





Homeland Security

November 9, 2017

MEMORANDUM FOR: The Honorable Neomi Rao
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Stephen Rice  11/13/17
Deputy Chief Information Officer
U.S. Department of Homeland Security (DHS)

FROM: Tracey L. Showman 
Chief Administrative Officer
Mission Support
DHS Federal Emergency Management Agency

SUBJECT: Emergency Approval for OMB Collection 1660-0083 Application for
Community Disaster Loan (CDL) Program for U.S. Virgin Islands

The Federal Emergency Management Agency (FEMA) seeks emergency approval for the revision of OMB Collection 1660-0083, Application for Community Disaster Loan (CDL) Program, for the U.S. Virgin Islands. As discussed below, it is vital this collection be revised and implemented by **November 9, 2017**. In accordance with the Paperwork Reduction Act (PRA) and the Office of Management and Budget's (OMB) implementing regulations at 5 C.F.R. § 1320.13: (1) this information is essential to the mission of the agency, (2) this information is necessary prior to the expiration of time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) an unanticipated event has occurred.

1. Information is Essential to the Mission of the Agency

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) (the Stafford Act), as amended, is the legal basis for FEMA to provide CDLs to local governments in the event of a federally-declared disaster. Regulations in 44 C.F.R. Part 206, Subpart K, §§ 206.360-.377, "Community Disaster Loans," implement the policy and procedures set forth in Section 417 of the Stafford Act, 42 U.S.C. § 5184, as amended. The Assistant Administrator of the Recovery Directorate may make a CDL to any local government which has suffered a substantial loss of tax or other

revenues as a result of a major disaster or emergency, and which demonstrates a need for Federal financial assistance in order to perform its governmental functions.

The President signed the Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2017, Pub. L. No. 115-72, which provided \$4,900,000,000 to be appropriated from the Disaster Relief Fund (DRF) to the Disaster Assistance Direct Loan Program (DADLP), for the specific purposes of CDLs as authorized under section 417 of the Stafford Act. The CDLs are issued for purposes of assisting local governments in providing essential services as a result of Hurricanes Harvey, Irma, or Maria. Congress specifically authorized a territory or possession, and instrumentalities and local governments of the territory or possession, to be eligible applicants, which includes the U.S. Virgin Islands. In addition, the law specifies the basis of the loans to the territory or possession of the U.S., which FEMA can provide multiple loans, and that such loans may exceed the traditional \$5 million cap. Finally, the law requires FEMA to consult with the Secretary of the Treasury to determine the CDL's terms and conditions, eligible uses, and timing and amount of Federal disbursements of CDLs issued to the U.S. Virgin Islands, its instrumentalities, and local governments thereof.

OMB Collection 1660-0083, Application for Community Disaster Loan (CDL) Program, for the U.S. Virgin Islands, covers forms that are used to collect pertinent information to complete a CDL application package after the territory suffered substantial loss of tax and other revenues as a result of Hurricanes Irma and Maria.

The approval of this information collection is essential to the mission of FEMA because FEMA cannot provide CDLs to the U.S. Virgin Islands, or its instrumentalities, without approval of this information collection. Specifically, the forms that a CDL applicant uses to provide information are necessary for FEMA to determine whether the applicant is eligible for CDL assistance. In addition, President Trump signed two major disaster declarations for the U.S. Virgin Islands on September 7, 2017 for Hurricane Irma (DR-4335) and September 20, 2017 for Hurricane Maria (DR-4340). The Emergency Approval for these CDL forms will be necessary to implement the CDL program for these two major disasters.

2. The Information is Needed Prior to Expiration of Time Periods Established Under the PRA

Based on the two major disasters and the requirements placed on FEMA through the Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2017, along with the CDL regulations, FEMA cannot comply with the regular 30 and 60 day notice requirement established under the PRA due to provide urgent financial assistance to the U.S. Virgin Islands.

3. Public Harm is Reasonably Likely to Result if Normal Clearance Procedures are Followed

Public harm is reasonably likely to result if normal clearance procedures are followed because it may lead to delays in the U.S. Virgin Islands' ability to obtain funding to pay its government bills, hire staff and vendors to supply goods and services, and perform essential governmental functions. The territory needs to complete these CDL application forms immediately in order to obtain loan approval.

4. An Unanticipated Event has Occurred

Hurricane Irma was the second Category 5 hurricane to affect the U.S. Virgin Islands since 1928, followed only two weeks later by Hurricane Maria, another Category 5 hurricane. Irma was the most intense Atlantic hurricane to strike the U.S. since Katrina in 2005. Irma's effect in the U.S. Virgin Islands was most profound on Saint John and Saint Thomas, where at least 12 inches of rain fell. Saint Thomas Island suffered widespread structural damage, including to its police station and airport. Patients from the third and fourth floors of Charlotte Amalie's hospital had to be relocated to lower floors due to flooding from roof leaks.

Hurricane Maria further devastated the U.S. Virgin Islands. Maria achieved its peak intensity over the eastern Caribbean with maximum sustained winds of 175 mph, making it the tenth-most intense Atlantic hurricane on record. Maria's outer eyewall was reported by the National Hurricane Center to have crossed Saint Croix while the hurricane was at Category 5 intensity. The hurricane caused extensive and severe damage to the island. Sustained winds at the Sandy Point National Wildlife Refuge reached 99 mph to 104 mph and gusted to 137 mph. As a result, President Trump signed two major disaster declarations for the U.S. Virgin Islands. Without this emergency approval, FEMA will not be able to collect information from the U.S. Virgin Islands or its instrumentalities who are impacted by the unanticipated category 5 hurricanes.

FEMA is requesting an emergency approval of this request so that it can accept CDL applications for the U.S. Virgin Islands and its instrumentalities. Delay in approval of this information collection will disrupt FEMA's ability to comply with other provisions of the law and its overall mission.

5. Conclusion

Following the normal clearance procedures for approval of the revision for this information collection would delay FEMA's ability to comply with the requirements of the law. As discussed, FEMA certifies that the requirements of 5 CFR 1320.13(a) are met and it is vital this issuance be implemented by **November 9, 2017**, because: (1) this information is essential to the mission of the agency, (2) this information is necessary prior to the expiration of time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) an unanticipated event has occurred.

Thank you for your consideration.