

SUPPORTING STATEMENT
U.S. Department of Commerce
National Telecommunications and Information Administration
911 Grant Program
OMB Control No. 0660-_____

A. JUSTIFICATION

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

In 2009, the National Highway Traffic Safety Administration (NHTSA) and the National Telecommunications and Information Administration (NTIA) (collectively, the Agencies) issued regulations implementing the E-911 Grant Program enacted in the Ensuring Needed Help Arrives Near Callers Employing 911 (ENHANCE 911) Act of 2004 (Pub. L. 109-494, codified at 47 U.S.C. 942). Accordingly, in 2009, NHTSA and NTIA made more than \$40 million in grants available to 30 States and Territories to help 911 call centers nationwide upgrade equipment and operations through the E-911 Grant Program.

In 2012, the NG911 Advancement Act of 2012 (Middle Class Tax Relief and Job Creation Act of 2012), Pub. L. 112-96, Title VI, Subtitle E (codified at 47 U.S.C. 942)) enacted changes to the program. It reauthorizes the National 911 Implementation Coordination Office (ICO), as a joint effort between NHTSA and NTIA. It delineates the responsibilities of the ICO to include a joint program to establish and facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of 911 services.

The NG911 Advancement Act provides new funding for grants to be used for the implementation and operation of 911 services, E911 services, migration to an IP-enabled emergency network, and adoption and operation of Next Generation 911 services and applications; the implementation of IP-enabled emergency services and applications enabled by Next Generation 911 services, including the establishment of IP backbone networks and the application layer software infrastructure needed to interconnect the multitude of emergency response organizations; and training public safety personnel, including call-takers, first responders, and other individuals and organizations who are part of the emergency response chain in 911 services. In 2016, about \$115 million from spectrum auction proceeds were deposited into the Public Safety Trust Fund and made available for the 911 Grant Program.

The Act directs the Agencies to issue joint regulations prescribing the criteria for selection for grant awards. The Agencies intend to publish a notice of proposed rulemaking prescribing the criteria for select of grant awards and application requirements.

The Agencies obtained OMB approval previously for an information collection related to the annual progress reporting and closeout reporting requirements and State 911 Plans for the E-911 Grant Program under OMB Control Number 2127-0661. At the request of NHTSA, OMB discontinued this information collection on January 31, 2012. The Agencies are seeking a new information collection that would operate as a reinstatement with change of the previously approved information collection.

With the new collection that will operate as a reinstated information collection, the Agencies propose to collect information for the Applications and Annual Performance Reports. For the Application, the Agencies propose to use Standard Forms 424, 424-A, 424-B, 424-C, SF-LLL, and the State 911 Plan. The Agencies' proposed use of Standard Forms 424, 424-A, 424-B, 424-C, and SF-LLL has been approved previously by OMB under the respective control numbers 4040-0004, 4040-0006, 4040-0007, 4040-0008, and 4040-0013. The Agencies will submit a Request for Common Form in ROCIS to use the previously approved information collection instruments, on which the Agencies will calculate and report the annual burden hours at the time of the request. Under this new information collection request that will operate as a reinstatement of OMB Control No. 2127-0661, the Agencies are seeking OMB approval to collect information using the State 911 Plan and Annual Performance Report instruments. The Agencies will use the standard forms and the collections of information to ensure that grant recipients are effectively monitored and evaluated against the core purposes of the 911 Grant Program.

The ICO must collect information from applicants to determine whether the applicants meet the requirements of the Act. The Act requires an applicant to certify that it has coordinated its application with the public safety answering points located within its jurisdiction; the State has designated a single officer or governmental body to serve as the coordinator of implementation of 911 services; it has established a plan for the coordination and implementation of 911, E911, and NG911 services; and it has integrated telecommunications services involved in the implementation and delivery of 911, E911, and NG911 services. In addition, the Act requires each applicant to certify that no portion of any designated 911 charges imposed by the State or other taxing jurisdiction within the State is being or will be obligated or expended for any purpose other than 911 purposes during the period at least 180 days immediately preceding the date of the application and continuing throughout the time grant funds are available to the applicant.

The information collected for this grant program will include application submissions (SF-424 Family, SF-LLL, and State 911 Plans), the Annual Performance Reports, and the Federal Financial Reports (SF-425). A State or Tribal Organization that seeks to qualify for an NG911 grant must submit an application, consisting of a State 911 Plan, project budget(s), designation of 911 Coordinator and certifications required by the Act. Requiring the State or Tribal Organization to submit a State 911 Plan will not be a significant extra burden for the State or

Tribal Organization not only because applicants are required, as a condition of the grant, to do so by statute but also because the State 911 Plan serves as a project plan for the grant. The State 911 Plan proposes to ask applicants to answer questions related to the following four categories of information: Coordination with local governments, Tribal Organizations, and Public Safety Answering Points (PSAPs) within the State; a demonstration that at least 90 percent of grant funds will be used for the direct benefit of PSAPs; a description of how integrated telecommunications services further the purpose of the grant; and a description of the steps the applicant will take to achieve the purposes of the grant. State and Tribal Organizations will submit the application materials once. The State 911 Plan information collection instrument is necessary for the Agencies to assess whether applicants would be eligible to further the purposes of the grant program. To reduce burdens, the Agencies would require States or Tribal Organizations to submit project budgets(s) using forms that have received PRA clearance (SF 424 Family and SF-LLL).

In addition, State and Tribal Organization grant recipients will submit performance reports in accordance with 2 CFR 200.328, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (OMB Uniform Guidance). The Annual Performance Report proposes to ask grant recipients to describe their project activities and progress made during the past year, including a description of federal expenditures to date, key milestones, the primary activities needed to accomplish those milestones, significant project accomplishments, any delays or challenges, and an explanation as to why any established goals were not met, if applicable. Additionally, the Annual Performance Report asks grant recipients to describe their anticipated project activities and progress for the next year. The State and Tribal Organization grant recipients will submit the Annual Performance Reports once a year. It is important for the Agencies to have this performance reporting information so that they can effectively administer the grant program and account for the expenditure of funds.

Lastly, State and Tribal Organization grant recipients will submit financial reports in accordance with 2 CFR 200.327. The Agencies will submit a Request for Common Form in ROCIS to use the previously approved information collection instrument SF-425 Federal Financial Report (OMB Control No. 4040-0014), on which the Agencies will calculate and report the annual burden hours at the time of the request. The Federal Financial Report (SF-425) will ask grant recipients about the cash management information and financial status information. The State and Tribal Organization Grant recipients will submit the Federal Financial Reports (SF-425) on a quarterly basis. The SF-425 Federal Financial Report is necessary for the effective monitoring of the Federal grant award.

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.

States, Territories, and Tribal Organizations will submit applications containing the required information to the Agencies through grants.gov. The information in the application only needs to be submitted once. The Agencies' staff will use the information to determine the applicants' eligibility for NG911 grant funds, including ensuring that all statutory requirements are met.

States, Territories, and Tribal Organizations will submit Annual Performance Reports electronically, once a year, for the duration of the grant program. The Agencies' staff will use the information to review the activities accomplished by the grant recipients and ensure that all ongoing statutory certifications are met.

The Agencies do not intend to disseminate the collected information to the public.

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.

Collection of all information will be accomplished through electronic submissions. Analysis and aggregation of information would not be done using technological analysis techniques. Applications will be analyzed individually.

4. Describe efforts to identify duplication.

The Act mandates that the ICO collect this information to appropriately assess grant applications for award. The Act also mandates that the ICO develop the regulations prescribing the selection criteria for selection of grants. The Agencies obtained OMB approval previously for an information collection related to the annual progress reporting and closeout reporting requirements and State 911 Plans for the E-911 Grant Program. See OMB Control No. 2127-0661. The Agencies are seeking a new collection that would operate as a reinstatement of this previously approved information collection with change to account for changes in the underlying statutory requirements of the NG911 Advancement Act.

The State 911 Plans and Annual Performance Reports are unique to this program. The information collected is not generally available from other sources.

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

This item does not apply. States, Territories, and Tribal Organizations are the only eligible recipients for this grant program and it 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.

The information is necessary for the Agencies to be able to make sound award recommendations regarding the grant program. This is particularly important with the priority assigned to NG911 services by Congress. Without the information in the State 911 Plan, the Agencies will not be able to adequately determine whether applicants are eligible for a grant award. The Act requires that applicants verify multiple certifications. The information requested would ensure compliance with the statute.

Without the information requested on the Annual Performance Report, the Agencies could not effectively ensure that grant recipients are spending their grant dollars in a way that is consistent with the purposes of the Act. Together with the SF-425 Federal Financial Report, the Annual Performance Report will enable the Agencies to monitor the grant recipients' spending habits and activities. In the absence of collecting the information on the Annual Performance Report, the Agencies would fail to evaluate the grant recipients' progress toward the grant program priority areas and program goals. Moreover, without the Annual Performance Report, the grants could be the subject of waste, fraud, and abuse of Federal funds. Therefore, it is necessary for the Agencies to collect information using the Annual Performance Reports.

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

No special circumstances require the collection of information 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.

The Agencies are providing notice and soliciting comments on the new information collection that will operate as a reinstatement of OMB Control No. 2127-0661 in its Notice of Proposed Rulemaking on the 911 Grant Program, which will be published in the Federal Register under Regulation Identifier Number (RIN) 0660-AA33. The Notice of Proposed Rulemaking will direct all written comments regarding the collections of information to the Office of Information and Regulatory Affairs of OMB, Attention: Desk officer for Department of Commerce, Nicholas A. Fraser.

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

No payment or gifts will be offered to the respondents submitting applications for NG911 grant funds.

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

No assurance of confidentiality is given by the Agencies. There is no requirement that information be sent to the Agencies. All information submitted by respondents is done so on the basis that it is required to obtain or retain benefits.

The Agencies 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.

The application process will not contain any questions related to matters that are commonly considered sensitive or private.

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

The Agencies estimate that responses to the questions included in the proposed regulations would require an average of 154 hours to complete (State 911 Plan - 94 hours and Annual Performance Report - 60 hours). Estimating the maximum number of respondents at 60, this would result in a total burden of 9,240 hours.

The total estimated costs to respondents or record-keepers are based on the following:

- The total hour burden of the collection of information equaling 9,240 hours
- Respondents will be State, territory, and tribal government management personnel. To estimate reasonable staff expenses to respond to this information collection, the Agencies reviewed the Bureau of Labor Statistics (BLS) Occupational Outlook Handbook and determined that the Administrative Services Manager description closely aligns with the positions of recipient staff responsible for completing this request. BLS lists a median salary of \$90,050 annually, amounting to \$43.29 per hour.

- Total cost based on hour's burden equals \$400,000 (\$244,156 for the State 911 Plan; \$155,844 for the Annual Performance Report).

The estimate in hours of the burden of the collection of information does not include the hours for the Standard Forms associated with this grant program. The burden hour estimates for the Standard Forms will be included on the Agencies' Request for Common Form to use the previously approved OMB information collection instruments.

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).

Not applicable. There are no capital, start-up, or annual operation and maintenance costs involved in the collection of information outside of the value of the burden hours in Question 12.

14. Provide estimates of annualized cost to the Federal government

The estimated annualized costs to the Federal Government are based on the amount of time spent on review by program staff within NHTSA and NTIA. The Agencies estimate that at an average cost of \$50 per hour and an estimated level of 10 hours per respondent (5 hours review of the State 911 Plan; 5 hours review of the Annual Performance Report), the total cost would be \$30,000 (\$15,000 for the State 911 Plan; \$15,000 for the Annual Performance Report). This estimate presumes that 60 States, Territories, and Tribal Organizations will apply for the grant program and submit Annual Performance Reports. The estimate of the annualized cost to the Federal government does not include the hours for the Agencies' review of the Standard Forms associated with this grant program. The estimates for the Standard Forms will be included in the Agencies' Request for Common Form to use the previously approved OMB information collection instruments.

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

The Agencies are asking for a new collection that will operate as a reinstatement of the discontinued OMB control number 2127-0661, since the program was just reauthorized under the Act. The only changes made to the original information collection are related to the statutory changes enacted by Congress and the changes that would be necessary if Tribal entities are able to apply directly rather than through the States.

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

The information collected will not be tabulated or published.

If seeking approval to not display the expiration date for OMB approval of the

information collection, explain the reasons why display would be inappropriate.

Approval is not being sought to not display the expiration date for OMB approval of the information collection. The standard PRA information will be displayed on the State 911 Plan and the Annual Performance Report.

17. Explain each exception to the certification statement.

No exceptions to the certification statement are made.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The proposed regulation will not employ statistical methods to analyze the information collected from respondents.

Attachments

- Draft Notice of Proposed Rulemaking with Notice of PRA New Information Collection that will operate as a Reinstatement included
- Next Generation 911 (NG911) Advancement Act of 2012 (Pub. L. 112-96, Title VI, Subtitle E)