



May 2, 2022

MEMORANDUM

TO: Shagufta Ahmed
Office of Management and Budget Desk Officer

FROM: Gaby Watts
Senior Director, Student Service

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, Higher Education Emergency Relief Fund (HEERF) (a)(2) Construction, Renovation, & Real Property Projects Prior Approval Request Form, 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 address the economic disruption posed by the Novel (new) Coronavirus ("2019-nCoV").

The Consolidated Appropriations Act, 2022 (Pub. L. 117-103) signed by the President on March 15, 2022, provides new flexibilities and requirements around using HEERF (a)(2) grant funds for construction, renovation, and real property projects as a result of Congress expanding the allowable uses of funds under the HEERF (a)(2) programs. This collection includes the required prior approval form that must be completed by eligible institutions seeking to use (a)(2) funds for this purpose.

If this emergency collection is not approved, the Department will be unable to process the prior approval requests institutions are required to submit to commence a construction, renovation or real property project in a timely manner. Due to the potential lengthened timeline associated with the construction, renovation, and real property projects, the Department has determined that it is necessary to obtain the required information from the institutions to use the (a)(2) funding stream for this purpose as required by Uniform Guidance. Without approval of the HEERF (a)(2) Prior Approval Request Form, institutions will be forced to delay the construction, renovation and real property projects which "prevent, prepare for, and respond to coronavirus." Any delay in the submission of requests could jeopardize the timelines as institutions will not have sufficient time to complete the construction, renovation, and real property projects prior to Account Closing

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Regulation, which is September 30, 2028. This means all remaining funds unspent by institutions must be returned to the U.S. Department of Treasury.

Given the short timeframe, ED is unable to consult with the public prior to issuing the form. However, ED has ample experience designing similar forms that are clear and minimize burden. We estimate that the form will require 30 minutes per applicant to complete.

The Department is requesting an emergency clearance from OMB by May 3, 2022. The Department will publish an emergency notice with a 60-day comment period as required by 5 CFR 1320.8(d) to solicit public comments in conjunction with the regular (non-emergency) processing of this information collection.