

Pre



FEMA

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

April 4, 2024

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 2024
Preparedness Grants 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-NW176 Fiscal Year (FY) 2024 Preparedness Grants Portfolio. This includes information for the 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, FF-207-FY-21-114; Shelter and Services Program (SSP) (FF-008-FY-23-105, FF-008-FY-23-106); and the Controlled Equipment Request Form (FF-207-FY-23-106).

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 essential to the mission of the Agency, (2) this information is necessary prior to the expiration of time periods established under PRA, (3) public harm is reasonably likely to result if normal clearance

procedures are followed, and (4) 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 EOCPG, EMPG Program, IBSGP, NSGP, and SSP.

On March 23, 2024, the President signed the Further Consolidated Appropriations Act, 2024 (Pub. L. No. 118-47) (“Act”), which includes statutory appropriations for the EOCPG, EMPG Program, IBSGP, SSP, 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 over \$1.3 billion in funding to support these programs (\$103.2 million for the EOCPG; \$319.5 million for the EMPG Program; \$1.8 million for IBSGP; \$274.5 million for NSGP; and \$650 million for SSP), FEMA requests an emergency approval to collect the necessary information from eligible entities to administer the award process.

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.”

To ensure FEMA is able to award funds prior to their expiration on September 30, 2024, 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 administer the award processes.

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

Section 303 of the Act requires FEMA to make applications available to applicants for the IBSGP and NSGP no later than 60 days after March 23, 2024 (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.

EOCPG, EMPG Program, and SSP funding is required to be awarded before the end of FY 2024.

Because of the date the Act was signed, these timelines are even more compressed for FY 2024. 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. Substantial funding will not reaching eligible entities that help the Nation before, during, and after disasters to make the country more resilient. Furthermore, the normal clearance process time requirements will leave FEMA unable to adequately assess award applications and perform statutory obligations to administer programs. The delay would also result in a lapse of over \$1.3 billion in federal financial assistance, all of which is required to be awarded before the end of FY 2024.

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

Section 303 of the Act requires FEMA to make applications available to applicants for the IBSGP and NSGP no later than 60 days after March 23, 2024 (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.

EOCPG, EMPG Program, and SSP funding is required to be awarded before the end of FY 2024.

5. Conclusion

Due to the need to award funds to eligible entities, FEMA requests emergency processing for instruments related to EOCPG, EMPG Program, IBSGP, NSGP, SSP, and the Controlled Equipment Request form by April 3, 2024. 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.

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

Thank you for your consideration.