

Department of the Treasury
Departmental Offices
**Application and Reports for the Direct Component and the Centers of Excellence Research
Grants Program of the Office of Gulf Coast Restoration, Office of Fiscal Assistant
Secretary**
Supporting Statement and Request for Clearance
OMB No. 1505-0250

A. Justification

1. Circumstances Making the Collection of Information Necessary.

Authorized under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act), P.L. 112-141, the Department of the Treasury implements several provisions of the Act, more specifically the Direct Component and the Centers of Excellence Research Grants Program. These programs require Treasury to award grants from the Gulf Coast Restoration Trust Fund (Trust Fund) equally to the five Gulf Coast States impacted by the Deepwater Horizon Oil Spill. The Direct Component recipients include Alabama, 23 Florida counties, Louisiana, 20 Louisiana parishes, Mississippi, and Texas. Alabama, Florida, Louisiana, Mississippi, and Texas equally share the Centers of Excellence Research Grants Program allocations from Trust Fund deposits.

In general, for the Direct Component, the following projects, programs, and activities are eligible for funding under the Direct Component, based on the eligibility criteria described in Treasury's regulations. See 31 CFR 34.201.

- (1) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches and coastal wetlands of the Gulf Coast region;
- (2) Mitigation of damage to fish, wildlife, and natural resources;
- (3) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring;
- (4) Workforce development and job creation;
- (5) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill;
- (6) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure;
- (7) Coastal flood protection and related infrastructure;
- (8) Planning assistance;
- (9) Administrative costs;
- (10) Promotion of tourism in the Gulf Coast region, including recreational fishing; and
- (11) Promotion of the consumption of seafood harvested from the Gulf Coast region.

For the Centers of Excellence Research Grants Program, each Gulf Coast State may establish one or more centers of excellence to focus on science, technology, and monitoring research only on the Gulf Coast Region based on five eligible disciplines, as described in 31 CFR 34.704:

- (1) Coastal and deltaic sustainability, restoration, and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast Region;
- (2) Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region;
- (3) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the Gulf of Mexico;
- (4) Sustainable and resilient growth, economic and commercial development in the Gulf Coast Region; and
- (5) Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

Additionally, on December 13, 2016, Treasury published a final rule in the Federal Register at [81 FR 89855](#), which is effective on January 12, 2017, titled *Regulation Regarding Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance From the Department of the Treasury* (31 CFR Part 22), which implements Title VI of the Civil Rights Act of 1964. The regulations provide guidance to Treasury’s recipients of federal financial assistance for compliance with the provisions of Title VI of the Civil Rights Act of 1964 and also promotes consistent and appropriate enforcement of the requirements under Title VI of the Civil Rights Act of 1964 by Treasury’s components. Through this regulations, the Department also notified beneficiaries of its programs offering financial assistance of the protections against discrimination based on race, color, and national origin.

The information collections contained in this final rule are being added to the information collection for RESTORE Act grants. The information collections contained in this rule are found in 31 CFR Part 22.

Additionally, in March 2022, the Office of Management and Budget determined that section 70914(a) of the Build America, Buy America Act (“BABAA”) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), applied to awards for “infrastructure,” as defined in BABAA, made under Treasury’s RESTORE Act Direct Component program. Treasury’s RESTORE Act Direct Component program sought and received a six-month general applicability public interest adjustment period waiver, such that the BABAA requirements were suspended for any new RESTORE Act Direct Component obligations made between July 13, 2022, the date this waiver was issued, and January 12, 2023. However, these requirements will go into effect on January 13, 2023, for any new obligation of Direct Component award funds for infrastructure projects.

As a result of this determination, beginning on January 13, 2023, Direct Component recipients (and subrecipients, as applicable) are prohibited from using Direct Component grant funds to purchase foreign-sourced iron, steel, manufactured products, or construction materials unless Treasury approves a waiver pursuant to section 70914(b) of BABAA for one of the following reasons:

- (1) applying the domestic content procurement preference would be inconsistent with the public interest (a “public interest waiver”);

(2) the types of iron, steel, manufactured products, or construction materials required for the project are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or

(3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent (an “unreasonable cost waiver”).

Furthermore, the Office of Management and Budget’s (OMB)’s Made in America Office (MIAO) in accordance with OMB memorandum M-22-11 requires all Federal agencies to post proposed waivers on the agency’s website and a GSA-managed, centralized, BABAA transparency portal, MadeInAmerica.gov, for a 15-day or 30-day public comment period, as applicable.

Treasury therefore needs to collect information from recipients that seek a waiver from BABAA requirements in order to (a) determine if a waiver is justified, and if so, (b) draft the requested waiver and post it on the RESTORE Act Buy America Preference website and the GSA-managed MIAO website for public comments before it is finalized. The GSA-managed MIAO website for public comment has certain required fields that agencies must enter, and Treasury drafted this information collection to ensure we are collecting the information that we need from the entity in order to complete these required fields.

2. Purpose and Use of the Information Collection.

The collection information assists Treasury in: (1) determining if proposed projects are eligible for funding and meet all requirements under the RESTORE Act, Treasury’s RESTORE Act implementing regulations (*31 CFR Part 34*), Treasury’s regulations implementing Title VI of the Civil Rights Act of 1964 (*31 CFR Part 22*), and Federal grants laws and policies (*Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, (Uniform Guidance)*); (2) approving and funding awards under the RESTORE Act; (3) determining if requested award amendments and post-award approvals are appropriate and consistent with the RESTORE Act, Treasury’s implementing regulations, and the Uniform Guidance; (4) conducting appropriate post-approval monitoring; (5) reporting on the effectiveness of the program; and (6) compliance with the BABAA requirements

3. Consideration Given to Information Technology

On October 1, 2022, Treasury’s Office of Gulf Coast Restoration transitioned from GrantSolutions.gov to the new RESTORE Act Grants Management System (RGMS) on a Salesforce platform. RGMS allows eligible entities under the RESTORE Act to submit applications for new awards, as well as to request amendments, permission to commence with construction, and other post-award actions that require Treasury’s prior approval. Entities also use this system to submit semi-annual performance and financial reports.

Eligible entities under the RESTORE Act use MAX.gov to submit Multiyear Implementation Plans (MIP), which are a prerequisite to receiving RESTORE Act project funding and to submit their annual Operational Self-Assessment (OSA), which the Treasury RESTORE Act Compliance (TRAC) team uses as one input into its annual risk assessment. OGCR reviews and approves the MIPs in MAX.gov (using many manual processes to document review), and TRAC currently reviews OSA forms in MAX.gov.

By the end of FY 23, OGCR will transition off MAX.gov and move these functions to RGMS. This will allow OGCR and TRAC to maintain continued compliance with all federal statutory and regulatory requirements while reducing manual workarounds and processes and increase the use of fillable forms with mineable data. The switch will help Treasury achieve the following customer service goals:

- Reduce or eliminate the number of duplicate fields across different forms, thus reducing the burden on eligible entities under the RESTORE Act;
- Reduce the number of systems that eligible entities must access from two to one;
- Aid in automating some manual checks currently conducted by Treasury staff, thus reducing the average time from application receipt to approval; and
- Enhance Treasury's reporting capabilities by consolidating data collections in a single system and increasing the amount of mineable data.

OGCR will integrate the information collections related to BABAA waiver requests into RGMS by the end of FY 23. However, this functionality will not be ready by the expiration date of OGCR's six-month general applicability public interest adjustment period waiver. In the interim, while OGCR is working to develop the forms and workflow in RGMS, this information will be submitted in Adobe PDF and Excel and submitted via the RGMS Correspondence function or email.

4. Duplication of Information.

The information is not known to overlap with any other data collected under previously approved information collections.

5. Reducing the Burden on Small Entities.

This collection is limited to certain states, counties, and parishes named as eligible entity recipients in the RESTORE Act and regulation. All efforts have been made to minimize burden on small entities therein.

6. Consequences of Not Conduction Collection.

If Treasury did not collect this information, it would not be able to fund awards under the RESTORE Act, approve amendments or other post-award actions to existing awards, conduct appropriate post-approval monitoring, or issue any waivers under BABAA. If Treasury OGCR is not able to issue waivers under BABAA, Direct Component recipients may be unable to proceed with critically important infrastructure projects, many of which are focused on building economic and climate resiliency, since some necessary construction

components may be unavailable from domestic sources or may be so costly that the project cannot be completed with available funding.

7. Special Circumstances.

There are no special circumstances causing the information collection to be conducted in a manner described in 5 CFR 1320.6.

8. Consultations with Persons Outside the Agency.

For all information collections other than those related to BABAA, Treasury published a notice soliciting comments on information collection in the *Federal Register* on May 31, 2022. See 87 FR 32506. Treasury received comments from one respondent. The respondent requested a minor change and to clarify the certification requirement for the Environmental Compliance Form. In response, Treasury made these changes, updating Section D of the Environmental Compliance Form to allow the respondent to indicate whether the form was a final or preliminary certification, and clarified the form instructions, as appropriate and consistent with Treasury program guidance.

Treasury OGCR also consulted with other Federal agencies who must implement BABAA. Treasury OGCR reviewed these agencies' draft information collections and adapted best practices as applicable to the BABAA waiver request forms for the RESTORE Act, Direct Component. Treasury also consulted with other Federal agencies to estimate the hours per response. The other Federal agencies estimated 6 hours; while Treasury OGCR believes this is likely on the high side, but Treasury OGCR has adopted this estimate in order to assist OIRA in completing its review.

9. Payment or Gift.

No payments or gifts are provided to respondents.

10. Confidentiality.

The Department is subject to all Federal regulations with respect to confidentiality of the information provided in this collection of information and provides no other assurances of confidentiality to respondents.

11. Questions of a Sensitive Nature.

No personally identifiable information (PII) is collected. The only names, addresses, email addresses, and phone numbers collected pertain to the individual assigned as the point of contact (POC) for the application, report, or waiver request forms. The contact information requested is the individuals' business contact information. No home address or phone is requested.

12. Burden of Information Collection.

Reporting	# Respondents	# Responses Per Respondent	Total annual Responses	Hours per response	Total Burden	Cost to Respondent (@ \$50 per hr.)*	Explanation of how burden estimated
Operational Self-Assessment	48	1	48	1	48	\$2,400	Every RESTORE Act recipient must complete the OSA annually.
Multiyear Plans	47	1	12	5	60	\$3,000	Treasury receives between 9 and 18 MYP or MYP amendments annually.
Applications - Direct Component	47	0.55	26	9	234	\$11,700	Based on average number of Direct Component award applications submitted in FY17 - 19, FY20 and FY21. The number of responses per respondent is calculated as the average number of applications divided by the number of respondents.
Application - Centers of Excellence Research Grants Program	5	1	3	5	15	\$750	Estimate based on direct communications with RESTORE Act Centers of Excellence eligible applicants and interest to submit applications in next 3 years.
Direct Component Activity Milestones Report	47	4	188	1	188	\$9,400	There are an average of 2 active Direct Component Awards per eligible entity; reports submitted semi-annually.
Direct Component Activity Status of Performance Report	47	4	188	1	188	\$9,400	There are an average of 2 active Direct Component Awards per eligible entity; reports submitted semi-annually.
Centers of Excellence Research Grants Program Activity Milestones Report	5	2	10	1	10	\$500	There are 5 active Centers of Excellence Awards; reports submitted semi-annually.
Centers of Excellence Research Grants Program Status of Performance Report	5	2	10	1	10	\$500	There are 5 active Centers of Excellence Awards; reports submitted semi-annually.

Notice to Proceed with Construction Checklist	47	1	13	2	26	\$1,300	There were 13 Notices to Proceed processed in FY21.
BABA Waiver Request forms	47	1	13	6	78	\$2,837.64	Based on conversations with Federal agencies that have implemented a Buy American Preference for iron and steel, recipients typically request a waiver at the time they request permission to proceed with construction. In FY21, OGCR processed 13 requests to proceed with construction, so OGCR estimates 13 BABAA-related collections a year. Federal agencies implementing BABAA have estimated 6 hours/response.
Total Reporting	48 ¹	10.646 ²	511	1.677 ³	857	\$41,788 ⁴	

Recordkeeping	# Recordkeepers				Total Burden	Cost to Respondent (@ \$50 per hrs.)
Applications - Direct Component	47				4,700	\$235,000
Application - Centers of Excellence Research Grants Program	5				500	\$25,000
BABAA waiver compliance	47				282	\$14,100
Total Recordkeeping	52	1	52	100	5,482	\$274,100
Total Burden	52	10.8086⁵	563	11.259	6,339	\$315,888

¹ The total number of entities reporting does not sum to the individual rows in this column because entities complete multiple collections. There are 47 entities eligible for Direct Component funding, and 5 entities eligible for Centers of Excellence funding, but 4 of these entities are eligible for both.

² The total number of responses per respondent does not sum to the individual rows in this column because typically, an entity would only complete some of the listed collections; 10.375 is therefore a weighted average. As an example, typically, an entity eligible for Direct Component funding would submit one Operational Self-Assessment, 0.55 applications, four milestones reports, and four performance reports. Additionally, some portion of these entities would submit a Multiyear Plan and/or Notice to Proceed with Construction checklist. So, this totals to an expected value of roughly 10 collections per entity.

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³ This is a weighted average because only some entities complete some collections. It is not appropriate to sum the individual hours per response to come up with a total hours per response.

⁴ \$50 per hour based on average Bureau of Labor Statistics Management Occupation for Gulf Coast states and select FL counties.

13. Annual Costs to Respondents.

There are no annualized capital/startup costs for the eligible recipients to provide this information collection. Receiving grant awards under the RESTORE Act specifically does not require grantees to incur startup costs beyond those costs generally associated with receiving federal financial assistance.

14. Cost to the Federal Government.

The additional costs incurred to the government as a result of implementing the information collection include the annual cost of the grants management system used for applications and post-award management and the personnel costs associated with the review of recipient risk, applications, and post-award actions.

Item	Annual Cost	Notes
Salesforce-based online grants management system	\$ 665,994.75	Annual operations and management costs with support contractor. Average of FY23 development costs and FY23, FY24, and FY25 operations and maintenance costs.
Personnel		
OGCR staff	\$ 932,865.30	3 GS-13 FTEs @ 50% + 3 GS-14 FTEs @ 50% + 3 GS-15 50 %*
TRAC staff	\$ 247,837.91	1 GS-15, 4 GS-14, 1 GS-13 @ 20%*
TOTAL	\$ 1,846,697.97	

*Calculated by taking the pro-rated annual salary for each grade level, step 1 in the Washington, DC locality area from the [Office of Personnel Management](#), plus an additional 63% to account for the cost of benefits.

15. Reason for Change.

There is an increase of 360 hours (78 additional hours to complete information collections to apply for BABAA waivers, and 282 additional hours for the BABAA-related recordkeeping burden).

⁵The annualized frequency of responses is estimated by dividing the total number of recordkeepers by the total annual responses for the collection of information.

Overall, the total burden is 6,339 hours, 360 hours more than the previous estimate of 5,979 hours estimated when this collection was last approved (without the BABAA collection) in September 2022.

16. Tabulation of Results, Schedule, Analysis Plans.

Treasury will use the results of these collections to manage the program. Treasury will summarize and analyze the results of these collections for internal management use to identify workload trends and common challenges affecting project progress, to monitor the obligation and drawdown of program funds, and (in the case of OSAs) to conduct risk assessments of eligible entities and prioritize future compliance reviews.

Treasury posts approved Multiyear Plans on its website. Treasury OGCR will also begin posting proposed BABAA waivers on its website, as well as the GSA-managed MIAO website, in order to comply with the BABAA requirement for public comment before they are finalized.

Other than that, Treasury does not plan to post any data related to individual eligible entities on any public site. However, there may be occasions in which Treasury will summarize information collections to provide a portfolio-level look at program progress and accomplishments.

17. Display of OMB Expiration Date.

Display of the expiration date may be confusing to respondents. Non-display of expiration date is requested.

18. Exceptions to Certification for Paperwork Reduction Act Submission.

There are no exceptions to the certification statement.