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FEMA

**U.S. Department of Homeland
Security**
Washington, D.C. 20472

February 21, 2023

MEMORANDUM FOR: The Honorable Dominic Mancini
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

THROUGH: Eric Hysen
Chief Information Officer
U.S. Department of Homeland Security

FROM: Alexandra Travis
Chief Administrative Officer
Mission Support
Federal Emergency Management Agency

SUBJECT: Justification for Emergency Processing: Fiscal Year 2023
Preparedness Grant Programs Portfolio

The Federal Emergency Management Agency (FEMA) seeks to utilize the emergency process for approval for a new information collection to the Office of Management and Budget (OMB) Collection 1660-NW162 Fiscal Year (FY) 2023 Preparedness Grants Portfolio. This includes information for the Regional Catastrophic Preparedness Grant Program (RCPGP) (FF-207-FY-23-105); Emergency Operations Center Grant Program (EOCGP) (FF-207-FY-23-100); Emergency Management Performance Grant (EMPG) Program (FF-207-FY-23-101); Intercity Bus Security Grant Program (IBSGP) (FF-207-FY-23-102, FF-207-FY-23-103, and FF-207-FY-23-104); Nonprofit Security Grant Program (NSGP) (FF-207-FY-21-115); Grants Reporting Tool (GRT) (FF-207-FY-23-107), and Controlled Equipment Request Form (FF-207-FY-23-106). In addition to this emergency approval, the programs will also complete the generic collection review process and post the 60-Day and 30-Day Federal Register Notices following the Emergency Federal Register Notice.

It is vital that FEMA implement the information collection as soon as possible to support immediate needs in response to delivering and supporting grant programs that help the Nation before, during, and after disasters in order to make the country more resilient. In accordance with the Paperwork Reduction Act (PRA) and the Office of Management and Budget's (OMB) implementing regulations at 5 C.F.R. § 1320.13: (1) this information is necessary to the mission

of the Agency, (2) this information is necessary prior to the expiration of time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) the use of normal clearance procedures is reasonably likely to cause a statutory deadline to be missed. See below for further explanation regarding (1)–(4).

1. Information is essential to the mission of the agency

This information is necessary to award funding for the RCPGP, EOCPG, EMPG Program, IBSGP, and NSGP.

On December 29, 2022, the President signed the Consolidated Appropriations Act, 2023 (Pub. L. No. 117-328) (“Act”), which includes statutory appropriations for the RCPGP, EOCPG, EMPG, IBSGP, and NSGP. The purpose of these authorities is to support immediate needs in response to delivering and supporting grant programs that help the Nation before, during, and after disasters in order to make the country more resilient.

Because FEMA is responsible for implementing and ensuring compliance with these programs, and Congress authorized \$760,140,285 in funding to support these programs (\$12,000,000 for the RCPGP; \$86,140,285 for the EOCPG; \$355,000,000 for the EMPG Program; \$2,000,000 for IBSGP; and \$305,000,000 for NSGP), FEMA requests an emergency approval to collect the necessary information from eligible entities to administer the award process.

The GRT System is a web-based reporting system designed to help eligible entities meet all reporting requirements to comply with the Homeland Security Act of 2002, as amended by the Post Katrina Emergency Management Reform Act of 2006, 6 U.S.C. § 238. The collection is also authorized by Homeland Security Presidential Directives Five and Eight (HSPD-5, 8). This information is being collected for the primary purpose of supporting the Department of Homeland Security (DHS) in the storage and management of data related to national preparedness, including terrorism preparedness grant programs for emergency response providers and incorporating the National Priority Areas into planning guidance on an agency level for overall national preparedness efforts.

To ensure FEMA is able to begin awarding funds prior to expiration, the agency must have a mechanism for eligible entities to provide information on their applications. The instruments serve to structure the information concerning the various program requirements and formally begins the awarding process. Each item of information requested is needed to establish the nature and scope of the applicant’s eligibility and fitness with National Priority Areas.

The Controlled Equipment Request Form, applicable to all grant programs that allow construction, is required to ensure compliance with section 70914 of the Build America, Buy America Act (BABAA) (Pub. L. No. 117-58, §§ 70901-52). BABAA requires all federal agencies, including FEMA, to ensure that no federal financial assistance for infrastructure projects is provided “unless all of the iron, steel, manufactured products, and construction materials be used in the project are produced in the United States.”

2. The information is needed prior to expiration of time periods established under PRA

Section 305 of the Act requires FEMA to make applications available to applicants no later than 60 days after December 29, 2022 (date Act was enacted), applicants to submit applications no later than 80 days after the grant announcement, and the FEMA Administrator to act (e.g. announce award amounts) within 65 days after the receipt of an application.

It would thus be impossible to complete the normal PRA process before the statutory deadline. It is contrary to the public interest to delay implementing this information collection until after FEMA has completed the standard PRA process.

3. Public harm is reasonably likely to result if normal clearance procedures are followed

Public harm is reasonably likely to result if normal clearance procedures are followed because it will lead to substantial funding not reaching eligible entities that help the Nation before, during, and after disasters in order to make the country more resilient. Furthermore, it will leave FEMA unable to adequately assess award applications and perform statutory obligations to administer programs. It would also result in a lapse of over \$760 million in federal financial assistance, all of which is required to be awarded before the end of FY 2023.

4. The use of normal clearance procedures is reasonably likely to cause a statutory deadline to be missed

Section 305 of the Act requires FEMA to make applications available to applicants no later than 60 days after December 29, 2022 (date Act was enacted), applicants to submit applications no later than 80 days after the grant announcement, and the FEMA Administrator to act within 65 days after the receipt of an application.

Due to the need to award funds to eligible entities, FEMA requests emergency processing for instruments related to RCPGP, EOCPG, EMPG, IBSGP, the GRT, and the Controlled Equipment Request form by February 24, 2023. Given the inability to seek public comment during such a short timeframe, FEMA requests a waiver from the requirement to publish notice in the Federal Register seeking public comment.

5. Conclusion

Following the normal information collection clearance procedures for approval will delay FEMA's ability to provide appropriated funds to programs that help the Nation before, during, and after disasters in order to make the country more resilient. FEMA certifies that the requirements of 5 CFR 1320.13(a) are met and it is vital this new collection be implemented immediately, because: (1) this information is necessary to the mission of the Agency, (2) this information is necessary prior to the expiration of time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) the use of normal clearance procedures is reasonably likely to cause a statutory deadline to be missed.

Thank you for your consideration.