

Supporting Statement for the Native Employment Works (NEW) Program Plan Guidance and Program Report

A. Justification

1. Necessity of the Information Collection

Section 412(a)(2) of the Social Security Act (42 U.S.C. 612(a)(2)), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Balanced Budget Act of 1997, created a new tribal work activities program – the Native Employment Works (NEW) program. The NEW program replaced the Tribal Job Opportunities and Basic Skills Training (JOBS) program. As required by statute, the Tribal JOBS program ended June 30, 1997, and the NEW program began July 1, 1997. (The NEW program is reauthorized through September 30, 2010, by section 7101(a) of the Deficit Reduction Act of 2005, Public law 109-171.)

The NEW program plan guidance and the NEW program report document contain requirements for information needed by the Department of Health and Human Services (HHS) to evaluate and approve plans for funding and to monitor and measure program performance. Eligible Indian tribes and Alaska Native entities must submit program plans (generally once every three years) in order to receive NEW program grants. The program plan describes how the grantee will administer and operate its NEW program. NEW program grantees must submit program reports annually, providing information on activities and services provided, characteristics of NEW program clients, and achievement of projected program outcomes.

The NEW program final regulations (45 CFR Part 287) contain requirements for program plans and program reports. In these regulations, sections 287.70 through 287.110 apply to NEW plans, and sections 287.150 through 287.170 apply to NEW reports. These requirements are reflected in the program plan guidance and program report documents.

The version of these documents for which we now seek approval replaces previous versions. This version clarifies and reduces plan and reporting requirements.

2. Use of the Information

HHS uses the information in NEW program plans to determine whether to approve the proposed NEW plans and programs for funding. HHS and grantees use the information in NEW program plans to document how the grantees will administer and operate their NEW programs.

HHS and grantees use the information in NEW program reports to determine the extent to which grantees' programs are fulfilling their intended purpose and meeting their goals and projected outcomes. The information assists HHS and grantees to evaluate the program and to develop policies and procedures to make it more effective in addressing the needs of American Indian families. HHS and others, including the Congress and grantees, use the information to determine the impact of the NEW program.

3. Use of Information Technology

The NEW program plan and program report may be submitted to HHS in hard copy or electronically. Electronic submission should be faster and more efficient than hard copy submission and should reduce information collection burden. Electronic submission of NEW program plans and program reports is optional for grantees. Automated, electronic, and other technological collection techniques often are unavailable to tribes that operate NEW programs.

4. Efforts to Identify Duplication

No similar or duplicate information is available. The information collected relates specifically to uses of NEW program funds.

5. Impact on Small Businesses or Other Small Entities

These requirements have no impact on small businesses or entities. Information requested through this collection is the minimum needed for the intended use.

6. Consequence of Less Frequent or No Collection

Information is collected less frequently under the NEW program than under the predecessor Tribal JOBS program. Tribal JOBS plans were due once every two years, while NEW program plans are due once every three years. Three-year plans allow grantees sufficient time to plan and implement longer-term strategies. Tribal JOBS program operation reports were due quarterly, while NEW program reports are due annually.

If the collection were conducted less frequently, the federal government would not have timely information about grantees' programs and achievements, and accountability would be significantly reduced. If the collection were not conducted, there would be no basis on which to approve or fund NEW programs, and no standard data for monitoring, evaluating, and assessing the achievements and impact of the program.

7. Special Circumstances Requiring Explanation

None. For example, NEW program plans are submitted once every three years, and NEW program reports are submitted annually. Tribes certify in their plans that they will comply with all applicable requirements of federal laws and regulations governing this program.

8. Public Consultation

Our 60-day notice (required by 5 CFR 1320.8(d)) requesting comments on this information collection prior to submission to OMB was published April 7, 2006 (71 FR 17891). Our 30-day notice requesting comments was published October 27, 2006 (71 FR 63024). We have received no comments in response to these notices.

The NEW program regulations include specific requirements for the content of NEW program plans. These specific requirements are the basis for the revised NEW program plan guidance. The NEW regulations include general requirements for NEW program reports. These general requirements are included in the revised NEW program report documents. The notice of proposed rulemaking for the NEW program regulations was published in the Federal Register on July 22, 1998 (63 FR 39365 et seq.). A 120-day comment period was provided. HHS took all comments received into account when preparing the final rule. The final rule was published February 18, 2000 (65 FR 8478 et seq.)

We consulted with NEW grantees and our regional offices when preparing the revised program plan guidance and program report. We asked about the availability and usefulness of data that might be included/required and the clarity of the information collection documents. We modified the guidance and report documents in response to comments we received during this process and consistent with experience under previous versions. We received favorable comments on both documents.

9. Payments and Gifts

No payment or gift will be (or has been) provided to respondents (other than annual award of NEW grant funds to NEW grantees consistent with statutory and regulatory requirements).

10. Assurance of Confidentiality

No assurance of confidentiality is provided to respondents (NEW grantees). The information collected is not confidential. Grantees do not submit information that identifies individual NEW program clients.

11. Questions of a Sensitive Nature

There are no questions of a sensitive nature in the information collection.

12. Estimated Hour Burden of the Information Collection

By law, eligibility for NEW program funding is limited to the Indian tribes and Alaska Native organizations that operated JOBS programs in FY 1995. The 78 current NEW grantees are the only entities eligible for NEW funding. We assume that all 78 will continue to submit program plans every 3 years to continue to operate NEW programs.

NEW program grantees must submit a program report annually. NEW grantees have the option to include their NEW programs in demonstration projects under Public Law 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992. The number of NEW grantees that do so varies from year to year. Each year, about two-thirds of NEW grantees do not include their NEW programs in 102-477 projects, and about one-third include their NEW programs in 102-477 projects. Currently, 48 grantees do not include their NEW programs in 102-477 projects, and 30 do. The 102-477 grantees report program

progress to the Department of the Interior, the lead agency for 102-477 projects, using a form and narrative that are similar to the form and narrative for the NEW program report. Because the 102-477 information collection receives separate OMB approval, we have not included hour burden in this supporting statement for NEW grantees that submit the 102-477 program report information collection, rather than the NEW program report. The table below estimates that 48 of the 78 NEW grantees will report annually to HHS (and 30 will include their NEW programs in 102-477 projects and report to the Interior Department).

As shown in this table and in Part II: Information Collection Detail of the Paperwork Reduction Act Submission Worksheet, we estimate that the annual hour burden for the NEW program plan is 754, and we estimate that the annual hour burden for the NEW program report is 720. The combined total annual hour burden for the program plan and program report is 1,474, as shown in the table and in Part II of the worksheet. We estimate that the annualized cost to the respondents for hour burdens for the information collection is \$22,110. We calculated this estimate by multiplying the estimated total burden hours (1,474) by \$15, the estimated average hourly wage of the grantee staff performing the work.

The basis for these estimates is experience with the most recent program plan and program report, using information obtained from respondents and informal testing in our office. Because the plan and reporting requirements are clarified and reduced in the revised documents, hour burdens for respondents will be reduced.

Annual Burden Estimates

<u>Instrument</u>	<u>Number of Respondents</u>	<u>Number of Responses per Respondent</u>	<u>Average Burden Hours per Response</u>	<u>Total Burden Hours</u>
NEW program plan guidance	26*	One, every 3 years	29	Annually: 754
NEW program report	48**	One, annually	15	Annually: 720
Estimated total burden hours =				1,474

* 78 grantees divided by 3 (because grantees submit the program plan once every 3 years) = 26.

** In the current NEW funding period and the preceding NEW funding period, 48 of the 78 NEW program grantees did not include their NEW programs in P.L. 102-477 projects and therefore submit the NEW program report to HHS.

13. Estimated Cost Burden to Respondents or Recordkeepers

There are no direct monetary costs to respondents other than their time to participate. (Costs of hour burdens covered in items 12 and 14 are not included under this item.)

14. Estimated Cost to the Federal Government

We estimate that the federal cost of central office and regional office staff time associated with the program plan guidance – mailing the guidance, reviewing 78 plans, and obtaining and reviewing any necessary additional information – is \$11,432. These tasks will require approximately 312 professional staff hours (an average of 4 hours per plan) at an average cost of \$36 per hour, plus 10 administrative/clerical staff hours at an average cost of \$20 per hour. Because program plans are effective for a 3 year period and HHS incurs the federal burden for processing the plans only once every 3 years, the federal annualized cost is reduced. The annualized federal cost is approximately \$3,811.

We estimate that the annualized federal cost of central office and regional office staff time associated with the program report – mailing the program report document, and analyzing, tabulating, and publishing the results from 48 annual reports – is \$7,040. Grantees submit one NEW program report each year. (Of the 78 NEW program grantees, 48 currently report to HHS each year, and 30 include their NEW programs in P.L. 102-477 projects and report to the Department of the Interior in a similar, but separate, program report information collection.) Each year, these tasks will require approximately 190 professional staff hours at an average cost of \$36 per hour, plus 10 administrative/clerical staff hours at an average cost of \$20 per hour.

The total annualized federal cost for the program plan and the program report is approximately \$10,851 (\$3,811 + \$7,040).

15. Reasons for Changes

We are requesting reinstatement with change of a previously approved collection. The estimates of hours and cost associated with collection of information using this revised NEW program plan guidance and program report document are similar to the estimates included with our clearance documents for earlier versions of the guidance and report. Because we simplified and clarified the documents and deleted several items previously required in program plans and reports, it will take less time for tribes to prepare their plans and reports using this revised guidance and report. We reduced the hour burdens accordingly. We increased the costs per hour in our estimates to take into account inflation and increased salary costs.

16. Publication of Results

Results of the information collected in the NEW program report are published in the Temporary Assistance for Needy Families (TANF) annual reports to Congress. HHS staff

will tabulate the results and prepare tables and text for publication. Numbers and characteristics of program participants, program activities and services provided to participants, and program accomplishments and issues will be covered. No complex analytical techniques will be used. Grantees will report this information annually, within 90 days after the close of each program year. The time schedule for completion of TANF annual reports to Congress is about one year after the end of the period covered in the report. Arrangements are made to publish these reports as soon as they are approved.

17. Display of Expiration Date

Not applicable. We will display the expiration date for OMB approval of the information collection.

B. Collections of Information Employing Statistical Methods

Not applicable. Statistical methods will not be employed.