



UNITED STATES DEPARTMENT OF EDUCATION

January 13, 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, Certification and Agreement for the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) Application under Section 18003 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 18003 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 18003(a) of the CARES Act states that "the Secretary of Education shall issue a notice inviting applications not later than 30 days of enactment of this Act and shall approve or deny applications not later than 30 days after receipt" to enable State educational agencies to apply for funds made available by the CARES Act. ED is requesting an emergency clearance to provide emergency support to State Education Agencies and carry out the requirements of the CARES Act.

If this emergency collection is not approved, the Department will be unable to meet the requirement that a notice inviting applications is issued on or prior to April 26, 2020 and that funds are awarded on or prior to May 26, 2020. These funds are particularly needed in States that have experienced the greatest economic and educational disruptions caused by 2019-nCoV in order to support their recovery and the resumption of educational services.

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 the streamlined form we have created for State educational agencies to request waivers will require 30 minutes to complete.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

ED requests approval of the submission by April 22, 2020. Given the inability to seek public comment during such a short timeframe, ED requests a waiver from the requirement to publish notice in the Federal Register seeking public comment during the period of OMB review. Public comment will be solicited within a reasonable period, but not later than May 30, 2020, of the approval to collect this information beyond the emergency clearance period.