

January 14, 2021

## Supporting Statement for Paperwork Reduction Act Submissions

**OMB Control Number: 1660 - 0017**

**Title: Public Assistance Program**

**Form Number(s): FEMA Forms:** 009-0-49, 009-0-91, 009-0-91A, 009-0-91B, 009-0-91C, 009-0-91D, 009-0-111, 009-0-120, 009-0-121, 009-0-123, 009-0-124, 009-0-125, 009-0-126, 009-0-127, 009-0-128, 009-0-141

### 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 information collected is required for the Public Assistance (PA) Program eligibility determinations, grants management, and compliance with other Federal laws and regulations. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act), authorizes grants to assist State, Tribal, and local governments and certain Private Non-Profit entities with the response to and recovery from disasters following Presidentially declared major disasters and emergencies. 44 CFR Part 206 specifies the information collections necessary to facilitate the provision of assistance under the PA Program.

44 CFR 206.202 describes the general application procedures for the PA Program. Section 206.202(c) requires the Recipient to submit a FEMA Form 009-0-49 for each applicant who requests PA. 44 CFR 206.202(d)(i) requires the applicant to submit a Project Worksheet (FEMA Form 009-0-91, 009-0-91A, 009-0-91B, 009-0-91C, and 009-0-91D) for each project. The Project Worksheet must identify the eligible scope of work and must include a quantitative estimate for the eligible work. As a supplement to the Project Worksheet, FEMA also requires FF 009-0-120, Special Considerations Questions form and a FEMA Form 009-0-128 Applicant's Benefits Calculation Worksheet.

44 CFR 206.203(d) describes funding options for improved and alternate projects. For an improved project, if a subrecipient desires to make improvements but restore the pre-disaster function of a damaged facility, the Recipient's approval must be obtained. In any case where a subrecipient determines that the public welfare would not be best served by restoring a damaged public facility or the function of that facility, the Recipient may request that the Regional Administrator approve an alternate project. Prior to the start of construction of any alternate project, 44 CFR 206.203(d)(2)(iv) require a Recipient to submit to FEMA, (on a Project Worksheet) a description of the proposed alternate project, a schedule of work, and the projected cost of the project. 44 CFR 206.203(d)(2)(v) also request a Recipient to provide the necessary assurances to document compliance with special requirements, including but not limited to floodplain management, environmental assessment, hazard mitigation, protection of wetlands, and insurance.

44 CFR 206.207 requires States to develop a State Administrative plan to administer the PA Program. The submission of the State Administrative Plan is required as a condition of receiving PA funding. FEMA must approve a State Administrative Plan before awarding any project grant assistance to a community or State applicant. The State must submit a revised plan annually. FEMA will request States to amend its plan to meet current policy guidance in each disaster for which PA is included.

44 CFR 206.204(c) allows the Recipient to approve time extensions for the completion of projects for an additional 6 months for debris clearance and emergency work and an additional 30 months for permanent work. 44 CFR 206.204(d) allow Recipients to submit to FEMA time extensions beyond extensions available under section 206.204(c). 44 CFR 206.204(d)(2) require Recipients to get the Regional Administrator's approval in writing.

44 CFR 206.204(e) allows the subrecipient to evaluate cost overruns for large projects and, when justified, submit a request for additional funding through the Recipient to the Regional Administrator for a final determination. All requests for the Regional Administrator's approval must contain sufficient documentation to support the eligibility of all claimed work and costs. The Recipient must include a written recommendation when forwarding the request to the Regional Administrator. The Regional Administrator will notify the Recipient in writing of the final determination.

44 CFR 206.204(f) requires progress reports to be submitted by the Recipient to the Regional Administrator on a quarterly basis. The Regional Administrator and Recipient negotiate the date for submission of the first report. Progress reports describe the status of those projects on which a final payment of the Federal share has not been made to the Recipient, and outline any problems or circumstances expected to result in noncompliance with the approved grant conditions.

Once FEMA has made a determination on an application or project, the applicant may appeal that determination. If an applicant seeks appeal, 44 CFR 206.206 requires an applicant to submit a request for appeal, and the Recipient to submit a recommendation regarding the applicant's request. Projects over \$500,000.00 resulting from Hurricanes Katrina or Rita (DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607), applicants may seek arbitration in lieu of an appeal. Arbitration is authorized by section 601 of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) and 44 CFR 206.209. To seek arbitration, applicants must submit a request for arbitration which may be accompanied by a recommendation from the Recipient.

On October 5, 2018, the President signed into law the Disaster Recovery Reform Act of 2018<sup>1</sup> (DRRA). Section 1219 of DRRA, which amended Section 423(d) of the Stafford Act (42 U.S.C. 5189a), provides a right of arbitration to certain applicants of the PA Program that have a dispute concerning the eligibility for assistance or repayment of assistance.

To request arbitration pursuant to the newly amended 42 U.S.C. 5189a, a PA applicant (1) must have a dispute arising from a disaster declared after January 1, 2016, (2) must be disputing an amount that exceeds \$500,000 (or \$100,000 for an applicant in a "rural area" with a population of less than 200,000 and outside of an urbanized area), and (3) must have submitted a first appeal pursuant to the requirements established under 44 CFR 206.206. Such applicants that receive a negative first appeal decision then have the option of submitting either a request for a second appeal or a request for arbitration. In addition, an applicant that has had a first appeal pending with FEMA for more than 180 calendar days may withdraw such appeal and submit a request for arbitration.

**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.**

The information collected is utilized by FEMA to make determinations for PA grants based on the information supplied by the respondents. The following listing provides the

<sup>1</sup> Disaster Recovery Reform Act of 2018, Public Law 115-254, 132 Stat. 3186 (Oct. 5, 2018), 42 U.S.C. 5189a.

instances of information sharing and how the individual collection instruments provide necessary information for PA considerations.

**FF-009-0-49 Request for Public Assistance** – The *Request* asks for general information from the Recipient (State and territories) that identifies the applicant (State agency, local government, or eligible private non-profit organization) and starts the grant process. The Request identifies the primary and alternate point of contact for the Applicant. The Recipient is responsible for managing the PA grant and upholding the responsibilities identified in the FEMA/State, Tribe, or Territory Agreement. Once the Applicants' Request for Public Assistance is approved, FEMA supports Recipients and Applicants through the application and award process.

**FF 009-0-91 Project Worksheet (PW)** – Form used to document the scope of work and cost estimate for a project. FEMA, or the subrecipient, assisted by the Recipient as appropriate, will prepare a *PW* for each project, including alternate and improved projects. Federal funds are obligated to the Recipient based on the approved *PW*. *Request for time extension beyond the Recipient's authority* is when an applicant requests a time extension beyond the limit of the Recipient's authority. The Recipient must submit a follow up written request to the FEMA Regional Administrator for approval. The request should include identification of the project by PW number, the dates and provisions of any previous extensions granted for the particular project, a detailed justification of the need for the extension, and a projected completion date. The FEMA Regional Administrator will make a determination as to whether some or all the requested extension should be granted and will inform the Recipient in writing.

**FF 009-0-91A Project Worksheet (PW) - Damage Description and Scope of Work Continuation Sheet** –The damage description includes a description of the pre-disaster facility; cause of the damage; and dimensions and description of the damage. The scope of work is developed on the *PW* describing in detail the work necessary to repair the damage or replace the facility. The Project Worksheet - Damage Description and Scope of Work Continuation Sheet provides additional space for this purpose.

**FF 009-0-91B Project Worksheet (PW) - Cost Estimate Continuation Sheet** - The Project Cost is developed on the *PW* estimating the cost for repair of the damages described in the scope of work in the *PW*. The Project Worksheet - Cost Estimate Continuation Sheet provides additional space to estimate the cost to restore the facility to its pre-disaster condition. *Requests for additional funding for cost overruns* are requested for large projects, when a need for additional funding is discovered, the applicant may request additional funding through the Recipient to the FEMA Regional Administrator. The follow up written request for additional funding should contain sufficient documentation to support the eligibility of the additional work and costs. The Recipient forwards the request to FEMA, via email or letter, with a written recommendation.

FEMA renders a decision and notifies the Recipient in writing, either with an amended PW for additional funding or a written denial of the request.

**FF 009-0-91C Project Worksheet (PW) - Maps and Sketches Sheet** - The Project Worksheet – Maps and Sketches Sheet identifies the damaged facility location, illustrates disaster-related damages, completed work, and proposed repairs. If a project is combined of multiple sites, and possibly a combination of emergency and permanent work, detailed maps and sketches may be necessary to identify each location.

**FF 009-0-91D Project Worksheet (PW)- Photo Sheet** - The Project Worksheet – Photo Sheet illustrates and describes general project site conditions, disaster related damages, site irregularities, conditions relating to damaged elements, facility identification (e.g., front gate or building signs), and completed work, or to demonstrate the presence of an immediate threat.

**FF 009-0-120 Special Considerations Questions** - The Special Considerations Questions record factors that could affect the scope of work and funding for a project. These include insurance; hazard mitigation; and environmental/historic preservation compliance with Federal laws, regulations, and Executive Orders, such as those that address the environment, floodplains, wetlands, historic preservation, endangered species, and environmental justice. The subrecipient should provide FEMA with supporting documentation.

**FF 009-0-121 PNP Facility Questionnaire** – The PNP Facility Questionnaire is used by FEMA and the Recipient to help determine a private nonprofit (PNP) applicant’s eligibility.

**FF 009-0-123 Force Account Labor Summary Record** –The Force Account Labor Summary Record may be used to record costs associated with conducting eligible work by an applicant’s own employees.

**FF 009-0-124 Materials Summary Record** –The Materials Summary Record may be used to record the costs associated with supplies and materials that were purchased or taken from an applicant’s stock and used during the performance of eligible work.

**FF 009-0-125 Rented Equipment Summary Record** - The Rented Equipment Summary Record may be used to record the costs of rented or leased equipment.

**FF 009-0-126 Contract Work Summary Record** – The Contract Work Summary Record may be used to record the costs or work that an applicant has done by contract.

**FF 009-0-127 Force Account Equipment Summary Record** – The Force Account Equipment Summary Record may be used to record applicant equipment costs.

**FF 009-0-128 Applicant's Benefits Calculation Worksheet** The Applicant's Benefits Calculation Worksheet may be used to record the percentage of the actual wages that pays for employee benefits, known as fringe benefits.

**FF 009-0-141 FAC-TRAX System** – This system can be used in place of FF-009-0-49 Request for Public Assistance and FF 009-0-91A Project Worksheet (PW) - Damage Description and Scope of Work Continuation Sheet. FAC-TRAX collects the same data in a web app format and will allow Applicants additional flexibility not provided by standard forms.

**State Administrative Plan**– Each State/territory must submit a revised plan annually to FEMA. The plan must designate the State agency or agencies which will have responsibility for program administration. The plan must also identify staffing functions, the sources of staff to fill these functions, and the management and oversight responsibilities of each. The plan should describe the procedures to notify potential applicants of the availability of the program; conduct applicants briefings; assist FEMA in determining applicant eligibility; participate in the damage assessment and project application process; process appeals; participate with FEMA in the establishment of hazard mitigation and insurance requirements; comply with administrative requirements in 2 CFR parts 200 and 3002 and 44 CFR Part 206 and the audit requirements; process advances of funds and reimbursement; and determine staffing and budget requirements.

**FEMA Form 009-0-111, Quarterly Progress Reports** describes the status of ongoing projects on which a final payment of the Federal share has not been made to the Recipient. The FEMA Form 009-0-111 instructs the Recipient to input the following data into an accompanying Excel Spreadsheet with corresponding tabbed columns: Total amount paid by the Recipient for work accomplished in *PW*, Federal funds drawn down by Recipient on per project basis, date of last drawdown of Federal funds, amount disbursed to the subrecipient by the Recipient, final payment made if applicable and status as to whether it is ready for closeout, latest approved period of performance and project completion status including any time extensions, whether time extension has been granted, description of status of project with % estimate, date of project completed if applicable.

**Appeal**– After receiving a determination from FEMA, the applicant may file a first appeal with the State, for eventual submission to FEMA. The request must indicate that the applicant wishes to appeal the determination made by FEMA, and must contain documented justification supporting the applicant's position, specify the monetary figure in dispute and the provisions of Federal law, regulation, or policy with which the applicant believes the initial determination was inconsistent. Once the State receives the applicant's request for appeal, the recipient reviews it and prepares a recommendation for the FEMA Regional Administrator. The letter from the recipient includes a written

recommendation on the merits of the applicant's appeal. The recipient also forwards to FEMA the applicant's letter to Request for First Appeal. If the applicant is dissatisfied with the result of the first appeal, it may seek a second appeal. To do so, the applicant again files a request through the recipient which explains the request and provides any documentation that the applicant feels is necessary to support its contention that FEMA's determination was incorrect. Once the State receives the applicant's request for second appeal, the recipient forwards it to FEMA and may also add its letter recommendation on the merits of the applicant's appeal.

**Arbitration**– For determinations made after February 17, 2009 regarding projects over \$500,000.00 resulting from Hurricanes Katrina or Rita (DR-1603, DR-1604, DR-1605, DR-1606, and DR-1607), as an alternative to the appeal process, applicants may request arbitration of the disputed determination. To do so, the applicant must submit a Request for Arbitration in the form of a letter submitted to the Recipient, the arbitration administrator and FEMA. The Request for Arbitration must contain a written statement and all documentation supporting the position of the applicant, as well as the name and address of the applicant's authorized representative or counsel. For determinations made before February 17, 2009, which have become final agency actions, arbitration is not an option.

Section 1219 DRRA provides applicants an additional choice in FEMA's appeals and arbitration process: applicants must choose either submitting a second appeal or submitting a request for arbitration. Or, an applicant may select arbitration if the Regional Administrator has received a first appeal, but has not rendered a decision within 180 calendar days of receipt. There is no change to the number of response, as applicants can only chose one option. As of November 7, 2019, FEMA received 11 requests for arbitrations under section 1219 of DRRA.

**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 PA Division developed the Emergency Management Mission Integrated Environment (EMMIE) a web-based application used for the PA grant process <https://portal.fema.gov/famsVuWeb/home>. EMMIE is the system of record used for all disasters declared prior to September 2017. EMMIE enables PA applicants to apply for Federal disaster grant assistance via the Internet however Applicants can also provide the same information on the FEMA forms which can be input into EMMIE by a FEMA employee.

The PA Division has also developed the FEMA Applicant Case Tracker (FAC-TRAX), a customer relationship management tool designed to assist Applicants with the completion and submission of the Request for Public Assistance and grant processing. This System complements the functionality provided by EMMIE and provides greatly enhanced situational awareness of the grant development process for Recipients and Applicants. Although FEMA uses both FAC-TRAX and EMMIE to manage grant applications, Applicants requesting assistance for disasters declared after September 2017 use only FAC-TRAX. Applicants have the option of using the forms and either uploading the forms to FAC-TRAX or providing them to their Program Delivery Manager to input into the system.

**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.**

“Small entity” is defined in 5 U.S.C. 601. The term “small entity” can have the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” Section 601(3) defines a “small business” as having the same meaning as “small business concern” under Section 3 of the Small Business Act (SBA). This includes any small business concern that is independently owned and operated and is not dominant in its field of operation. Section 601(4) defines a “small organization” as any not-for-profit enterprise which is independently owned and operated and is not dominant in their field of operation. Section 601(5) defines “small governmental jurisdiction” as governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.

The SBA also stipulates in its size standards of how large an entity may be and still be classified as a “small entity.” These small business size standards are matched to industries described in the North American Industry Classification System to determine if an entity is considered small.

Section 1219 of DRRRA does not place any requirements on small entities. It does however, offer them an alternative means to dispute FEMA’s determination for PA eligibility. If the entity chooses to dispute a PA determination, and they select arbitration rather than a second appeal, they would be responsible for their share of the cost of the arbitration process.

All small entities would have to meet the requirements to be eligible for arbitration. FEMA identified 3,778 applicants for FEMA’s PA Program that would be eligible for arbitration under the requirements for the time frame from 2009 through 2017. FEMA



used Slovin's formula and a 90 percent confidence interval to determine the sample size.<sup>2</sup> FEMA sampled 97 of these applicants and found that 73 (75 percent) met the definition of a small entity. The sample was comprised of 70 small government agencies and three PNP organizations.

**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.**

FEMA has statutory responsibility to administer Federal disaster assistance response, including coordination with State and local governments and the accurate estimation of the amount and extent of damage in affected areas. Failure to collect all necessary information would prevent FEMA from providing funds for recovery from disasters.

The Progress Report, Request for Assistance, and Project Worksheet provide the Regional Administrator with the necessary information to help eliminate causes of delays or to grant extensions of time as required, identify the applicant and start the grant process, and obligate Federal funds to the State based on Project Worksheets. The subrecipient's (local government or eligible private nonprofit organization) failure to submit the Progress Report, Request for Public Assistance or Project Worksheets could jeopardize its eligibility for grant assistance. If this information were collected less frequently, Recipients could not obtain initial or final payment of the Federal cost share of a project.

The State Administrative Plan is necessary to ensure that a State/territory is ready to administer PA when disaster strikes. Without a Plan in place, FEMA would not be able to work with the State/territory in the administration of the PA Program.

Applicants who seek a reevaluation of a FEMA determination on their project or eligibility would be unable to do so should FEMA not collect requests for appeal or arbitration. FEMA's failure to offer an appeal or arbitration would violate section 423 of the Stafford Act and section 601 of the American Recovery and Reinvestment Act of 2009.

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

The special circumstances contained in item 7(a),(c),(d), (e),(f),(g) and (h) of the supporting statement are not applicable to this information collection.

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

<sup>2</sup> Slovin's formula is  $n = N/(1+N*e^2)$ .

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

FEMA requires States/territories to report information more than quarterly when unexpected events or disasters require a State Administrative Plan to be submitted for each disaster, for which PA is included, if such occur within a 3-month period of each other.

**Request for Arbitration resulting from Hurricanes Katrina or Rita** require that Recipient must submit its written recommendation in support or opposition of the applicant's request for arbitration, if desired, within 15 calendar days of receipt of the applicant's request for arbitration. In selecting 15 calendar days, FEMA is implementing the intent of the American Recovery and Reinvestment Act of 2009. The Act specifically requires the arbitration process to "expedite" recovery efforts from Hurricanes Katrina and Rita. A 15-calendar day time limit is intended to expedite the resolution of the applicant's or subrecipient's dispute. However, this 15-day period should allow sufficient time for the Recipient to review the request and prepare a recommendation without delaying the arbitration process.

**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.**

A 60-day Federal Register Notice inviting public comments was published on [\[11/14/2019, 84 FR 61922\]](#). One **comment was;**

Due to the August 30, 2017 publication of the “Removal of Dispute Resolution Pilot Program for Public Assistance Appeals” Final Rule, FEMA is removing FEMA Form 055-0-0-1 “Request for Arbitration and Recommendation resulting from Dispute Resolution Pilot Program” from 1660-0017. (83 FR 44238) The Final Rule, 1660-AA94, did not provide notice and comment for information collection 1660-0017; since, the statutory authority for the DRPP sunset on December 31, 2015, FEMA no longer had the authority to use FEMA Form 055-0-0-1..

A 30-day Federal Register Notice inviting public comments was published on [01/28/2020, 85 FR 5004](#). **No comments were received.**

**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.**

State, Tribal, and local officials gather annually to discuss grant process as well as the PA Program. Topics covered include the streamlining of the PA grant process as well as the related issues and program requirements. FEMA considers the comments of individual stakeholders and appropriate changes are implemented.

**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.**

A FEMA/State PA Conference is held annually. State and local officials are invited to attend and share their individual views on the above collection of information. Also, each FEMA Region conducts regular State Partnerships meetings to discuss the PA Program with States local continuants.

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

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.

A Privacy Impact Assessment (PIA), DHS/FEMA/PIA-013-Grant Management Programs was approved for this collection on February 19, 2015. A System of Records Notice (SORN), DHS/FEMA-009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs Systems of Records, 79 FR 16015 was approved for this collection on March 24, 2014.

On October 31, 2019, DHS approved a Privacy Threshold Analysis (PTA) for this ICR. The Privacy Impact Assessment (PIA) coverage is provided by DHS/FEMA/PIA-013-Grant Management Programs approved for this collection on February 19, 2015 and DHS/FEMA/PIA-025 Hazard Mitigation Grant Program (June 2012). A System of Records Notice (SORN) coverage is provided by DHS/FEMA-009 Hazard Mitigation, Disaster Public Assistance, and Disaster Loan Programs System of Records, 79 FR 16015 was approved for this collection March 24, 2014.

**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 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.**

This collection of information requires the submittal of information from Recipients/State who is the grant administrator for all funds provided under the PA Grant Program. The applicant's authorized local representative is responsible for representing the applicant and for ensuring that the applicants have identified all eligible work and submitted all cost for disaster related damages for funding. FEMA has estimated that approximately 56 States and territories will review, consider and then submit a various number of projects that they have received from subrecipients for funding, therefore the number of responses may vary.

**FEMA Form 009-0-111, Quarterly Progress Reports** - During the event of a disaster FEMA has required that State submit Quarterly Progress Reports. These reports describe the status of disaster related projects. It is estimated that 56 States x 4 reports annually = 224 total responses. Each report is estimated to take 100 hours. The burden hours per response are estimated to be 224 reports x 100 hours = 22,400 total annual burden hours.

**FEMA Form 009-0-49, Request for Public Assistance** - FEMA has estimated that 56 Recipients will complete **FEMA Form 009-0-49**. There will be approximately 129 responses from locals/applicants for a total of 7,224. Each form is estimated to take .25 hours to complete. It is estimated that .25 hours x 7,224 responses = 1,806 total annual burden hours.

**FEMA Form 009-0-91, Project Worksheet** - FEMA has estimated that approximately 56 Recipients (States and territories) will receive **FEMA Form 009-0-91**. There will be approximately 840 project worksheets during disaster from applicants for a total 47,040 responses. The burden hours are estimated to be 47,040 responses x 1.5 hours per response = 70,560 hours. Request for Time Extension can be annotated on the original Project Worksheet or Quarterly Progress Report.

**Form 009-0-91A, Project Worksheet (PW) continuation sheet** -- FEMA has estimated that approximately 56 Recipients (States and territories) will submit approximately 784 project worksheet continuation sheets during disaster from applicants for a total 43,904 responses. The burden hours are estimated to be 43,904 responses x 1.5 hours per response = 65,856 hours

**FEMA Form 009-0-91B, Project Worksheet (PW)** FEMA has estimated that approximately 56 Recipients (States and territories) will submit approximately 784 project worksheet cost estimates continuations during disaster from applicants for a total

43,904 responses. The burden hours are estimated to be 43,904 responses x 1.3333 hours per response = 58,537 hours. A *request for additional funding for Cost Overruns* for large projects can be requested on the same form.

**FEMA Form 009-0-91C, Project Worksheet (PW) Maps and sketches sheet** - FEMA has estimated that approximately 56 Recipients (States and territories) will receive **FEMA Form 009-0-91C**. There will be approximately 728 project worksheet maps and sketches sheets during disaster from applicants for a total 40,768 responses. The burden hours are estimated to be 40,768 responses x 1.5 hours per response = 61,152 hours

FEMA has estimated that approximately 56 Recipients (States and territories) will receive **FEMA Form 009-0-91D**. There will be approximately 728 project worksheet photo sheets during disaster from applicants for a total 40,768 responses. The burden hours are estimated to be 40,768 responses x 1.5 hours per response = 61,152 hours

FEMA has estimated that approximately 56 Recipients (States and territories) will submit **FEMA Form 009-0-120**. There will be approximately 840 responses from States and territories for special consideration questions, used for factors that could affect the scope of work and funding for a project during a disaster, from locals/applicants. It is estimated there will be a total of 47,040 responses. The total annual burden is estimated to be 47,040 responses x .5 hours per response = 23,520 hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit **FEMA Form 009-0-128**. There will be approximately 784 responses from States and territories for applicant's benefits calculation worksheets during a disaster from locals/applicants, for a total of 43,904 responses. The total annual burden is estimated to be 43,904 responses x .5 hours per response = 21,952 hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit optional **FEMA Form 009-0-121**. There will be approximately 94 responses for a total of 5,264. Each form is estimated to take .5 hours to complete. The total annual burden is estimated to be 5,264 responses x .5 hours per response = 2,632 burden hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit the optional **FEMA Form 009-0-123**. There will be approximately 94 responses for a total of 5,264. Each form is estimated to take .5 hours to complete. The total annual burden is estimated to be 5,264 responses x .5 hours per response = 2,632 burden hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit the optional **FEMA Form 009-0-124**. There will be approximately 94 responses for a total of 5,264. Each form is estimated to take .25 hours to complete. The total annual burden is estimated to be 5,264 responses x .25 hours per response = 1,316 burden hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit the optional **FEMA Form 009-0-125**. There will be approximately 94 responses for a total of 5,264. Each form is estimated to take .5 hours to complete. The total annual burden is estimated to be 5,264 responses x .5 hours per response = 2,632 burden hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit the optional **FEMA Form 009-0-126**. There will be approximately 94 responses for a total of 5,264. Each form is estimated to take .5 hours to complete. The total annual burden is estimated to be 5,264 responses x .5 hours per response = 2,632 burden hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit the optional **FEMA Form 009-0-127**. There will be approximately 94 responses for a total of 5,264. Each form is estimated to take .25 hours to complete. The total annual burden is estimated to be 5,264 responses x 15 minutes per response = 1,316 burden hours.

FEMA has estimated that approximately 56 Recipients (States and territories) will submit a **State Administrative Plan**. There will be approximately 1 response for a total of 56 States. Each plan is estimated to take 8 hours to complete. This includes **State Plan Amendments**. The total annual burden is estimated to be 56 responses x 8 hour per response = 448 burden hours.

**Request for Appeals or Arbitrations-** FEMA has estimated that 56 States will submit 9 appeals after receiving a determination from FEMA (7 first appeals and 2 second appeals). Therefore, FEMA has estimated it will receive 504 requests from States, on the behalf of applicants concerning applications for PA. FEMA estimated it will take approximately 2 hours to prepare a letter for appeal. This estimate assumes that most of the information necessary for preparing the appeal request is found in the existing project worksheet. The resulting hour burden is estimated to be 56 States x 9 appeals x 2 hours = 1008 burden hours.

States, serving as recipients, will also provide a recommendation per each applicant request. FEMA estimates it will take approximately 1 hour to prepare a recommendation. The resulting hour burden is estimated to be 56 States x 9 appeals x 1 hour – 504 hours. The total annual burden is estimated to be 56 States x 9 appeals x 3 hours = 1,512 burden hours.

Applicants must choose either submitting a second appeal or submitting a request for arbitration. Or, an applicant may select arbitration if the Regional Administrator has received a first appeal, but has not rendered a decision within 180 calendar days of receipt. There is no change to the number of responses, as applicants may only choose one option.

**Request for Arbitration resulting from Hurricanes Katrina or Rita** (DR1603, DR-1604, DR-1605, DR-1606, and DR-1607). FEMA has estimated that 4 States will ask for Arbitration without appeals for projects over \$500,000.00 in alternative to appeals. It is estimated that FEMA will receive 5 responses per State. FEMA assumes that a similar effort is necessary to draft an arbitration request as a request for appeal, specifically 2 hours to submit a written statement/request with supporting documentation. Therefore; the resulting hour burden is estimated to be 4 States x 5 responses x 2 hours – 40 burden hours. States, serving as recipients, will also provide a recommendation per each applicant request. FEMA estimates it will take approximately 1 hour to prepare a recommendation. The resulting hour burden is estimated to be 4 States x 5 appeals x 1 hour = 20 hours. The total annual burden is estimated be 4 States x 5 responses x 3 hours = 60 burden hours.

**FEMA Form 009-0-141 FAC-TRAX System.** FEMA estimates that 56 States will submit 129 Requests for Public Assistance (FEMA Form 009-0-49) using the system for an annual total of 7,224 responses. Additionally, FEMA estimates that Applicants will submit 784 Disaster Damage Descriptions and Scope of Work (FEMA Form 009-0-91A) responses. In total, 913 submissions will take place, for a total annual burden of 51,128 responses. The estimated time to complete these is 1.25 hours per submission for a total annual burden of 63,910 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 1.46 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 No.	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, Local or Tribal Governmen	FEMA Form 009-0-49, Request for PA /	56	129	7224	0.25	1,806	\$63.52	\$114,717



Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form No.	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, Local or Tribal Government	FEMA Form 009-0-91, Project Worksheet (PW) and a Request for Time Extension	56	840	47040	1.5	70,560	\$63.52	\$4,481,971
State, Local or Tribal Government	FEMA Form 009-0-91A Project Work Sheet (PW) Damage Description and Scope of Work	56	784	43904	1.5	65,856	\$63.52	\$4,183,173
State, Local or Tribal Government	FEMA Form 009-0-91B, Project Worksheet (PW) Cost Estimate Continuation Sheet and Request for additional funding for Cost Overruns	56	784	43904	1.3333	58,537	\$63.52	\$3,718,283
State, Local or Tribal Government	FEMA Form 009-0-91C Project Worksheet (PW) Maps and Sketches Sheet	56	728	40768	1.5	61,152	\$63.52	\$3,884,375
State, Local or Tribal Government	FEMA Form 009-0-91D Project Worksheet (PW) Photo Sheet	56	728	40768	1.5	61,152	\$63.52	\$3,884,375
State, Local or Tribal Government	FEMA Form 009-0-120, Special Considerations Questions /	56	840	47040	0.5	23,520	\$63.52	\$1,493,990
State, Local or Tribal Government	FEMA Form 009-0-128, Applicant's Benefits Calculation Worksheet /	56	784	43904	0.5	21,952	\$63.52	\$1,394,391
State, Local or Tribal Government	FEMA Form 009-0-121, PNP Facility	56	94	5264	0.5	2,632	\$63.52	\$167,185

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form No.	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
t	Questionnaire							
State, Local or Tribal Government	FEMA Form 009-0-123, Force Account Labor Summary Record	56	94	5264	0.5	2,632	\$63.52	\$167,185
State, Local or Tribal Government	FEMA Form 009-0-124, Materials Summary Record /	56	94	5264	0.25	1,316	\$63.52	\$83,592
State, Local or Tribal Government	FEMA Form 009-0-125, Rented Equipment Summary Record	56	94	5264	0.5	2,632	\$63.52	\$167,185
State, Local or Tribal Government	FEMA Form 009-0-126, Contract Work Summary Record /	56	94	5264	0.5	2,632	\$63.52	\$167,185
State, Local or Tribal Government	FEMA Form 009-0-127, Force Account Equipment Summary Record /	56	94	5264	0.25	1,316	\$63.52	\$83,592
State, Local or Tribal Government	State Administrative Plan and State Plan Amendments/ No Form	56	1	56	8	448	\$63.52	\$28,457
State, Local or Tribal Government	FEMA Form 009-0-111, Quarterly Progress Report	56	4	224	100	22,400	\$63.52	\$1,422,848
State, Local or Tribal Government	Request for Appeals or Arbitrations & Recommendation /No Forms	56	9	504	3	1,512	\$63.52	\$96,042
State, Local or Tribal Government	Request for Arbitration & Recommendation resulting from Hurricanes Katrina or Rita/ No Form	4	5	20	3	60	\$63.52	\$3,811

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form No.	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, Local or Tribal Government	FEMA Form 009-0-141, FAC-TRAX System	56	913	51128	1.25	63,910	\$63.52	\$4,059,563
<b>Total</b>		1,012		398,068		466,025		29,601,921

**Instruction for Wage-rate category multiplier: Take each non-loaded “Avg. Hourly Wage Rate” from the BLS website table and multiply that number by 1.6<sup>3</sup>. For example, a non-loaded BLS table wage rate of \$42.51 would be multiplied by 1.6, and the entry for the “Avg. Hourly Wage Rate” would be \$68.13.**

According to the U.S. Department of Labor, Bureau of Labor Statistics<sup>4</sup>, the May 2018 Occupational Employment and Wage Estimates wage rate for Emergency Management Directors (Standard Occupational Classification 11-9161) is \$39.70. Including the wage rate multiplier of 1.6, the fully-loaded wage rate is estimated at \$63.52 per hour. Therefore, the estimated annual burden hour cost is estimated to be \$29,601,921 (\$63.52 x 466,025 hours).

**13. Provide an estimate of the total annual cost burden to respondents or record keepers 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 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.**

<sup>3</sup> Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1. “Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local government workers, March 2019.” Available at [http://www.bls.gov/news.release/archives/ecec\\_06182019.pdf](http://www.bls.gov/news.release/archives/ecec_06182019.pdf). Accessed October 30, 2019. The wage multiplier is calculated by dividing total compensation for all workers of \$50.89 by wages and salaries for all workers of \$31.75 per hour yielding a benefits multiplier of approximately 1.6.

<sup>4</sup> Information on the mean wage rate from the U.S. Department of Labor is available online at: <https://www.bls.gov/oes/tables.htm>.

Annual Cost to the Federal Government	
Item	Cost (\$)
Contract Costs [Describe]	\$0
Staff Salaries* [12 employees to process a project at the pay scale of GS-12 (step 5 <sup>1</sup> ) employees spending approximately 50% of time annually reviewing information for this data collection. (12 x \$97,848 x 0.5 x 1.46 <sup>2</sup> = \$827,995)]	\$857,148
Facilities [cost for renting, overhead, etc. for data collection activity]	\$0
Computer Hardware and Software [cost of equipment annual lifecycle]	\$1,000,000
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	\$0
Travel	\$63,478
<b>Total</b>	<b>\$1,920,626</b>
<sup>1</sup> Office of Personnel Management 2020 Pay and Leave Tables for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality. Available online at <a href="https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx">https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx</a> . Accessed January 16, 2020. <sup>2</sup> Wage rate includes a 1.46 multiplier to reflect the fully-loaded wage rate.	

The annual costs for computer hardware and software have been updated to include maintenance costs for FAC-TRAX and EMMIE, which were previously not accounted for in the supporting statement for this collection.

Under section 1219 DRRA, costs to the Federal Government will increase by \$27,478 due to travel costs for FEMA staff to attend local arbitration hearings.

**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.**

Changes in burden hours were due to corrections for certain instruments, where the burden hours were previously reported incorrectly. This led to a burden hour increase of 1.4334 hours.

*A "Program increase" is an additional burden resulting from a 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.*

<b>Itemized Changes in Annual Burden Hours</b>						
<b>Data Collection Activity/Instrument</b>	<b>Program Change (hours currently on OMB inventory)</b>	<b>Program Change (new)</b>	<b>Difference</b>	<b>Adjustment (hours currently on OMB inventory)</b>	<b>Adjustment (new)</b>	<b>Difference</b>
FEMA Form 009-0-91, Project Worksheet (PW) and a Request for Time Extension	1.3	1.3	0	1.3	1.5	0.2
FEMA Form 009-0-91A Project Work Sheet (PW) Damage Description and Scope of Work	1.3	1.3	0	1.3	1.5	0.2
FEMA Form 009-0-91B, Project Worksheet (PW) Cost Estimate Continuation Sheet and Request for additional funding for Cost Overruns	1.2	1.2	0	1.2	1.3333	0.1333
FEMA Form 009-0-91C Project Worksheet (PW) Maps and Sketches Sheet	1.3	1.3	0	1.3	1.5	0.2
FEMA Form 009-0-91D Project Worksheet (PW) Photo Sheet	1.3	1.3	0	1.3	1.5	0.2
FEMA Form 009-0-124, Materials Summary Record	0.25	0.25	0	0.25	0.4167	0.1667
FEMA Form 009-0-127, Force Account Equipment Summary Record	0.25	0.25	0	0.25	0.4167	0.1667
FEMA Form 009-0-141, FAC-TRAX System	1.25	1.25	0	1.25	1.4167	0.1667
<b>Total</b>	<b>8.15</b>	<b>8.15</b>	<b>0</b>	<b>8.15</b>	<b>9.5834</b>	<b>1.4334</b>

***Explain:***

Changes in costs result from changes in the fully loaded average hourly wage from \$61.80 to \$63.52. This has led to a cost increase of \$3,948,006.

<b>Itemized Changes in Annual Cost Burden</b>						
<b>Data Collection Activity/Instrument</b>	<b>Program Change (cost currently on OMB inventory)</b>	<b>Program Change (new)</b>	<b>Difference</b>	<b>Adjustment (cost currently on OMB inventory)</b>	<b>Adjustment (new)</b>	<b>Difference</b>
[Form Name/#]	0	0	0	0	0	0
<b>Total</b>	0	0	0	0	0	0

**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.**

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 the “Certification for Paperwork Reduction Act Submissions” statement.

There is no statistical methodology involved in this collection.