

## **SUPPORTING STATEMENT**

### **JUSTIFICATION FOR INFORMATION COLLECTION**

Procedures to Use the Child Care and Development Fund (CCDF) for Construction or Major Renovation

#### **A. JUSTIFICATION**

##### **1. Circumstances Making the Collection of Information Necessary**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L.104-193) added a provision at 42 U.S.C. 9858m(c) (6) of the Child Care and Development Block Grant Act that allows Tribal Lead Agencies to use Child Care and Development Fund (CCDF) grant awards for construction and renovation of child care facilities. Final regulations governing this provision were issued July 24, 1998 at 45 CFR 98.84.

Under the law, a Tribal Lead agency must first request and receive approval from the Secretary of Health and Human Services before CCDF funds for construction or major renovation. The law also requires the Secretary to develop and implement uniform procedures for the solicitation and consideration of requests.

This information collection contains the statutorily-mandated uniform procedures. Respondents will be Tribal Child Care Lead Agencies applying to use CCDF funds for construction and major renovation. Under the procedures, responsibility for review and approval of applications is delegated to the Administration for Children and Families (ACF).

This collection updates the information collection that was originally approved in August 1997 and was last revised in April 2010. The changes in the new, updated information collection:

- Adding a statement to reflect the general prohibition on the use of CCDF funds for the purchase or improvement of land.
- Incorporating three new application requirements that ask applicants to describe the healthy and safety, child-focused, and culturally-significant elements of the proposed construction or renovation project.
- Including an assurance that the child care facility will be constructed or renovated to comply with the Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), if applicable.
- Adding Section IX, Disposition of Property, to include instructions on the disposition of real property purchased, constructed, or renovated with CCDF funds.

- Clarifying that the Davis-Bacon Act does not apply to CCDF construction and renovation projects.

## **2. Purpose of Information Collection**

The information collected through the application process will be used by ACF in determining whether or not to approve a Tribal Child Care Lead Agency's request to use CCDF funds for construction or renovation.

The information will allow ACF to determine, as required by the statute, whether adequate facilities are otherwise available to a Tribal Lead Agency to carry out the CCDF program in the future.

In addition, the information will allow ACF to ensure, in accordance with the statute, that CCDF funds used for construction or renovation will not result in a decrease in the level of child care services provided by the tribal Lead Agency compared with the preceding fiscal year.

The application also provides other details about proposed construction and renovation projects, including information about compliance to applicable Federal laws and information necessary to protect the Federal interest in the projects.

ACF will review applications for completeness and adherence to the application requirements. Since the construction/ renovation procedures were put in place in 1997, ACF has approved over \$74 million in CCDF funds for use on 131 tribal construction and renovation projects.

## **3. Use of Improved Information Technology and Burden Reduction**

An electronic copy of the procedures will be made available via the internet and, upon request, via a compact diskette or e-mail attachment. Applicants may submit applications via an email attachment submitted to ACF Regional Office. Applicants may need submit some attachments in hard copy (such as architectural drawings and maps) if these documents are not available in electronic format.

## **4. Efforts to Identify Duplication and Use of Similar Information**

No similar information is available.

## **5. Impact on Small Businesses or Other Small Entities**

This information collection will not have a significant economic impact on a substantial number of small entities. The information being required has been held to the absolute minimum required for intended use.

## **6. Consequences of Collecting the Information Less Frequently**

This information collection will be ongoing. Consistent with the statute, a Tribal Lead Agency may submit an application at any time (although, in order to use CCDF funds awarded in a given fiscal year on construction or major renovation, a Tribal Lead Agency must submit an application prior to July 1 of that fiscal year).

If this information collection is not conducted, Tribal Lead Agencies will be unable to use CCDF funds for construction or renovation of child care facilities. As a result, Tribal Lead Agencies would continue to suffer from a lack of appropriate facilities, and the intent of Congress to remedy this situation would be thwarted.

## **7. Special Circumstances Relating to 5 CFR 1320.5**

Under the proposed procedures, a Tribal Lead Agency must retain all records pertinent to the construction or renovation of a facility for a period equal to the period of the grantee's use of the facility plus three years. This requirement is consistent with the requirements for retention of records at 45 CFR 92.42, and is necessary to protect the Federal interest in property that is constructed or renovated with CCDF funds.

None of the other special circumstances apply to this information collection.

## **8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

The ACF's notice soliciting comments on the information collection was published in the Federal Register on October 29, 2012 at 77 FR 65692. ACF distributed the Federal Register notice to ACF Regional Offices. In addition, the Office of Child Care consulted with the Office of Head Start to ensure coordination with the Head Start procedures for construction and renovation.

In response to the notice, ACF received no public comments. We did not receive any comments that addressed cost and hour burden.

## **9. Explanation of Any Payment or Provided to Respondents**

No payments or gifts are provided to respondents.

## **10. Assurance of Confidentiality Provided to Respondents**

There is nothing of a confidential nature in the applications. No assurances of confidentiality will be provided to respondents.

## **11. Justification for Sensitive Questions**

There are no questions of a sensitive nature.

**12. Estimates of Annualized Burden Hours and Costs**

The public reporting burden for this collection of information is estimated to 20 hours per response. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

The estimate of the reporting burden for this information collection is

INSTRUMENT	NUMBER OF RESPONDENTS	NUMBER OF RESPONSES PER RESPONDENT	HOURS PER RESPONSE	RESPONSE BURDEN
Construction and renovation collection	5	1	20	100

Estimated Total Annual Burden Hours: 100

The burden was estimated based on experience with prior activities.

The annual cost per grantee is estimated at \$320 (20 hours x \$16 per hour). This would result in an estimated annual cost for all respondents of \$1600.

**13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers**

There are no direct monetary costs to respondents other than their time to complete the application.

**14. Annualized Cost to the Federal Government**

The annual cost to the Federal government is estimated at \$8,500. This is based on submission of 5 applications, requiring approximately 250 professional staff hours at an average of \$32 per hour (\$8,000); 20 clerical staff hours at an average of \$20 per hour (\$400); and reproduction and mailing fees of approximately \$100.

**15. Explanations for Program Changes or Adjustment**

There were program changes described in element one, but this will not affect burden.

There is an adjustment due to the expectation of fewer respondents per year. The estimate was reduced from 10 to five. Burden to each grantee remains the same, but there is less overall burden.

**16. Plans for Tabulation and Publication and Project Time Schedule**

The names of grantees submitting successful applications may be publicly-announced on the Office of Child Care's website or possibly by other means. However, no other publication is anticipated.

**17. Reason(s) Display of OMB Expiration Date Inappropriate**

The Federal Register announcement will display the expiration date for the OMB-Approval.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

There are no exceptions to the certification.

**B. STATISTICAL METHODS (USED FOR COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS)**

1. Respondent Universe and Sampling Methods  
(Not Applicable)
2. Procedures for the Collection of Information  
(Not Applicable)
3. Methods to Maximize Response Rates and Deal with Nonresponse  
(Not Applicable)
4. Test of Procedures or Methods to be Undertaken  
(Not Applicable)
5. Individuals consulted on Statistical Aspects and Individuals Collecting and/or Analyzing Data  
(Not Applicable)

The information collection requirements employed in this report do not employ the use of statistical methods.