

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

A. Justification

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

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

a. Presidential declarations.

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

b. Declarations by the Administrator of SBA.

- (1) Physical disaster declaration in response to a request from the Governor of a State (which for this purpose, includes the District of Columbia and the U.S. territories and possessions) as a result of damages (to buildings, machinery, equipment, inventory, homes, and other property), which are generally of a lesser magnitude than for Presidential declarations but that meet SBA's minimum requirements for uninsured damages to homes or businesses in a county or other political subdivision. The Governor of the affected State must provide a formal written request that the SBA issue a disaster declaration and include details regarding the disaster such as number of damaged homes or businesses, date(s), type of disaster, location, etc. 13 C.F.R. 123.3(a) (3).
- (2) Economic Injury declaration upon determination of a natural disaster by the Secretary of Agriculture affecting crop and/or livestock. 15 U.S.C. 636(b)(2)(B) and 13 C.F.R. 123.3(a)(4).
- (3) Economic Injury declaration upon certification by a Governor that at least five small business concerns in a given disaster area have suffered substantial economic injury as a result of the disaster and are in need of financial assistance not otherwise available on reasonable terms. The certification must be signed by the Governor, specify the county or counties, or other political subdivisions in which the disaster occurred, and must be delivered (with supporting documentation) to the SBA within

120 days of the disaster occurrence. 15 U.S.C. 636(b)(2)(D) and 13 C.F.R. 123.3(a) (5). A copy of each statutory and regulatory provision applicable to this information collection is attached.

This information collection only concerns the following declarations by SBA: physical disaster declarations as described in b (1), and declarations regarding economic injury as described in b (3). The remaining three types of declarations are covered by information collections of the applicable Federal agency that makes those declarations. Requests to the Administrator of SBA are made for disaster assistance, but not all requests are approved; some may be declined if the required criteria have not been met. The information must still be collected so that SBA can make a decision.

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

Information provided by the Governor of the State affected by the disaster, including, where applicable, information collected from businesses in support of a request for an Economic Injury Disaster (7b2D) declaration, is evaluated by SBA's Office of Disaster Assistance (ODA) staff and is used in conjunction with ODA-conducted damage surveys of the affected area, as applicable, to determine whether the criteria for an SBA disaster declaration as set out in 13 CFR 123.3(a) (3) and 123.3(a)(5) have been met.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce the burden*

There is no prescribed form for submission; however, currently all Governors' requests for declarations are submitted through facsimile or email.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.*

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

5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.*

SBA requires Governors requesting an Economic Injury disaster declaration to include with

their certification's worksheets completed by small business owners regarding economic injury. Generally, Governors would not need to submit evidence from more than five small businesses. The information is limited to the minimum necessary to validate the request for assistance and does not impose a significant economic impact on a substantial number of these the responding small businesses. -

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

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

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

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

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

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

A public comment notice was published in the Federal Register at 85 FR 44952 (July 24, 2020), copy attached. The comment period closed September 22, 2020, and no comments were received. ODA maintains continuing liaison with the State governmental departments that are charged with collecting and forwarding this information, particularly when the Governor's office has a request for a declaration under consideration. No major problems with this information collection have been encountered.

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

No payments or gifts are provided to respondents.

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

No special circumstances exist. No confidential information is required that is not protected to the extent permitted by law including the Privacy Act and Freedom of Information Act.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, specific uses to be made of the information, explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

No questions of a sensitive nature are asked.

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

The respondents are the State governments that submit requests for disaster declarations and the businesses from whom a state collects the information SBA requires in support of a 7b2D declaration request. On average a state collects information from five businesses per such request. The following are the respondents per fiscal year:

<u>FY</u>	<u>Respondents</u>
2017	29 States
2018	26 States
<u>2019</u>	<u>30 States</u>
Total	85 States

Total over the past 3 FYs = 85 divided by 3 = **28 respondents per year on average.**

Periodic discussions with members of various State governments indicate that an average of 20 hours is spent by their employees to gather the information needed. However, it should be noted that the methods of collection and the time spent in collecting this information is solely under the control of the States.

The number of responses is based on an average of the SBA disaster declaration requests for the 3 most recent fiscal years (FY 18, 19, and 20). Each submission for a disaster

declaration request is considered one response.

<u>FY</u>	<u>SBA Declarations (Physical/EIDL)</u>	<u>Economic Injury (7b2D)</u>	<u>Declines</u>	<u>Total</u>
17	53	9	0	62
18	35	11	0	46
19	57	4	0	61

Total requests for declarations over the past 3 FYs = 169 divided by 3 = **56 responses per year on average**. Since each of these responses requires an average of 20 hours to collect and compile the information, **the total estimated annual burden for the states is (56 x 20 = 1,120) 1,120 hours**.

Total requests for 7b2D declarations over the past 3 FYs = 24 divided by 3 = 8 requests per year on average. SBA estimates that the approximately 5 businesses that provide supporting information for 7b2D declaration requests will each take about 2 hours to gather and compile the information. **The total estimated annual burden for the businesses is (8 declaration requests x 5 business x 2 hours = 80) 80 hours**.

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

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

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

The cost to the Federal Government for this information collection is associated with preparing disaster declarations, i.e., reviewing information, preparing recommendations for declaration/decline, and obtaining approval. GS-14 personnel are involved in the Agency processing. The cost is estimated as follows:

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

56 responses x \$58.13 (GS 14, Step 1) per hour	=	\$3,255
Overhead cost of 20%	=	651
Total estimated annual cost to the Federal Government	=	\$3,906

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

There is an increase in the hour burden for this collection due primarily to the inclusion of the burden attributed to the businesses that provide information in support of the request and SBA's decision making. This burden information had been unknowingly omitted in prior submissions.

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

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

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

No exception or waiver is being sought.

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

There are no exceptions.

- B. Collections of Information Employing Statistical Methods.

N/A