

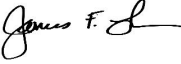


UNITED STATES DEPARTMENT OF EDUCATION

September 28, 2022

MEMORANDUM

TO: Lindsay Abate and Shagufta Ahmed
Office of Information and Regulatory Affairs
Office of Management and Budget

FROM: James Lane 
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the Functions and Duties of the
Assistant Secretary Office of Elementary and Secondary Education

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

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 CFR 1320, the U.S. Department of Education (Department) requests the following collection of information to be collected from States that wish to request approval for late liquidation of funds awarded under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) be processed in accordance with section 1320.13 Emergency Processing.

Secretary Cardona and the Office of Elementary and Secondary Education (OESE) have been contacted by multiple organizations and education officials from across the country to express concerns that, due to supply chain and other reasons including, but not limited to, staffing challenges and the evolving nature of the recovery from the pandemic, subrecipients of the Elementary and Secondary School Emergency Relief (ESSER) fund and Governor's Emergency Education Relief (GEER) fund, both CARES Act-funded programs, risk not being able to fully utilize the resources made available to them to address their emergency needs arising from the pandemic. Additionally, SEAs expressed similar concerns during OESE's individual review calls for the ESSER grant implementation in May.

Accordingly, OESE requests approval for emergency clearance of a late liquidation request template to be used by States for collecting data to support the grantee's request for an extension. The data requested from each state will be sufficient to justify an extension, by as much as 18 months, of the liquidation period for grants funded by the CARES Act, available for obligation through September 30, 2022, and available for liquidation through January 30, 2023, and may include state education agency (SEA) or local education agency (LEA) expenditure information and liquidation challenges specific to the referenced expenditures.

400 MARYLAND AVE. SW, WASHINGTON, DC 20202
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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.

Failure to make a late liquidation request template available to grantees this summer places an undue hardship on States, governor's offices, and subrecipients. The template, which has been requested by States and organizations representing States, will greatly reduce the burden on States and ensure that the Department collects all the required information necessary to review grantee requests for an extension of the liquidation period as authorized by 2 CFR § 200.344. In addition, if the Department is not approved to collect the late liquidation requests through standardized means, States will be unable to carry out their ongoing recovery efforts related to the COVID-19 pandemic with these funds. These funds are essential for States and subrecipients to address the learning loss caused by the pandemic.

The opportunity to request a late liquidation extension is not new grants management policy (2 CFR § 200.344) and program offices at the Department generally receive a small number of requests each year. However, for CARES Act-funded programs the Department anticipates that at least half of all grantees will need to request an extension of the liquidation period for obligations made by September 30, 2022. States have expressed concern that, without a late liquidation request template made available this summer, subrecipients will not obligate all CARES Act funds available for fear that they will not be able to fully liquidate their awards while implementing the controls necessary for sufficient oversight of the delivery of goods and services impacted by delays noted above. Further, grantees need sufficient time to implement the required technical changes to data collection processes and grants management systems necessary to submit requests and implement late liquidation extensions for subrecipients in a timely manner.

We anticipate that approximately 52 States will submit late liquidation requests for the ESSER and GEER programs. We estimate that the request template will take approximately 20 hours for each State to complete.

In order to provide States with adequate time to submit their requests the Department requests approval of this submission as soon as possible but no later than September 29, 2022.