

## Explanatory Statement

The Civil Division previously reported 300,000 annual respondents for the Claim for Damage, Injury, or Death information collection (the "SF 95," OMB control number 1105-0008). Since the Division estimates that it takes a respondent six hours to complete the form, the total annual burden for 300,000 respondents is 1,800,000 hours. After speaking with federal agencies that receive a large number of tort claims and due to events surrounding Hurricane Katrina, the Civil Division is increasing its expected number of annual respondents to 400,000 with a total burden of 2,400,000 hours.

This information collection is used to file a tort claim against the United States Government. A lawsuit against the United States Government may be brought under the Federal Tort Claims Act (the "FTCA") only if the claimant first seeks administrative relief from the proper federal agency. Use of the SF 95 Form facilitates this process because it identifies the information that is necessary to present a valid claim.

In previous years, the Civil Division reported an estimate of 300,000 annual respondents for the SF 95 Form. After speaking with several federal agencies that generate a substantial number of annual tort claims, the Civil Division estimates that in an average year there will only be approximately 100,000 respondents.

However, the unusual events surrounding Hurricane Katrina will cause an increase in the number of tort claims over the next year. On August 29, 2005, Hurricane Katrina made landfall causing several breaches in the levees around New Orleans, Louisiana. Most of the city of New Orleans was flooded. Hurricane Katrina was the costliest and one of the deadliest hurricanes in the history of our nation. Hundreds of thousands of people were displaced from their homes, and thousands of schools, hospitals, and other businesses were damaged or destroyed. The Louisiana Recovery Authority estimates the economic losses, as well as property and infrastructure damages, to exceed \$60 billion. In total, more than 600,000 people were displaced, 275,000 homes were destroyed, and 1,071 people died. (See "Overview of the Comparative Damage from Hurricane Katrina & Rita," Louisiana Recovery Authority. Available electronically at [www.lra.louisiana.gov/reports.html](http://www.lra.louisiana.gov/reports.html).)

Many FTCA claims will be brought against the United States Government. To bring a claim against the Government, a claimant must first file a written claim with the appropriate federal agency within two years of the event. Therefore, all claims must be filed on or around August 29, 2007.

To date, the Army Corps of Engineers has received some 24,000 claims. In total, more than 600,000 people were impacted by the flooding associated with Hurricane Katrina, and thus claims involving more than 600,000 people could be filed. The Civil Division estimates that 300,000 SF 95 Forms will be submitted in FY 2007 due to Hurricane Katrina. (While more than 600,000 people were affected, it is possible that families will jointly file one claim against the United States Government resulting in only 300,000 completed SF 95 Forms.)

The combination of 100,000 normal respondents and the one-time 300,000 Katrina-related respondents will cause the FY 2007 estimate for the number of completed SF 95 Forms to be 400,000. At six hours per response, the total annual burden will be 2,400,000 hours.