

July 12, 2022

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 – NW133

Title: Generic Clearance Civil Rights and Equity

Form Number(s): FEMA Form FF-256-FY-21-100

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(1)(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.

The Federal Emergency Management Agency (FEMA) is required to ensure compliance with numerous civil rights and equity obligations, including Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., Section 308 of the Stafford Act, 42 U.S.C. §§ 5151-52, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., Executive Order 13166, Improving

Access to Services for Persons with Limited English Proficiency, Executive Order 12898, Environmental Justice in Minority Populations and Low-Income Populations, Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 13995, Ensuring an Equitable Pandemic Response and Recovery, Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation, and Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.

FEMA will obtain information about the demographic characteristics of those who apply for disaster assistance grants. FEMA intends to add demographic questions to existing data collections for grant programs.

Questions will be included towards the end of a grant collection form. Each question shall have a ‘prefer not to answer’ response as well, in the case an applicant wishes to not respond to one or more of the demographic questions. Such information is necessary to assess and enforce FEMA’s civil rights, nondiscrimination and equity requirements and obligations as outlined in federal civil rights laws, such as the Civil Rights Act of 1964, the Rehabilitation Act, and the Stafford Act, as well as relevant Executive Orders. Collection of this information will also allow grant offices to identify and remove barriers to application, qualification and award, and permitting activities directly affecting disaster survivors to identify and remove barriers to equity and enhance programmatic accessibility. This information collection request (ICR) is part of FEMA’s overall strategy for instilling equity as a foundation of emergency management.

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 purpose of the information collection is to allow FEMA to assess and enforce its civil rights, nondiscrimination and equity requirements and obligations as outlined in federal civil rights laws such as the Civil Rights Act, Rehabilitation Act and Stafford Act. As an example of FEMA’s requirements, Section 308 of the Robert T. Stafford Act requires disaster assistance, including “the distribution of supplies, the processing of applications, and other relief and assistance activities” by FEMA and recipients of FEMA financial assistance, “be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.”

Demographic data in the Individuals and Households Program (IHP) will be used in the following ways to help improve operational outcomes for vulnerable communities:

- Prioritize the placement of Disaster Recovery Centers and Disaster Survivor Assistance Teams in communities where vulnerable applicants are applying.
- Compare registration data to Census data in the community to identify areas where vulnerable people live but are not applying for assistance to improve outreach and messaging in those communities.
- Prioritize Transitional Sheltering Assistance, Non-Congregate Sheltering, or Direct Housing for vulnerable applicants, and development of resource plans to provide additional support needed for vulnerable applicants.
- Understand whether cultural differences require different operational procedures to best meet the needs of vulnerable survivors.

Overall, equity data collected for the purpose of identifying the members of the public that interact with FEMA, will also allow FEMA programs and activities to determine if there is compliance with the agency's civil rights and equity requirements and obligations.

When a given FEMA directorate, program office or activity requires demographic data to integrate, enhance or measure compliance with civil rights and equity laws and requirements, it will contact FEMA's Office of Equal Rights (OER), Privacy Branch, and Records Management Branch for additional information and guidance regarding process, uses and prohibited uses of the data, and submit a request under this Generic Clearance and obtain an updated or new Privacy Threshold Analysis (PTA) that describes its use of the Civil Rights and Equity questions. Sharing demographic data among FEMA directorates, programs or offices requires a description of the sharing and usage documented in a Department of Homeland Security (DHS)-approved PTA. FEMA submits this Generic Information Collection request to the Office of Management and Budget (OMB). In order for OMB to be able to assess the utility and burden associated with each request, FEMA will explain the specific use of the information in the given context, the questions that it proposes to use, the existing or new information collection form it will use, a description of the subpopulation to whom the questions will be administered, the estimated number of respondents, and the analysis the program will do of the collected information, how the data will be protected, and if it expects to disseminate the statistics outside of the agency, the process it will use to conduct non-disclosure review. FEMA will include the ICR number if the information is being added to an existing form. FEMA and OMB may agree on a standardized template for the information that will be submitted.

Demographic data will be used to conduct robust statistical analysis of demographics compared to program outcomes to provide FEMA Recovery Leadership with insight about any potential disparities in disaster assistance delivery. We will use inferential and descriptive statistics to:

- Test the collinearity and intersectionality of demographic variables for assistance with future planning.
- Make predictions about applicant behavior in order to provide predictive modeling and analytics for future disasters.
- Compare demographic data to registration damage self-assessment questions to determine if there are correlations between demographics and the self-assessment during the registration process, or the accuracy of the self-assessment compared to FEMA inspector damage determinations.
- Use parametric and non-parametric techniques to compare IHP outcomes to demographics to determine differences in:
 - Program referral rates
 - Insured rates
 - Eligibility rates
 - Eligibility amounts
 - Assistance denial reasons
- Determine if any disparities in program outcomes can be attributed to specific policies, procedures, guidelines, or employee/contractor behavior.
- Assess the impact by conducting significance testing of proposed policy, regulatory, law, and procedure changes on small, vulnerable populations that would be missed by aggregated or other non-individualized demographic data.

FEMA analysts and statisticians understand limitations in data collection and stratification of data, and will ensure that data is not generalized or extrapolated in ways that are not appropriate for our disaster populations and analysis conducted.

The Agency will only submit a collection for approval under this generic clearance if the collection meets the following conditions:

- The questions are voluntary. The following six questions are asked in accordance with the Stafford Act:
 - Are you Hispanic or Latino?
 - What racial category or categories do you most closely identify with?
 - Are you an enrolled member of a Tribal nation?
 - What is your gender?
 - What is your highest level of education?

- o What is your marital status?
- Program Offices may add a few additional demographic related questions to those listed above or other program specific questions that can help program managers to filter and make use of the feedback data to better service the public;
- Information gathered will NOT be used to approve or deny benefits; and
- Information gathered WILL be used to ensure equitable distribution of benefits for ALL disaster survivors, service improvement and program management purposes.

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 data collection will use technology to search, query, or analyze information based on the demographic categories and protected characteristics identified in civil rights laws, including the Stafford Act. For example, the technology will allow FEMA to aggregate and compare the application of policies, participation in programs and award of contracts and grants to ensure that protected groups are not, intentionally or unintentionally, being subjected to a pattern or practice that adversely impacts access to or participation in FEMA programs or activities.

The Agency is prepared to add these questions to the Individuals and Households program registration, FF-104-FY-21-123 (formerly FEMA Form 009-0-1T (English)), Tele-Registration, Disaster Assistance Registration, FF-104-FY-21-125 (formerly FEMA Form 009-0-1Int (English)), Internet, Disaster Assistance Registration FF-104-FY-21-122 (formerly FEMA Form 009-0-1 (English)), Paper Application / Disaster Assistance Registration. The demographic data will help the Individuals and Households program improve operational outcomes for vulnerable communities by using analysis of demographic data against program outcomes to evaluate whether any disparities in eligibility determinations appear to impact vulnerable communities. FEMA would then use this data to determine how to improve service delivery for all survivors. FEMA expects a burden of no more than 5 minutes per registration to answer the additional questions, with the entire estimated annual burden outlined below.

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.

For each request under this Generic Clearance, if there is any additional duplication of similar information, it will be identified and justified.

FEMA’s Individual Assistance Branch currently conducts surveys from a small sample of applicants or adult household members via OMB Control Number: 1660-0143, Federal Emergency Management Agency Individual Assistance Customer Satisfaction Surveys. At present there is demographic data associated with the surveys, but the survey respondents may not be the same as the IHP applicants and may have different demographics than the applicant. Additionally, the surveys in OMB Control Number: 1660-0143 are not adequate to draw meaningful conclusions about the equitability of IHP assistance outcomes because the data cannot be generalized to either a specific disaster population or to the specific demographic categories. The Paperwork Reduction Act requirements associated with the survey collection limits the number of surveys FEMA can conduct and the stratification methodology. These restrictions limit our ability to draw meaningful conclusions for each demographic category. Additionally, Collecting demographic information during the registration process and associating it with the grant application will allow FEMA to better identify and remedy any issues with inequity by having access to real-time responses from registration intake for the full applicant population. The table below shows the maximum completions per survey each month as well as the number of questions included in each survey. FEMA does not believe survey demographic collection is inherently a duplication of registration demographic collection due to the possible difference in respondents’ demographics, however the collection is on our list to review for the DHS Burden Reduction Initiative to reduce two million burden hours from FEMA’s information collections.

OMB Collection Number	Form Number	Survey Name	Monthly Maximum Completes	Maximum Questions
1660-0143	519-0-36	Initial (Phone)	1100	41
1660-0143	519-0-37	Initial (Electronic)		
1660-0143	519-0-38	Contact (Phone)	1200	47
1660-0143	519-0-39	Contact (Electronic)		
1660-0143	519-0-40	Assessment (Phone)	800	54

In the Individuals & Households Program (IHP), FEMA already collects some demographics for programmatic reasons (date of birth/age, income, and disability via OMB Control Number: 1660-0002, Disaster Assistance Registration). New questions pertaining to race, Tribal enrollment, ethnicity, education, gender, and marital status are intended to be used in order to conduct robust statistical analysis of the outcome of IHP programs for various vulnerable populations. The data will be used to understand intersectionality of demographics and identify any issues with program implementation that may be affecting a specific group of individuals.

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.

Demographic information is necessary for accurately assessing compliance with civil rights and equity obligations, identifying barriers to access and intended impacts or unintended adverse impacts, and ensuring the impartial delivery of disaster services.

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 collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

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

Individuals may need to submit FEMA applications for disaster relief that include demographic questions in less than thirty days due to immediate needs (i.e., shelter).

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

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

(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.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

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

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

(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.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

(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.

This information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

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 January 25, 2022, at 87 FR 3836. FEMA received 32 comments from the public.

Certain comments question the utility and relevance of collecting demographic information from disaster survivors in the context of the equitable and efficient delivery of FEMA's disaster response.¹ Further, the comments ask questions about FEMA's current use of data collected from disasters survivors and how this additional demographic information impacts data being collected by the agency.

FEMA Response:

The *Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)*, Public Law 93-288, as amended, is the legal basis for the Federal Emergency Management Agency (FEMA) to provide financial assistance and services to individuals applying for disaster assistance benefits in the event of a Federally-declared disaster. Regulations in 44 CFR, § 206.110 - *Federal Assistance to Individuals and Households* implements the policy and procedures set forth in Section 408 of the *Stafford Act*, 42 U.S.C. 5174, as amended. This program provides financial assistance and, if necessary, direct assistance to eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured, necessary expenses and serious needs, and are unable to meet such expenses or needs through other means.

This collection is to ensure that FEMA is equitably reaching all communities and people who require assistance. Affirmatively, upon the approval of this generic clearance, FEMA will obtain information about the demographic characteristics of those who apply for disaster assistance grants; but FEMA will continue to provide financial assistance and services only to those eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured, necessary expenses and serious needs, and are unable to meet such expenses or needs through other means, in accordance with the law. In addition to informing survivors of their privacy rights, this collection also notifies applicants that their response or lack of response to demographic questions will neither positively nor negatively influence their eligibility for grant

¹ Comment 1 (FEMA-2022-0006-0002), Comment 2 (FEMA-2022-0006-0003), Comment 3 (FEMA-2022-0006-0004), Comment 7 (FEMA-2022-0006-0008), Comment 8 (FEMA-2022-0006-0009), Comment 14 (FEMA-2022-0006-0015), Comment 15 (FEMA-2022-0006-0016)

assistance. Each question has a ‘prefer not to answer’ response as well in case an applicant wishes to not respond to one or more of the demographic questions.

Among other things, the collection will support FEMA’s obligation to assess its policies and programs and ensure that access to and participation in the Individuals and Households Program (IHP) are accomplished in an equitable and impartial manner in accordance with Section 308(a) of the Stafford Act that requires FEMA disaster assistance, including “the distribution of supplies, the processing of applications, and other relief and assistance activities” by FEMA and recipients of FEMA financial assistance, and “be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.” This will ultimately guide more informed and effective disaster policies that do not exclude or minimize any demographic or section of a community.

As correctly pointed out by the public in these comments, FEMA has historically held the responsibility of meeting civil rights obligations. Its nondiscrimination and equity requirements and obligations are outlined in federal civil rights laws, such as the Civil Rights Act of 1964, the Rehabilitation Act, and the Stafford Act, as well as relevant Executive Orders. The collection of this information is crucial to FEMA’s aim of fulfilling our obligations and will permit its program grant offices to identify and remove barriers to application, qualification, and award, and permitting activities directly affecting disaster survivors to identify and remove barriers to equity and enhance programmatic accessibility.

Comment 4 (FEMA-2022-0006-0005): The commenter suggested the “data collection on race or disability status that it creates more challenges for people in those sectors of life; we should ask for an administrative procedure act to be done so congress can review this. I would like to know how data collected will be used as this needs to be outlined before any disclosure.”

FEMA Response: FEMA will obtain information about the demographic characteristics of those who apply for disaster assistance grants in accordance with the law. FEMA uses and shares information from other collections with entities such as states, tribes, local governments, and other organizations. FEMA intends to add demographic questions to existing data collections for grant programs. Questions will be included towards the end of a grant collection form and Privacy Act language will clearly notify applicants that their response or lack of response to demographic questions will not influence their eligibility for grant assistance. Each question has a ‘prefer not to answer’ response as well in case an applicant wishes to not respond to one or more of the demographic questions. Such information is necessary to assess and enforce FEMA’s civil rights

obligations; its nondiscrimination and equity requirements and obligations as outlined in federal civil rights laws, such as the Civil Rights Act of 1964, the Rehabilitation Act, and the Stafford Act, as well as relevant Executive Orders. Collection of this information will also allow grant offices to identify and remove barriers to application, qualification and award, and permitting activities directly affecting disaster survivors to identify and remove barriers to equity and enhance programmatic accessibility.

FEMA does not plan to publish aggregate, non-identifiable demographics data initially. Due to the sensitive nature of the data, FEMA would conduct rigorous review and follow all OpenFEMA publishing guidelines before releasing aggregate demographics data to ensure the Agency is protecting data and not inadvertently allowing the public to identify individuals.

FEMA will not publish personally identifiable demographics data.

Comment 5 (FEMA-2022-0006-0006): The fifth comment was not applicable to this collection.

Comment 6 (FEMA-2022-0006-0007): The sixth comment was not applicable to this collection.

Comment 9 (FEMA-2022-0006-0010): The commenter suggested that in addition to asking about race/ethnicity, gender, education, and marital status, would strongly encourage the collection of data regarding, Age, Number of People in the Household (and indicating whether any of the people in the household are children), Homeownership/Renter Status, and Disability Status. All of these factors strongly influence pre and post disaster outcomes, and hence are incredibly important for the agency to collect. Finally, for the gender question, “Woman” or “Man” would be more appropriate than “Female” or “Male”.

FEMA Response: In accordance with the law, to include the Privacy Act, FEMA collects all the other data fields suggested except for gender.

Comment 10 (FEMA-2022-0006-0011): The commenter suggested separating the Cognitive/Developmental Disabilities/Mental Health categories into Cognitive/Developmental Disabilities and Mental Health/Behavioral Health; clarifying on all forms that an individual may select all disabilities or conditions that may apply; that FEMA include broad ranges of income among the demographic variables collected; FEMA may wish to ask about health insurance status.

FEMA Response: FEMA does not intend to separate Cognitive Developmental Disability from Mental Health/Behavioral Health. FEMA currently collects data information on whether or not someone has medical insurance. While FEMA asks about medical insurance, the instructions inform applicants to select all that apply.

Comment 11 (FEMA-2022-0006-0012): The eleventh comment was not applicable to this collection.

Comment 12 (FEMA-2022-0006-0013): The commenter suggested this data collection is (A) necessary for the proper performance of the agency, including that the collection and use of this data will have practical utility; (B) useful and that a few additional data collection points may be identified and added to this proposal at minimum expense if incorporated with this proposed change; (C) this data will enhance the quality, utility, and clarity of the information to be collected; and (D) the collection techniques identified will minimize the burden of collection.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 13 (FEMA-2022-0006-0014): The commenter suggested that to fully meet the nondiscrimination requirements of the Stafford Act, FEMA should also ask for applicants' age in addition to race, ethnicity, and gender. FEMA should publicly commit to making demographic data, absent personal identifying information (PII), available via the OpenFEMA data portal on an ongoing basis. FEMA should also implement a transparent process for sharing applicant data, including PII data, with qualified research institutions to ensure the data are utilized to their full potential and to also ensure the Agency's accountability to the Civil Rights Act and the Stafford Act. FEMA should work with other federal agencies, like HUD and the Small Business Administration (SBA), to further enhance the utilization of these demographic data.

FEMA Response: FEMA currently collects the applicant's age during registration intake. FEMA does not plan to publish aggregate, non-identifiable demographics data initially. Due to the sensitive nature of the data, FEMA would conduct rigorous review and follow all OpenFEMA publishing guidelines before releasing aggregate demographics data to ensure the Agency is protecting data and not inadvertently allowing the public to identify individuals.

FEMA will not publish personally identifiable demographics data.

Comment 16 (FEMA-2022-0006-0017): The commenter appreciates the value of the data collected for the purpose of determining whether minority populations are adversely impacted relative to relief provided by FEMA. Determining the magnitude of the problem and identifying its source is necessary before change can occur.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 17 (FEMA-2022-0006-0018): The commenter suggested providing the specific information that FEMA proposes to collect; clarifying how this information will be used to prevent discrimination and how it will benefit survivors. Clarify whether the additional questions will be optional or required for eligibility of FEMA benefits. Survivors have a wide range of experience and reading/writing/and language comprehension. Explain how FEMA will ensure that the additional questions will not be intimidating to/uncomfortable for survivors. If FEMA chooses to ask about citizenship, explain how it plans to ensure that this does not deter applicants from applying. Ensure the data collection process will be trauma informed. FEMA's forms should be reviewed by a panel of advocates from non-profit agencies who work with these unserved/underserved populations to include considerations for cultural competence, language, age, disability, literacy level, housing status, etc.

FEMA Response: FEMA does not currently collect data about citizenship of an applicant or household members and is not adding a citizenship question via this collection. FEMA will obtain information about the demographic characteristics of those who apply for disaster assistance grants in accordance with the law, to include Section 504 of the Rehabilitation Act. FEMA uses and shares information from other collections with entities such as states, tribes, local governments, and other organizations. FEMA intends to add demographic questions to existing data collections for grant programs. Questions will be included towards the end of a grant collection form and Privacy Act language will clearly notify applicants that their response or lack of response to demographic questions will not influence their eligibility for grant assistance. Each question has a 'prefer not to answer' response as well in case an applicant wishes to not respond to one or more of the demographic questions. Such information is necessary to assess and enforce FEMA's civil rights, obligations; its nondiscrimination and equity requirements and obligations as outlined in federal civil rights laws, such as the Civil Rights Act of 1964, the Rehabilitation Act, and the Stafford Act, as well as relevant Executive Orders. Collection of this information will also allow grant offices to identify and remove barriers to application, qualification and award, and permitting activities directly affecting disaster survivors to identify and remove barriers to equity and enhance programmatic

accessibility. . FEMA forms are reviewed by appropriate entities within the Agency, DHS, and OMB, to include the Office of Equal Rights and External Affairs.

Comment 18 (FEMA-2022-0006-0019): The commenter strongly supports the collection of additional data, including information on race, ethnicity, Tribal membership, gender, age, income, disability status, status as a female headed household or not, and status as a renter or not.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 19 (FEMA-2022-0006-0020): The commenter strongly supports FEMA collecting demographic information from those who apply for benefits. Unless FEMA understands applicants' demographics, it will not be possible to ensure that FEMA benefits are equitably distributed and helping those who need it most.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 20 (FEMA-2022-0006-0021): The commenter implores FEMA to include a category for individuals of "Middle Eastern or North African" (MENA) descent to identify among the list of racial and ethnic group categories into which they disaggregate demographic data collected under this information collection activity.

FEMA Response: FEMA's Individual Assistance program has added demographic application questions related to the race, ethnicity, and tribal membership. In the future, FEMA will aim to identify and address potential access barriers and disparate outcomes based on the information collected, instead of only collecting data that directly supported the implementation of the program. FEMA will be adding the ethnic group question to the data collection for submission to the Office of Management & Budget (OMB).

Comment 21 (FEMA-2022-0006-0022): The commenter suggested that to ensure FEMA is fulfilling nondiscriminatory obligations, an opportunity must be afforded to applicants to disclose specific demographic information. Publicly available information from FEMA could assist in ensuring access to justice in a disaster. FEMA has an opportunity to improve the operational outcomes for vulnerable communities by implementing inclusive processes. Inclusive demographics, as a metric, is a quantitative measure that can provide certainty of FEMA's legal obligations to ensure that disaster assistance is distributed in an equitable manner without discrimination.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 22 (FEMA-2022-0006-0023): The commenter strongly supports the additional collection of data by FEMA, particularly as applied to race, ethnicity, tribal status, and gender identity. The collection of the proposed data, its application to FEMA emergency response practices, and its matching with HUD data in support of long-term recovery and mitigation is one more step toward more equitable and effective program design and resources application. As this data is integrated into the recently implemented FEMA and HUD data matching, both should establish procedures to make this data (with personal identifying information (PII) redacted) available to the public. We applaud FEMA's additional data collection, and we hope that this new data collection will help spur continued improvements in data transparency.

FEMA Response: FEMA is undertaking an assessment of equity outcomes of several mitigation, federal insurance, preparedness, and grant programs. Based on the National Advisory Council (NAC) recommendations and other inputs, efforts to improve equity outcomes will include: Engaging with State, Local, Tribal, and Territorial (SLTT) partners by discussing key elements of the new Building Resilient Infrastructure and Communities (BRIC) program, providing a grant program and funding priority overview, preparing underserved applicants to apply for disaster assistance, and publishing the Mitigation Action Portfolio, a new resource to introduce stakeholders to the BRIC grant program and the array of eligible hazard mitigation activities. Furthermore, the FEMA Intergovernmental Affairs (IGA) Tribal Partner Team is developing a training plan for internal staff to better understand tribal nations' government structures, heritage, and culture.

Comment 23 (FEMA-2022-0006-0024): The commenter is *pleased* to respond to the Federal Emergency Management Agency (FEMA) request for comments on FEMA's proposed collection of demographic characteristics of those who apply for the Agency's programs or disaster assistance; to fulfill its Congressional mandate and ensure that federal disaster relief truly serves the most vulnerable, FEMA must collect the information necessary to assess its activities; applaud FEMA's efforts in moving forward to ensure this obligation is met.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 24 (FEMA-2022-0006-0025): The commenter suggested that FEMA should explicitly seek to assist those who were most vulnerable before a disaster. We recommend consideration of an approach like Housing and Urban Development’s Community Development Block Grant Disaster Recovery program, which ensures a majority of its funding goes to primarily benefit low- and moderate-income households. FEMA must also consider collecting demographic information in its hazard mitigation programs, such as the Hazard Mitigation Grant Program and Building Resilient Infrastructure and Communities programs.

FEMA Response: FEMA and stakeholders are reviewing changes to the Threat Hazard Identification and Risk Assessment (THIRA) and the Stakeholder Preparedness Review (SPR) to capture vulnerabilities, capability gaps, and target levels of capability for at-risk communities and ensure equitable funding distribution related to planning, preparedness, mitigation, and recovery outcomes.

Comment 25 (FEMA-2022-0006-0026): The twenty-fifth comment received is a duplicate of the twenty-fourth comment.

Comment 26 (FEMA-2022-0006-0027): The commenter suggested that FEMA’s proposal to add the additional demographic questions to the Individual and Households Program registration will help promote transparency and analysis towards improving equity in its programs. FEMA is meeting this equity requirement. Demographic questions should be added to every form of the application, whether the applicant applies online through disasterassistance.gov, via phone through the FEMA helpline, or in person at a Disaster Recovery Center. Because application barriers are most likely to affect underserved populations, equity would be furthered by broadening demographic information collection to include everyone who begins the application for FEMA benefits, including those who do not ultimately receive a registration number. Applicants see “Identification Verification Error” on their screen with a vague explanation that FEMA is unable to verify important information needed to complete the online registration. FEMA could make demographic information regarding applicants’ race, income, gender, age, and disability-status available via OpenFEMA data sets.

FEMA Response: FEMA is considering policy recommendations that better align funding distribution to support at-risk communities. These recommendations include providing for the security and needs of underserved and historically marginalized communities more effectively; the assessment will investigate barriers to program participation including program awareness, ease of application, eligibility, and qualification requirements, as well as identifying where funding has not been previously awarded. FEMA is strengthening interagency data-sharing to support improved modeling and information sharing. FEMA collects the applicant’s age during registration

intake. Currently, FEMA does not release PII data via OpenFEMA or research institutions. FEMA does not plan to publish aggregate, non-identifiable demographics data initially. Due to the sensitive nature of the data, FEMA would conduct rigorous review and follow all OpenFEMA publishing guidelines before releasing aggregate demographics data to ensure the Agency is protecting data and not inadvertently allowing the public to identify individuals.

FEMA will not publish personally identifiable demographics data.

Comment 27 (FEMA-2022-0006-0028): The commenter understands the need of a FEMA effort to collect demographic information to ensure compliance with Federal civil rights requirements and the equitable implementation of emergency management policies and programs; however, there does need to be further discussion in how such data will be used post collection and incorporated in grant timelines.

FEMA Response: FEMA is currently developing a comprehensive approach to advancing equity using the requirements of Executive Order (EO) 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, issued on January 20, 2021. Determining if new or updated policies, regulations, or guidance documents are necessary to advance equity in agency actions and programs; reviewing strategies of resource allocation to increase investment that advance equity in underserved communities; consulting with members of historically underrepresented and underserved communities to evaluate opportunities and develop approaches to advancing equity by increasing coordination, communication, and engagement with community-based and civil rights organizations; studying FEMA data collection programs, policies, and infrastructure, identifying any deficiencies, and working to implement actions that expand and refine data used to measure equity.

Comment 28 (FEMA-2022-0006-0029): The commenter suggested regarding the Data Collection that FEMA has not yet said who will have access to the demographic data, what the data will be used for, and what training there will be for those handling the data. Private demographic data may create impenetrable insulation for FEMA decision making, meaning any time claims of inequity or discrimination are levied against FEMA or one of FEMA's programs, FEMA could use this data as a shield justifying its actions.

FEMA Response: FEMA will obtain information about the demographic characteristics of those who apply for disaster assistance grants in accordance with the law, to include the Privacy Act. FEMA uses and shares information with entities such as states, tribes, local governments, and other organizations. FEMA intends to add demographic questions to existing data collections for grant programs. Questions will be included towards the end of a grant collection form and Privacy Act language will clearly notify

applicants that their response or lack of response to demographic questions will not influence their eligibility for grant assistance. Each question has a ‘prefer not to answer’ response as well in case an applicant wishes to not respond to one or more of the demographic questions. Such information is necessary to assess and enforce FEMA’s civil rights, obligations; its nondiscrimination and equity requirements and obligations as outlined in federal civil rights laws, such as the Civil Rights Act of 1964, the Rehabilitation Act, and the Stafford Act, as well as relevant Executive Orders. Collection of this information will also allow grant offices to identify and remove barriers to application, qualification and award, and permitting activities directly affecting disaster survivors to identify and remove barriers to equity and enhance programmatic accessibility.

Comment 29 (FEMA-2022-0006-0030): The commenter strongly supports the proposal to collect demographic data, including data on race, ethnicity, and gender, from applicants for FEMA’s Individuals and Households Program (IHP). Collecting this data is critical to the agency’s ability to comply with its civil rights obligations under federal law, as well as compliance with Executive Orders 13985, 13990, and 14008. FEMA is unable to accurately assess its compliance with civil rights, nondiscrimination, and equity requirements and obligations without collecting this data. FEMA should collect additional demographic data in order to fully meet the nondiscrimination requirements of the Stafford Act and other civil rights and equity requirements and obligations, and make data publicly available. FEMA has a legal and ethical obligation to ensure that its programs are equitable and nondiscriminatory. FEMA’s proposed data collection is necessary and appropriate.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

FEMA does not plan to publish aggregate, non-identifiable demographics data initially. Due to the sensitive nature of the data, FEMA would conduct rigorous review and follow all OpenFEMA publishing guidelines before releasing aggregate demographics data to ensure the Agency is protecting data and not inadvertently allowing the public to identify individuals.

FEMA will not publish personally identifiable demographics data.

Comment 30 (FEMA-2022-0006-0031): The commenter applauds FEMA’s efforts to address longstanding equity concerns with the agency’s provision of services and funding. The first step, however, to addressing these concerns is understanding the nature and extent of the problem. To that end, we support the agency’s decision to begin

collecting demographic data of aid recipients. FEMA has a legal obligation to administer its programs in an equitable manner. FEMA must collect data that allows it to accurately track who receives its funding. In order to meet its obligations under Title VI and other nondiscrimination statutes, FEMA must collect demographic information.

FEMA Response: FEMA is constantly working to improve our delivery of assistance and streamline our processes for disaster applicants and appreciates your evaluation of our data collection.

Comment 31 (FEMA-2022-0006-0032): The commenter suggested FEMA should regularly collect data and partner with researchers to investigate and track whether policies, programs, and regulations are achieving equitable outcomes; recommends that FEMA develops a robust evaluation plan that includes data collection, identification of equity benchmarks, and metrics and measures to assist with reporting.

FEMA Response: FEMA's Office of Equal Rights coordinated and hosted three civil rights summits for external stakeholders. Motivated by FEMA's core values of compassion, fairness, integrity and respect, the civil rights summits sought to engage FEMA and its stakeholders in collaborative dialogue aimed at identifying actual and perceived biases impacting equal access to FEMA's programs and services. The goal of the summits was to start a conversation about equity, equal access, and implementation with members of the public with first-hand knowledge about how FEMA can better meet the needs of underserved and historically marginalized communities before, during, and after disasters. The summits focused on three areas: multi-cultural communities, disability communities, and environmental justice issues throughout disasters. The sessions included presentations from the main FEMA program offices that serve survivors and senior level panel discussions stemming from questions presented by attendees.

Comment 32 (FEMA-2022-0006-0033): The thirty-second comment was not applicable to this collection.

A 30-day Federal Register Notice inviting public comments was published on May 18, 2022, at 87 FR 30246. The public comment period is open until June 17, 2022.

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 regularly meets with and participates in inter-Agency working groups to determine perspectives on the availability of data and frequency of collection, recordkeeping, disclosure, and analysis and reporting format.

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 regularly consults with stakeholders, including community and faith-based organizations, emergency management organizations, state, local, tribal, and territorial recipients, and individual disaster survivors.

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 benefits.

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

1660-NW133 is built upon Individual & Households Program (IHP) registration data. A Privacy Threshold Analysis (PTA) for IHP was approved in April 2021, pending Privacy Impact Assessment (PIA) and System of Records Notice (SORN) updates. The PTA describes the protection of data in detail, including disclosure avoidance and that FEMA case processing agents and inspectors will not have access to the new demographic data collected as it is stored in the system of record, but not displayed on the screen for end users to help safeguard this information.

1660-NW133 will serve as FEMA's main generic approval for the collection of civil rights and equity-related data. Demographic questions will be included towards the end of a FEMA program's grant collection form. It will be the responsibility of each program requesting permission to collect demographic information under the heading of 1660-NW133's generic collection to request approval under the generic clearance and ensure all appropriate System of Record Notice (SORN), Privacy Impact Assessment (PIA), Privacy Threshold Analysis (PTA), and Privacy Act coverage is in place.

FEMA-Recovery is working with FEMA Privacy Office to draft a new SORN and PIA for this generic equity data collection. These documents are currently in draft and will

provide that the information will only be disclosed when such disclosures are authorized under the Privacy Act. Additionally, at the time information is collected, respondents will be read or provided a Privacy Act Statement.

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.

As a general matter, to ensure nondiscrimination and equity in its programs and activities, FEMA requires equity/demographic information to identify and remedy concerns regarding awareness, ability to apply, eligibility and impacts. Equity data, for identifying the members of the public that interact with FEMA, will allow its programs and activities to determine if there is compliance with these civil rights and equity requirements and obligations.

For each individual Generic Information Collection request, a justification for the specific questions chosen for a particular collection will be provided to OMB. FEMA will consider all available alternatives for generating the statistics necessary to assess equity in a given program before determining whether it is appropriate to increase data collection, as it is mindful of the risk of disclosure and program uptake of asking sensitive questions.

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.

Based on historical data from 2007 through 2019 utilizing Croston's Method for intermittent demand forecasting, it is estimated 938,800 individuals will apply for Individual Assistance IHP assistance annually.

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.

The request is being used FEMA wide. Each program will use their specific questions. The collection of this information will be added separately to other collections of information and have its own OMB Control number and Privacy Statement as a separate collection.

The number of individuals estimated to apply for Individual Assistance IHP is 938,800. The process of obtaining information about the demographic characteristics takes approximately 5 minutes (0.0833 hours) to complete and the total annual hour burden is 78,202 hours.

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 1.45 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 Agency is prepared to add demographic questions to the Individuals and Households program registration. IHP currently uses three registration instruments: FF-104-FY-21-123 (formerly FEMA Form 009-0-1T (English)), Tele-Registration, Disaster Assistance Registration, FF-104-FY-21-125 (formerly FEMA Form 009-0-1Int (English)), Internet, Disaster Assistance Registration FF-104-FY-21-122 (formerly FEMA Form 009-0-1 (English)), Paper Application / Disaster Assistance Registration. FEMA collects information using these instruments via OMB Control Number: 1660-0002, Disaster Assistance Registration). The estimated annual number of respondents for IHP assistance is 938,800.

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
Individuals		938,800	1	938,800	0.0833	78,202	\$40.62	\$3,176,565

or Households								
Total		938,800		938,800		78,202		\$3,176,565

Instruction for Wage-rate category multiplier: Take each non-loaded “Avg. Hourly Wage Rate” from the BLS website table and multiply that number by 1.45.² For example, a non-loaded BLS table wage rate of \$42.51 would be multiplied by 1.45, and the entry for the “Avg. Hourly Wage Rate” would be \$61.64.

According to the U.S. Department of Labor, Bureau of Labor Statistics,³ the May 2021 Occupational Employment and Wage Estimates wage rate for All Occupations (SOC 00-0000) is \$28.01 per hour. Including the wage rate multiplier 1.45, the fully-loaded wage rate is \$40.62 per hour. Therefore, the burden hour cost to respondents is estimated to be \$3,176,565 (78,202 x \$40.62 = \$3,176,565) 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.

² Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1. Available at https://www.bls.gov/news.release/archives/ecec_03182022.pdf. Accessed March 29, 2022. The wage multiplier is calculated by dividing total compensation for all workers of \$40.35 by wages and salaries for all workers of \$27.83 per hour yielding a benefits multiplier of approximately 1.45.

³ Bureau of Labor Statistics. Occupational Employment Survey May 2021, SOC 00-000 All Occupations: mean hourly wage \$28.01. Retrieved from https://www.bls.gov/oes/2021/may/oes_nat.htm. Accessed on April 14, 2022.

There are no record keeping, 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 (\$)
Staff Salaries [GS 9, step 5 employees ¹ at \$48.78 (33.64 x 1.45) ² per hour spending an additional 5 minutes per call for 938,800 call center registrations per year (\$48.78 x 0.0833 x 938,800 = \$3,814,696)]	\$3,814,696
Facilities [cost for renting, overhead, etc. for data collection activity]	\$0
Computer Hardware and Software [cost of equipment annual lifecycle]	\$0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	\$0
Travel (not to exceed)	\$0
Total	\$3,814,696
¹ Office of Personnel Management 2022 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/pdf/2022/DCB_h.pdf . Accessed January 12, 2022.	
² Wage rate includes a 1.45 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 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
Individual Assistance Civil Rights and Equity Questions	0	78,202	+78,202	0	0	0
Total(s)	0	78,202	+78,202	0	0	0

Explain: This is a new collection.

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
Individual Assistance Civil Rights and Equity Questions	\$0	\$3,176,565	+\$3,176,565	\$0	\$0	\$0
Total	\$0	\$3,176,565	+\$3,176,565	\$0	\$0	\$0

Explain: This is a new 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 programs and activities will analyze and publish this in aggregate, non-identifiable form data in various ways, including annual reports to the public, Congress and the White House. However, there are no outline plans for tabulation and publication of data for this information collection.

Due to the sensitive nature of the data, FEMA would conduct rigorous review and follow all OpenFEMA publishing guidelines before releasing aggregate demographics data to ensure the Agency is protecting data and not inadvertently allowing the public to identify individuals.

FEMA will collect data and conduct program analysis for approximately two years before determining next steps for the data collection. If the data yields little to no benefit, FEMA will request to discontinue the collection. If certain questions yield no statistically significant results, FEMA will request to remove those questions from the collection. FEMA will begin data collection immediately upon OMB approval, but results will not be available for approximately two years, in order to allow enough time for a variety of disaster types and geographic areas to be analyzed.

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”.