

September 6, 2016

## **Supporting Statement for Paperwork Reduction Act Submissions**

**OMB Control Number: 1660 – 0141**

**Title: Controlled Equipment Request Form**

**Form Number(s): FEMA Form 087-0-0-1**

### **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 form was developed to collect required information as part of the implementation of [\*Executive Order \(EO\) 13688: Federal Support for Local Law Enforcement Equipment Acquisition\*](#), issued January 16, 2015, which established a *Prohibited Equipment List* and a *Controlled Equipment List* and identified actions that can improve federal support for the appropriate use, acquisition, and transfer of controlled equipment by state, local, tribal, territorial, and private grant recipients. One of the requirements of the report is to collect information on the grant recipient, their policies, training, record keeping, etc. In considering Grant Programs Directorate’s approach to implementing these recommendations, we worked hard to balance the requirement to collect the information, and the effort required by the grant recipients. The form includes only fields required to comply with the recommendations (which were accepted by the President). The fillable nature of the form reduces the amount of time and effort required for grant recipients.

**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 has a multi-fold purpose: Harmonization of federal acquisition processes, institution of Required Protocols and Training for grant recipients that Acquire Controlled Equipment, and to increase federal oversight and compliance. In accordance with [\*Executive Order \(EO\) 13688: Federal Support for Local Law Enforcement Equipment Acquisition\*](#), and the [\*Recommendations Pursuant to Executive Order 13688\*](#), all federal equipment acquisition programs must require grant recipients that apply for controlled equipment to provide mandatory information in their application. This includes a detailed justification with a clear and persuasive explanation of the need for the controlled equipment, the availability of the requested controlled equipment to recipient in its inventory or through other means, certifications that appropriate protocols and training requirements have been adopted, evidence of the civilian governing body's review and approval or concurrence of the entity's acquisition of the requested controlled equipment, and whether the entity has been or is in violation of civil rights and other statutes, regulations, or programmatic terms. Ongoing coordination among the various Federal Agencies will ensure that a uniform process is in place to assess the adequacy of the justification in each application. This coordination includes sharing of required information to prohibit duplication of grant funding for controlled equipment or potentially granting of funding for controlled equipment to an entity that has been sanctioned by another agency.

**FEMA Form 087-0-0-1: Controlled Equipment Request Form** – The Controlled Equipment Request form will be used to collect information about organizations that are using federal grant funding to purchase items on the Controlled Equipment List which resulted from [\*Executive Order \(EO\) 13688: Federal Support for Local Law Enforcement Equipment Acquisition\*](#) and the [\*Recommendations Pursuant to Executive Order 13688\*](#) report that followed. As part of the implementation of the order, the Law Enforcement Equipment Working Group was established as a permanent interagency working group tasked with providing the President with recommendations on how the Federal Government can better support law enforcement and ensure that careful attention is paid to standardizing procedures governing its provision of controlled equipment and funds for controlled equipment.

**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 method of collection is through an electronic form completion. Care has been taken to reduce the required information to the absolute minimum. Additionally, the

information has been converted into a fillable form with many dropdown boxes to make completion by applicants simple and faster. Forms will be available at [www.fema.gov](http://www.fema.gov).

Forms that are submitted at the time of application will be submitted by the respondent (grant applicant) through [www.grants.gov](http://www.grants.gov). There is an automatic synchronization that sends the received information to Non-Disaster Grants (ND-Grants), which is a Grant Programs Directorate system for managing applications and awards. For forms that are submitted outside of the defined application period, will send the form to their respective Program Analyst via email. The email address for submission to the correct program analyst based on location and grant program is made available to the grant recipient at the time the award is made and accepted. Regardless of the timing of the submissions, 100% of submissions will be made electronically.

**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 requirement to collect this information is required for all federal funding requests made for the acquisition of items on the Controlled Equipment List. This information will only be required for a small percentage of annual applicants as items on the Controlled Equipment list are not requested as often as other items.

**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.**

This information collection does not have an impact on small businesses or other 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.**

The Federal Emergency Management Agency is required, along with all other Federal Agencies that award funding for the acquisition of items on the Controlled Equipment List, to collect all of the information. FEMA would be in violation of *Executive Order (EO) 13688: Federal Support for Local Law Enforcement Equipment Acquisition*, and the *Recommendations Pursuant to Executive Order 13688*. The *Recommendations Pursuant to Executive Order 13688* are being implemented for the Fiscal Year (FY) 2016 Homeland Security Grant Program (HSGP) cycle, which awards funding under the Agency's appropriation for State and Local Programs.

If the information is not collected, FEMA will be reduced in its ability to monitor grant recipients who have civil rights violations and continue to apply for controlled equipment either with FEMA or another Federal Agency.

**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.**

This information is to be collected once at the time of application for the controlled equipment, or as new controlled equipment is requested throughout the grant period of performance, whichever is less (one form for each category of equipment requested). For a given grant recipient, the information only need be provided once for each category of controlled item, however, new information must be provided if the grant recipient makes a controlled equipment request for a different category of controlled equipment subsequent to the initial application. During monitoring, the information will be referenced and grant recipients may be asked to provide evidence of the answers they submitted in the information they provided.

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

Grant Applicants will have greater than 30 days to prepare a written response to the requested information.

**(c) Requiring respondents to submit more than an original and two copies of any document.**

Grant Recipients will not be required 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.**

Grant Recipients are required to keep records in accordance with 2 CFR 200.

**(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.**

N/A

**(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**

N/A

**(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.**

N/A

**(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.**

N/A

**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 May 24, 2016, 81 FR 32769. No comments were received. See attached copy of the published notice included in this package.

A 30-day Federal Register Notice inviting public comments was published on August 5, 2016, 81 FR 51924. No comments were received. See attached copy of the published notice included in this package.

**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.**

FEMA consulted with other Federal Agencies (Department of Defense, Department of Justice, Department of Education, and General Services Administration) through the Law Enforcement Equipment Working Group to ensure that each Agency would be collecting similar information on their respective and mutually exclusive grant applicants. In cases where the grant applicants/recipients are not mutually exclusive, efforts are underway to reduce duplication and ensure that agencies work together to review the information.

**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.**

FEMA, along with the other Federal Agencies who participate in the Permanent Working Group are continually seeking stakeholder input regarding the required information.

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

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.**

A Privacy Threshold Analysis (PTA) was submitted to the FEMA Privacy Office for review on November 24, 2015 and was approved on January 13, 2016.

This PTA expires on January 13, 2019. The PTA found that FEMA Form 087-0-0-1 “Controlled Equipment Request” collects minimal contact information for grant recipients to request controlled equipment, and has coverage under the following PIA: DHS/FEMA/PIA-013 - Grant Management Programs Grant Management Programs, February 19, 2015 (PDF, 20 pages).

There are no assurances of confidentiality provided to the respondents for this information collection.

**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.**

Number of Respondents: 175

Frequency of Response: Annually or as new controlled equipment is requested, whichever is less (one form for each category of equipment requested).

Annual Hour Burden: 45 minutes

Burden Estimation: This Annual Hour Burden was estimated by providing the electronic form with dropdown boxes to 15 staff members and asking them to complete the form with realistic responses based on their programmatic experience with grant recipients and asking them to provide the time it took them to complete and an estimate of how long they expect it to take for an experienced grant applicant and a new grant applicant. The average for new Grant Applicants is 60 minutes. The average for experienced grant applicants is 30 minutes. The combined average is 45 minutes.

**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.**

This request only covers one form.

**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.**

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form Number	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
Business or other for-profit	Controlled Equipment Request Form / FEMA Form 087-0-0-1	119	1	119	0.75 (45 minutes)	89	\$29.60	\$2,634.40
State, Local or Tribal Government	Controlled Equipment Request Form / FEMA Form 087-0-0-1	56	1	56	0.75 (45 minutes)	42	\$29.60	\$1,243.20
<b>Total</b>		<b>175</b>		<b>175</b>		<b>131</b>		<b>\$3,877.60</b>

- Note: The “Avg. Hourly Wage Rate” for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

According to the U.S. Department of Labor, Bureau of Labor Statistics website (<http://www.bls.gov/oes/current/oes330000.htm>) the wage rate category for the Protective Service Occupation is estimated to be \$29.60 per hour including the 1.4 wage rate multiplier, therefore, the estimated burden hour cost to respondents in the Protective

Service Occupation, which includes State and Local Fire, Law Enforcement, and other Protective Services is estimated to be \$3,877.60 annually.

**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.**

There are no recordkeeping, 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.**

**Annual Cost to the Federal Government**

Item	Cost (\$)
Contract Costs [Describe]	
Staff Salaries* [1 _# of GS-12, step 1 employees spending approximately 0.7% of time annually to review and file 175 forms. 1 x \$77,490 (2016 GS Pay scale) x 1.4 x 0.7% = \$759.40... for this data collection]	<b>\$759.40</b>
Facilities [cost for renting, overhead, etc. for data collection activity]	
Computer Hardware and Software [cost of equipment annual lifecycle]	
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	
Travel	
Printing [number of data collection instruments annually]	

Postage [annual number of data collection instruments x postage]	
Other	
<b>Total</b>	<b>\$759.40</b>

\* Note: The "Salary Rate" includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Grant Programs Directorate will review each form once per year, and then as necessary during programmatic monitoring. Review of this information collection will require .083 hours per form for review multiplied by 175 forms, totaling a yearly hour burden of 14.58 hours for a GS-12 step 1 Program Analyst at an annual salary of \$77,490 per year (2016 GS Pay Scale). Multiplied by a factor of 1.4, this equals \$108,486.00 multiplied 0.7% (14.58/2080hours) equals a total annual cost to government of \$759.40.

**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 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.*

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
Controlled Equipment Request Form / FEMA Form 087-0-0-1				131	131	0
<b>Total(s)</b>				<b>131</b>	<b>131</b>	<b>0</b>

***Explain:***

There are no changes to the annual hour burden. However, FEMA Form 087-0-0-1 has since been revised.

Subsequent to receiving emergency approval from the Office of Management and Budget to use FEMA Form 087-0-0-1 (OMB Control Number 1660-0141), the Federal Emergency Management Agency began socializing use of the form with stakeholders through a series of Webinars. Three training sessions were held for internal program analysts and stakeholders, and an additional four sessions were held; two national sessions, and one session each for states in Regions I and IX by request. Feedback from DHS Office of Civil Rights and Civil Liberties along with FEMA Office of Equal Rights informed the decision to add clarifying language to the questions in Section F related to prior civil rights violations. Additionally, in an effort to make the information collection more efficient and provide grant recipients with a clear understanding of whether or not their request is approved or denied, checkable boxes were added in Section I, along with an electronic signature box to streamline the approval process and to keep records electronic. A question regarding Unmanned Aircraft Systems was also added due to its significance with notifying applicants of their obligations to have policies in place to safeguard individuals' privacy, civil rights, and civil liberties. This requirement was set forth in Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems (February 15, 2015). This memorandum may be found at <https://www.whitehouse.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua>.

Based on external stakeholder feedback, instructions beginning on Page 4 were clarified and rearranged to follow the same order as the corresponding questions in Pages 1-3. Additionally, desired units of measure for Regional Geographic size to be served under Section G were added to ensure uniformity of the information collected. Finally, dropdown options under Section A: Program were updated to include an "Other" option. This addition will reduce the need to change the information collection tool

should other preparedness grants be authorized by Congress. Overall, these changes make the process of completion, submission, processing, and approval or denial more efficient and easy to understand for grant recipients and the Federal government.

***Itemized Changes in Annual Cost Burden***

***Explain:***

There is no cost burden for this collection.

**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.**

FEMA will display the expiration date for OMB approval of this information collection.

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

FEMA does not request an exception to the certification of this information collection.

**B. Collections of Information Employing Statistical Methods.**

There is no statistical methodology involved in this collection.