) will award up to \$2.7 billion to assist K-12 schools and school districts and institutions of higher education (IHEs) in meeting the educational needs of students affected by Hurricanes Harvey, Irma and Maria and the 2017 California wildfires. This disaster assistance will help schools, school districts and IHEs return to their full capabilities as quickly and effectively as possible.

Pursuant to 5 CFR 1320.13, the Department requests that OMB review this collection under its emergency procedures, based on harm to public due to an unanticipated/unforeseen natural disaster event that occurred beyond ED's control.

There are two higher education funding opportunities that require emergency clearance under the Paperwork Reduction Act:

- *Emergency Assistance to Institutions of Higher Education:* Congress appropriated \$100 million for this program; which will provide emergency assistance to IHEs and their students in areas directly affected by the covered disasters or emergencies.
- *Defraying Costs of Enrolling Displaced Students in Higher Education:* Congress appropriated \$75 million for this program, which will provide payments to IHEs to help defray the unexpected expenses associated with enrolling displaced students from IHEs directly affected by a covered disaster or emergency, in accordance with criteria to be established and made publicly available.

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

IHEs in the affected areas have incurred and continue to incur considerable expenses as they seek to reopen schools and are in urgent need of financial assistance. The applications will be used to identify recipients that meet the program criteria and assess eligible expenses incurred

due to the direct impact of covered disasters or the enrollment of students displaced by those disasters.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.*

The application packages will be available to IHEs electronically. Applicants may include html references, electronic files, or other existing documentation.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2 above.*

These applications are unique to the programs authorized to assist those areas and students affected by the recent named natural disasters and does not duplicate other efforts.

5. *If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.*

Small businesses will not be impacted by this data collection.

6. *Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

If emergency approval to collect this data is not approved, the Department would be unable to award much-needed financial assistance to IHEs to help restore their learning environments and support those students displaced to schools in other regions, thus slowing the continuing recovery efforts that have been taking place since September 2017.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*
 - *requiring respondents to report information to the agency more often than quarterly;*
 - *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
 - *requiring respondents to submit more than an original and two copies of any document;*
 - *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;*
 - *in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;*

- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- *requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

There are no special circumstances that would require OMB approval.

8. *As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Department is requesting emergency approval and will publish an emergency notice in the Federal Register.

Pursuant to 5 CFR 1320.13, the Department requests that OMB review this collection under its emergency procedures, based on harm to public due to an unanticipated/unforeseen natural disaster event that occurred beyond ED's control. Due to the severe impact (e.g., physical, social, emotional) of the hurricanes and wildfires and the degree to which they have disrupted teaching and learning, we are requesting emergency clearance by March 28. Also, taking into account the timeline to disperse these funds and in light of the late enactment of the Disaster Relief statute along with the fact that the 2017-2018 school year will end in a few months, it is critical that these data are collected quickly to enable ED to make timely payments and provide necessary relief. OMB approval by March 28 would allow ED to publish Notices Inviting Applications and OMB approved applications by the week of April 2, 2018.

9. *Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.*

No payment or gifts will be provided to respondents.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a*

citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the ICRAS' Part 2 IC form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided. Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information). If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.

There are no assurances of confidentiality; the Department will not collect any personally identifiable information.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

This collection does not ask questions of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*
 - *Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in Question 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*
 - *If this request for approval covers more than one form, provide separate hour burden estimates for each form. (The table should at minimum include Respondent types, Number of Respondents and Responses, Hours/Response, and Total Hours)*
 - *Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Question 14.*

The Department estimates for IHE programs that 1) approximately 150 IHEs will apply for emergency assistance and that it will take them approximately 40 hours each to complete the application (10 hours for the pre-application and 30 hours for the application) and 2)

approximately 250 IHEs will apply for funding to defray the costs of enrolling displaced students, which will take approximately 40 hours per applicant. Assuming that individuals at the institutions of varying career levels work on the project, we estimate an average of about \$40/hour, which is roughly equivalent to the Federal GS-12 level. Accordingly, we anticipate a total cost of \$640,000.

<i>Respondent Type and Program</i>	<i>Number of Responses</i>	<i>Estimated Burden Hours per Respondent</i>	<i>Total Hours</i>	<i>Total Cost (total hours x \$40)</i>
<i>IHEs- Emergency Assistance to Institutions of Higher Education Program</i>	<i>150 (pre-application)</i>	<i>10</i>	<i>1,500</i>	<i>\$60,000</i>
	<i>150 (application)</i>	<i>30</i>	<i>4,500</i>	<i>\$180,000</i>
<i>IHEs-Defraying Costs of Enrolling Displaced Students Program</i>	<i>250</i>	<i>40</i>	<i>10,000</i>	<i>\$400,000</i>
<i>TOTAL</i>	<i>550</i>		<i>16,000</i>	<i>640,000</i>

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Questions 12 and 14.)
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.
 - If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
 - Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Question 12.
- Total Annualized Capital/Startup Cost:*

Total Annual Costs (O&M):

Total Annualized Costs Requested:

This collection does not require capital/start-up costs or equipment and maintenance costs.

14. *Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Questions 12, 13, and 14 in a single table.*

We estimate that Federal staff will spend an average of 1 hour per pre-application and 3 hours per application to review this information. We estimate total hours of review for these applications to be 1,350. Different staff members at different pay levels are likely to participate in review, so we will use \$46 as the average hourly rate, which is approximately the GS-13 level for a Federal employee in Washington, DC. At \$46 per hour, the total hours of review comes to an annual cost of \$62,100 to the Federal government.

<i>Program</i>	<i>Number of Responses</i>	<i>Estimated Review Hours per Respondent</i>	<i>Total Hours</i>	<i>Total Cost (total hours x \$46)</i>
<i>Emergency Assistance to Institutions of Higher Education Program</i>	<i>150 (pre-application)</i>	<i>1</i>	<i>150</i>	<i>\$6,900</i>
	<i>150 (application)</i>	<i>3</i>	<i>450</i>	<i>\$20,700</i>
<i>Defraying Costs of Enrolling Displaced Students Program</i>	<i>250</i>	<i>3</i>	<i>750</i>	<i>\$34,500</i>
TOTAL	550		1,350	\$62,100

15. *Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency's control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).*

This is an emergency request for a new data collection; there is a program change increase of 16,000 annual burden hours.

16. *For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

The Department will publish the applications in full. There are no plans at this time for publishing complex analyses of the data contained in the applications. The Department anticipates that the application packages will be published by mid-April 2018. The Department anticipates making awards by September 30, 2018.

17. *If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.*

The expiration date for OMB approval of the information collection will be displayed.

18. *Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.*

We do not propose any exceptions to the certification statements identified in the Certification of Paperwork Reduction Act.