

SUPPORTING STATEMENT - PART A

Corps Water Infrastructure Financing Program (CWIFP) Applications – 0710-0026

1. Need for the Information Collection

The authority for the U.S. Army Corps of Engineers (USACE) CWIFP is Subtitle C of Title V of the Water Resources Reform and Development Act of 2014 (WRRDA), which is referred to as the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA, see also at 33 U.S.C. 3901–3914). 33 U.S.C. 3904 specifies that entities such as corporations, partnerships, joint ventures, trusts, state infrastructure financing authorities, and tribal, state, or local government entities are eligible to receive federal credit assistance under WIFIA. As described in the associated Final rule (“Credit Assistance and Related Fees for Water Resources Infrastructure Projects,” RIN 0710-AB31) at 33 CFR Part 386, USACE CWIFP involves two sequential collections for eligible entities seeking federal credit assistance: ENG Form 6176, “CWIFP Preliminary Application,” and ENG Form 6177, “CWIFP Application” (hereafter referred to as the “Final Application”). The Preliminary Application collection is required to validate the eligibility of the prospective borrower and the proposed project, perform a preliminary creditworthiness assessment, perform a preliminary engineering and environmental feasibility assessment, and evaluate the project against the selection criteria and identify which projects USACE will invite to submit a Final Application. The Preliminary Application addresses the CWIFP eligibility criteria, CWIFP selection criteria, and identifies other specific information that must be provided to USACE to be considered for credit assistance. Based on evaluation of the Preliminary Application, USACE will identify those eligible projects which are likely to proceed to closing and invite the prospective borrowers to submit a Final Application. Only those entities who are invited by USACE to submit a Final Application should proceed with the process. The Final Application collection is required to provide the information needed to assess the creditworthiness of both the applicant and project, identify the project’s engineering and financial risk, negotiate the terms and conditions of the credit assistance, and calculate the amount of budget authority that will be needed to fund the project(s).

2. Use of the Information

The respondents to ENG Form 6176 (Preliminary Application) and ENG Form 6177 (Final Application) are eligible entities who are seeking federal credit assistance under the CWIFP. As defined at 33 U.S.C. Section 3904, eligible entities include the following: a corporation; partnership; joint venture; trust; Federal, State, or local governmental entity, agency, or instrumentality; tribal governments or consortium of tribal governments; or a State infrastructure finance authority.

Respondents can access the Preliminary Application and Final Application forms on-line at: <https://www.usace.army.mil/Missions/Civil-Works/Infrastructure/revolutionize/CWIFP/>. Respondents may complete the Preliminary Application and Final Application within the forms themselves, and they may include narrative responses and provide

referenced documents as attachments. All submissions are required to be submitted on respondent-furnished external hard drives.

The information collection process for the Preliminary Application is initiated by the publication in the Federal Register of a CWIFP Notice of Funding Availability (NOFA). As specified in the final CWIFP implementation rule at 33 CFR Part 386, for each fiscal year that Congress appropriates funds for credit assistance, USACE will publish one (or more) NOFA in the Federal Register to solicit Preliminary Applications for credit assistance. USACE also posts each NOFA on the CWIFP website, at <https://www.usace.army.mil/Missions/Civil-Works/Infrastructure/revolutionize/CWIFP/>. The NOFA provides detailed instructions for submitting Preliminary Applications as well as the due dates for submissions. It advises prospective borrowers of the estimated amount of funding available to support CWIFP credit instruments and information required in the application process. The first step requires respondents to submit a Preliminary Application prior to the deadline set out in the NOFA.

Based on evaluation of the Preliminary Applications, the CWIFP program office will determine which projects and applicants are creditworthy and would be likely to proceed to closing. The subset of projects and applicants that the CWIFP program office determines to be creditworthy will be invited to submit Final Applications. Applicants that choose to submit a final application will generally have one year from the time of invitation to do so, and will be required to include an application fee, if applicable. An invitation to submit a final application does not imply an obligation by USACE to enter into a Loan Agreement or Loan Guarantee Agreement.

3. Use of Information Technology

All (100%) submissions are required to be submitted on respondent-furnished external hard drives, or Department of Defense approved electronic means. All information received is subjected to security screening. After being properly screened, Preliminary Applications, Final Applications, and all attachments are accessible to CWIFP staff and support contractors. Each application is assigned a unique identifier to enable storage and retrieval of project-specific information and documentation. For Preliminary Applications and Final Applications, official records held in the office of record will be destroyed 6 years after loan closing, but longer retention is authorized if required for business use. All other copies will be destroyed when business use ceases (see General Records Schedule 1.1, Items 010 and 011).

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

This information collection does not impose a significant economic impact on a substantial number of small businesses or entities.

6. Less Frequent Collection

The collection frequency for the CWIFP Preliminary Application is “On Occasion,” because it is tied to congressional appropriations. In general, appropriations for the CWIFP are anticipated to occur only once annually; however, in some years a supplemental appropriation may result in issuance of an additional Notice of Funding Availability which would initiate a new opportunity for prospective borrowers to submit Preliminary Applications. The collection frequency for CWIFP Final Application is also “On Occasion,” because it is conditional upon the applicant receiving an invitation to apply that USACE may provide after review of their Preliminary Application.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

This information collection request is associated with Rulemaking and is being submitted to OMB to coincide with the publication of the Final rule. The associated RIN is 0710-AB31, “Credit Assistance for Water Resources Infrastructure Projects.” The Final rule published on Monday, May 22, 2023 and is effective on Wednesday, June 21, 2023. The Federal Register citation for the Final rule is 88 FR 32661.

Part B: CONSULTATION

USACE CWIFP staff have coordinated with staff members of similar, infrastructure-focused federal credit programs, including U.S. Environmental Protection Agency’s Water Infrastructure Finance and Innovation Act (WIFIA) Program and U.S. Department of Transportation’s Transportation Infrastructure Finance and Innovation Act (TIFIA) Program, to structure the CWIFP information collection process and requirements similarly, and to incorporate refinements and lessons-learned from the WIFIA and TIFIA programs. The CWIFP Notice of Funding Availability and application processes reflect these consultations.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

A Privacy Act Statement is required for this collection because it requires submission of the applicant's Employer Identification Number (EIN).

A System of Record Notice (SORN) is not required for this collection because records are not retrievable by PII.

A Privacy Impact Assessment (PIA) has not been developed as an IT solution to manage the documentation has not been decided by the Corps. A few options are being considered such as an IL4 cloud solution. In the interim, the data will be stored/managed on USACE's secure network/SharePoint or USACE Teams, which will have restricted permissions.

The request for applications will follow direction provided in General Records Schedule 1.1 for Items 010 and 011. Official records held in the office of record will be destroyed 6 years after loan closing, but longer retention is authorized if required for business use. All other copies will be destroyed when business use ceases.

11. Sensitive Questions

EIN is collected to provide positive identification of the applicant and to verify that financial and tax documentation provided by the applicant as part of the Preliminary Application is complete, accurate, and consistent with official tax records.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instrument

ENG Form 6176 (Preliminary Application)

- a) Number of Respondents: 15
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 15
- d) Response Time: 50 hours
- e) Respondent Burden Hours: 750 hours

ENG Form 6177 (Final Application)

- a) Number of Respondents: 15
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 15
- d) Response Time: 50 hours
- e) Respondent Burden Hours: 750 hours

2) Total Submission Burden

- a) Total Number of Respondents: 30
- b) Total Number of Annual Responses: 30

- c) Total Respondent Burden Hours: 1,500 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instrument

ENG Form 6176 (Preliminary Application)

- a) Number of Total Annual Responses: 15
- b) Response Time: 50 hours
- c) Respondent Hourly Wage: \$41.75 (Weighted average of expected respondent occupations)
- d) Labor Burden per Response: \$2,087.50
- e) Total Labor Burden: \$31,313

ENG Form 6177 (Final Application)

- a) Number of Total Annual Responses: 15
- b) Response Time: 50 hours
- c) Respondent Hourly Wage: \$41.75 (Weighted average of expected respondent occupations)
- d) Labor Burden per Response: \$2,087.50
- e) Total Labor Burden: \$31,313

2) Overall Labor Burden

- a) Total Number of Annual Responses: 30
- b) Total Labor Burden: \$62,626

The Respondent hourly wage was determined by using the Bureau of Labor Statistics website (<https://www.bls.gov/home.htm>)

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instruments:

ENG Form 6176 (Preliminary Application)

- a) Number of Total Annual Responses: 15
- b) Processing Time per Response: 60 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$154
- d) Cost to Process Each Response: \$9,240
- e) Total Cost to Process Responses: \$138,600

ENG Form 6177 (Final Application)

- a) Number of Total Annual Responses: 15
 - b) Processing Time per Response: 60 hours
 - c) Hourly Wage of Worker(s) Processing Responses: \$154
 - d) Cost to Process Each Response: \$9,240
 - e) Total Cost to Process Responses: \$138,600
- 2) Overall Labor Burden to the Federal Government
- a) Total Number of Annual Responses: 30
 - b) Total Labor Burden: \$277,200

Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
- a) Equipment: \$0
 - b) Printing: \$2,750
 - c) Postage: \$250
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0
- 2) Total Operational and Maintenance Cost: \$3,000

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$277,200
- 2) Total Operational and Maintenance Costs: \$3,000
- 3) Total Cost to the Federal Government: \$280,200

15. Reasons for Change in Burden

This is a new collection with a new associated burden.

16. Publication of Results

USACE publishes on an annual basis summary-level information for preliminary application submissions, final application submissions, and summaries of loans issued. The summary-level information includes project name and description, location, the population protected or served by the project, and the loan amount. In addition, USACE publishes information describing the cohort of loans issued each year including information such as number of projects selected, total loan amount, total infrastructure investment supported, and total population protected or served. In general, the detailed information provided by applicants in the Preliminary Application and Final Application will not be published. However, the instructions accompanying this collection inform prospective applicants that USACE may be required to disclose their information under the Freedom of Information

Act, unless the applicant has submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.