



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 12, 2022

The Honorable Ralph Torres  
Governor  
Commonwealth of the Northern Mariana Islands  
Caller Box 10007  
Saipan, MP 96950–8907

Dr. Alfred Ada  
Commissioner of Education  
Commonwealth of the Northern Mariana Islands Public School System  
P.O. Box 501370  
Saipan, MP 96950

Dear Governor Torres and Commissioner Ada:

I am responding to: 1) the July 27, 2022, request from the Commonwealth of the Northern Mariana Islands Office of the Governor (CNMI Governor) to the U.S. Department of Education (Department) for a waiver of the maintenance of effort (MOE) requirements in section 18008(a) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act); section 317(a) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act); and section 2004(a)(1) of the American Rescue Plan Act of 2021 (ARP Act) with respect to higher education; and 2) the November 30, 2021 request from the Commonwealth of the Northern Mariana Islands Public School System (CNMI PSS) for a waiver of the MOE requirements in section 18008(a) of the CARES Act with respect to elementary and secondary education.

The Department has reviewed the MOE data submitted by the CNMI Office of the Governor and CNMI PSS and has determined that CNMI has complied with MOE requirements for FY 2022 under the CRRSA and ARP. Accordingly, this response only provides a determination applicable to the CARES Act MOE requirements for fiscal year (FY) 2020 and FY 2021.

Under Part B, Item 3 of the Certification and Agreement for Funding under the Education Stabilization Fund Program-Outlying Areas-State Educational Agency (ESF-SEA), CNMI PSS assured compliance with section 18008(a) of the CARES Act. Under Part B, at the fourth bullet of the Certification and Agreement for Funding under the Education Stabilization Fund Program- Outlying Areas-Governors (ESF-Governor), CNMI Governor assured compliance with section 18008(a) of the CARES Act. Section 18008(a) states that the entity receiving funds under ESF-SEA or ESF-Governor programs must: 1) maintain State support for elementary and secondary education in FYs 2020 and 2021 at least at the levels of such support that is the average of such State's support for elementary and secondary education provided over FYs 2017, 2018, and 2019; and 2) maintain State support for higher education in FYs 2020 and 2021 at least at the levels of such support that is the average of such State's support for higher education provided over FYs 2017, 2018, and 2019. Section 2004(a)(2) of the ARP Act, which also applies to both the CARES Act and the CRRSA Act, allows the Department to grant a waiver of the MOE

400 MARYLAND AVE., SW, WASHINGTON, DC 20202  
<http://www.ed.gov/>

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

requirements “for the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding to the coronavirus.”

Under the authority in section 2004(a)(2) of the ARP Act, we are approving the CNMI Office of the Governor and CNMI PSS MOE waiver requests to relieve fiscal burdens experienced by CNMI for FYs 2020 and 2021. As indicated in the Department’s Frequently Asked Questions (FAQ) [document](#), the Department’s approach to MOE waiver requests is rooted in consideration of the impact on students. In evaluating the CNMI Office of the Governor and CNMI PSS MOE waiver requests, the Department considered all information and data included in CNMI’s request and the totality of the circumstances.

Based on this information, the Department determined that, despite its efforts to avoid or minimize reductions in support for elementary and secondary and higher education, multiple emergencies prior to the COVID-19 pandemic—including two extreme natural disasters— compounded by the precipitous decline in financial resources related to the pandemic forced CNMI to reduce its allocations to all budget areas equally by over 49 percent. Specifically, Super Typhoon Soudelor (2015) caused severe damage to the CNMI and resulted in power outages and gas lines lasting multiple months. The people of CNMI and their infrastructure had only begun to recover when Super Typhoon Yutu hit in late 2018, causing more extensive destruction to various parts of the islands of Saipan and Tinian.

The Department also considered the impact of the COVID-19 pandemic on tourism, CNMI’s primary industry. The 2015 and 2018 typhoons had already depressed tourism in CNMI, limiting CNMI’s ability to prevent, prepare for, and respond to the COVID-19 pandemic. This vulnerability was exacerbated by pandemic-related travel restrictions in East Asian countries such as China, Japan, and South Korea that make up the majority of visitors to CNMI. The CNMI continues to experience below average economic activity since the tourism industry has not yet recovered, which led to additional government-wide budget declines in FYs 2021 and 2022.

The Department determined that approval of the MOE waiver requests for FY 2020 and 2021 is appropriate based upon our consideration of the totality of the circumstances, including review of the CNMI Office of the Governor and CNMI PSS MOE waiver requests; the Department’s application of the statutory requirements; and the Department’s approach to MOE waiver requests noted in the FAQ.

Thank you for reaching out to the Department and for your ongoing commitment to education. If you have any questions, please contact [ESF.Outlying@ed.gov](mailto:ESF.Outlying@ed.gov).

Sincerely,

*Laura Jimenez*

Laura Jimenez  
Director, Office of State and Grantee Relations  
Office of Elementary and Secondary Education  
United States Department of Education

CC: Patrick Carr, Director, Rural, Insular, and Native Achievement Programs  
Office of Elementary and Secondary Education