August 1, 2013

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660-0080

Title: Application for Surplus Federal Real Property Public Benefit Conveyance and BRAC Program for Emergency Management Use

Form Number(s): FEMA Form 119-0-1

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.

Excess Federal real property is defined as property that is no longer mission critical to the needs of the Federal government. The conveyance and disposal of *excess* real property is governed by the Federal Property and Administrative Services Act of 1949 (Property Act) as amended, 40 U.S.C. 541, et.seq, and applicable regulations (40 U.S.C. § 553 and 41 CFR Parts 102-75.750 through 102-75.815). Under the sponsorship of Federal Emergency Management Agency (FEMA) the Act gives the Administrator of the General Services Administration (GSA) authority to convey Federal real and related surplus property (without monetary consideration) to units of State and local government for emergency management response purposes, including fire rescue services.

The scope and philosophy of GSA's real property policies are contained in 41 CFR Part 102-71.

§ 102-75.350 of the CFR Regulations states that based on a highest and best use analysis, disposal agencies may make surplus real property available to State and local governments and certain non-profit institutions or organizations at up to 100 percent discount for public benefit purposes. Some examples of such purposes are education, health, parks and recreation, the homeless, historic monuments, public airports, highways, correctional facilities, ports, and wildlife conservation, and emergency management.

§ 102-75.760 of the CFR Regulations stipulates that: FEMA must send notices of availability to the appropriate State and local public agencies. The notices must state that FEMA must coordinate and approve any planning involved in developing a comprehensive and coordinated plan of use and procurement for the property for emergency management response use. The notice must also state that public agencies may obtain application forms and preparation instructions from FEMA.

According to § 102-75.780 of the CFR Regulations, FEMA must notify the disposal agency within 30 calendar days after the date of the surplus notice, if there is an eligible applicant interested in acquiring the property. After that 30–calendar day period expires, FEMA then, has another 30 days to review and approve an appropriate program and notify the disposal agency of the need for the property. If no application is approved, then FEMA must notify the disposal agency that there is no requirement for the property within the 30–calendar day period allotted for review and approval.

In addition, CFR Regulations § 102-75.785 provides that any determination that FEMA submits to the disposal agency must provide complete information concerning the emergency management response use, including—
(a) Identification of the property;
(b) Certification that the property is required for emergency management response use;
(c) A copy of the approved application that defines the proposed plan of use; and
(d) The environmental impact of the proposed emergency management response use.

According to § 102-75.810 of the CFR Regulations, when information is presented that indicates a change in the use of the property has occurred, the recipient must provide information regarding the change in use so that a determination of continued appropriateness of use can be made.

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.

FEMA Form 119-0-1 – The information obtained on the forms will be used to determine eligibility and need. Moreover, the information will certify a unit's financial capability to improve, restore, and/or maintain the properties. Use of the Surplus Federal Real Property Application for Public Benefit Conveyances is necessary to implement the processes and procedures for the successful, lawful, and expeditious conveyance of real property from the Federal Government to public entities such as state, local, county, city, town, or other like government bodies, as it relates to Emergency Management Response and Fire and Rescue use. Utilization of this application will ensure that properties will be fully positioned for use at their highest and best potentials as required by Federal Law, Executive Orders (E.O.), and the Code of Federal Regulations (CFRs).

The information will be used by General Services Administration (GSA) (disposal agency), FEMA (sponsoring agency), and Department of Defense (DOD) and Office of Economic Adjustment (OEA) (BRAC properties) to fulfill their obligations under the law to fully utilize designated surplus properties for emergency management purposes.

In accomplishing these tasks, the collection of the appropriate data from the applicants cited above is essential. Such data will be used to answer the following questions used in the review process. Did the applicant –

1) Provide a completed copy of the FEMA 119-0-1 application form with appropriate signatures, titles, and date?
2) Send a complete copy of the PBC (Public Benefit Conveyance)/BRAC announcement including the announcement number and date of the announcement?
3) Forward the completed application within 30 days of the announcement notice?
4) Identify the property including address, city, state, (town or county) and zip code?
5) Provide substantiation that they have the financial means to complete the project and the financial means to maintain the property?
6) Certify that the property is required for emergency management use?
7) Clearly define their proposed plan of use?
8) Note that the property WILL be used and maintained in its entirety (100%) for emergency management response purposes in perpetuity?
9) Attest that the environmental impact of the identified use will be none to minimal?
10) Provide all contact information including e-mail address?

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.

FEMA sends by mail notification to states of surplus properties that are located in that state. The notices also contain FEMA contact information to respondents to address question pertaining to surplus properties. Once determined that states are interested in properties, States are provided with FEMA Form 119-0-1 via an e-mail attachment which is completed and returned via attachment to an e-mail to PBC-BRAC-Coordinator@fema.dhs.gov. This form can be retrieved from FEMA.gov.

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 is not collected in any form, and therefore is not duplicated elsewhere.

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.

There is no additional impact or burden to 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.

If this information is not collected, the potential life preserving benefits are not realized and properties left to languish in an unattended and unmaintained state would also lose value and the Federal government incurs the burden. Also, FEMA would lose an opportunity to assist States in their preparedness efforts. Properties approved for use for emergency management purposes fulfill an essential need that could have life-threatening implications and devastating consequences if they are not made available for fire and rescues use (for example) to the citizens of those respective local government entities.

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

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

There is no requirement requiring reporting 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.

There is no requirement to prepare a response in less than 30 days.

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

There is no requirement to submit more than an original and two copies of any document.

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

Respondents will be required to maintain records regarding the use, status, and condition of the properties in order to substantiate compliance for as long as they retain possession/ownership of the properties for the designated purpose.

(e) 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.

There is no statistical survey for this collection.

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

There is no use of statistical data classification.

(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.

There is no pledge of confidentiality that is not supported by authority.

(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.

There is no requirement to submit proprietary trade secrets or other confidential information.

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.

A 60-day Federal Register Notice inviting public comments was published on April 10, 2013, 78 FR 21385. No comments were received. See attached copy of the published notice included in this package.

A 30-day Federal Register Notice inviting public comments was published on July 1, 2013, 78 FR 39302. No comments were received. See attached copy of the published notice included in this package.

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.

FEMA continuously consults with GSA to be better able to efficiently convey property to qualified applicants. GSA is the government's manager of property and an expert in the field of property acquisition, conveyance, sale, etc. Their expertise has provided FEMA with the most efficient method to provide instructions to applicants, to obtain the required information and how to properly act upon the information provided.

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 have, via e-mail, telephone calls and occasionally via fax, provided feedback on the requirements for FEMA Form 119-0-1. Based on their responses, the form is being enhanced to require additional information so that more informed decisions may be made.

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.

A Privacy Threshold Analysis (PTA) was completed by FEMA and adjudicated by the DHS Privacy Office on June 17, 2013. The Privacy Impact Assessment (PIA) is covered under the Department of Homeland Security General Contact Lists, DHS/All/PIA-006, approved by DHS on June 15, 2007 and the existing System of Records Notice (SORN), is DHS/All-F002 Department of Homeland Security Mailing and Other Lists System of Records, 73 FR 71659 approved by DHS on November 25, 2008.

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 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 for each collection instrument (separately list each instrument and describe information as requested). 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.

It is estimated that 50 respondents will complete FEMA Form 119-0-1 once annually and that it will take average of 4 hours to complete the form. The total annual hour burden is 50 respondents responding once x 4 hours per response = 200 hours.

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.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. NOTE: The wage-rate category for each respondent must be multiplied by 1.4 and this total should be entered in the cell for "Avg. Hourly Wage Rate". 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.

Estimated Annualized Burden Hours and Costs								
Type of Respondent	**Form Name / Form Number**	**No. of Respon -dents**	**No. of Respon -ses per Respon -dent**	**Total No. of Responses**	**Avg. Burden per Response (in hours)**	**Total Annual Burde n (in hours)**	**Avg. Hourly Wage Rate**	**Total Annual Respondent Cost**
State, Local, or Tribal Government	Application for Surplus Federal Real Property Public Benefit Conveyance and BRAC Program for Emergency Management Use / FEMA Form 119-0-1	50	1	50	4 hrs.	200	$65.30	$13,060
Total		**50**		**50**		**200**		**$13,060**

- Note: The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (www.bls.gov) the wage rate category for (Local Government Management Analyst) is estimated to be ($46.64) per hour including the wage rate multiplier ($65.30), therefore, the estimated burden hour cost to respondents (Management Analyst) is estimated to be $16,010 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.)

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.

There are no record keeping, capital, start-up or maintenance costs associated with this information collection.

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 **[Describe]**	
Staff Salaries* **[1 of GS 12, step 1 employee spending approximately 2% of time annually for all applications received to review and to perform associated research on each application for this data collection] [($74,872 x .02) x 1.4 = $2,096.42]**	$2,096.42
Facilities **[cost for renting, overhead, etc. for data collection activity]**	
Computer Hardware and Software **[cost of equipment annual lifecycle]**	
Equipment Maintenance **[cost of annual maintenance/service agreements for equipment]**	
Travel	
Printing **[number of data collection instruments annually]**	
Postage **25 documents x .46 per mailed item [25 x .46 = $11.50]**	$11.50
Other	
Total	**$2,108.00**

* Note: The "Salary Rate" includes a 1.4 multiplier to reflect a fully-loaded wage rate.

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.

A ***"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 Surplus Federal Real Property Public Benefit Conveyance and BRAC Program for Emergency Management Use / FEMA Form 119-0-1				200	200	0
Annual Status Report / No Form				50	0	-50
Total(s)				**250**	**200**	**-50**

Explain:

The Annual Status Report is no longer in use and has been removed from this collection. Therefore, the annual burden hours has decreased. There have been no changes to the information being collected or burden changes to FEMA 119-0-1.

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 Surplus Federal Real Property Public Benefit Conveyance and BRAC Program for Emergency Management Use / FEMA Form 119-0-1				$11,162	$0	-$11,162
Annual Status Report / No Form				$2,791	$0	-$2,791
Total(s)				**$13,953**	**$0**	**-$13,953**

Explain:

There is no change in the cost from the last submission; however the way cost is reported in this table is now changed as it comes from question 13 which has values of zero. Therefore negative costs are now reflected to account for a change in how cost was previously recorded.

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.

FEMA does not intend to employ the use of statistics or the publication thereof 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.

FEMA will display the expiration date for OMB approval of this information collection.

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

FEMA does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.