

Supporting Statement for Paperwork Reduction Act Submission
OMB Control Number 3245-0121
Governor's Request for Disaster Declaration

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.*

Small Business Administration (SBA) disaster assistance is made available following the issuance of a disaster declaration by the President or SBA. There are five types of declarations; two issued by the President, and three issued by SBA.

a. Presidential declarations.

- (1) The President can declare a major disaster or an emergency, and authorize disaster assistance for individuals and households. 15 U.S.C. 636(b) (2) (A), and 13 C.F.R. 123.3(a) (1).
- (2) The President can also declare a major disaster limited to public assistance only. 13 C.F.R. 123.3(a) (2).

b. Declarations by the Administrator of SBA.

- (1) Physical disaster declaration in response to numerous requests from Governors for such declarations as a result of damages (to buildings, machinery, equipment, homes, and other property), which are of a lesser magnitude than for Presidential declarations. The Governor of the affected State (which for this purpose, includes the District of Columbia and the U.S. territories and possessions) must provide a formal written request that the SBA declare a disaster area and include details regarding the disaster such as number or percentage of damaged homes or businesses, date(s), type of disaster, location, etc. 13 C.F.R. 123.3(a) (3).
- (2) Declaration of economic injury upon designation of a natural disaster by the Secretary of Agriculture affecting crop and/or livestock. 13 C.F.R. 123.3(4).
- (3) Declaration of economic injury upon certification by a Governor that at least five small business concerns in a given disaster areas have suffered substantial economic injury as a result of the disaster. The certification must be signed by the Governor, specify the county or counties, or other political subdivisions in which the disaster occurred, and must be delivered (with supporting documentation) to the SBA within 120 days of the disaster occurrence. 13 C.F.R. 123.3(5).

This information collection only concerns physical disaster declarations under b (1) and declarations regarding economic injury as described in b (3). Requests to the Administrator of SBA are made for disaster assistance, but not all requests are approved; some are declined if the criteria have not been met. The information must still be collected in order to make a decision.

The authority for these declarations is contained in Section 7(b) of the Small Business Act (as amended) and in Section 123.3 of the Code of Federal Regulations; copies of these provisions are attached.

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.*

Information provided by the Governor of the State affected by the disaster is evaluated by SBA's Office of Disaster Assistance (ODA) staff and is used in conjunction with ODA-conducted damage surveys of the affected area to determine whether the published damage criteria have been met and if disaster loan assistance should be made available as requested by the Governor.

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 the burden*

The information that must be provided in the request is outlined in SBA's disaster regulations, which are available from the Agency's website. There is no prescribed form for submission; however, currently all Governors' requests for declarations are submitted through facsimile and mail.

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.*

There is no duplication of effort. ODA relies on information which State governments already collect for other purposes such as determining the applicability of State laws to disaster situations.

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 burden.*

No small businesses or other small entities are directly affected by this information collection. If SBA determines that a disaster declaration should be made, based on the information provided by the State Government, there would be an indirect impact on businesses that are eligible to apply for assistance.

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

This information collection is only required when a declaration is requested. SBA disaster regulations require States to submit the information; however, the frequency with which the information is submitted is in part controlled by the requesting Governors and not SBA. If SBA reduces or does not collect the limited amount of information that is currently required, the Agency would not be able to make accurate evaluations of need for assistance.

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

None of these special circumstances are applicable to this information collection. This collection is generally a one-time only collection per disaster occurrence. The deadline for submission of information for SBA physical declarations is 60 days from the date the disaster occurred. The deadline for submission of information for Economic Injury declarations (Governor's Certifications) is within 120 days from the date the disaster occurred.

Respondents are not required to respond within 30 days, however, information should be reported to ODA relatively quickly after it is gathered by the affected state. ODA cannot provide assistance to disaster affected areas until information regarding damage is received for evaluation. Ultimately, the sooner the ODA receives the information needed, the more quickly disaster assistance is made available, and, consequently, the more quickly disaster victims can begin to recover from the disaster.

8. *If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received. Describe efforts to consult with persons outside the agency to obtain their views*

A public comment notice was published in the Federal Register, Volume 76, Number 174, Page 55720-55722 dated September 8, 2011 (copy attached). The comment period closed on November 7, 2011, and no comments were received. ODA maintains continuing liaison with the State governmental departments that are charged with collecting and forwarding

this information, particularly when the Governor's office has a request for a declaration under consideration. No major problems with this information collection have been encountered.

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

No payments or gifts are provided to respondents.

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

No confidential information is requested or provided.

11. *Provide additional justification for any questions 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, specific uses to be made of the information, explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

No questions of a sensitive nature are asked.

12. *Provide estimates of the hour burden of the collection of information, well as the hour cost burden. Indicate the number of respondents, frequency of response, annual hour and cost burden, and an explanation of how the burden was estimated.*

The respondents are the State governments that submit requests for disaster declarations. The following are the respondents per fiscal year for the last 3 complete fiscal years (FY2011 final data is not yet available):

<u>FY</u>	<u>Respondents</u>
2008	27 States
2009	26 States
2010	30 States

Total of requests over the past 3 FYs = 83 divided by 3 = **28 respondents per year on average.**

There are no incremental costs to the respondents because they already collect this information to determine the applicability of State laws to the particular disaster situation. Every State has its own laws and provisions for declarations of emergency, State departments of emergency services or similar governmental units. Periodic discussions with members of various State governments indicate that an average of 20 hours is spent by their employees to gather the information needed. However, it should be noted that the methods

of collection and the time spent in collecting this information is solely under the control of the States.

The number of responses is based on an average of the SBA declarations and declines for the 3 most recent fiscal years (FY 08, 09 & 10). SBA-approved disaster declarations (Physical Injury and Economic Injury) as well as SBA declines of declarations were calculated. Each submission for a disaster declaration request is considered one response.

<u>FY</u>	<u>SBA Declarations (Physical/EIDL)</u>	<u>Economic Injury (7b2D)</u>	<u>Declines</u>	<u>Total</u>
08	55	7	1	63
09	40	15	0	55
10	51	15	3	69

Total request for declarations over the past 3 FYs = 187 divided by 3 = **62 responses per year on average**. Since each of these responses requires an average of 20 hours to collect and compile the information, **the total estimated annual burden is (62 x 20 =1,240) 1,240 hours**.

13. *Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. Do not include hour cost burden from above.*

There is no additional burden imposed on the state to collect this information because State governments already do so for other State purposes, including disaster related decision making.

14. *Provide estimates of annualized costs to the Federal Government. Also provide a description of the method used to estimate cost, including a quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.*

The cost to the Federal Government for this information collection is associated with preparing disaster declarations, i.e., reviewing information, preparing recommendations for declaration/decline, and obtaining approval. GS-13 personnel are involved in the Agency processing. The cost is estimated as follows:

Based on direct observation, total processing time per response is 1 hour.

62 responses x \$39.21 (GS 13, Step 1) per hour	=	\$2,431
Overhead cost of 20%	=	\$486
Total estimated annual cost to the Federal Government = \$2,917		

15. *Explain reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.*

There is a negligible increase in the estimated burden hours (40 hours total) as compared to the last submission which is based on the historical activity for the last 3 fiscal years. More requests for declarations (1 additional request) were made during this 3-year period (2008, 2009 and 2010) than the prior 3-year period. There is no change in the estimated time it takes to gather the information. The Government cost increase slightly (\$237) as a result of the hourly wage increasing as compared to the last reporting period.

16. *For collection of information whose results will be published, outline plans for tabulation and publication. Address complex analytical techniques. Provide time schedules for the entire project.*

From time to time aggregated data may be published as part of reports to Congress and OMB on disaster assistance. No other publication is anticipated.

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

No specific form or collection instrument is used by any state for requesting assistance; consequently, display is not practicable.

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

There are no exceptions.

- B. Collections of Information Employing Statistical Methods.

N/A