

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

**A. Justification**

**1. Circumstances Making the Collection of Information Necessary.**

The Direct Component and the Centers of Excellence Research Grants Programs are two of the five grant programs authorized by the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act (RESTORE Act), Pub. L. No. 112-141, 126 Stat. 588 (2012) and are administered by the U.S. Department of the Treasury (Treasury). The Gulf Coast Restoration Trust Fund (Trust Fund) established by the RESTORE Act provides funding for the five grant programs established by the RESTORE Act and its funding is derived from civil and administrative penalties obtained from the parties responsible for the 2010 Deepwater Horizon oil spill in the Gulf of Mexico. The eligible entities under the Direct Component program include Alabama, 23 Florida counties, Louisiana, 20 Louisiana parishes, Mississippi, and Texas. Alabama, Florida, Louisiana, Mississippi, and Texas are the eligible entities under the Centers of Excellence Research Grants Program.

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 implementing regulations at 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 that focus on science, technology, and monitoring in one or more of the five eligible disciplines in the Gulf Coast Region, as described in 31 CFR 34.704(b):

- (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 was 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 the requirements of 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 promote consistent and appropriate enforcement of the requirements of Title VI of the Civil Rights Act of 1964 by Treasury's components. Through these regulations, the Department also notified beneficiaries of the assistance under its financial assistance programs of the protections against discrimination based on race, color, and national origin.

The final rule requires Treasury to collect certain information from recipients of awards under its financial assistance programs and that information is being added to the information collection for Treasury's RESTORE Act grant programs. The information collections contained in this final 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 would not apply to any new RESTORE Act Direct Component awards and monetary amendments to existing awards made between July 13, 2022, the date this waiver was issued, and January 12, 2023. However, these requirements went into effect on January 13, 2023, for any new Direct Component awards and monetary amendments to existing Direct Component awards 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](https://www.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 the agency is able to collect the necessary information from the entity requesting a BABAA waiver in order to complete these required fields.

## **2. Purpose and Use of the Information Collection.**

The information collection assists Treasury in: (1) determining if proposed projects are eligible for funding and meet all requirements under the RESTORE Act, Treasury’s implementing regulations (*31 CFR Part 34*), Treasury’s implementing regulations for Title VI of the Civil Rights Act of 1964 (*31 CFR Part 22*), and Federal grants regulations and policies (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, (Uniform Guidance)*); (2) approving and funding awards under the Direct Component and Centers of Excellence Research Grants Programs; (3) determining if requested award amendments and post-award approvals are appropriate and consistent with the applicable RESTORE Act Financial Assistance Standard Terms and Conditions and Program-specific Terms and Conditions, and applicable requirements of the RESTORE Act, Treasury’s implementing regulations at 31 CFR Part 34, the Uniform Guidance, and Treasury’s guidance; (4) conducting appropriate post-approval monitoring including monitoring compliance with Title VI of the Civil Rights Act as implemented by 31 CFR Part 22; (5) reporting on the effectiveness of the programs; and (6) ensuring recipients’ compliance with the BABAA requirements.

## **3. Consideration Given to Information Technology**

On October 1, 2022, Treasury’s Office of Gulf Coast Restoration (OGCR) transitioned from [GrantSolutions.gov](https://www.grantsolutions.gov) to the new RESTORE Grants Management System (RGMS) on a Salesforce

platform. RGMS allows eligible entities under the Direct Component and Centers of Excellence Research Grants Programs 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.

Beginning in May 2023, eligible entities under the Direct Component transitioned from using MAX.gov to using RGMS to submit their Multiyear Implementation Plans (Treasury-accepted MIPs are a prerequisite under the Direct Component program for eligible entities to receive grant funding for projects under the Direct Component program) and annual Operational Self-Assessments (OSAs are required annually from eligible entities under the Direct Component and Centers of Excellence Research Grants Programs prior to receiving grant funding) to Treasury.

Beginning in April 2023, eligible entities that need to request a waiver from the requirements of the Build America, Buy America Act (BABAA) are able to do so via RGMS.

The switch from GrantSolutions.gov and MAX.gov to RGMS has helped 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 Direct Component and Centers of Excellence Research Grants Programs;
- 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.

#### **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 the states, counties, and parishes named as eligible entities in the RESTORE Act and Treasury's implementing regulations at 31 CFR Part 34 for the Direct Component and Centers of Excellence Research Grants Programs. All efforts have been made to minimize burden on small entities therein.

#### **6. Consequences of Not Conducting Collection.**

If Treasury did not collect this information, it would not be able to fund awards under the Direct Component and Centers of Excellence Research Grants Programs, approve amendments to existing awards or other post-award actions to existing awards, conduct appropriate post-approval monitoring, or issue any waivers under BABAA. If Treasury OIGCR 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, Treasury published a notice soliciting comments on information collection in the *Federal Register* on June 3, 2023. See [88 FR 27591](#). Treasury received comments from one respondent prior to the July 3, 2023, deadline for public comment.

The respondent noted that “the proposed MIP [Multiyear Implementation Plan narrative] is much shorter and easier to understand” and that “the proposed reporting forms, Milestones and Status of Performance, are much clearer, reflect previous suggestions to Treasury and will provide better information on the successes.”

The respondent did, however, request that Treasury OGCR reconsider requiring entities to submit all meaningful comments received from the public as part of the Multiyear Implementation Plan development process. The respondent expressed its opinion that “the requirement to provide actual copies of meaningful public comments in lieu of summaries creates an extra paperwork burden while not adding any benefit to the performance of the agency, the public, or provide any practical utility. The respondent believes “the entity receiving comment on its MIP is uniquely qualified to determine what is a meaningful comment, as well as when to provide a summary for those comments identified as such..... It should be the discretion of the entity receiving the comments to determine if changes are necessary in response to comments. In its expertise, if an entity determines that a comment does not require changes to the document, then the entity should also determine whether an explanation of that decision should be provided based on whether it is in the public interest to do so.”

Treasury OGCR is gratified to hear that the respondent agrees with the majority of the proposed changes to these forms, and that the respondent agrees that most of these changes will reduce the paperwork burden.

Treasury OGCR respectfully disagrees that requiring the entity to submit copies of all meaningful public comments, and all responses to meaningful public comments, is an undue burden and that the costs (in personnel time) of doing so outweigh the benefits. Treasury’s implementing regulations at 31 CFR 34.303(b)(8) and 31 CFR 34.303(b)(9) require that “the plan was made available for public review and comment for a minimum of 45 days in a manner calculated to obtain broad-based participation from individuals, businesses, Indian tribes, and non-profit organizations” and “each activity in the plan was approved after consideration of

meaningful input from the public.” Treasury is unable to provide adequate oversight and monitoring the process for developing and approving Multiyear Implementation Plans if it does not have visibility into all meaningful public comments submitted. Under the prior information collection, which permitted the entity to interpret the term “meaningful” as it saw fit, most plans were submitted to Treasury with summaries of zero, one, or two meaningful public comments. Many of these summaries did not contain sufficient detail or were not clear enough to ascertain the nature of the comment and required Treasury to follow up and request a copy of the comment; requiring entities to provide summaries up front at the time of submission will reduce processing times.

Giving Treasury access to the full scope of meaningful public comments [now clarified as “all comments pertaining to the selection of each activity (projects and programs) or the approach to or design of any proposed activities (projects and program)]” will allow Treasury to verify that the plan is the result of “broad-based participation from individuals, businesses, Indian tribes, and non-profit organizations” and that “each activity in the plan was approved after consideration of meaningful input from the public.” Given that respondents have typically indicated that no more than two meaningful comments were submitted, uploading a copy of these comments and the response to these comments should result in an additional burden of no more than a few minutes.

A second comment, from a respondent also objecting to the requirement to provide all public comments, was received after the deadline. Treasury’s response to this comment is as noted above.

#### **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 eligible entities to complete 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 eligible entity under Direct Component and Centers of Excellence Research Grants Programs must complete the OSA annually prior to receiving grant funding.
Multiyear Implementation 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 Centers of Excellence Research Grants Program's 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 Research Grants Program 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 Research Grants Program Awards; reports submitted semi-annually.
Notice to Proceed with Construction Checklist	47	1	13	2	26	\$1,300	There were 13 Notices to Proceed with construction 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.
<b>Total Reporting</b>	48 <sup>1</sup>	10.646 <sup>2</sup>	511	1.677 <sup>3</sup>	857	\$41,788 <sup>4</sup>	

Recordkeeping	# Recordkeepers	Total Burden	Cost to Respondent (@ \$50 per hrs.)
Applications - Direct Component	47	4,700	\$235,000

<sup>1</sup> 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 Research Grants Program's funding, but 4 of these entities are eligible for both.

<sup>2</sup> 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 Implementation Plan and/or Notice to Proceed with Construction checklist. So, this totals to an expected value of roughly 10 collections per entity.

<sup>2</sup>

<sup>3</sup> 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.

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



Application - Centers of Excellence Research Grants Program	5				500	\$25,000
<b>BABAA waiver compliance</b>	47				282	\$14,100
<b>Total Recordkeeping</b>	52	1	52	100	5,482	\$274,100
<b>Total Burden</b>	<b>52</b>	<b>10.8086<sup>5</sup></b>	<b>563</b>	<b>11.259</b>	<b>6,339</b>	<b>\$315,888</b>

### **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 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.

These costs do not represent a change to the costs previously estimated under the prior information collection.

<b>Item</b>	<b>Annual Cost</b>	<b>Notes</b>
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%*

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

<b>TOTAL</b>	<b>\$ 1,846,697.97</b>	
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\*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.**

The total estimate burden is 6,339 hours, which represents no change since the prior emergency collection estimate approved on January 13, 2023. Treasury estimates that the slight reduction in burden related to the streamlining of the MIP narrative form and the removal of duplicative questions is offset by the slight increase in burden related to requiring entities to upload copies of public comments and their responses to the public comments. Therefore, there is no net effect of the total estimated paperwork burden.

**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 Implementation Plans on its RESTORE Act website. Treasury OGCR will also begin posting proposed BABAA waivers on its website, as well as the GSA-managed Made in America 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.