



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE UNDER SECRETARY

May 1, 2018

Honorable Nydia M. Velázquez  
House of Representatives  
Washington, DC 20515

Dear Representative Velázquez:

Thank you for your letter to U.S. Department of Education (Department) Secretary Betsy DeVos concerning the Emergency Aid to Institutions of Higher Education (EAI) Program. Your letter has been referred to my office, and I am pleased to respond. A copy of this response will be sent to your cosigners.

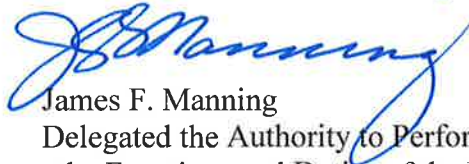
The Department is committed to allocating aid quickly and efficiently to help institutions recover and serve their students and communities, while ensuring that aid recipients spend funds lawfully. The Department's process for making allotments will closely follow the process used in 2009 after the natural disasters in 2008. That process, which included the review of a pre-application and an application in allotting funds, remains available for public view at [www2.ed.gov/programs/disaster-relief/applicant.html](http://www2.ed.gov/programs/disaster-relief/applicant.html). Use of a pre-application helps applicants get through the determination process quickly, making for a simple and efficient application process once allocations are determined.

It also is important to note that the Bipartisan Budget Act of 2018 designates the EAI Program as "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note). See P.L. 115-123, the "Bipartisan Budget Act of 2018," Division B, Subdivision 1, Title XII, §21208(a), Feb. 9, 2018; 132 Stat. 108. The Department's plan to mitigate improper payments is further warranted by the fact that many eligible institutions have been classified as "high risk" by the Department. The institutions so classified include at least 10 institutions in the Virgin Islands and Puerto Rico as well as institutions in the affected States. Accordingly, in order to prevent waste, fraud, and abuse and to maximize compliance with supplement-not-supplant requirements, EAI Program applicants will be required to declare or estimate basic data elements such as expenses incurred and funds received. Grantees also will be required to undertake significant additional reporting as we implement plans to identify and reduce improper payments.

We appreciate and have considered your additional advice. To account for institutions with special needs, such as lack of resources or lack of staff with English proficiency, while not delaying aid to other institutions, the Department may accept late applications. The Department is concerned, however, that "specifying suggested uses of funds" will make it appear that we are restricting allowable activities. Institutions should have the maximum flexibility to identify activities that represent their needs.

Thank you again for your interest in the EAI Program. If you have further concerns, please contact the Department's Office of Legislation and Congressional Affairs at 202-401-0020.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Manning", with a stylized flourish at the end.

James F. Manning  
Delegated the Authority to Perform  
the Functions and Duties of the Under Secretary