

containing 30% Citridiol® (Oil of Lemon Eucalyptus) against three species of ticks". On July 22, 2020, the HSRB will review a protocol from the Antimicrobial Exposure Assessment Task Force II titled "A Study for Measurement of Potential Dermal and Inhalation Exposure During Pressurized Hand-Wand Spraying of Antimicrobial Products". The agenda and meeting materials for this topic will be seven calendar days available in advance of the meeting at <https://www.epa.gov/osa/human-studies-review-board>.

On September 17, 2020, the HSRB will review and finalize their draft Final Report from the July 21 and 22, 2020 meeting. The agenda and the draft report will be available seven calendar days prior to the meeting at <https://www.epa.gov/osa/human-studies-review-board>.

*Meeting minutes and final reports.* Minutes of these meetings, summarizing the topics discussed and recommendations made by the HSRB, will be released within 90 calendar days of each meeting. These minutes will be available at <https://www.epa.gov/osa/human-studies-review-board>. In addition, information regarding the HSRB's Final Report, will be found at <https://www.epa.gov/osa/human-studies-review-board> or can be requested from Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**.

**Jennifer Orme-Zavaleta,**  
EPA Science Advisor.

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **OFFICE OF MANAGEMENT OF BUDGET**

### **DEPARTMENT OF THE TREASURY** **[FRL-10011-02-OW]**

#### **Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to the Further Consolidated Appropriations Act, 2020**

**AGENCY:** Environmental Protection Agency (EPA), Office of Management and Budget (OMB), and Department of the Treasury (Treasury).

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA), the Office of Management and Budget (OMB), and the Department of the Treasury (Treasury) are providing potential

applicants to the Water Infrastructure Finance and Innovation Act (WIFIA) Program with information about budgetary screening criteria that will be applied to projects in accordance with the Further Consolidated Appropriations Act, 2020.

**DATES:** The effective date of the contents of this notice is June 30, 2020.

**FOR FURTHER INFORMATION CONTACT:** For additional EPA information related to this notice, please contact Jordan Dorfman, Office of Water (mail code 4202M), Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564-0614; or email: [Dorfman.Jordan@epa.gov](mailto:Dorfman.Jordan@epa.gov) (preferred). For additional OMB information related to this notice, please contact Andrea Grossman, Environment Branch, Office of Management and Budget, 757 17th Street NW, Washington, DC 20006; telephone number: (202) 395-4756; or email: [AGrossman@omb.eop.gov](mailto:AGrossman@omb.eop.gov). For additional Treasury information related to this notice, please contact Colleen Mills, Office of Federal Program Finance, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone number: (202) 622-5447; or email: [Colleen.Mills@treasury.gov](mailto:Colleen.Mills@treasury.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Statutory Requirement**

The following criteria are published pursuant to the Water Infrastructure Finance and Innovation Program Account (WIFIA Program) heading in the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-94). Proviso 4 under the WIFIA Program heading requires the publication of criteria that "limit Federal participation in a project consistent with the requirements for the budgetary treatment provided for in section 504 of the Federal Credit Reform Act of 1990 [(FCRA; 2 U.S.C. 661c)] and based on the recommendations contained in the 1967 Report of the President's Commission on Budget Concepts [(1967 Report)]." Proviso 7 under the WIFIA Program heading requires "the use of direct loans or loan guarantee authority under [the WIFIA Program] heading for direct loans or commitments to guarantee loans for any project shall be in accordance with the criteria published pursuant to this Act."

##### **II. Background**

The Federal budget is presented on a cash basis. This is driven by many considerations, among which is a need to reflect the statutory requirement that the Federal Government records full

cost at the time an obligation is entered into, as required by 31 U.S.C. 1501, known as the recording statute. If an activity is determined to be Federal in nature, then, consistent with 31 U.S.C. 1501, Federal obligations are recorded in the budget at the full value of the activity. The question of whether or not to include a project or asset in the budget hinges on whether the project or asset in question is Federal or non-Federal in nature. When faced with a project or asset where this Federal designation is unclear, the 1967 Report recommends "a comprehensive budget, with very few exclusions" and states that "borderline agencies and transactions should be included in the budget unless there are exceptionally persuasive reasons for exclusion."<sup>1</sup> The 1967 Report notes the inherent difficulty in making a Federal or non-Federal determination in many cases and suggests a series of questions, which guide the criteria below, yet notes that "the answer to no one of these questions is conclusive" and decisions involve "a net weighing of as many relevant considerations as possible."<sup>2</sup>

The most significant statutory exception to the cash basis of the Federal budget is section 504 of FCRA, 2 U.S.C. 661c, which requires the budgetary treatment of direct loans and loan guarantees provided by the Government to a non-Federal borrower to be recorded using net present value. Regardless of the identity of the borrower, however, requiring that a Federal project or asset be recorded in the budget on a net present value basis would be inconsistent with 31 U.S.C. 1501, existing Government-wide guidance, and a cash budget. Therefore, to "limit Federal participation in a project consistent with the requirements for the budgetary treatment provided for in section 504 of [FCRA] and based on the recommendations contained in the [1967 Report]," as required by Proviso 4 under the WIFIA Program heading in Public Law 116-94, only non-Federal projects are eligible for WIFIA loans and loan guarantees.

##### **III. Federal Asset Screening Criteria and Process**

The following criteria are published pursuant to Proviso 4 under the WIFIA Program heading in Public Law 116-94 and apply only to loans and loan guarantees issued under the Water Infrastructure Finance and Innovation Act of 2014 (Public Law 113-121, title

<sup>1</sup> *The 1967 Report of the President's Commission on Budget Concepts*, pg. 25.

<sup>2</sup> *Id.*

V, subtitle C (33 U.S.C. Chapter 52)). The criteria and procedures identified in this notice do not apply to any Notices of Funding Availability (NOFA) published by the WIFIA Program prior to the publication of this notice. In order to comply with Proviso 7 under the WIFIA heading in Public Law 116–94, a proposed WIFIA-financed activity will be evaluated using the two initial screening questions and the sixteen criteria listed below as a guide. The criteria will be considered cumulatively and individually when evaluating project eligibility. In addition to the criteria listed below, the U.S.

Environmental Protection Agency (EPA) and the Office of Management and Budget (OMB) will consider any additional information that may bear on the Federal Government's current and future expected involvement in a WIFIA project. Finally, as required by the Proviso 10 of Public Law 116–94, none of the direct loans or loan guarantee authority made available under Public Law 116–94 shall be available for any project unless the Administrator and the Director of OMB have certified in advance in writing that the direct loan or loan guarantee, as applicable, and the project comply with the criteria developed and published pursuant to Public Law 116–94.

EPA will continue to implement existing elements of the WIFIA program consistent with prior practice, supplemented by the criteria and procedures provided in this notice. EPA will publish a NOFA that will include the Administrator's targeted priorities for each new round of WIFIA financing and will invite prospective borrowers to submit letters of interest to EPA. EPA will review those letters for statutory eligibility and, in coordination with OMB, apply the screening criteria and procedures provided in the NOFA and this notice to determine funding eligibility before formally inviting prospective applicants to apply for WIFIA funding.

Prospective projects will be evaluated by EPA based on the selection process articulated in each NOFA. EPA will then engage with OMB to review how the criteria in this notice were applied to the potential projects. EPA and OMB must reach preliminary agreement that each of the projects is non-Federal before EPA formally invites such projects to apply for WIFIA financing.

EPA will also inform OMB of any new information or changes to this preliminary assessment of the screening questions and criteria listed below for individual projects that are progressing through the full WIFIA evaluation process following receipt of complete

project financing applications, and will terminate the process if projects are determined not to comply with FCRA based on that new information.

EPA and OMB encourage prospective WIFIA Program borrowers to evaluate the screening questions and criteria in this notice and provide sufficient information in letters of interest and formal applications that address any federal asset questions or concerns, including the type of project seeking WIFIA funding under 33 U.S.C. 3907(b) and whether or not the loan will satisfy EPA's template term sheet and standard loan agreement provisions.

#### IV. Initial Federal Asset Screening Questions

A. Is the project, in whole or in part, a project currently authorized by Congress for the Army Corps of Engineers or Bureau of Reclamation to construct?<sup>3</sup>

B. Is the project, in whole or in part, a local cost share requirement for an Army Corps of Engineers or Bureau of Reclamation project?<sup>4</sup>

#### V. Federal Asset Screening Criteria

##### *Structure of the Project*

1. To what degree does the Federal Government comprise the WIFIA project's user base?

2. Does the project involve the use of the Federal Government's sovereign power (excluding, e.g., National Environmental Policy Act (NEPA) review)?

3. Does the WIFIA project require the construction or acquisition of an asset for the special purpose of or use by the Federal Government?

<sup>3</sup> A project authorized by an Act of Congress to be built by the Army Corps of Engineers or Bureau of Reclamation is ineligible for WIFIA financing. However, a project that may connect to, or be tangentially related to, such a project, may be eligible depending on the factual circumstances (e.g., a project to upgrade a water distribution system that is connected to an Army Corps of Engineers- or Bureau of Reclamation-constructed water source may be eligible for WIFIA financing in some circumstances). Furthermore, a project at a local municipal facility might not be deemed ineligible simply because it was originally built by the Army Corps of Engineers or Bureau of Reclamation. Such questions will need to be resolved on a case-by-case basis.

<sup>4</sup> WIFIA authorizes loans to support local cost-sharing requirements. See 33 U.S.C. 3908(b)(8) ("The proceeds of a secured loan under this section may be used to pay any non-Federal share of project costs required if the loan is repayable from non-Federal funds."). However, such a loan that would finance a project that is in whole, or in part, a project authorized by Congress for the Army Corps of Engineers or the Bureau of Reclamation to construct would not meet the Federal asset screening process. Project applicants are encouraged to review all applicable statutory requirements before seeking WIFIA financing.

4. To what degree does the Federal Government direct the contracting process for the WIFIA project?

5. Is there a specific authority provided to the WIFIA project by an Act of Congress without which the WIFIA project could not proceed?

6. What is the Federal Government's role in the governance of the project? In other words, what is the role of the Federal Government in selecting management or overseeing the project (including, but not limited to, approval of contract scope and step-in rights, or as a member of a board of directors), both during construction as well as in terms of operations and ongoing maintenance?

7. Is this project part of a larger Federally authorized project (not limited to but consistent with the initial screening criteria) and if so, does the project under consideration for a loan or loan guarantee constitute a useful segment—either a planning segment or a useful asset—as defined in the Capital Programming Guide (supplement to OMB Circular A–11)?

##### *Financing of the Project*

8. Does the Federal Government provide resources for the WIFIA Federal loan repayment?

9. Will the WIFIA project meet the nonsubordination requirement provided in 33 U.S.C. 3908(b)(6)?

10. Does the WIFIA project depend on the Federal Government making other in-kind contributions (land, real estate, right-of-way, etc.)?

11. Is non-Federal financing available for the project?

12. If the project is required to obtain an investment-grade rating opinion letter, per 33 U.S.C. 3901(4) and 3908(a)(3), to what extent does the rating opinion letter consider Federal support as a credit enhancement?

##### *Project Liabilities*

13. To what degree will the Federal Government bear funding liabilities associated with the WIFIA project not otherwise appropriated by Congress or captured in the loan subsidy?

14. Is the risk to the Federal Government low relative to the private sector for the financing of the WIFIA project?

15. To what degree does the Federal Government own or is the Federal Government contractually obligated to complete, maintain, or repair damage to the WIFIA project?

16. Is the Federal Government liable for unforeseen costs (e.g., environmental impacts, damage from natural disasters, or cost overruns) either before, during,

or after completion of the WIFIA project?

## VI. Certification

The Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94) requires that the Administrator of EPA, the Secretary of the Treasury, and the Director of OMB certify that criteria developed for project eligibility for direct loans and loan guarantees authorized by the Water Infrastructure Finance and Innovation Act of 2014 are compliant with the first paragraph found under the “Water Infrastructure Financing and Innovation Program Account” heading in the Further Consolidated Appropriations Act, 2020. The Administrator, the Secretary, and the Director certify that the criteria developed meet the aforementioned requirement.

**Andrew Wheeler,**

*Administrator, Environmental Protection Agency.*

**Russell Vought,**

*Acting Director, Office of Management and Budget.*

**Steven Mnuchin,**

*Secretary, Department of the Treasury.*

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information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

**DATES:** Written comments should be submitted on or before August 31, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:** The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

*OMB Control Number:* 3060–1243.

*Title:* Sections 1.9020(n), 1.9030(m), 1.9035(o), Community notification requirement for certain contraband interdiction systems; Section 20.18(r), Contraband Interdiction System (CIS) requirement; Section 20.23(a), good faith negotiations.

*Form Number:* N/A.

*Respondents:* Businesses or other for-profit entities and state, local or Tribal Governments.

*Type of Review:* Extension of a currently approved collection.

*Number of Respondents and Responses:* 26 respondents and 28 responses.

*Estimated Time per Response:* 8–16 hours.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* There is no obligation to respond; response required to obtain benefits. The statutory authority for this collection is contained in 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 307, 308, 309, 310, and 332.

*Total Annual Burden:* 325 hours.

*Total Annual Cost:* No cost.

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Privacy Act:* No impact(s).

*Needs and Uses:* On March 24, 2017, the Federal Communications Commission released a Report and Order, Promoting Technological Solutions to Combat Contraband Wireless Devices in Correctional Facilities, GN Docket No. 13–111, FCC 17–25 (Report and Order), in which the Commission took important steps to help law enforcement combat the serious threats posed by the illegal use of contraband wireless devices by inmates. Across the country, inmates have used contraband devices to order hits, run drug operations, operate phone scams, and otherwise engage in criminal activity that endangers prison employees, other inmates, and innocent members of the public. In the Report and Order, the Commission streamlined the process of deploying contraband wireless device interdiction systems—systems that use radio communications signals requiring Commission authorization—in correctional facilities. The action will reduce the cost of deploying solutions and ensure that they can be deployed more quickly and efficiently. In particular, the Commission waived certain filing requirements and provided for immediate approval of the spectrum lease applications needed to operate these systems.

The effectiveness of Contraband Interdiction System (CIS) deployment requires all carriers in the relevant area of the correctional facility to execute a spectrum lease with the CIS provider. Even if the major Commercial Mobile Radio Services (CMRS) licensees negotiate expeditiously and in good faith, if one CMRS licensee in the area fails to engage in lease negotiations in a reasonable time frame or at all, the CIS

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1243; FRS 16847]

### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of