

Supporting Statement A

Reporting System for Pub. L. 102-477 Demonstration Project

OMB Control Number 1076-0135

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

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

Public Law 102-477 authorizes tribal governments to integrate Federally-funded employment, training and related services programs into a single, coordinated, comprehensive delivery plan. The goal of the legislation is to reduce unemployment, improve services, and reduce administrative costs. The programs under the responsibility of the Secretary of the Interior, Secretary of Labor, and Secretary of Health and Human Services are all included within this authorization. The Bureau of Indian Affairs (BIA) is statutorily required to serve as lead agency.

Section 11(a) of this Act requires the Secretary of the Interior to make available a single report format which shall be used by a tribal government to report on integrated activities undertaken within its project. It also requires that the Secretary make available a single report format related to the projected expenditures for the individual project which shall be used by the tribal government to report on all project expenditures. Section 11(b) requires the reports and tribally-maintained records (1) to contain “such information as will allow a determination that the tribe has complied with the requirements incorporated in its approved plan” and (2) to “provide assurances to each Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.”

These single-page report forms and the accompanying narrative total six pages and are due annually. The reports consolidate activities under the jurisdiction of three different Federal agencies and 11 differently funded but related programs.

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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The three participating Federal agencies, in direct collaboration with tribes, use three report forms to collect data. The agencies use all of the data collected to ensure statutory compliance, report to the Congress, the Office of Management and Budget, and the respective agency administrations. These reports may include a discussion of the use of funds, activities engaged in by tribes and the extent to which tribes are successful. The goal of the program is to find unsubsidized employment for Indians either through direct referrals or assisted through training, education and other supportive services such as child care. The three reports are:

(a) **The statistical report (IA 7702)** is used to demonstrate how well a tribal plan was executed in comparison to its proposed goals. This one-page, single-sided report form:

- Satisfies the statutory requirements for the three participating Federal agencies;
- Helps the funding agencies determine the quality of the employment, training, child care and related services provided to individual participants in the program;
- Helps determine the level of program activity in which the tribes are engaged.
- Identifies the number of participants enrolled in the program, the number of participants who successfully completed the program, the number who were not successful, the characteristics and barriers to employment faced by participants and the types of activities and services the participants received while enrolled. This information helps to determine the success of current employment and training programs.

(b) **The financial status report (OMB# 4040-0014 or SF-425)** is used to track cash flow, compare program activity with expenditures, compare general expenditures with approved intent and budget, avoid over-expenditures and identify savings. This report identifies the period of operation and total resources committed to the plan. This report is acceptable to all the participating Federal agencies.

Some tribes submit the SF-425 since many are familiar with this form when applying for Federal grants. However, BIA will continue to keep IA 7703, and will explore the option of replacing IA 7703 with SF-425.

Item 12 of the financial status report is another form, Tribal Temporary Assistance for Needy Families (TANF) ACF (**IA 7703A**). Tribes that receive TANF funds must complete column A of the TANF form.

(c) **The narrative report** allows tribes to go beyond numbers and report goals and objectives against accomplishments and describe problems or unmet needs.

- 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 and specifically how this collection meets GPEA requirements.**

The report forms are designed to provide tribes the opportunity to collect, maintain and report data using technological collection techniques. Some tribes have automated the data collection to such an extent that they are able to meet their own day-to-day needs, (*e.g.*, they can identify candidates for employment who meet specific qualifications while they are meeting with prospective employers), as well as complete the annual reports. The use of technology at the tribal level depends upon the extent to which each tribe has developed an integrated intake and reporting system. We plan to put the forms on the website for electronic submission, but in the meantime, we are providing respondents with a copy of the forms on a CD to facilitate submission. Last year, five respondents submitted the forms on CD or by email.

- 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 report forms consolidate an estimated 166 pages of reports and instructions that the three Federal agencies would otherwise use for 11 different Federal programs. Terms used in the reports have been standardized among the three Federal agencies. Duplication has been eliminated.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

To minimize burden, the agencies worked with tribal entities to develop streamlined reports that met everyone's needs.

- 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.**

Grant funds are dependent upon filing the necessary reports. If the reports are not completed annually by the grantee, additional payments to the grantee will not be made. Once reports are submitted, payments will resume.

- 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 often 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 that 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 secrets, 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.

Not Applicable.

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 in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A 60-day notice for public comments was published in the Federal Register on August 13, 2013 (78 FR 49282). No comments were received in response to this notice.

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 on 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 three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The Bureau of Indian Affairs meets with the grantees once each quarter and obtains feedback on

this information collection, and has consulted with the following individuals regarding this information collection:

“The data collected from P.L. 102-477 Tribal programs is sufficient in detail and frequency of collection. Reporting format and data collected should not be changed. Current reporting instructions should remain in effect. Additionally, OMB guidance that is currently in place (as developed through the Administrative Flexibility Workgroup) should also remain in effect for the upcoming 3 year approval cycle.”

-- Carrie McMillan, Co-Chair P.L. 102-477 Tribal Work Group
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“The Eastern Shoshone 477 Program wholeheartedly agrees with the last supporting statement. As we believe that the current report already collects sufficient data, and the frequency is reasonable. We request that the current reporting instruction and OMB guidance remain in effect without further alteration, for the next three year approval cycle.”

-- John Wadda, P.L. Elected "At Large" 102-477 Tribal Work Group
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The P.L. 102-477 Tribal Work Group meets approximately every 3 to 4 months, discussions of reporting requirements during those meetings is summarized below:

The data collected from P.L. 102-477 tribal programs is sufficient in detail and frequency of collection. Reporting format and data collected should not be changed. Current reporting instructions should remain in effect. Additionally, OMB guidance that is currently in place (as developed through the Administrative Flexibility Workgroup) should also remain in effect for the upcoming 3 year approval cycle.

--Margaret Zientek
Citizen Potawatomi Nation
Assistant Director Employment & Training

Co-Chair P.L. 102-477 Tribal Work Group
1601 S Gordon Cooper Dr
Shawnee, OK 74801

BBNA has determined that the data collected from P.L. 102-477 tribal programs is sufficient in detail and frequency of collection. Reporting format and data collected should not be changed. Current reporting instructions should remain in effect. Additionally, OMB guidance that is currently in place (as developed through the Administrative Flexibility Workgroup) should also remain in effect for the upcoming 3 year approval cycle.

BBNA participates in the P.L. 102-477 Tribal Workgroup meetings every three months to discuss issues directly related to data collection, reporting requirements, instructions and record keeping.

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Ms. Zientek indicated that the burden estimates were appropriate for this information collection requirement.

As a result of these discussions with grantees and the Tribal Work Group, BIA did not make any changes to the forms under this information collection.

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

No payments or gifts are provided to respondents.

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

No assurance of confidentiality is provided to respondents because the annual report deals with totals and summaries.

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 included in the information collected.

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 for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **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.**

The reporting requirements affect approximately 62 grantees, of which about 16 participate in TANF. Reporting is annual. Many grantees state that the reporting requirements of their respective tribal councils are more stringent than the reports required by this program—both in frequency and in the amount of data. As a result, grantees are able to provide the necessary information for this program relatively easily.

For 62 grantees, we estimate an annual burden of **3,566 hours** at an annualized cost of **\$177,454**.

Information Collection	Number of Respondents	Hourly Burden	Annual Burden Hours	Annual Salary Cost (at \$49.81/hour)*	Non-Hour Annual Cost:
**Financial Report	31	2	62	\$3,088.22	--
Statistical Report	62	16	992	\$49,242.88	\$310
Narrative	62	40	2,480	\$123,528.80	--
TANF	16	2	32	\$1,593.92	--
Totals	-		3,566	\$177,453.82	\$310

*We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2013 (released June 12, 2013), USDL 13-1140, Table 2, for the “Management, professional and related” category (\$35.58/hour x 1.4 for benefits for individuals or **\$49.81/hour**). The 1.4 multiplier is also derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2013 (released

June 12, 2013), USDL 13-1140. See <http://www.bls.gov/news.release/pdf/ecec.pdf>.

**We have estimated that approximately half of grantees submit the SF-425 instead of IA 7703. Therefore, we have calculated the burden separately for using OMB# 4040-0014 and will provide the estimated annual burden for the SF-425 (62 hours) to the host agency, Department of Health and Human Services.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * **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 and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). 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 grantees reported in #12 above; any automation has been done by grantees for use in managing the tribal government and would have occurred regardless of this report. An estimated \$5.00 per grantee for the cost of paper and file maintenance, times 62 grantees, equals \$310 for all.

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.

Approximately 160 hours annually is spent on the collection, verification of forms, summarizing data, printing and distribution of data to other Federal agencies and to bureau management for policy decisions. At an annual salary of \$37.29* per hour, the total salary cost to the Federal government is \$5,996. This estimated cost does not include costs of the Department of Labor and the Department of Health and Human Services, which receive copies of the data. This estimate is based on eight years of experience in implementing the program.

*We used an average salary of **\$37.29** per hour (\$24.86 x 1.5 for benefits), based on *Salary Table 2012-GS*. See, 2012 General Schedule (Base) – Hourly Rate (GS 10, Step 5) at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2012/general-schedule/2012-gs-hourlyovertime-rates-by-grade-and-step/>. The 1.5 multiplier for benefits is based on the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— March 2013 (released June 15, 2013), USDL 13-1140. See www.bls.gov/news.release/pdf/ecec.pdf.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

Adjustment to Hour Burden:

There was slight adjustment in the hourly burden, decreasing the hourly burden from 3,840 hours to 3,566, based on the decrease in the estimated number of grantees and the number of grantees submitting the SF-425 instead of IA 7703.

16. For collections 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 Bureau of Indian Affairs does not intend to publish the annual reports; we will distribute the summary to the other two Federal agencies involved in the project.

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.

We will display the OMB control number and expiration date on the forms.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.