

¹Supporting Statement A

Tribal Energy Development Capacity Program Grants

OMB Control Number 1076-0177

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Energy Policy Act of 2005 authorizes the Secretary of the Interior to provide grants to Indian Tribes and Tribal energy resource development organizations for energy development and appropriates funds for such grants on a year-to-year basis. *See* 25 U.S.C. 3502. When funding is available, the Office of Indian Energy and Economic Development (IEED) may solicit proposals for projects for building capacity for Tribal energy resource development from Tribal energy resource development organizations and Indian Tribes with Indian lands as defined by 25 U.S.C 3501 under the Tribal Energy Development Capacity (TEDC) grant program.

Those who would like to apply for a TEDC grant must submit an application that includes the following information: a formal signed resolution of the governing body of the Tribe or Tribal energy resource development organization; a proposal describing the planned activities and deliverable products; and a detailed budget estimate, and, once the funding is received must submit reports on how they are using the funding.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

IEED solicits the information using a Federal Register notice as its information collection instrument. IEED uses the information provided by Tribes and Tribal energy resources development organizations in their application to determine whether they are eligible for TEDC funding. IEED also uses the application information in conjunction with the information provided in the Tribe's reports to determine whether the Tribe is using the funding for the stated purpose of Tribal energy development capacity studies. The information is not disseminated to the public or used to support information that will be disseminated to the public.

A complete application must contain the following elements:

- A formal signed resolution of the governing body of the Tribe or Tribal energy resource development organization—IEED uses this information to ensure that the Tribe or Tribal energy resource development organization has authorized the request.
- A proposal describing the planned activities and deliverable products—IEED uses this information to ensure that the project falls within the scope of what the statute intends the funds to be used for.
- A detailed budget estimate, including contracted personnel costs, travel estimates, data collection and analysis costs, and other expenses—IEED uses this information to ensure that the funds will be used for the statutorily authorized purpose.

The project proposal must include information about the applicant sufficient to allow IEED to evaluate the proposal based on the following criteria:

- (a) Energy resource potential;
- (b) Applicant's energy resource development history and current status;
- (c) Applicant's existing energy resource development capabilities;
- (d) Demonstrated willingness of the applicant to establish and maintain an independent energy resource development business entity;
- (e) Intent to develop and retain energy development capacity within the applicant's government or business entities; and
- (f) Applicant commitment of staff, training, or monetary resources.

IEED requires this information to ensure that it provides funding only to those projects that meet the goals of the TEDC and the purposes for which Congress provides the appropriations.

IEED also requires quarterly reports, which include a final report. IEED uses the information in these reports to ensure the project is progressing and that funds are being used for appropriate purposes.

- 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, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

IEED requests that applications and reports be sent electronically (e-mail). The 2020 TEDC

solicitation (FOA) required that all applications be submitted via email. Furthermore, all grant reporting is required to be submitted via email. IEED is now in the process of transitioning all grant programs, including the TEDC, to the automated, all electronic “GrantSolutions” system. This will further require all information collection to be conducted paperless and meet the requirements of GPEA.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information IEED collects is not available from any other source. The information collected is unique to each Tribe and unique to each Tribe’s plans for Tribal energy development capacity.

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

Indian Tribes are not considered small entities, but they may finance small businesses that conduct Tribal energy development capacity. Tribal energy resource development organizations can be small entities. To ensure the burden of providing information is minimized, IEED collects only information that is necessary for it to determine whether an applicant is eligible for funding and whether the funding is being appropriately spent.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If IEED were unable to conduct this information collection, then applicants would be deprived of funding that is statutorily authorized and appropriated. As a consequence, many Tribes and Tribal energy resource development organizations that otherwise would be recipients of this funding would not be able to increase their Tribal energy development capacity, depriving them of the opportunity to economically benefit from their energy resources.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no circumstances that require IEED to collect the information in a manner inconsistent with OMB guidelines.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

We published a notice in the Federal Register on May 12, 2020 (85 FR 28035). No comments were received.

Describe 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.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

We contacted several Tribes and related entities in an effort to obtain feedback on the collection. Below are the responses we received.

Woven Energy Representative; Chicago Illinois

In general, the TEDC grant application is not overly burdensome and the information requested all seems to have practical utility. The progress reports also have practical utility, but the frequency seems excessive for the overall size of the project. Replacing quarterly reporting requirements with an update report halfway through the project should be considered. The burden assumptions and estimates seem accurate. It may be worth considering a standardized one-page summary of scope, schedule, and budget that would be in the proposal

template – for awardees, the required progress reports would simply checking boxes on where the awardee is in the project relative to that one-pager.

In response, DEMD is following recommendations outlined in Uniform Guidance, 2 CFR 200, and best practice grant management which recommends quarterly reporting for federal grant awards. DEMD now provides standardized templates for this quarterly reporting requirement, specifically the SF-425 for financial reporting and a narrative report outline. All of these reports are submitted via email to the DEMD project officer and the Grant Officer.

Baker Tilly, Energy & Utilities Consultant; Austin, Texas

We believe that the information requested is relevant, and has practical utility for oversight functions. In the document provided, it states an assumption of 2 progress reports per year. TEDC program reporting requires quarterly reporting updates, which I would interpret as 3 progress reports per year, plus a final report. So to me the assumptions should state either 3 progress reports per year, or potentially 4 if the final report is considered a progress report. I think that an online portal to submit applications and reports would be more efficient. As it is currently, our reports require that we indicate grant number, report number, date of report, etc. as part of the report. All of that information could be tracked automatically through an online portal, in which case respondents would only have to input narrative responses, rather than repetitive tracking indicators.

In response, DEMD does require 4 reports per year, on a quarterly basis, and this has been corrected and justified in this supporting statement. DEMD is currently switching all grant programs to an online system “Grant Solutions” which will provide an online portal for awardees to submit reporting.

Baker Tilly, Senior Consultant & Tribal Advocate; Austin, Texas

The information requested seems to be necessary and to have practical utility. The estimate of the burden to collect information is reasonable. Standardizing the types of responses would increase the quality, utility, and clarity of the information collected. Additionally, providing clear and simple examples of the information looking to be obtained would be helpful. An electronic submission would be very useful, especially if after signing on, a form would pre-populate with the grantee’s general and grant specific information.

In response, DEMD does provide standardized quarterly reporting templates, as well as the SF-425. Currently DEMD is switching all grant activities to Grant Solutions. This switch will provide an electronic submission option for all grant information collection.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

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

IEED does not provide any assurance of confidentiality. The information that IEED collects is subject to the requirements of the Privacy Act and the Freedom of Information Act.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature included in the information collected.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

On average, we receive approximately 40 applications, at approximately 40hours each, for a total of 1,600 hours. In addition, we approved approximately 11 applications, and each of those participants will have to submit four progress reports at approximately 1.5 hours per report, for a total of 66 hours. These submissions total 1,666 hours or the amount equivalent to \$63,641.

Regulation/ Activity	Annual Number of Responses	Completion Time (hours) Per Response	Total Annual Burden Hours	\$ Value of Annual Burden Hours
Applications – Tribal Govt	40	40	1,600	\$61,120

Progress Reports - Tribal Govt	44 (11 respondents at 4 times/year)	1.5	66	\$2,521
Totals	84		1,666	\$63,641

To obtain the hourly rate, BIA used \$38.20, the wages and salaries figure for civilian workers from BLS Release USDL-20-1736, Employer Costs for Employee Compensation—June 2020 Table 2, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, at <https://www.bls.gov/news.release/pdf/ecec.pdf>. This wage includes a multiplier for benefits.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We have not identified any non-hour costs associated with this information collection.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of

hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

We estimate the annual cost to the Federal Government to administer this information collection to be **\$27,308**. This includes \$26,608 in salary costs (see table below) and \$700 in paper and mailing costs.

Regulation/ Activity	Completion Time (hours)	Total Annual Burden Hours	Hourly Rate*	\$ Value of Annual Burden Hours
Registration administration	150	150	\$109.01	\$ 16,352
Collect and Assess Data	150	150	\$68.37	\$ 10,256
Totals		300		\$ 26,608

* Using the 2020 General Schedule, the hourly rate for a GS-15/step 10 (the person who oversees preparation, solicitation, questions, record-keeping and review for the latest round of TEDC grants) is \$109.01 including benefits (\$68.13 hourly salary multiplied by 1.6 to account for benefits). We expect the person sending out award and rejection letters, coordinating funding and analyzing incoming reports will be a GS-13/step5 resulting with an hourly rate of \$68.37 including benefits (\$42.73 hourly salary multiplied by 1.6 to account for benefits). See https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/GS_h.aspx

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

The program has grown in applications, from 26 to 40 applications per year. Also, the program has been continuously collecting quarterly reports from respondents; however, the program only submitted semi-annual reporting to OMB for approval. This is a mistake that is now being remedied. Quarterly reporting is allowed under Uniform Guidance (2 CFR 200). Standardized quarterly reports are collected on a DEMD provided quarterly reporting narrative template. The use of templates helps to reduce all parties' burdens.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We will not publish the results of this information collection

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

We will display the OMB control number and expiration date on the solicitation for proposals as well as on other appropriate materials.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.