



## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

**Note:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320/8(b)(3). Appear at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collections of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of the information;
  - (iii) burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

N/A

Signature of Program Official:

Date:

X  
Edward L. Johnson, Director, Office of Labor Relations

Signature of Senior Officer or Designee:

Date:

X  
Wayne Eddins, Departmental Reports Management Officer  
Office of Investment Strategies, Policy, and Management, Office of the Chief Information Officer

# Supporting Statement for Paperwork Reduction Act Submissions

## 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.

HUD and state and local agencies administering HUD-assisted programs must enforce Federal wage and reporting requirements on covered HUD-assisted construction and maintenance work. Enforcement activities include: 1) conducting compliance reviews and collecting information from laborers and mechanics employed on HUD-assisted projects about their employment on covered projects; and, 2) HUD and agencies may be contacted by the workers or by others who wish to file a complaint of labor standards violation(s). Questionnaire and complaint forms may be supplemented with additional pages, as needed.

Responses and the provision of supplemental information are voluntary on the part of respondents. Questionnaire and complaint forms must be retained by HUD and agencies for a period of three (3) years following completion of the covered work in order to document the sufficiency of enforcement efforts. Records retention and enforcement responsibilities are found in Department of Labor Regulations, 29 CFR Part 5, Sections 5.6 paragraphs (a)(2) and (a)(3), respectively. (Copies of DOL Regulations Part 5, Sections 5 and 6 are attached.)

HUD is authorized to collect Social Security Numbers (SSNs) by virtue of DOL regulations 29 CFR Part 5, Sections 5.5 and 5.6. The respondent's/complainant's participation in these information collections is completely voluntary. However, for any person that chooses to participate, information provided by the respondent/complainant may influence HUD to initiate enforcement actions including administrative sanctions and/or civil or criminal prosecution. Therefore, it is necessary for HUD to validate the identity of respondents/complainants. HUD uses SSNs as a means to validate the respondent's/complainant's identity as well as a means to cross-reference employee data supplied by employers on certified payroll reports.

Records retention and enforcement responsibilities are found in Department of Labor Regulations, 29 CFR Part 5, Sections 5.6 paragraphs (a)(2) and (a)(3), respectively. (Copies of DOL Regulations Part 5, Sections 5 and 6 are attached.)

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.

Information collected on HUD-4730, 4730E and 4730SP, Federal Labor Standards Questionnaires, will be used by HUD and agencies administering HUD programs to collect information from laborers and mechanics employed on HUD-assisted projects. Employers are required to submit weekly certified payroll reports in order to demonstrate and attest to their compliance with Federal labor standards. The information collected on questionnaires is primarily used to determine whether payroll information supplied by employers is valid. Testing employer data can disclose violations that may be concealed or that are otherwise not apparent to the agency. Generally, enforcement actions are geared to the respondent's benefit, that is, to determine whether the respondent was underpaid and to ensure the payment of wage restitution to the respondent, if so.

Information collected on the HUD 4731, Federal Labor Standard Complaint Intake form, will be used by HUD and agencies administering HUD programs to collect information from complainants alleging violations of Federal labor standards on HUD-assisted projects. The information collected is primarily used in the conduct of investigations into the allegations. Generally, such investigations are geared to the respondent's benefit, that is, to determine whether the respondent was underpaid and to ensure the payment of wage restitution to the respondent, if so.

These forms have been crafted to focus on essential information, to make it easy to read and complete, and to best capture the information needed for HUD to competently enforce Federal labor standards and to protect workers' rights to prevailing wages

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.

Questionnaires are usually sent to respondents, and returned to the agency, by mail. Questionnaire forms are provided in Word-fillable formats so that agency staff can easily prepare the form for mailing. In addition, HUD offers a version of this form on its web site so that interested parties may complete the form on-line and submit the form to HUD electronically.

The Complaint Intake form is completed by HUD, state or local agency representatives for the respondent. It is available in a Word-fillable format so it may be completed on-screen.

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 information that will be collected from respondents is not available to HUD from existing data sources.

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 burden.

The information collection does not adversely impact small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

HUD would not be able to conduct investigations or other enforcement activities to ensure compliance with Federal labor standards provisions. Laborers and mechanics (target respondents) may be underpaid for their labor as a result.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
  - requiring respondents to report information to the agency more than quarterly;
  - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - requiring respondents to submit more than an original and two copies of any document;
  - requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
  - in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;
  - requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - 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; or
  - 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.

None known.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), 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.
  - 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 the data elements to be recorded, disclosed, or reported.
  - Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

The agency's notice announcing this collection of information appeared in the Federal Register on April 16, 2007 (Volume 72, No. 72, Page 19012). No comments were received.

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

There are no payments or gifts to respondents.

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

HUD assures confidentiality to respondents (complainants) pursuant to DOL regulations 29 CFR Part 5, Section 5.6(a) (5). HUD does not disclose or otherwise release the identity of complainants without prior consent by the complainant.

11. Provide additional justification for any questions 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 related to this information collections.

12. Provide estimates of the hour burden of the collection of information. The statement should:
- indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 desirable. 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;
  - if this request 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; and
  - provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost 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 Burden Hours and Cost to Respondents

1. HUD-4730, 4730-E, 4730-SP

Estimated Number of Respondents:	2,000
Frequency of Response (per annum):	1
Total Number of Responses:	2,000
Burden Hours per Response:	.5
Total Burden Hours:	1,000

2. HUD-4371

Estimated Number of Respondents:	500
Frequency of Response (per annum):	1
Total Number of Responses:	500
Burden Hours per Response:	.5
Total Burden Hours:	250

Total Annual Burden Hours:	1,250
*Cost per Hour:	\$10.00
Total Annual Cost:	\$12,500.00

\*Estimated cost per hour for respondents to review the instructions and provide requested information.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the 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. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;
  - If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
  - generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional costs to the respondent/complainant.

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 not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Number of Respondents:	2,500
Staff Hours per Response:	1
Total Annual Burden:	2,500
*Cost per Hour:	\$32.00
Total Annual Cost:	\$80,200.00

\*Cost to agency estimate based on GS-13, Step 1, hourly rate.

15. Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB Form 83-I.

This is an extension of a currently approved collection. No changes or adjustments have been reported in Items 13 or 14 of the OMB 83-I.

16. For collection 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.

The information gathered from this collection will not be published by HUD.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

HUD is not seeking approval to avoid displaying the expiration date for this information collection.

18. Explain each exception to the certification statement identified in item 19.

There are no exceptions to the Certification Statement identified in Item 19 of the OMB 83-I. The certification provisions identified in Items a through j have been satisfied within this supporting statement, therefore, there are no exceptions to the certification statement.

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

There are no statistical methods used in this collection.

