

# DEPARTMENT OF TRANSPORTATION

## 1 INFORMATION COLLECTION SUPPORTING STATEMENT

### Agency Request for **Emergency Approval** of an Information Collection of Information Associated with the Aviation Manufacturing Jobs Protection (AMJP) program (**Part of the American Rescue Plan Act of 2021**)

2106-NEW

#### INTRODUCTION

This is to request the Office of Management and Budget's (OMB) emergency approval for the information collection required in support of the Aviation Manufacturing Jobs Protection (AMJP) program, which is required as part of the "American Rescue Plan Act of 2021" (ARPA), Public Law (P.L.) 117-2, enacted on March 11, 2021.

#### **Part A. Justification**

##### **1. Circumstances that make the collection of information necessary.**

On March 11, 2021, the "American Rescue Plan Act of 2021" (ARPA), Public Law (P.L.) 117-2, was enacted. The ARPA included subtitle B of title VII, establishing the "Aviation Manufacturing Jobs Protection" (AMJP) program. The stated purpose of the program is "to provide public contributions to supplement compensation of an eligible employee group" (which is defined in the statute), by entering into agreements with qualified business entities (outlined in Section 2), to pay up to half of the payroll costs for that group of employees for up to six months, in return for several commitments, including a commitment that the company will not involuntarily furlough or lay off employees within that group.

Business entities eligible to apply are those that either build aircraft or aircraft components, or that provide maintenance, repair and overhaul services. To receive funding, businesses must meet all of the requirements set forth in the law. Therefore, DOT must collect certain information from applicants to determine eligibility. DOT must also verify the accuracy of specific payment requests from approved applicants, in accordance with other laws and regulations governing Federal financial assistance programs, including (but not limited to) the Anti Deficiency Act, the Federal Funding Accountability and Transparency Act (FFATA), the Payment Integrity Information Act of 2019, and 2 CFR Part 200, among others.

All of the agreements must be established within a six-month period (i.e., from the effective date of the first agreement, DOT has only six months before all remaining agreements must be in place).

Accordingly, DOT is developing an expedited process and a system that will enable businesses to apply for financial assistance under the AMJP. DOT anticipates using an online, web-based system to collect the required information.

This program also meets the criteria of Executive Order 14002.

## 2. **How, by whom, and for what purpose is the information to be used.**

DOT is developing a system that will enable eligible businesses to apply for financial assistance under the AMJP. DOT anticipates using an online, web-based system to collect the following information necessary for DOT to determine the eligibility of the applicant to receive funding:

- Legal name of the applicant (i.e., the legal name of the business entity), as well as any other identities under which the applicant may be doing business.
- Address, telephone, and email contact information for the applicant.
- Legal authority under which the applicant is established.
- Name and title of the authorized representative of the applicant (who will attest to the required certifications).
- DOT may also require the identity of external parties involved in preparation of the application, including outside accountants, attorneys, or auditors who may be assisting the business entity that is applying for assistance under this program (referred to hereafter as “the applicant”). External parties will also have to identify their affiliation with the applicant.
- The specific statutory criteria that the applicant meets for eligibility under this program. The statute defines eligible applicants to include a corporation, firm, or other business entity that “(i) actively manufactures an aircraft, aircraft engine, propeller, or a component, part, or systems of an aircraft or aircraft engine under a Federal Aviation Administration production approval; (ii) holds a certificate issued under part 145 of title 14, Code of Federal Regulations, for maintenance, repair, and overhaul of aircraft, aircraft engines, components, or propellers; or (iii) operates a process certified to SAE AS9100<sup>a</sup> related to the design, development, or provision of an aviation product or service, including a part, component, or assembly.” Accordingly, DOT will require the applicant to identify which of these categories they meet, and how. DOT may also require applicants to provide supporting documentation, including reference numbers and/or copies of certificates or authorizations issued by the Federal Aviation Administration or by SAE.
- Location where the applicant was legally established, created, or organized to do business. This information and supporting documentation will be required in order to demonstrate how the applicant meets the statutory requirement to be “established, created, or organized in the United States or under the laws of the United States.”

---

<sup>a</sup> SAE refers to the Society of Automotive Engineers, whose membership includes aeronautical engineers. For information about SAE AS9100, see <https://www.sae.org/standards/content/as9100/>.

- Other identification numbers, including but not limited to the Employer/Taxpayer Identification Number (EIN/TIN), Unique Entity Identifier under 2 CFR Part 25, Data Universal Numbering System (DUNS), etc. All applicants will be required to have pre-registered with the System for Award Management (SAM) at <https://sam.gov/SAM/>.
- Description of the applicant’s business operations, in sufficient detail to demonstrate how the applicant meets the statutory requirement to have “significant operations in, and a majority of its employees engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services based in the United States.” This will include a listing of all business locations, and the number of employees (and the percentage of their time) engaged in aviation-related versus other business activities at each location, as of a specific date that DOT will identify in a subsequent program announcement.
- Details sufficient to demonstrate how the applicant meets the requirement to have “involuntarily furloughed or laid off at least 10 percent of its workforce in 2020 as compared to 2019 or has experienced at least a 15 percent decline in 2020 revenues as compared to 2019.” The applicant will be required to provide either aggregate numbers of personnel as of April 1, 2019 and April 1, 2020, or total operating revenue figures for the applicant’s fiscal years ending 2019 and 2020.
- Certification that the applicant has not received a credit against applicable employment taxes under section 2301 of the CARES Act (26 U.S.C. 3111 note) for the immediately preceding calendar quarter ending before such agreement is entered into, or financial assistance under section 4113 of the CARES Act (15 U.S.C. 9073) (providing payroll support to air carriers and contractors), and is not currently expending financial assistance under the paycheck protection program established under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as of the date the employer submits an application under the AMJP. DOT may verify the accuracy of these certifications, including the possibility of a risk-based approach to verification—but applicants are legally responsible for ensuring the accuracy of these certifications.
- Definition of the applicant’s “eligible employee group,” as defined in the statute, identifying the specific job categories and numbers of personnel in each category.<sup>b</sup>
- The actual aggregate total cost of compensation for the eligible employee group for the six-month period ending March 31, 2021. DOT requires this information to calculate the potentially eligible amount of financial assistance under the AMJP (subject to *pro rata* reduction if necessary due to availability of funds). DOT anticipates requiring a breakdown of the compensation costs (e.g., aggregate base salaries versus other major benefit categories, including but not limited to medical benefits paid by the employer, paid leave, insurance

---

<sup>b</sup> The statutory definition of the “eligible employee group” is the portion of an employer’s United States workforce that does not exceed 25 percent of the employer’s total United States workforce as of April 1, 2020; contains only employees with a total compensation level of \$200,000 or less per year; and is engaged in aviation manufacturing activities and services, or maintenance, repair, and overhaul activities and services.

premiums paid by the employer, employer match on employee retirement contributions, etc.).

- Applicants will be required to provide supporting documentation in sufficient detail to substantiate the preceding aggregate costs, but **specifically excluding any Personally Identifiable Information (PII) for any individual employees**. This may include financial reports and redacted payroll reports as required, or such additional supporting documentation as DOT may require.
- Whether the applicant business entity is currently engaged in any legal proceeding that could jeopardize its ability to fulfill the legal commitments required in statute as conditions for receiving funds under the AMJP. Examples of such proceedings could include, but are not limited to, any process related to the United States Bankruptcy Code, potential merger or acquisition discussions, or current litigation against the applicant. DOT will strongly discourage applicants from disclosing any substantive details on any of these potential circumstances during the application process.
- Whether the applicant is delinquent on any debt to any Federal agency, along with supporting details.
- Certification by the applicant that they can and will enter into a legal agreement with DOT that will require the applicant to do the following, including (but not limited to): (1) provide the private contribution (which means the remainder of the total compensation costs associated with the eligible employee group that is not funded by assistance under the AMJP); and (2) not conduct any involuntary layoffs, furloughs, or reductions in pay rates or benefits for the eligible employee group during the term of the agreement with DOT.
- A sworn certification as to the complete and accurate nature of all information provided, including all supporting documentation, subject to civil or criminal penalties. The specific certification language will include:

“I certify under penalty of perjury that the information and certifications provided in the application and its attachments are true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil penalties. (18 U.S.C. §§ 287, 1001; 31 U.S.C. §3729, 3802).”

- After DOT verifies eligibility and enters into an agreement with the applicant (referred to hereafter as “the recipient”), DOT may also require the recipient to provide the actual aggregate total cost of compensation for the eligible employee group during the period of the agreement with DOT, if DOT determines that actual aggregate total cost information is necessary to review and approve actual disbursements pursuant to the agreement.
- Recipients will be required to provide supporting documentation in sufficient detail to

substantiate the actual costs, **specifically excluding any Personally Identifiable Information (PII) for any individual employees**, in support of disbursement requests.

### **3. Extent of automated information collection.**

DOT anticipates using an online, web-based system to collect all of the necessary data and supporting documentation. This will reduce costs for applicants as well as eliminate the risk of hard-copy documentation getting lost, delayed, or delivered to incorrect addresses. DOT anticipates that the system will enable applicants to save their work frequently; apply business-process rules to flag questionable or erroneous data entry; easily upload supporting documentation (including electronic categorization of documentation so that users can specify which document supports which requirement); verify their responses before final certification and submission; and secure electronic documentation that their submission was completed by the established deadline.

DOT also anticipates that the system will minimize burden on applicants by alerting them immediately if there fundamental problems with their eligibility, so that the applicant does not waste time and effort continuing with the application process.

Conversely, for applicants who appear to meet the eligibility criteria, DOT anticipates that the system will provide that initial indication, pending verification of supporting documentation (along with other appropriate caveats).

DOT has not yet made a final decision on which specific platform to use and has not yet established either a program website or a link to the application portal. DOT is considering the possibility of using [www.grants.gov](http://www.grants.gov) as the initial screening tool.

### **4. Describe efforts to identify duplication.**

Limited amounts of the data could potentially be available from existing Federal Aviation Administration (FAA) databases, but none of those databases contain all of the data required to address the statutory eligibility requirements for the AMJP program. DOT is considering the possibility of allowing applicants to autofill certain fields based on the applicants' FAA certificate numbers, but even this step would pull in only a small amount of the data needed (such as basic contact information), and only for a portion of the potential applicants.

Likewise, DOT will work with the U.S. Department of the Treasury and the Small Business Administration to determine whether it might be possible to automatically pull data from their systems. Because DOT recognizes that soliciting applications and providing funding to eligible applicants in a timely manner is crucial to supporting the aviation industry and economic recovery in the United States, applicants will have to be prepared to provide this information and attest to its accuracy. DOT will then use a risk-based approach to verification.

### **5. Efforts to minimize the burden on small businesses.**

DOT’s proposed automated approach is intended to minimize burden on all prospective applicants, including small businesses. One key step that may help small businesses, in particular, is that DOT intends to design or select a web-based system that enables external accountants, auditors and/or attorneys to assist their clients in preparing the online application.

**6. Impact of less frequent collection of information.**

Not applicable—this is a one-time application process, followed by an integrated disbursement request and closeout process for which DOT intends to use the same platform, if possible.

**7. Special Circumstances.**

No special circumstances apply to this collection.

**8. Compliance with 5 CFR 1320.8(d).**

DOT has published a notice in the Federal Register at **XXXXXXX** notifying the public of the intent to seek emergency approval for this collection.

**9. Payment or gifts to respondents.**

Not applicable.

**10. Assurance of confidentiality.**

DOT will protect data submitted by applicants for the AMJP program consistent with the Freedom of Information Act (FOIA) and DOT’s regulations implementing the FOIA. The draft Federal Register notice also emphasizes that applicants must not include any Personally Identifiable Information (PII) for any individual employees.

**11. Justification for collection of sensitive information.**

Not applicable. None of the data required for this collection meets the stated criteria as being sensitive.

**12. Estimate of burden hours for information requested.**

All of the information required to complete the application process should already be readily available to the applicant, with the exception of the internal calculations needed to define the “eligible employee group” and the associated compensation costs. DOT estimates that could require up to 9 hours, plus 1 hour to assemble the necessary documentation to support eligibility

criteria, plus 2 hours to complete the online application process. That equates to a total of 12 hours.

<b>Burden for initial application process</b>	
Estimated number of applicants	4,900
Estimated time to complete application	12 hours
Resulting burden	4,900 x 12 = 58,800 hours

<b>Estimated costs for initial application</b>	
• Budget Analyst	6 hours @ \$36.80 = \$220.80
• Human Resource Specialist	4 hours @ \$29.77 = \$119.08
• Staff Lawyer	2 hours @ \$59.11 = \$118.22
Cost to prepare initial application	\$458.10
<b>Times 4,900 applications</b>	<b>4,900 x \$458.10 = \$2,244,690</b>

In addition to the application submission, DOT estimates it could take up to 2 hours to prepare each disbursement request, and that there could be as many as 6 disbursement requests (once monthly for the maximum 6-month duration of each agreement):

<b>Burden for disbursement requests</b>	
Estimated number of applicants	4,900
Estimated time to complete disbursement requests	2 hours
Disbursement requests per application	1 monthly for 6 months = 6 requests
Estimated number of disbursement requests	4,900 x 6 = 29,400 disbursements
Resulting burden	29,400 x 2 hours = 58,800 hours

<b>Estimated costs to prepare disbursement requests</b>	
• Budget Analyst	1 hour @ \$36.80 = \$36.80
• Human Resource Specialist	1 hour @ \$29.77 = \$29.77
<b>Cost to prepare disbursement requests</b>	<b>\$66.57</b>
Estimated number of disbursement requests	4,900 x 6 = 29,400 disbursements
<b>Estimated costs to request disbursements</b>	<b>29,400 x \$66.57 = \$1,957,158</b>

DOT estimates it could take up to 4 hours to prepare the final closeout documentation:

<b>Burden for closeout process</b>	
Estimated number of applicants	4,900
Estimated time to complete closeout documents	4 hours
Resulting burden	4,900 x 4 = 19,600 hours

<b>Estimated costs for closeout process</b>	
• Budget Analyst	2 hours @ \$36.80 = \$73.60

• Human Resource Specialist	2 hours @ \$29.77 = \$59.54
<b>Cost to prepare disbursement requests</b>	<b>\$133.14</b>
Estimated number of applications	4,900
<b>Estimated costs to request disbursement</b>	<b>4,900 x \$133.14 = \$652,386</b>

Therefore, the total estimated burden and costs would be:

<b>Total estimated hours</b>	<b>137,200 hours</b>
<b>Total estimated costs</b>	<b>\$4,854,234</b>

### 13. Estimate of the total annual costs burden.

Estimated labor costs for applicants are included in Section 12. There should be no other cost to applicants because they should already have all of the information needed, and there should be no additional costs required.

### 14. Estimates of costs to the Federal Government.

DOT plans to use a combination of Federal and contract personnel to review applications and process subsequent disbursement requests.

<b>Costs for initial application process</b>	
DOT Financial Analyst	0.5 hours per application (average)
Assumed hourly rate (fully burdened)	\$120
Resulting average cost per application	\$120 x .5 hours = \$60
<b>Subtotal—Federal personnel</b>	<b>\$60 per application</b>
Contractor	1.5 hours per application (average)
Assumed hourly rate (fully burdened)	\$125
Resulting average cost per application	\$125 x 1.5 hours = \$188
<b>Subtotal—Contract personnel</b>	<b>\$188 per application</b>
Combined Federal + Contract personnel time	0.5 + 1.5 = 2.0 hours per application
Combined Federal + Contract personnel cost	\$60 + \$188 = \$248 per application
Estimated number of applications	4,900
<b>Total estimated cost to review applications</b>	<b>4,900 x \$248 = \$1,212,750</b>

At this time, for this purpose, DOT anticipates monthly disbursement requests (one per applicant for each month of the maximum 6-month duration of the agreements):



<b>Costs to review and process subsequent disbursement requests</b>	
DOT Financial Analyst	0.25 hours per disbursement request
Assumed hourly rate (fully burdened)	\$120
Resulting average cost per application	$\$120 \times .25 \text{ hours} = \$30$
<b>Subtotal—Federal personnel</b>	<b>\$30 per disbursement request</b>
Contractor	0.5 hours per disbursement request
Assumed hourly rate (fully burdened)	\$125
Resulting average cost per application	$\$125 \times 1.0 \text{ hours} = \$63$
<b>Subtotal—Contract personnel</b>	<b>\$63 per disbursement request</b>
Combined Federal + Contract personnel time	$0.25 + 0.5 = .75 \text{ hours per request}$
Combined Federal + Contract personnel cost	$\$30 + \$63 = \$93 \text{ per request}$
Estimated number of disbursement requests	$4,900 \times 6 = 29,400 \text{ disbursements}$
<b>Total estimated cost to review</b>	<b><math>29,400 \times \\$93 = \\$2,719,500</math></b>

Finally, DOT anticipates requiring a simple closeout process for each grant:

<b>Costs for reviewing closeout documentation</b>	
DOT Financial Analyst	0.25 hours per closeout
Assumed hourly rate (fully burdened)	\$120
Resulting average cost per application	$\$120 \times .25 \text{ hours} = \$30$
<b>Subtotal—Federal personnel</b>	<b>\$30 per closeout</b>
Contractor	0.25 hours per closeout
Assumed hourly rate (fully burdened)	\$125
Resulting average cost per application	$\$125 \times .25 \text{ hours} = \$31$
<b>Subtotal—Contract personnel</b>	<b>\$31 per closeout</b>
Combined Federal + Contract personnel time	$0.25 + 0.25 = 1.0 \text{ hours per closeout}$
Combined Federal + Contract personnel cost	$\$30 + \$31 = \$61 \text{ per closeout}$
Estimated number of applications	4,900
<b>Total estimated cost to review applications</b>	<b><math>4,900 \times \\$61 = \\$300,125</math></b>

In summary:

Review initial applications	\$1,212,750
Review and process disbursement requests	\$2,719,500
Review closeout documentation	\$300,125
<b>Total</b>	<b>\$4,232,375</b>

In addition, DOT anticipates incurring costs to acquire or customize the web-based tools that will be used to manage the entire application, evaluation, award, disbursement and documentation process. DOT does not yet have a hard estimate for this cost, but it is very likely that between internal labor, contract support, and system acquisition or required customization of an existing system, DOT may need to use the full amount allowed for in the statute (up to 1% of the \$3 billion appropriated, or \$30 million overall).

**15. Explanation of the program change or adjustments.**

Not applicable—this is a new program.

**16. Publication of results of data collection.**

DOT anticipates publishing the list of approved applications including the maximum eligible amounts, the estimated amounts to be paid (reflecting any pro-rata reduction if necessary), and actual disbursements as soon as practicable after the data has been verified.

**17. Approval for not displaying the expiration date of OMB approval.**

DOT has no reason to ask OMB not to identify the expiration date of OMB's approval.

**18. Exceptions to the certification statement.**

No exceptions stated.