



UNITED STATES DEPARTMENT OF EDUCATION

September 23, 2020

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, Quarterly Budget and Expenditure Reporting under CARES Act Sections 18004(a)(1) Institutional Portion, 18004(a)(2), and 18004(a)(3), 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 ED's ability to effectively implement 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)(1) of the CARES Act authorizes the Secretary of Education to allocate formula grant funds to participating institutions of higher educations (IHEs). Section 18004(c) of the CARES Act allows the IHEs to use up to one-half of the total funds received to cover any costs associated with the significant changes to the delivery of instruction due to the coronavirus (with specific exceptions). Section 18004(a)(2) of the CARES Act authorizes the Secretary to make 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 of 1965, as amended ("HEA"), to address needs directly related to the coronavirus. These awards are in addition to awards made in Section 18004(a)(1) of the CARES Act. Section 18004(a)(3) of the CARES Act, Pub. authorizes the Secretary to allocate funds for part B of Title VII of the HEA, for IHEs that the Secretary determines have the greatest unmet needs related to coronavirus.

This information collection request includes the quarterly budget and expenditure reporting form that will be used by grantees under these sections of the CARES Act. If this emergency collection is not approved, the Department will be unable to effectively monitor the use of funds by grantees that have received awards under these sections.

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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.

Given the short timeframe, ED plans to announce a seven day public comment period prior to issuing the forms. ED has ample experience designing other similar forms in a way that is clear and minimizes burden. We estimate that completing the form will require 2 hours per report.

The Department is requesting an emergency clearance from OMB by October 5 and will publish an emergency notice with a 60 day comment period as required by 5 CFR 1320.8(d) to solicit public comments on the regular information collection.