

SMALL BUSINESS ADMINISTRATION (SBA)
Restaurant Revitalization Fund Program Post Award Report, SBA Form 3173
OMB Control Number, 3245-0424
Justification – Part A Supporting Statement

Overview of Information Collection:

SBA received funds under the American Rescue Plan Act of 2021 (ARP Act), Pub. L. 117-2, title V, sec. 5003 (March 11, 2021), to provide direct funds to Eating and Drinking establishments that meet certain conditions. Specifically, Section 5003 of the ARP Act establishes the Restaurant Revitalization Fund (RRF) program to provide direct funds of up to \$10 million dollars and limited to \$5 million dollars per location to certain eligible persons or entities: a restaurant, food stand, food truck, food cart, caterer, saloon, inn, tavern, bar, lounge, brewpub, tasting room, taproom, licensed facility or premise of a beverage alcohol producer where the public may taste, sample, or purchase products, or other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink.

SBA is required to obtain post award reports from RRF recipients to confirm that funds are used in accordance with program requirements. SBA Form 3173 is used to collect the information necessary to obtain the reports from recipients.

SBA is requesting reinstatement of SBA Form 3173, which expired on March 31, 2022.

1. **Need & Method for the Information Collection.** Explain the circumstances that make the collection of information necessary.
 - Identify any legal or administrative requirements that necessitate the collection.
 - Provide the citation and a copy of the appropriate section of each statute / regulation mandating or authorizing the collection of information as a supplementary document.
 - Explain what the statute/regulation requires. Is there a deadline? If so, explain how you will meet the deadline.
 - Describe how the information will be collected (e.g., written forms, telephone, online, electronically). Also, describe who will oversee the collection of information (e.g. independent evaluator, trained moderator, self-administered).
 - For each information collection that is electronically not “fillable,” “fillable,” and/or “submittable,” explain why.
 - Consequences if collection is not conducted. Describe the consequence

to a Federal program or policies if the collection is not conducted or is conducted less frequently, and describe any technical or legal obstacles to reducing burden.

Section 5003(c)(6) of the ARP Act requires recipients to return to the Treasury any funds that the recipient did not use for allowable expenses by the end of the covered period, or if the recipient permanently ceased operations, not later than March 11, 2023. To address the requirement in Section 5003(c)(6) of the ARP Act, SBA requires RRF recipients to submit post award reports to confirm that funds are used fully and in accordance with program requirements.

Respondents have until March 11, 2023 to expend funds in accordance with program requirements and must file a report annually until they are able to report that all RRF funds have been used in accordance with program requirements. The first report is due no later than December 31, 2021. SBA anticipates that the majority of respondents will use all funds prior to the December 31, 2021 filing deadline and will therefore only need to file one report. If the respondent has not spent all funds by December 31, 2021, the recipient must file another report no later than December 31, 2022. If the respondent has not spent all funds by December 31, 2022, the respondent must file a final report no later than April 30, 2023. Post Award Reports will be submitted electronically through a portal managed by the company with which SBA has contracted to provide processing services.

If this information were not collected, OCA could not evaluate and confirm the appropriate use of funds awarded to recipients.

2. **Use of the Information.** Indicate how, by whom, and for what purpose the information is to be used (e.g., program administration, application for benefits or services, regulatory compliance, inform policy development).
 - For program evaluations, research studies (including formative research), and surveys, describe the specific goals and purposes of the study as well as the specific research questions that the study will address. Describe whether this study will be used strictly as feedback for internal programmatic use only, or whether it will provide performance measures for Congress or OMB, inform policy, inform agency rulemaking, or be published as an agency report or a report to Congress. Include a discussion of the strengths and weaknesses of the proposed design and its suitability for the intended uses.
 - For an existing collection, describe the use (or principal uses if there are more than one) of the previously collected information, whether by the agency or by other entities.
 - Address whether this information be used by other Federal agencies or not. If so, for what purposes? Are there any privacy concerns related to this information sharing? If so, how have these been addressed?

The information will be collected from recipients (small businesses) that received awards under

the RRF. This information collection will be used by SBA's Office of Capital Access (OCA) to confirm that recipients used awarded funds in accordance with program requirements.

The RRF Post Award Report informs recipients that information collected is protected to the extent permitted by law, including the Privacy Act, 5 U.S.C. 552a and the Freedom of Information Act, 5 U.S.C. 552. SBA is revising its Privacy Act System of Records (SBA 21) Loan Systems [<https://www.sba.gov/about-sba/open-government/privacy-act/privacy-act-system-records-notices-sorns>] to maintain the personally identifiable information collected from applicants to the RRF program.

3. **Use of Information Technology.** 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.

Post Award reports for RRF are submitted electronically through a portal managed by the company with which SBA has contracted to provide processing services.

4. **Non-duplication.** Describe efforts to identify duplication.
 - Describe the steps taken to ensure that this information is not collected elsewhere and that it could not be otherwise obtained. If the information has already been collected by your agency, another Federal agency, a component of State or local government, or other public or private non-governmental entity, explain whether your agency could obtain the information from these sources.
 - Describe specifically why any similar information that is already available cannot be used or modified to be used for the purposes described.
 - For program evaluations, surveys, and research studies, provide a brief review of literature on this topic and explain why the existing information is not sufficient to meet the current needs of the agency.

Every effort is being taken to minimize the collection burden. There is no other available information that can be used for purposes of carrying out the reporting requirement for the RRF program.

5. **Burden on Small Business.** If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. Did the agency consider any exemptions, alternate options, or partial or delayed compliance options for small businesses?

This information collection impacts small businesses; however, providing the information is

necessary to comply with the reporting requirements for recipients of RRF direct funds as authorized under the ARP Act. The requested information is designed to collect the minimum information necessary to confirm appropriate use of funds.

6. **Less Frequent Collection.** 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.

Respondents have until March 11, 2023 to expend funds in accordance with program requirements and must file a report annually until they are able to report that all RRF funds have been used in accordance with program requirements. The first report is due no later than December 31, 2021. SBA anticipates that the majority of respondents will use all funds prior to the December 31, 2021 filing deadline and will therefore only need to file one report. If the respondent has not spent all funds by December 31, 2021, the recipient must file another report no later than December 31, 2022. If the respondent has not spent all funds by December 31, 2022, the respondent must file a final report no later than April 30, 2023.

If this information were not collected, OCA could not evaluate and confirm the appropriate use of funds awarded to recipients.

7. **Paperwork Reduction Act Guidelines.** 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.

No special circumstances exist.

8. **Consultation and Public Comments.** 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.
- Did the agency receive any comments in response to the required Federal Register notice?
 - Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. If the agency declined to make changes in response to particular comments, explain why. Specifically address comments received on cost and hour burden. Address whether any of the instruments were changed and how.
 - Describe efforts to consult with persons outside of the agency, including but not limited to soliciting views on the availability of data, the 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. This could include public meetings, outreach to stakeholders, review panels, and advisory committees.
 - Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 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.

With this submission, SBA is seeking reinstatement of this information collection. SBA published a notice in the Federal Register on April 21, 2022 (87 FR 23907) to solicit public feedback. No public comments were received.

9. **Gifts or Payment.** Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.
- Is the agency proposing to provide any incentive (monetary or non-monetary) to potential respondents to obtain their information or to encourage respondents to provide the requested information?
 - If yes, explain why it is appropriate for the agency to provide the proposed incentive (and the proposed amounts) and why it is necessary to obtain information of sufficient quality for the intended purposes, including citations to past practices for this or similar Federally funded collections, and specific research to examine the effects of providing

incentives for this or similar collections. Specify the amount of each proposed incentive and how the incentive will be provided to the respondent.

- If the agency is proposing an experiment to examine the potential effects of incentives, describe the different experimental conditions, why they were chosen, and the minimum detectable effects between conditions.

There are no payments made or gifts given to respondents.

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

- Provide the exact language of any statement(s) that will be read or provided to respondents that explain how their information will be handled and protected by the agency.
 - o If the agency is pledging to keep the information “confidential,” then provide the citation for the statute that the agency is using as the basis of its confidentiality pledge. Include the appropriate excerpt from the statute here or as a supplementary document. Note: if the statutory basis for assuring confidentiality does not exist, the term “confidentiality” cannot be used. Instead, the document should explain any procedures that will be in place to protect respondent data.
 - o If the Privacy Act applies, the agency should discuss how the data will be managed under the Privacy Act.
- Are respondents required to submit proprietary trade secrets, or other confidential information? Explain the procedures that the agency will implement to protect the information’s confidentiality to the extent permitted by law.
- Will the agency collect any personally identifiable information? In general, “personally identifiable information” refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal information that can be linked to a specific individual.
 - o Complete a privacy impact assessment in full compliance with 44 U.S.C. 3501 note § 208? If so, provide a link to the privacy impact assessment on the agency’s website or explain why the agency has determined that making the privacy impact assessment publicly available is not practicable (see 208(b)(1)(B)(iii)).
 - o Collect any information that will be included in records that are subject to the Privacy Act of 1974 (5 U.S.C. § 552a)?
 - o Include a Privacy Act statement on the instrument(s) that clearly informs the individual regarding (OMB Circular A-108):
 - the agency’s authority for the collection,
 - whether providing the information is voluntary or mandatory,

- the principal purpose(s) for which the information will be used,
 - the routine uses which may be made of the information, and
 - any effects on the individual of not providing certain information.
- o Provide the url link to the most recent version of the system of records notice (SORN) in the Federal Register and/or on the agency website. The agency should briefly describe how it has considered and addressed privacy issues pertaining to the collection. For example, explain how the agency is collecting only the minimum personally identifiable information that is necessary to accomplish a purpose required by statute, regulation, or executive order.
- Will the agency use information technology to collect, maintain, or disseminate information that is subject to the E-Government Act of 2002 (44 U.S.C. 3501 note)?

The RRF Post Award Report informs recipients that information collected is protected to the extent permitted by law, including the Privacy Act, 5 U.S.C. 552a and the Freedom of Information Act, 5 U.S.C. 552. SBA is revising its Privacy Act System of Records (SBA 21) Loan Systems [<https://www.sba.gov/about-sba/open-government/privacy-act/privacy-act-system-records-notices-sorns>] to maintain the personally identifiable information collected from applicants to the RRF program.

11. **Sensitive Questions.** Provide additional justification for any questions of a sensitive nature.
- Is the agency proposing any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, income, immigration status, or other matters that are commonly considered sensitive? (Note that the term “sensitive information” is distinct from the term “personally identifiable information,” although information may fall into both categories.)
 - This justification should include the reasons why the agency considers the questions necessary and the specific uses to be made of the information.
 - Provide any instructions given to respondents as to why the agency is collecting the sensitive information, whether providing the information is voluntary or mandatory, and what consequences, if any, would result if respondents decide not to answer.
 - Explain what steps, if any, the agency is taking to obtain the consent of the respondents when collecting this information.

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

12. Burden Estimate. Provide estimates of the 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. Instead, this cost should be included under 'Annual Cost to Federal Government'.

The burden estimates below are based on the 101,004 entities that received awards under the RRF program.

Calculations:

Hour Burden

Estimate of the hour burden of the collection of information: SBA estimates it will take respondents 30 minutes to complete each report, including time to gather the necessary information, complete the form and submit it to SBA.

Frequency of Response

SBA estimates that 75% of recipients will submit the report one time:
75,753

$101,004 \times 75\% \times 1 \text{ response} = 75,753$

SBA estimates that 20% of recipients will submit the report two times:
40,402

$101,004 \times 20\% \times 2 \text{ responses} = 40,402$

SBA estimates that 5% of recipients will submit the report three times:
15,151

$101,004 \times 5\% \times 3 \text{ responses} = 15,151$

Total Number of Responses (over the three-year reporting period): **131,306**

Hourly Cost Burden

To estimate the hourly cost, SBA used data from the Bureau of Labor Statistics, National Occupational Employment and Wages estimates an average for median hourly wage for:

(1) Accountant and Auditors 13-2011: \$37.14 per hour

(2) Secretaries and Administrative Assistants, Except Legal, Medical, and Executive 43-6014: \$19.08 per hour

These two wages yield an average hourly wage of **\$28.11** and is representative of an average wage for individuals completing this form.

Annual Hourly Burden

Year 1: 100% of respondents must file the report at 30 minutes each:
 101,004 x .5 = 50,502 hours 50,502 Hours
 50,502 hours X \$28.11 per hour \$1,419,611 Cost

Year 2: 25% of respondents file at 30 minutes each
 101,004 x 25% = 25,251; 25,251 x .5 = 12,626 hours 12,626 Hours
 12,626 hours X \$28.11 per hour \$354,903 Cost

Year 3: 5% of respondents file at 30 minutes each:
 101,004 x 5% = 5,050; 5,050 x .5 = 2,525 2,525 Hours
 2,525 Hours X \$28.11 per hour \$70,981 Cost

Total Hours for the three-year reporting period: 65,653 Hours
Total Cost Burden for the three-year reporting period: \$1,845,495 Cost

Explain the reason for any changes to the burden and fill out the tables below (*or another table that explains the changes, as appropriate). These could involve one of the following.

- Changes Due to Adjustment in Agency Estimate: An “adjustment” to a burden estimate is made for two purposes: (1) when more (or fewer) individuals or entities respond to an information collection as a result of factors outside an agency’s control (e.g., the number of respondents to a collection can increase or decrease due to changes in demographics or in the level of economic activity), or (2) when an agency re-estimates

the amount of burden that a collection imposes (e.g., the agency develops an improved methodology for estimating the burden that a collection imposes). In either situation, the agency has not made any change to the collection itself, and thus there is simply an adjustment to a previously approved burden estimate.

- Program Change Due to New Statute: These changes in burden occur when new laws are enacted or regulations are promulgated that require agencies to collect new information. Please provide the title, and a brief description of the statute, along with the information collection requirement that the statute is imposing.
- Program Change Due to Agency Discretion: These occur when agencies make a decision to increase (or decrease) the burden that a collection imposes on the public (e.g., by reducing the number of questions on a survey), or when establishing a new collection, that is not explicitly required by law.
- Change Due to Lapse in OMB Approval: These changes in burden occur when OMB's approval of a collection expires without an agency discontinuing or renewing them (which results in a burden decrease), or when an expired collection is reinstated (which results in a burden increase). If, for example, a collection expires in one year, overall burden during that year decreases by the burden total associated with the collection. If the collection is reinstated in the subsequent year, overall burden during that subsequent year increases by the amount of the collection

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses for this IC	131,306	0	0	0	0	131,306
Annual IC Time Burden (Hour)	65,653	0	0	2,526	0	63,127
Annual IC Cost Burden (Dollars)	\$1,845,495	0	0	\$141,143	0	\$1,704,352

Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

- Reporting: Requests for information for transmission to the Federal government, such as grant application forms, written report forms, telephone surveys, and electronic data collections.
- Recordkeeping: Requirements, which may involve compilation and maintenance of records, either alone or in conjunction with the reporting of information to the agency and/or some other person.
- Third-party or public disclosure: Requirements which may involve a requirement to disclose information to other members of the public directly or through publication in media such as newspapers or magazines, or to post the information on labels.

Burden per Response:

	Time Per Response	Hours	Cost Per Response
Reporting	30 minutes	65,653	\$14.05
Record Keeping	0	0	0
Third Party Disclosure	0	0	0
Total	30 minutes	65,653	\$14.05

Annual Burden:

	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Reporting	65,653	\$1,845,495
Record Keeping	0	0
Third Party Disclosure	0	0
Total	65,653	\$1,845,495

13. **Estimated nonrecurring costs.** Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).
- 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. 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 collections 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.

There are no estimated non-recurring costs.

14. **Estimated cost to the Government.** Provide estimates of annualized costs 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. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

SBA will incur costs associated with the use of approximately 200 government employees that will be reviewing 131,306 total responses.

Calculation:

- Average cost of reviewers is based on the GS-9, Step 5, for the Washington-Baltimore Locality at an hourly rate of \$33.64
- Each reviewer will spend a total of 5 minutes per application (or 0.083 hours)

Year 1: 101,004 responses to review:

101,004 responses X \$33.64 per hour X 0.083 hours =
\$282,015

Year 2: 25,251 responses to review:

25,251 responses X 33.64 per hour X 0.083 hours 70,504

Year 3: 5,050 responses to review

5,050 responses X \$33.64 per hour X 0.083 hours \$14,101

Total Costs: **\$366,620**

SBA negotiated a contract for \$48,000,000 for the delivery of this program on the electronic platform. This cost was included in the Supporting Statement for the RRF Application, SBA Form 3172. There are no additional electronic platform costs for this collection of information.

Estimated total annualized cost to the Federal Government: \$366,620

15. **Reasons for changes.** Explain the reasons for any program changes or adjustments reported on the burden worksheet.

This is a reinstatement of an information collection. SBA has updated its hourly costs to reflect updates in the wages estimates from the Bureau of Labor Statistics, to reflect updates in the GS-

Schedule wages for fiscal year 2022, and to adjust for computation of the annual hourly burden.

16. **Publicizing Results.** 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.

SBA will publish aggregated data on the uses of proceeds. The information is published on the USASpending.gov website pursuant to the requirements of the Data Act.

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

SBA will display the expiration date of OMB approval.

18. **Exceptions to "Certification for Paperwork Reduction Submissions."** 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.

19. **Surveys, Censuses, and Other Collections that Employ Statistical Methods.** If this request includes surveys or censuses or uses statistical methods (such as sampling, imputation, or other statistical estimation techniques), a Part B supporting statement must be completed.

Not Applicable