



## UNITED STATES DEPARTMENT OF EDUCATION

January 14, 2021

### MEMORANDUM

TO: Lindsay Abate  
Office of Management and Budget Desk Officer

FROM: Hilary Malawer  
Deputy General Counsel

RE: Emergency request for Paperwork Reduction Act (PRA) approval

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, ED requests that the following collection of information, Recipient's Funding Certification and Agreement/Institutional Aid under Section 18004 of the CARES Act, be processed in accordance with section 1320.13 Emergency Processing. ED has determined that this information must be collected prior to the expiration of time periods established under Part 1320, and that this information is essential to the ED's ability to effectively implement section 18004 of the CARES Act, Pub. L. No. 116-136 (March 27, 2020) and address the economic disruption posed by the Novel (new) Coronavirus ("2019-nCoV").

Section 18004(a) of the CARES Act states that, "The Secretary shall allocate funding under this section as follows: (1) 90 percent to each institution of higher education to prevent, prepare for, and respond to coronavirus...." ED is requesting an emergency clearance to provide emergency support to institutions of higher education (IHEs) and carry out the requirements of the CARES Act. The Certification and Agreement for which ED is requesting approval will be used by IHEs to request the portion of their allocation designated for institutional aid. This Certification and Agreement is separate from that which was used to request the portion of their allocation designated for emergency financial aid grants to students, which has already been cleared under a separate emergency clearance, 1801-0005.

If this emergency collection is not approved, the Department will be unable to make these funds available to IHEs in a timely manner. These funds are particularly needed by IHEs that have experienced the greatest economic and educational disruptions caused by 2019-nCoV in order to support their recovery and the resumption of educational operations.

Given the short timeframe, ED is unable to consult with the public prior to issuing the forms. However, ED has ample experience designing other similar forms in a way that is

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clear and minimizes burden. We estimate that the streamlined Certification and Agreement we have created for IHEs will require 30 minutes to complete.

ED requests approval of the submission by April 20, 2020. Given the inability to seek public comment during such a short timeframe, ED requests a waiver of the requirement to publish a notice in the Federal Register seeking public comment during the period of OMB review. Public comment on the request to collect this information beyond the emergency clearance period will be solicited within a reasonable timeframe, but not later than May 30, 2020.