

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 - 0082

Title: Application for Community Disaster Loan Cancellation

Form Number(s): FF 90-5

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information. Provide a detailed description of the nature and source of the information to be collected.

The Community Disaster Loan (CDL) Program is authorized by section 417 of the Disaster Relief Act of 1974 (Pub. L. 93-288), as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988 (Pub. L. 100-707), and implemented by FEMA regulation 44 CFR, subpart K. Community Disaster Loans, section 206.366. The CDL Program offers loans to local governments that have suffered a substantial loss of tax or other revenues as a result of a major disaster or emergency and demonstrates a need for Federal financial assistance in order to perform their governmental functions. The loan must be justified on the basis of need and be based on the actual and projected expenses, as a result of the disaster, for the fiscal year in which the disaster occurred and the three succeeding fiscal years.

The Community Disaster Loan Act of 2005 (Public Law 109-88) (2005 Act) authorized the Federal Emergency Management Agency (FEMA) to transfer \$750 million from the funds appropriated in the Second Emergency Supplemental Appropriations Act To Meet Immediate Needs Arising From The Consequences Of Hurricane Katrina, 2005, (Public Law 109-62), to provide up to \$1 billion in loan authority to assist communities impacted by Hurricanes Katrina and Rita. Loans issued under the 2005 Act are referred to as Special Community Disaster Loans. For these Special Community Disaster Loans, the 2005 Act added three elements to the traditional program under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5184: (1) It removed the \$5 million limit on individual loans; (2) the loans are restricted “to assist local governments in providing essential services;” and (3) the loan cancellation provision of section 417(c)(1) of the Stafford Act was inapplicable.

FEMA published an interim rule at 70 FR 60443 on October 18, 2005 to implement the provisions of the 2005 Act in 44 CFR 206.370 through 206.377. The interim rule took effect immediately in order to allow FEMA to provide these loans as soon as possible to the local governments already impacted by Hurricanes Rita and Katrina, as Congress anticipated in the speedy passage of the 2005 Act. Although effective immediately, interested parties were invited to participate in this rule making by submitting data, views, or arguments on all aspects of the rule.

Subsequent to the publication of the interim rule, Congress passed the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, (Public Law 109-234) (2006 Act), which authorized an additional \$371,733,000 in loans authorized under the 2005 Act. However, certain eligibility criteria for the 2006 Act program were different from those in the 2005 Act program. The 2006 Act included three changes: 1) the maximum loan amount was increased to 50 percent of the applicant’s operating budget the fiscal year of the disaster, 2) the loan analysis could only consider “tax revenue” loss and not “other revenues” as allowed for in the 2005 Act and 3) applicants were required to demonstrate actual loss in tax revenues of 25 percent or greater. The 2006 Act, like the 2005 Act, made the loan cancellation provision of section 417(c)(1) of the Stafford Act inapplicable.

Signed into law on May 25, 2007, the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, (Public Law 110-28) (2007 Act) removed the loan cancellation prohibitions contained in the 2005 and 2006 Acts. Specifically, the 2007 Act amended section 2(a) of the 2005 Act by striking the words “Provided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:”. This amendment retroactively applies to the date of enactment of the 2005 Act. The 2007 Act also amended chapter 4 of title II of the 2006 Act under FEMA, “Disaster Assistance Direct Loan Program Account” by striking the words “Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:”. This amendment retroactively applies to the date of enactment of the 2006 Act. This statutory change now gives FEMA discretionary authority, limited by the language in section 417(c)(1) of the Stafford Act, to cancel Special Community Disaster Loans issued pursuant to either the 2005 or 2006 Acts.

FEMA is implementing the cancellation provisions outlined in the 2007 Act as applied to loans issued under the 2005 and 2006 Acts. Accordingly, FEMA intends to apply the cancellation procedures already existing under the traditional Community Disaster Loan program as outlined in 44 CFR 206.360 through 206.367. It is intended that applicants seeking cancellation of a Special Community Disaster Loan will use the Application for Loan Cancellation FEMA Form 90-5.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

With the passage of the 2007 Act (as stated above in response to Question 1), FEMA has been given the discretionary ability to cancel Special Community Disaster Loans issued under the 2005 and 2006 Acts. Accordingly, changes to the regulatory text of the proposed rule (RIN 1660-AA44, Special Community Disaster Loans). In this proposed rule, FEMA effectively incorporates the cancellation requirements of the traditional Community Disaster Loans Program into the Special Community Disaster Loans Program. FEMA will utilize this information from FEMA Form 90-5 to determine if the Special Community Disaster Loan qualifies for cancellation. FEMA will also be receiving FEMA Form 90-5 applications for regular Community Disaster Loan cancellation and will utilize the information received to make determinations as to the appropriateness of such.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The information is submitted via mail so that an original signature is received and this cannot be sent electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information collection covers both the traditional Community Disaster Loan Program and the Special Community Disaster Loan Program alleviating the possibility of duplication. This information is not collected anywhere else.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

This information collection does not have an impact on small businesses or other small entities.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

Failure to conduct this information collection will result in the inability of local applicants to apply for the cancellation of a Community Disaster Loan or Special Community Disaster Loan.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

This information collection is conducted in a manner consistent with the guidelines in 5CFR 1320.5(d) (2).

(a) Requiring respondents to report information to the agency more often than quarterly.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

(b) Requiring respondents to submit more than an original and two copies of any document.

(c) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

(d) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

The Notice of Proposed Rule Making, RIN 1660-AA44, Special Community Disaster Loans, published on April 3, 2009, 74 FR 15228, contained the 60 day Federal register Notice for this collection.

b. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

No consultations were conducted as information required for this program is already publicly available.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Respondents can provide feedback regarding the form or process and the program office will consider all information received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

10. Describe any assurance of confidentiality provided to respondents. Present the basis for the assurance in statute, regulation, or agency policy.

There are no assurances of confidentiality provided to the respondents for this information collection.

11. Provide additional justification for any question of a sensitive nature (such as sexual behavior and attitudes, religious beliefs and other matters that are commonly considered private). This justification should include the reasons why the agency

considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

FEMA Form 90-5 has an estimated hour burden per response of one hour, and this is based upon the program’s experience in approving and maintaining loans that have been provided and the information that is requested on the form. There are 109 municipalities that have received the loans with 47 municipalities receiving two loans. The total average burden per response for FEMA Form is 1 hour. Each of the 156 loans will require form 90-5 for cancellation, so the total number of respondents is 156 and the total annual burden hours will also be 156.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

This collection only covers one FEMA Form 90-5.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost to the respondents of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

Table A.12: Estimated Annualized Burden Hours and Costs							
Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, local and Tribal Government	Application for Loan Cancellation	1	1	1	1	\$ 31.91	\$31.91

	/ FEMA Form 90-5 (under 44 CFR 206.366 as currently approved by OMB)						
State, local and Tribal Government	Application for Loan Cancellation / FEMA Form 90-5 (under 44 CFR 206.376 the change associated with this rule)	152	1	1	152	\$31.91	\$4,850.32
Total		153			153		\$4,882.23

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for Emergency Management Specialists in Business and Financial Operations (Local Government) is estimated to be \$31.91 (fully loaded with 1.4 multiplier) per hour, therefore, the estimated burden hour cost to respondents Emergency Management Specialists in Business and Financial Operations (State Government) is estimated to \$4,882.23 annually.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

There is no start-up, operational, or maintenance cost to respondents in this collection. **The cost estimates should be split into two components:**

a. Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred.

b. Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

Annual Cost Burden to Respondents or Record-keepers

Data Collection Activity/Instrument	*Annual Capital Start-Up Cost (investments in overhead, equipment and other one-time expenditures)	*Annual Operations and Maintenance Cost (such as recordkeeping, technical/professional services, ect.)	Annual Non-Labor Cost (expenditures on training, travel and other resources)	Total Annual Cost to Respondents
	0	0	0	0
Total				

14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Annual Cost to the Federal Government

Item	Cost (\$)
Contract Costs Contractor reviewing all forms received, providing analysis of information for determinations.	48,637.00
Staff Salaries [1 of GS 13 employees spending approximately 7% of time annually reviewing this data collection]	6,240.00
Facilities [cost for renting, overhead, etc. for data collection activity]	0
Computer Hardware and Software [cost of equipment annual lifecycle]	0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	0
Travel	0
Printing [number of data collection instruments annually]	0
Postage [annual number of data collection instruments x postage]	0
Other	0
Total	\$54,877.00

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

"Program increase" is an additional burden resulting from an federal government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.

A "Program decrease", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

"Adjustment" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Itemized Changes in Annual Burden Hours						
Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Application for Loan Cancellation / FEMA Form 90-5 SCDL)	0	+152	+152			

Total(s)		+152	+152			

Explain: There is a program change resulting in the addition of +152 burden hours for FEMA Form 90-5, SCDL is due to the addition of this component to the collection as the result of a new rule for the cancellation of the Special Community Disaster Loans.

Itemized Changes in Annual Cost Burden						
Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Application for Loan Cancellation / FEMA Form 90-5 SCDL	0	+\$4,850.32	+\$4,850.32			
Total(s)	0	+\$4,850.32	+\$4,850.32			

Explain: There is a program increase resulting in the addition of the +\$4,850.32 in annual burden costs for FEMA Form 90-5, SCDL is due to the addition of this component to the collection as the result of a new rule for the cancellation of the Special Community Disaster Loans.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

There are no outline plans for tabulation and publication of data for this information collection.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

This collection does not seek approval to not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

This collection does not seek exception to “Certification for Paperwork Reduction Act Submissions”.

B. Collections of Information Employing Statistical Methods.

When Item 17 on the Form OMB 83-I is checked “Yes”, the following documentation should be included in the Supporting Statement to the extent it applies to the methods proposed:

THERE IS NO STATISTICAL METHODOLOGY INVOLVED IN THIS COLLECTION