

SUPPORTING STATEMENT
U.S. Department of Commerce
Economic Development Administration
APPLICATION FOR INVESTMENT ASSISTANCE
OMB CONTROL NO. 0610-0094

A. JUSTIFICATION

This emergency review request is to revise this information collection associated with amendments to the Trade and Globalization Adjustment Assistance Act. EDA does not propose changing the OMB-approved Application for Investment Assistance (Form ED-900) in any way. The approved form will simply be used to collect necessary information for trade-impacted communities to participate in the Community Trade Adjustment Assistance Program.

1. Explain the circumstances that make the collection of information necessary.

The Trade and Globalization Adjustment Assistance Act (“TGAAA”), part of the American Recovery and Reinvestment Act of 2009, amended chapter 4 of the Trade Act of 1974 to establish the Community Trade Adjustment Assistance (Community TAA) Program, which is designed to assist U.S. communities suffering negative effects from trade impacts. As a result, EDA will also administer the Community TAA Program. Since the Community TAA Program is similar to its existing economic development planning and construction programs, EDA plans to use the existing Form ED-900 on which to process petitions and applications for the program.

EDA requires emergency review and approval of this revision and to publish the final version of the regulatory changes promulgated in accordance with the TGAAA, establishing the Community TAA Program.

The mission of the Economic Development Administration (“EDA”) is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA provides investments that will help our partners across the nation (states, regions and communities) create wealth and minimize poverty by promoting a favorable business environment to attract private capital investment and higher skill, higher wage jobs through capacity building, infrastructure, research and technical assistance.

EDA also administers the following investment programs through its headquarters and six regional offices –

(1) Public Works and Economic Development - helps support the construction or rehabilitation of essential public infrastructure and facilities necessary to generate or retain private sector jobs and investments, attract private sector capital, and promote regional competitiveness.

(2) Economic Adjustment Assistance - provides a wide range of technical, planning and infrastructure assistance in regions experiencing adverse economic changes that may occur suddenly or over time.

(3) Research and National Technical Assistance - supports research of leading, world class economic development practices, and funds information dissemination efforts.

(4) Local Technical Assistance - helps fill the knowledge and information gaps that may prevent leaders in the public and nonprofit sectors in economically distressed regions from making optimal decisions on local economic development issues.

(5) Planning - helps support planning organizations, including District Organizations and Indian Tribes, in the development, implementation, revision or replacement of comprehensive economic development strategies (CEDs), and for related short-term planning investments and State plans designed to create and retain higher-skill, higher-wage jobs, particularly for the unemployed and underemployed in the nation's most economically distressed regions.

(6) University Center Economic Development - a partnership between the Federal government and academia that helps to make the varied and vast resources of universities available to economic development communities.

The information contained in Form ED-900 is necessary for EDA to evaluate whether proposed projects satisfy eligibility and programmatic requirements contained in EDA's authorizing legislation, the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 *et seq.*) (PWEDA), the accompanying regulations codified in 13 C.F.R. Chapter III, and the applicable Announcement of Federal Funding Opportunity (FFO). Form ED-900 will also be used to evaluate whether proposed projects satisfy eligibility and programmatic requirement contained in chapter 4 of the Trade Act, which establishes the Community TAA Program, EDA's regulations as set out at 13 C.F.R. part 313, and the applicable FFO. EDA is interested in investment applicants who meet or exceed their investment policy guidelines.

2. Indicate how, by whom, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information contained in the ED-900 is used by EDA personnel to evaluate and competitively select proposed projects for investment assistance. The information is also used by EDA to make final determinations regarding investment funding and to finalize the terms and conditions of the investment award, including but not limited to the scope of work and non-federal share and other funding commitments for the project.

The information collected will not be disseminated to the public.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

EDA is fully compliant with the government-wide mandate to post all grant opportunities on www.grants.gov. All of EDA's grant opportunities are posted on both the Find and the Apply sections of www.grants.gov. Form ED-900 also is posted on www.grants.gov and can be completed and submitted via the Internet. EDA also accepts applications via email and in hardcopy format.

4. Describe efforts to identify duplication.

EDA is unaware of any duplication with respect to this information collection. EDA periodically reviews its information collections to ensure that there is no duplication.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Pursuant to EDA's authorizing legislation and regulations, eligible applicants and eligible recipients of EDA investment assistance include "small businesses" or "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)). Accordingly, this information collection potentially involves small businesses or other small entities. As part of this process, EDA has conducted a thorough review of its forms and other information collections to minimize respondent burden. EDA collects only the minimum amount of information to effectively administer its programs and to monitor compliance with PWEDA and EDA's regulations.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

EDA would not be able to fulfill its statutory mandate if the information collection is not conducted. This information is only collected once, at the time of application.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Not Applicable.

8. Provide a copy of the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to the notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their

views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The Federal Register Notice for this revision was waived by the Office of Management and Budget due to the time constraints of this emergency request.

On May 5, 2009, a Federal Register Notice (Vol. 74, pg. 20647) provided notice of public rulemaking soliciting public comments on both the promulgation of regulations for the Community TAA Program. The May 5, 2009 notice included EDA's intent to use Form ED-900 with respect to petitions and applications under the Community TAA Program. Comments received by June 4, 2009, concerned programmatic matters only; none addressed information collection issues.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No gifts or payments are provided to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

There is no assurance of confidentiality provided to respondents of this information collection. While information submitted by a respondent to EDA is generally subject to public disclosure, EDA does not publicly release confidential business information, including trade secrets and confidential commercial or financial information, to the extent that such information is exempt from public disclosure under the Freedom of Information Act (FOIA). *See* 5 U.S.C. 552(b)(4).

11. Provide additional justification for any question of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This collection of information does not request information of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

To estimate burden under the Community TAA Program, EDA examined its experience with its public works and economic adjustment assistance programs, which are authorized under PWEDA. The potential demand for programs under PWEDA is, of course, much greater because eligibility is based on general economic distress and is not restricted to trade impact. EDA estimates that demand from trade-impacted areas would constitute a small fraction of all areas experiencing economic distress. Nonetheless, to a certain extent, demand will be elastic depending on the amount of appropriations Congress and the President approve for the

Community TAA Program. Because the respondent burden will be similar for applications under the Community TAA Program as it is for applications under EDA’s traditional programs, EDA estimates that it may receive 350 responses for a petition for certification determination and 300 responses for an implementation grant.

This estimate was calculated using the following methodology:

- (a) *Petitions for Certification.* Petitions for certification are designed to be very simple and minimally burdensome on communities. They involve two items: (1) a short narrative showing that the community has been significantly affected by job loss from trade and; (2) that the community has a “Cognizable Certification,” which means that the community has had a group of workers, farmers, or a firm certified to receive assistance under another TAA program. EDA will maintain an updated list of Cognizable Certifications and will provide this part of the petition for the community. Therefore, EDA estimates that competition a petition for affirmative determination will take approximately 1 hour and 30 minutes.
- (b) *Implementation Grant Applications.* Because of the wide range of activities that an implementation grant may support, EDA estimates that completing an implementation grant application using Form ED-900 will be similar to applying for a grant under its public works and economic adjustment assistance programs. When initially requesting OMB approval for Form ED-900, EDA estimated that the average applicant would spend 22 hours completing the application package. Since EDA is requesting a revision to this collection information to accommodate applications under the Community TAA without any change to the collection document, and since EDA has not received any feedback from applicants indicating that this estimate is inaccurate, EDA believes this estimate to be valid.

	Estimated number of applicants	Estimated time to complete application	Total time to complete
Petition for affirmative determination	350	1 hours/30 mins	525 hours
Implementation grant application	300	22 hours	6,600 hours
Totals	650	23 hours and 30 minutes	7,125 hours

Because of the establishment of the Community Trade Adjustment Assistance Program, EDA estimates that that it will receive approximately 650 more responses – 350 responses for a petition for affirmative determination and 300 responses for an implementation grant. Under the Community Trade Adjustment Assistance Program, EDA estimates that the total annual paperwork burden will be 7,125 hours – 525 hours for a petition for affirmative determination and 6,600 hours for an implementation grant. (In ROCIS the total increase is 7,422, this includes a correction of the estimate of 21.66 for implementation grant applications.)

13. Provide an estimate of the total annual cost burden to the respondents or record keepers resulting from the collection of information (excluding the value of the burden hours in Question 12 above).

Not Applicable.

14. Provide estimates of annualized cost to the Federal government.

The estimated total annualized costs to the Federal government for these information collections are approximately **\$708,000**. These estimates are based on EDA’s restructuring its TAA program operations during FY 2005.

- (a) *Petition by affirmative determination*: **\$195,000**; The cost associated with review of Form ED-900 for eligibility certification is based on 20 percent of 12 project officers’ salaries (2 project officers in each EDA regional office at \$50,000) and one-eighth (or 0.13) of 6 attorneys’ annual salaries (1 attorney in each regional office at \$100,000).

Average salary	Percent of time	No. of staff working on petitions	Total cost
\$50,000 (project officer)	20%	12	\$120,000
\$100,000 (attorney)	0.13	6	\$75,000
			\$195,000

- (b) *Implementation Grant Applications*: **\$513,000** per year. For implementation grant applications, EDA will use the approved estimate for Form 900. The estimated annual cost to the Federal government with respect to this information collection is \$1,111,500 based on an additional 300 responses. This estimate is based on 38 hours of professional and support time at \$45 per hour. 300 responses @ \$1,710 each = \$513,000.

15. Explain the reasons for any program changes or adjustments reported.

To accommodate the changes to the TGAAA, the following program changes increases are estimated -

Petition of certification – respondents/responses from to 875 to 1,175; burden hours from 18,953. to 25,850.

Implementation Grants – respondents/responses from 0 to 300; burden hours from 0 to 525.

16. For collections whose collections will be published, outline the plans for tabulation and publication.

Specific details of information collected from respondents will generally not be published. However, some of the information collected may be published in aggregate form as part of EDA's annual report, Government Performance and Results Act reporting, EDA's Balanced Scorecard or other summary reports.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that the display would be inappropriate.

Not Applicable.

18. Explain each exception to the certification statement.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This information collection does not employ statistical methods.