

SUPPORTING STATEMENT

2700-

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

NASA, as a Federal agency providing financial assistance through grant awards and cooperative agreements is required to receive a signed Assurance of Civil Rights Compliance from all applicants for Federal financial assistance, e.g., grant awards. This requirement is pursuant to the U.S. Department of Justice Civil Rights Division regulations for coordination and enforcement of Title VI of the Civil Rights Act of 1964 and other grant-related civil rights laws (28 C.F.R. Sec. 42.407(d)(4)) as well as NASA's own Title VI and related regulations at 14 C.F.R. Parts 1250-53, 1260.

DOJ regulations further require that all Federal agencies providing financial assistance require applicants for such assistance to provide information regarding: any lawsuit filed against the applicant or recipient alleging discrimination on the basis of race, color or national origin, and a statement by the applicant describing any civil rights compliance reviews regarding the applicant, and information concerning the agency or organization performing the review. 28 C.F.R. Sec. 32407(d)(1),(3).

In addition, guidance provided to Federal agencies on efforts to strengthen enforcement of Title VI (see Assistant Attorney General's Memorandum on August 19, 2010) included a model for civil rights assurance forms. NASA has revised Assurance Form to follow DOJ's model.

In light of these regulatory requirements and guidance, NASA is revising its Assurance of Civil Rights Compliance Form to:

1. Meet DOJ and NASA regulatory requirements;
2. Conform the Assurance Form to the DOJ model for assurance forms; and
3. Ensure that the Form is OMB-approved.

2. Indicate how, by whom, how frequently, and for what purpose the information will be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

NASA will require applicants for grant awards and cooperative agreements to sign the form. NASA will require proposed grant selectees to provide information described above every three years. In this manner, the institutions applying for grant awards, e.g., universities and colleges, museums, science centers, research institutes, will provide

information regarding their institutions, tri-annually or the next time they apply for a grant, whichever comes first. The information provided will be used to help make a pre-award determination of civil rights compliance of *proposed grant selectees* consistent with DOJ regulations stating: “[p]rior to approval of federal financial assistance, the federal agency shall make written determination as to whether the applicant is in compliance with Title VI.” 28 C.F.R. 42.407(b).

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. Also describe any consideration of using information technology to reduce burden.

In the cases of proposed grant selectees, NASA is requesting a response on two items of information:

1. If, during the past three years, the proposed selectee institution has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the proposed selectee institution must **provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements.**
2. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the proposed selectee institution, or it settles a case or matter alleging such discrimination it must **provide documentation of the discrimination finding and efforts to address it, including any voluntary compliance or other agreements between the institution and the administrative agency that made the finding.**

NASA expects that many proposed grant selectee institutions will not need to provide responsive information to these two items, but will simply need to note that they are not applicable. To the extent that institutions do find the two items applicable, NASA expects that records or files relating to the information requests will be kept in electronic form, either by the Human Resources Office or another administrative office within the institution, or by the legal office, or both. NASA will attempt to reduce the burden by allowing the institution to submit “scanned” or PDF versions of any documents that are already not in electronic form, and will allow the documents to be submitted by email.

4. Describe efforts to identify duplication.

NASA is taking steps to ensure that the information collected will not be duplicated through coordination with the other U.S. Department of Justice, Civil Rights Division, Federal Compliance and Coordination Section (FCCS) to determine what other federal agencies are doing in this regard. It appears that no other agencies are currently asking for this data from their proposed grant selectees prior to award.

5. If the collection of information impacts small businesses or other small entities (Item five of form OMB 83-I, the Paperwork Reduction Act Submission form), describe any methods used to minimize burden.

NASA does provide a small number of grants annually to small businesses, although the vast majority of NASA grantees are to large educational institutions, and other non-profits, e.g., research institutes, museums and planetariums. NASA will attempt to minimize burden by limiting its request to the past three years, and only requiring the grantee to provide information again if another three years have passed since the time of the first grant award. In addition, as stated in response to # 4 above, NASA will attempt to minimize burden by allowing for email submission of documents and other use of information technology that may make the process less burdensome.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.

DOJ and NASA civil rights regulations require applicants for NASA financial assistance to submit assurances of compliance and provide information needed to help NASA make a determination regarding the applicant's compliance with Federal civil rights laws. Not revising the form and not collecting the information required in the revised form means that NASA is not in compliance with Federal regulations, including its own. More importantly, it means that NASA will not be able to fulfill its obligations to ensure that it is not providing funding to institutions that are engaging in discrimination and/or are not in compliance with civil rights requirements, defeating the purpose of the civil rights laws prohibiting discrimination in federally funded programs.

7. Explain any special circumstances that would cause an information collection to be conducted in certain manners (as listed).

N/A.

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 before submission to OMB.

See dates posted in ROCIS.

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

N/A.

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

N/A

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.

N/A.

12. Provide estimates of the hour burden of the collection of information.

125 responses at 10 minutes = 21 burden hours.

13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information.

No cost to the respondents.

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, and any other expense that would not have been incurred without this collection of information.

NASA will need to input and review the information received. The labor cost of inputting and reviewing the information would be on the order of 2 hours of labor at \$50/hr for a total of \$100 per response (\$12,500 annually with 125 respondents).

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

N/A.

16. For collections of information intended for publication, outline plans for tabulation and publication.

There are no plans for tabulation and/or publication.

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

N/A.

18. A. Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-I.

N/A

B. Collections of Information Employing Statistical Methods.

This collection does not employ statistical methods; i.e., the survey will be forwarded to all proposed selectees receiving a first-time grant award, not based on a random sampling.