

Dated: March 4, 2022.

**Kathleen Claffie,**

Chief, Office of Privacy Management, U.S. Coast Guard.

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2020-0016]

#### Meetings To Implement Pandemic Response Voluntary Agreement Under Section 708 of the Defense Production Act

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** Announcement of meetings.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is holding a series of meetings, under the Plan of Action to Establish a National Strategy for the Coordination of National Multimodal Healthcare Supply Chains to Respond to COVID-19, to implement the Voluntary Agreement for the Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic.

**DATES:**

- Wednesday, March 2, 2022, from 1 p.m. to 3 p.m. Eastern Time (ET).
- Wednesday, March 16, 2022, from 1 p.m. to 3 p.m. ET.
- Wednesday, March 30, 2022, from 1 p.m. to 3 p.m. ET.
- Wednesday, April 13, 2022, from 1 p.m. to 3 p.m. ET.
- Wednesday, April 27, 2022, from 1 p.m. to 3 p.m. ET.
- Wednesday, May 11, 2022, from 1 p.m. to 3 p.m. ET.
- Wednesday, May 25, 2022, from 1 p.m. to 3 p.m. ET.

**FOR FURTHER INFORMATION CONTACT:**

Robert Glenn, Office of Business, Industry, and Infrastructure Integration, via email at [OB3I@fema.dhs.gov](mailto:OB3I@fema.dhs.gov) or via phone at (202) 212-1666.

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is provided as required by section 708(h)(8) of the Defense Production Act (DPA), 50 U.S.C. 4558(h)(8), and consistent with 44 CFR part 332.

The DPA authorizes the making of “voluntary agreements and plans of action” with representatives of industry, business, and other interests to help provide for the national defense.<sup>1</sup> The

President’s authority to facilitate voluntary agreements with respect to responding to the spread of COVID-19 within the United States was delegated to the Secretary of Homeland Security in Executive Order 13911.<sup>2</sup> The Secretary of Homeland Security further delegated this authority to the FEMA Administrator.<sup>3</sup>

On August 17, 2020, after the appropriate consultations with the Attorney General and the Chairman of the Federal Trade Commission, FEMA completed and published in the **Federal Register** a “Voluntary Agreement, Manufacture and Distribution of Critical Healthcare Resources Necessary to Respond to a Pandemic” (Voluntary Agreement).<sup>4</sup> Unless terminated earlier, the Voluntary Agreement is effective until August 17, 2025, and may be extended subject to additional approval by the Attorney General after consultation with the Chairman of the Federal Trade Commission. The Agreement may be used to prepare for or respond to any pandemic, including COVID-19, during that time.

On October 15, 2021, the sixth plan of action under the Voluntary Agreement—the Plan of Action to Establish a National Strategy for the Coordination of National Multimodal Healthcare Supply Chains to Respond to COVID-19—was finalized.<sup>5</sup> This plan of action established several subcommittees under the Voluntary Agreement, focusing on different transportation categories.

The meetings are chaired by the FEMA Administrator’s delegates from the Office of Response and Recovery (ORR) and Office of Policy and Program Analysis (OPPA), attended by the Attorney General’s delegates from the U.S. Department of Justice, and attended by the Chairman of the Federal Trade Commission’s delegates. In implementing the Voluntary Agreement, FEMA adheres to all procedural requirements of 50 U.S.C. 4558 and 44 CFR part 332.

**Meeting Objectives:** The objectives of the meetings are as follows:

<sup>2</sup> 85 FR 18403 (Apr. 1, 2020).

<sup>3</sup> DHS Delegation 09052, Rev. 00.1 (Apr. 1, 2020); DHS Delegation Number 09052 Rev. 00 (Jan. 3, 2017).

<sup>4</sup> 85 FR 50035 (Aug. 17, 2020). The Attorney General, in consultation with the Chairman of the Federal Trade Commission, made the required finding that the purpose of the voluntary agreement may not reasonably be achieved through an agreement having less anticompetitive effects or without any voluntary agreement and published the finding in the **Federal Register** on the same day. 85 FR 50049 (Aug. 17, 2020).

<sup>5</sup> See 86 FR 57444 (Oct. 15, 2021). See also 87 FR 6880 (Feb. 7, 2022).

1. Convene the various Sub-Committees focused on Surface, Maritime, and Aviation Transportation under the National Multimodal Healthcare Supply Chains Plan of Action to establish priorities related to the COVID-19 response under the Voluntary Agreement.

2. Convene the Requirements Sub-Committee under the National Multimodal Healthcare Supply Chains Plan of Action, as a culmination of the above series of meetings, by the end of May 2022.

3. Gather Sub-Committee Participants and Attendees to ask targeted questions for situational awareness.

4. Identify pandemic-related supply chain issues, information gaps, and areas for potential additional discussion.

5. Identify potential Objectives and Actions under the Sub-Committees focused on Surface, Maritime, and Aviation Transportation.

**Meetings Closed to the Public:** By default, the DPA requires meetings held to implement a voluntary agreement or plan of action be open to the public.<sup>6</sup> However, attendance may be limited if the Sponsor<sup>7</sup> of the Voluntary Agreement finds that the matter to be discussed at a meeting falls within the purview of matters described in 5 U.S.C. 552b(c), such as trade secrets and commercial or financial information.

The Sponsor of the Voluntary Agreement, the FEMA Administrator, found that these meetings to implement the Voluntary Agreement involve matters which fall within the purview of matters described in 5 U.S.C. 552b(c) and the meetings are therefore closed to the public.

Specifically, these meetings may require participants to disclose trade secrets or commercial or financial information that is privileged or confidential. Disclosure of such information allows for meetings to be closed to the public pursuant to 5 U.S.C. 552b(c)(4).

The success of the Voluntary Agreement depends wholly on the willing participation of the private sector participants. Failure to close these meetings to the public could reduce active participation by the signatories due to a perceived risk that sensitive company information could be released to the public. A public disclosure of a private sector participant’s information executed prematurely could reduce trust and support for the Voluntary Agreement.

A resulting loss of support by the participants for the Voluntary Agreement would significantly hinder

<sup>6</sup> See 50 U.S.C. 4558(h)(7).

<sup>7</sup> “[T]he individual designated by the President in subsection (c)(2) [of section 708 of the DPA] to administer the voluntary agreement, or plan of action.” 50 U.S.C. 4558(h)(7).

<sup>1</sup> 50 U.S.C. 4558(c)(1).

the implementation of the Agency's objectives. Thus, these meeting closures are permitted pursuant to 5 U.S.C. 552b(c)(9)(B).

**Deanne Criswell,**

*Administrator, Federal Emergency Management Agency.*

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA-2022-0012; OMB No. 1660-0008]

#### Agency Information Collection Activities: Proposed Collection; Comment Request; Elevation Certificate/Floodproofing Certificate

**AGENCY:** Federal Emergency Management Agency, Department of Homeland Security.

**ACTION:** 60-Day notice of revision and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a revision of a currently approved collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Elevation Certificate and the Floodproofing Certificate for Non-Residential Structures.

**DATES:** Comments must be submitted on or before May 9, 2022.

**ADDRESSES:** Submit comments at [www.regulations.gov](http://www.regulations.gov) under Docket ID FEMA-2022-0012. Follow the instructions for submitting comments.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy and Security Notice that is available via a link on the homepage of [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Joycelyn Collins, Program Analyst, Federal Insurance and Mitigation Administration, Flood Insurance Directorate, at 202-701-3383 or

[Joycelyn.Collins@fema.dhs.gov](mailto:Joycelyn.Collins@fema.dhs.gov). You may contact the Information Management Division for copies of the proposed collection of information at email address: [FEMA-Information-Collections-Management@fema.dhs.gov](mailto:FEMA-Information-Collections-Management@fema.dhs.gov).

#### SUPPLEMENTARY INFORMATION:

Communities participating in the National Flood Insurance Program (NFIP) are required to adopt a floodplain management ordinance that meets or exceeds the minimum floodplain management requirements of the NFIP. In accordance with the Federal Emergency Management Agency's (FEMA's) minimum floodplain management criteria, communities must require that all new construction and substantial improvement of residential structures and non-residential structures have the lowest floor (including basement) elevated to above the base flood elevation subject to 44 CFR 60.3(c)(2) and (3), unless, for residential structures, the community is granted an exception by FEMA for the allowance of basements under 44 CFR 60.6(b) or (c). New construction and substantial improvement of non-residential structures can also be floodproofed. This means that, together with attendant utility and sanitary facilities, they are designed such that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability to resist hydrostatic and hydrodynamic loads and effects of buoyancy. 44 CFR 60.3(c)(3)(ii). Use of the Elevation Certificate and Floodproofing Certificate is one convenient way for a community to document building compliance. Title 44 CFR 61.7 and 61.8 require proper investigation to estimate the risk premium rates necessary to provide flood insurance.

This information collection expires on November 30, 2022. FEMA is requesting a revision of this currently approved information collection.

#### Collection of Information

*Title:* Elevation Certificate/ Floodproofing Certificate.

*Type of information collection:* Revision of a currently approved collection.

*OMB Number:* 1660-0008.

*Form Titles and Numbers:* FEMA Form FF-206-FY-22-152 (formerly 086-0-33), Elevation Certificate and FEMA Form FF-206-FY-22-153 (formerly 086-0-34), Floodproofing Certificate for Non-Residential Structures.

*Abstract:* The Elevation Certificate and Floodproofing Certificate are used

in conjunction with the Flood Insurance Application to determine a building's compliance with local floodplain management provisions and to document elevations in support of flood insurance premiums or discounts that align with the building's risk of damage from flooding. Respondents are primarily surveyors, architects, or engineers; individual property owners may opt to complete specified portions of the Elevation Certificate.

*Affected Public:* Individuals or households, Business or other for-profit, Not-for-profit institutions; Farms; State, Local or Tribal Government.

*Estimated Number of Respondents:* 3,517.

*Estimated Number of Responses:* 3,517.

*Estimated Total Annual Burden Hours:* 12,734.

*Estimated Total Annual Respondent Cost:* \$622,253.

*Estimated Respondents' Operation and Maintenance Costs:* \$0.

*Estimated Respondents' Capital and Start-Up Costs:* \$0.

*Estimated Total Annual Cost to the Federal Government:* \$32,343.

#### Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Millicent Brown Wilson,**

*Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.*

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