



Federal Aviation Administration

Memorandum

Date: May 18, 2021

To: Kyle Gardiner, Policy Analyst, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President

From: Rob Hawks, Deputy Director, Office of Airports Planning and Programming

Subject: OMB Emergency Clearance for New Information Collection Request

This is a request for an emergency clearance for a new information collection to facilitate FAA's implementation of grants under CRRSA and ARPA to primary airports to provide relief from rent and minimum annual guarantee (MAG) obligations to eligible airport concessions. This information collection permits FAA to confirm that rent relief is consistent with the requirements of CRRSA and ARPA. If FAA does not receive emergency approval, the economic recovery of the nation's air transport system may be delayed because of the inability to of airports to maintain continuity of operations and assure the sustainability of vital concession partners.

The *Coronavirus Response and Relief Supplemental Appropriations Act*, Pub. L. 116-260 (Dec. 27, 2020) directed FAA to provide \$200 million in grants to primary airports for the purpose of providing relief from rent and MAG obligations to eligible airport concessions. In addition, the *American Rescue Plan Act*, Pub. L. 117-2 (Mar. 11, 2021) directed FAA to provide \$800 million in grants to primary airports for the purpose of providing relief from rent and MAG obligations to eligible airport concessions. FAA has developed a streamlined information collection to confirm that airport sponsors and concessions receiving rent relief meet CRRSA and ARPA eligibility and other legal requirements. Specifically, airport sponsors must provide relief on a proportional basis and after December 27, 2020, and March 11, 2021, respectively, as well as conduct prioritized consultation with Airport Concession Disadvantaged Business Enterprises (ACDBEs).

The information will be collected from airport sponsors (public agencies) who request payment under a concessions relief grant. FAA's Office of Airports (ARP) will use the information to determine whether airport sponsors and airport concessions benefitting from rent relief meet the eligibility and other requirements under CRRSA and ARPA prior to processing a payment of Federal funds.

Pursuant to 5 CFR § 1320.13, emergency processing is appropriate where (1) the collection of information is needed prior to the expiration of time periods established under the Paperwork

Reduction Act and that collection is essential to the mission of the Agency; and (2) the Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result if normal clearance procedures are followed.

This Information Collection is Necessary and Essential to the Missions of the Agencies

FAA is collecting this information to assure that it has the information to implement emergency legislation passed by Congress that provides for emergency grants-in-aid to airports. Timely implementation of these grant programs is critical to the recovery of the aviation industry in general and the airport sector in particular. This collection is necessary to assure that FAA has the information necessary to implement the grant program as provided by the legislation.

The collection of this information is essential to the missions of FAA to maintain the most efficient aerospace system in the world, enhance the health and well-being of all Americans, and ensure that the national airport system is operating safely and in a sustainable manner.

Use of the normal clearance process would prevent FAA from attaining the information it requires to commence the emergency grant-making programs that Congress has directed.

Public Harm is Likely to Result if Emergency Processing is Not Granted

Public harm will likely result if FAA is prevented from immediately collecting this necessary and essential information. Failure to process this request will create significant delay in FAA implementation of the grant program. Such delay would cause harm to airports that is immeasurable, and it would also result in the failure of airport concessions, a significant percentage of which are economically disadvantaged. Thus, FAA anticipates that failure of these airport concessions would create amplified economic harm to disadvantaged communities; creating loss that would be difficult for these disadvantaged communities to reverse. It is important to note that the law requires that airports “prioritize relief . . . to minority-owned businesses.”

FAA’s Role

Under the *Coronavirus Response and Relief Supplemental Appropriations Act*, Pub. L. 116-260 (Dec. 27, 2020) the *American Rescue Plan Act*, Pub. L. 117-2 (Mar. 11, 2021), it is the role of FAA to implement the emergency grant programs consistent with Congress’s directive by making grants that adhere to statutory requirements. The information sought by the collection is necessary to determine adherence with the statute.

Due to FAA’s urgent need for this information collection, FAA respectfully requests approval by May 28, 2021.