Supporting Statement for
Paperwork Reduction Act Submissions

OMB Control Number: 1660 – 0149

Title: Requests for Special Priorities Assistance

Form Number(s): Federal Emergency Management Agency (FEMA) Form 009-0-142, Requests for Special Priorities Assistance

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.

This information is necessary to support the President's priorities and allocations authority under Title I of the Defense Production Act of 1950 (DPA), as amended (50 U.S.C. 4501, *et seq.*) as implemented by the Emergency Management Priorities and Allocations System (EMPAS) regulation (44 CFR part 333) which was added by FEMA's May 13, 2020 *Emergency Management Priorities and Allocations System Interim Final Rule* (RIN 1660-AB04). The purpose of this authority is to ensure the timely delivery of products, materials, and services to meet current national defense requirements. The definition of "national defense" in Section

702(14) of the DPA provides that this term includes "homeland security," "emergency preparedness activities" conducted pursuant to Section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. 5195a), and "critical infrastructure protection and restoration."

Contractors may request Special Priorities Assistance (SPA) when placing rated orders with suppliers, to obtain timely delivery of products, materials or services from suppliers, or for any other reason under the EMPAS, in support of approved national programs. Additionally, when responding to COVID-19, State and local governments, owners, operators, and the private sector may request SPA. The Federal Emergency Management Agency (FEMA) FEMA Form 009-0-142 is used to apply for such assistance.

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 is used by the Office of Policy and Program Analysis, Marc Geier, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (telephone) 202 924-0196, or (email) *FEMA-DPA@fema.dhs.gov*.

Although the EMPAS is designed to be largely self-executing, problems do occur from time-to-time. Such problems include assistance in obtaining timely deliveries of items needed to satisfy defense requirements, locating a supplier, resolving production or delivery conflicts between multiple rated orders, verifying the urgency and determining the validity of rated orders, or authorizing the use of the EMPAS authority on contracts or purchase orders to obtain items not automatically included under the EMPAS. SPA can be provided for any reason in support of the EMPAS.

Use of FEMA Form 009-0-142 serves to structure the information concerning EMPAS problems so that it can be presented in writing to the appropriate EMPAS Delegate agency and EMPAS officials for assistance and resolution. Each item of information requested is needed to enable these officials to take appropriate action to resolve EMPAS problems on a case-by-case basis. The information requested includes identification of the government program or end-product, the involved parties (customer, supplier, etc.), contract or purchase order information, description of the items required, use of the items, current shipment schedule, and description of problem and urgency of requirement.

The Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, FEMA, and specific operating unit guidelines.

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 use of automated systems for recordkeeping and data retrieval by many business entities facilitates the generation of necessary information. FEMA Form 009-0-142 is currently available via the Internet from the FEMA DPA website https://www.fema.gov/sites/default/files/documents/fema_form-009-0-142_5-13-2020.pdf and can also be downloaded as an electronically fillable form and transmitted electronically as an attachment to an e-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.

The contractor applicants are the only known source of this information. There is no similar information available.

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.

FEMA does not believe that this information collection has a significant economic impact on small businesses or other small entities. Nevertheless, FEMA sought comment on whether, and the extent to which, in the Interim Final Rule (IFR), 1660-AB04, Emergency Management Priorities and Allocations System would have a significant economic impact on a substantial number of 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.

Providing this information is mandatory if the applicant seeks special priorities assistance pursuant to EMPAS regulations at 44 CFR 333. However, failure to provide this information may result in conflicts not being efficiently resolved pursuant to the EMPAS regulations. Individuals who do not provide this information may continue to be held to contract requirements without assistance in resolving conflicts. All business entities keep records of their transactions and most of them, both large and small, have integrated EMPAS rated order recordkeeping built into their general recordkeeping systems. The information required to be provided on FEMA Form 009-0-142 is readily available to the application from these records. Therefore, the additional burden on a smaller entity is minimal, and the overall burden is further minimized by computerized recordkeeping.

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.

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

(c) Requiring respondents 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.

(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.

(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.

There are no special circumstances that require the information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.

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 August 3, 2020 (85 FR 46688). No comments received.

A 30-day Federal Register Notice inviting public comments was published on October 14, 2020, (85 FR 65066). No comments 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.

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.

The President exercised his authority pursuant to the DPA to respond to the COVID-19 pandemic in Executive Orders 13909 and 13910, authorizing the Secretary of Health and Human Services to prioritize and allocate health and medical resources and prevent hoarding of such resources to respond to the spread of COVID-19. Pursuant to Executive Order 13911, the President has also delegated to the Secretary of Homeland Security the authority conferred by section 101 of the DPA and the authority to promulgate regulations necessary to implement the Executive Order. The Secretary of Homeland Security has further delegated this authority to the FEMA Administrator. DHS Delegation 09052 Rev. 00.1 (Apr. 1, 2020).

To summarize, FEMA knows that COVID-19 infection transmits easily, spreads quickly through global travel, and can have a high mortality rate for some of the most vulnerable members of society. At this time, there is no vaccine, therapeutic, or rapid testing for the disease. The Federal Government urgently needs to expand production capability and supply for critical medical supplies, equipment, and facilities associated with COVID-19 diagnosis and treatment. FEMA has the lead role in coordinating the Federal response to COVID-19 and requires a robust, efficient mechanism for exercising its authority under section 101 and other applicable authorities to ensure the continued availability of these resources to diagnose, treat, and contain this disease. Given the national emergency caused by COVID-19, it would be impracticable and contrary to the public health—and, by extension, the public interest—to delay implementing this information collection until after FEMA has consulted with persons outside of 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. Additionally, FEMA has not completed any consultations with representatives of those from whom information is to be obtained or those who must compile records for the same reason as listed above.

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

There is no plan to provide any payment or gift to respondents.

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

On April 10, 2020, the Privacy Threshold Analysis was adjudicated by the Department of Homeland Security. The system is covered by an existing Privacy Impact Assessment (PIA): DHS/ALL/PIA-065 Electronic Contract Filing System (ECFS). The system is covered by an existing System of Records Notice: DHS/ALL-021, Department of Homeland Security Contractors and Consultants October 23, 2008, 73 FR 63179.

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.

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.

The total annual public burden is estimated to be **5 hours**. This is based on a total of **20 annual responses**.

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, & Tribal Government; For-Profit Business, Private Non-Profit	FF 009-0-142 Special Priorities Assistance	10	1	10	.25	2.5	$86.36	$216
State, Local, & Tribal	FF 009-0-142 Special	10	1	10	.25	2.5	$28.81	$72

Government; For-Profit Business, Private Non-Profit	Priorities Assistance							
Total		20		20		5		$288

Instruction for Wage-rate category multiplier: Take each non-loaded "Avg. Hourly Wage Rate" from the BLS website table and multiply that number by 1.46[1]. For example, a non-loaded BLS table wage rate of $42.51 would be multiplied by 1.46, and the entry for the "Avg. Hourly Wage Rate" would be $62.06.

According to the U.S. Department of Labor, Bureau of Labor Statistics[2], the May 2019 Occupational Employment and Wage Estimates wage rate for General and Operations Managers (SOC 11-1021) is $59.15. The wage rate for Office and Administrative Support Occupations (SOC 43-0000) is $19.73 per hour. Including the wage rate multiplier of 1.46, the fully-loaded wage rates are $86.36 and $28.81 per hour respectively. Therefore, the annual burden hour cost is estimated to be $288 ($86.36 x 2.5 hours + $28.81 x 2.5 hours). This estimate assumes that no applicant will file more than one FEMA Form 009-0-142 per year.

The information reported on FEMA Form 009-0-142 is used by the applicant in the conduct of its own operations. These information activities are totally integrated into the operating and overhead expenses of most respondents which generally use automated systems for recordkeeping and information retrieval, minimizing the involvement of higher paid executive personnel. FEMA estimates that each response requires 15 minutes of management time and 15 minutes of clerical time to complete.

FEMA Form 009-0-142 is prepared only when SPA is needed by a company supporting an emergency management program. There is no way to estimate the average number of times a respondent will request SPA. However, with access to the automated SPA process described below, it is anticipated that these costs will be substantially reduced. No meaningful estimate of this anticipated reduction in burden is available at this time.

[1] 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: Civilian workers, by major occupational and industry group, March 2019." Available at http://www.bls.gov/news.release/archives/ecec_06182019.pdf. Accessed April 22, 2020. The wage multiplier is calculated by dividing total compensation for all workers of $36.77 by wages and salaries for all workers of $25.22 per hour yielding a benefits multiplier of approximately 1.46

[2] Information on the mean wage rate from the U.S. Department of Labor Bureau of Labor Statistics is available online at: https://www.bls.gov/oes/tables.htm

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.

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

Not applicable.

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]	$0
Staff Salaries[1] 3 of GS 12 Step 5 employees spending approximately 10% of time annually inputting processing SPA requests for the data collection. (3 x $97,848 x 0.1 x 1.46[2] = $42,857)	$42,857
Facilities [cost for renting, overhead, etc. for data collection activity]	$0
Administrative Costs: [Describe]	$10,000
Computer Hardware and Software [cost of equipment annual lifecycle]	$0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	$0
Travel	$0
Total	$52,857
[1] Office of Personnel Management 2020 Pay and Leave Tables for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality. Available online at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/20Tables/html/DCB.aspx Accessed April 22, 2020. [2] Wage rate includes a 1.46 multiplier to reflect the 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
Total	0	0	0	0	0	0

Explain: This is a new information collection; therefore, we have no historical data to rely upon and all of the numbers in this information collection are new. The number of 20 per year is an accurate reflection of the Department of Commerce's receipt of SPA requests for at least the last 10 years, so using this number is an accurate number for burden purposes.

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
Total	$0	$0	$0	$0	$0	$0

Explain:

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

There are no outline plans for tabulation and publication of data for this information collection as the information is considered business proprietary and is not to be published.

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

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

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

This collection does not seek exception to "Certification for Paperwork Reduction Act Submissions". This collection does not use efficient statistical survey methodology or use of information technology. Statistical Survey methodology "is not applicable" Question #3 in the supporting statement justifies the non-use of information technology.