



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 collections of information be processed in accordance with section 1320.13 Emergency Processing:

- Recipient's Certification and Agreement for an Award under Section 18004(a)(2) of the Higher Education Emergency Relief Fund, Coronavirus Aid, Relief, and Economic Security (CARES) Act, and
- Recipient's Certification and Agreement for Funds under Section 18004(a)(3) of the Higher Education Emergency Relief Fund, Coronavirus Aid, Relief, and Economic Security (CARES) Act.

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 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: ... (2) 7.5 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus... (3) 2.5 percent for part B of title VII of the Higher Education Act for institutions of higher education that the Secretary determines have the greatest unmet needs related 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 two certifications for which ED is requesting approval will be used by IHEs to request aid under Sections 18004(a)(2) and 18004(a)(3). These certifications are separate from those that have already been cleared under previous emergency clearance requests related to CARES Act funding for emergency grants to students and institutional aid (1801-0005 and 1840-0842, respectively).

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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 clear and minimizes burden. We estimate that each of these streamlined certifications will require 30 minutes to complete.

ED requests approval of the submission by April 30, 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 June 10, 2020.