

SUPPORTING STATEMENT
U.S. Department of Commerce
National Telecommunications and Information Administration
First Responder Network Authority
State and Local Implementation Grant Program
Application Requirements
OMB Control No. 0660-0038

A. JUSTIFICATION

DOC/NTIA requested an emergency review by the Office of Management and Budget which was approved on January 7, 2013; approval ends on July 31, 2013. This request is to extend the approval for the standard three-year approval.

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

Following the tragic events of September 11, 2001, the 9/11 Commission recommended the establishment of a nationwide, interoperable public safety communications network to resolve the communications challenges faced by emergency responders nationwide. On February 22, 2012, President Obama signed into law the Middle Class Tax Relief and Job Creation Act of 2012 (Act).¹ The Act meets a long-standing priority of the Obama Administration, as well as a critical national infrastructure need, to create a single, nationwide interoperable public safety broadband network (PSBN) that will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety officials to effectively communicate with each other across agencies and jurisdictions. Public safety workers have long been hindered in their ability to respond in a crisis situation because of incompatible communications networks and often outdated communications equipment. Therefore, the rapid design and deployment of this PSBN established by the Act is critical in providing emergency responders the ability to communicate on a secure, reliable, and dedicated interoperable network during emergencies and to use technology to improve response time, keep communities safe, and save lives.

The Act establishes the First Responder Network Authority (FirstNet) as an independent authority within National Telecommunications and Information Administration (NTIA) and authorizes it to take all actions necessary to ensure the design, construction, and operation of a nationwide PSBN, based on a single, national network architecture.² FirstNet is responsible for, at a minimum, ensuring nationwide standards for the use of and access to the network; issuing open, transparent, and competitive requests for proposals (RFPs) to build, operate, and maintain

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156 (2012) (Act).

² 47 U.S.C. 1426(b)(1).

the network; encouraging these RFPs to leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network; and overseeing contracts with non-federal entities to build, operate, and maintain the network.³

The Act also charges NTIA with establishing a grant program to assist state, regional, tribal, and local jurisdictions with identifying, planning, and implementing the most efficient and effective means to use and integrate the infrastructure, equipment, and other architecture associated with the nationwide PSBN to satisfy the wireless broadband and data services needs of their jurisdictions.⁴ Up to \$135 million in grant money has been made available for this program.⁵

The Act directed NTIA, in consultation with FirstNet, to establish programmatic requirements for SLIGP by August 22, 2012.⁶ NTIA met the Act's directive by issuing a Notice that described the scope of allowable activities that SLIGP will fund, defined eligible costs, and discussed prioritizing grants for activities that ensure coverage in rural as well as urban areas.⁷ Because the appointment of the FirstNet Board occurred on August 20, 2012, NTIA had only just started to consult with the Board on the SLIGP requirements at the time it issued the Notice on August 21, 2012. As a result, NTIA did not announce procedures for the submission of grant applications in the August 21 Notice nor did it begin accepting grant applications at that time. Instead, NTIA announced that, subject to the activities of FirstNet, it intended to release a Federal Funding Opportunity (FFO) and open the application window during the first quarter of calendar year 2013.⁸ NTIA's consultations with the FirstNet Board have proceeded over the last few months as it has undertaken the administrative functions needed to prepare to award grants under SLIGP.

Moreover, the Act's framework contemplates that FirstNet will closely coordinate its activities with State, regional, tribal, and local governments and imposes a statutory requirement that FirstNet consult with these entities as it takes all actions necessary to build, deploy, and operate the nationwide PSBN.⁹ Specifically, the Act requires FirstNet to consult with State, regional, tribal, and local governments about the distribution and expenditure of any amounts required to carry out its responsibilities, including (i) the construction of a core network and any radio access network build-out; (ii) placement of towers; (iii) coverage areas of the network; (iv) adequacy of hardware, security, reliability, and resiliency requirements; (v) assignment of priority to local users and selection of entities seeking network access; and (vi) training needs of local users.¹⁰

³ *Id.*

⁴ 47 U.S.C. 1442(a).

⁵ 47 U.S.C. 1441(c).

⁶ 47 U.S.C. 1442(c).

⁷ Notice, Development of Programmatic Requirements for the State and Local Implementation Grant Program To Assist in Planning for the Nationwide Public Safety Broadband Network, 77 Fed. Reg. 50481 (August 21, 2012).

⁸ *Id.* at 50483.

⁹ 47 U.S.C. 1422(b)(2)(B).

¹⁰ 47 U.S.C. 1426(c)(2)(A).

Additionally, the Act specifies that these required consultations are to occur between FirstNet and the single point of contact that the State is required to designate in its application for grant funds under SLIGP.¹¹ Thus, progress in meeting FirstNet’s responsibilities under the Act, including its required consultations, is inextricably linked to the establishment of SLIGP. FirstNet must rely on NTIA to establish SLIGP as the principal means to facilitate its required consultations with regional, State, tribal, and local governments. At the same time, without funding assistance from SLIGP, the States will lack the resources to consult effectively with FirstNet and provide it with information needed for it to proceed with the design and construction of a nationwide PSBN in an effective and timely manner, as required by the Act.

Accordingly, due to the pressing national need for a public safety broadband network as soon as possible, and because work to design the nationwide PSBN and consult with States is a necessary precursor to the nationwide PSBN, there continues to be an extreme urgency for NTIA to complete the administrative requirements necessary to begin to award grants under SLIGP, which includes receiving clearance on the program application and reporting requirements, as expeditiously as possible in order to facilitate the statutorily required consultations between FirstNet and the States.

The emergency review allowed NTIA to receive clearance for the application and reporting requirements in order to: (1) ensure applicants have reasonable notice of the federal funding opportunity; (2) provide applicants sufficient time to complete and submit their applications; and (3) allow NTIA adequate time to properly execute the application review process and make the awards.

FirstNet and NTIA have determined that any setback in implementing SLIGP and facilitating this consultation would negatively impact the ability of FirstNet to timely plan, design, and implement this critical public safety network.

This information collection package includes all of the SLIGP information collection and reporting requirements. Specifically, as listed in Question 2 below, this information collection includes application requirements as well as other associated reporting requirements.

2. Explain how, by whom, how frequently, and for what purpose the information will 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.

Each applicant for SLIGP funding will complete an application. As described above, NTIA intends to use the information collected (1) to evaluate whether an applicant is eligible for a grant; (2) to evaluate applications by peer/expert reviewers against objective criteria; and (3) to collect corroborative information, as applicable, from applicants deemed highly qualified. NTIA also intends to use information collected from the application as baseline information after

¹¹ 47 U.S.C. 1426(c)(2)(B); 47 U.S.C. 6302(d).

award of the grant to evaluate the grantee's progress toward completion of the objectives for which the grant was made.

The specific information covered by this information collection package consists of the following:

- SLIGP Application (Form SF 424-Family)
- Supplemental Application Narrative
- Baseline/Expenditure Plan
- Quarterly Performance Progress Report

Both the PPR and the Baseline Plan are based on forms used in previous NTIA programs, but minor changes were made to the documents to account for program specific criteria.

This information collection is designed to obtain information that meets the Information Quality Guidelines for NTIA.¹² The guidelines establish standards for the utility, integrity, and objectivity of information disseminated by NTIA.¹³

NTIA has contracted with the National Institute of Standards and Technology (NIST) to maintain the electronic data in the Grants Management Information System (GMIS). NTIA, through NIST, will maintain the integrity of the electronic data by safeguarding it consistent with acceptable standards of operation. NTIA will maintain control of paper SLIGP applications to ensure their security. Applications for review will be retained for two years, after which they will be destroyed.

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

NTIA intends to receive electronic applications for SLIGP via the www.grants.gov website. NTIA will also accept paper submission of applications.

4. Describe efforts to identify duplication.

Applicants' proposals are unique to this program, and the information to be collected is not generally available from other sources.

Out of an abundance of concern for applicants, NTIA has designed the SLIGP application process to allow applicants to provide only the information relevant to the purpose of the grant.

5. If the collection of information involves small businesses or other small entities,

¹² See Section 515 Standards: Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the National Telecommunications and Information Administration (Sept. 25, 2002), available at www.ntia.doc.gov/ntiahome/occ/ntiaiqguidelines_09252002.htm.

¹³ *Id.*

describe the methods used to minimize the burden.

This collection of information is limited to States and U.S. Territories choosing to apply for grant funds and does not involve small businesses or other small entities.

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

Without the information requested, NTIA could not award grants consistent with the purposes of the Act and the specific purposes listed therein for the SLIGP.¹⁴ NTIA also could not determine whether applicants meet the funding requirements that the Act establishes for SLIGP grants.¹⁵ Furthermore, NTIA could not consider and evaluate the additional factors that the Act requires it to consider when awarding grants. For these reasons, if NTIA did not request this information in the applications, NTIA would fail to meet the purpose of the Act, taxpayer money would be wasted, and SLIGP would not produce the benefits intended under the Act.

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

This information collection is consistent with OMB guidelines.

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 that 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.

NTIA published a Federal Register Notice to solicit public comment on the application process on February 12, 2013 (Vol. 78, pg. 9889). NTIA received one public comment.

Comment: A comment document was submitted providing recommendations relating to the business model and overall strategy to effectively administer a collection of assets or planning necessities.

Response: NTIA will consider these recommendations as it continues to coordinate with FirstNet relating to data collection activities that may occur as part of SLIGP.

9. Explain any decisions to provide payments or gifts to respondents, other than

¹⁴ See 47 U.S.C. 1441(c).

¹⁵ See *id.*

remuneration of contractors or grantees.

Not applicable.

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

NTIA will allow applicants to designate certain portions of their applications as confidential and will protect confidential and proprietary information from public disclosure to the fullest extent authorized by applicable law, including the Freedom of Information Act, as amended (5 U.S.C. 552 *et seq.*), the Trade Secrets Act, as amended (18 U.S.C. 1905 *et seq.*), and the Economic Espionage Act of 1996, as amended (18 U.S.C. 1831 *et seq.*).

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

Not applicable.

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

NTIA estimates a burden of 10 hours per applicant to complete the SLIGP Application.

Number of Respondents: 56
Frequency of Response: One
Estimated Number of Hours Per Response: 10
Estimated Total Annual Burden Hours: **560**

The burden hours to complete the standard forms used for the application process have not been included as part of this estimate.

NTIA estimates a burden of 4 hours per applicant to complete quarterly reports.

Number of Respondents: 56
Frequency of Response: Quarterly
Total Number of Responses Annually: 224
Estimated Number of Hours Per Response: 4
Estimated Total Annual Burden Hours: **896**

TOTAL NUMBERS OF RESPONDENTS = 56
TOTAL NUMBER OF RESPONSES = 280
TOTAL BURDEN HOURS = 1,456

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers

resulting from the collection (excluding the value of the burden hours in Question 12 above).

The financial cost to applicants will include staff time. NTIA will fund reasonable pre-application expenses in an amount not to exceed five percent of the award. Pre-application expenses may be reimbursed if they are incurred after the publication date of the availability of funds and prior to the date on which the application is submitted to NTIA.

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

NTIA intended to make all grant awards by June 1, 2013. The costs to the Federal government for this information collection also will include: (1) NTIA staffing; (2) Contract Services to support grant processing and monitoring; (3) NIST Grants Office Services to make financial awards; and (4) other related expenses. The administrative budget ceiling in the Act for SLIGP equals \$13.5 million and is anticipated to be allocated over a five-year period.

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

Not applicable.

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

As discussed in Question 2, some of the information from the applications may be disseminated in the form of a publicly searchable database. NTIA may tabulate certain information (*e.g.*, funds requested according to geography or type of applicant) and include it in summary form online or in reports to Congress to meet the Act's reporting requirements after award.

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

The standard PRA information will be displayed on the paper and electronic versions of the applications.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of information will not employ statistical methods.