

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 and 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 legislatively required to serve as lead agency.

Section 11 of Public Law 102-277, “Federal Responsibilities,” and sub-parts (a)(1) and (2) require the Secretary of the Interior to make available a single universal report format for use by each tribal government to report on integrated activities undertaken within their project. It also requires that the Secretary make available a single universal 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.

In 2011, the three participating Federal agencies, with support from the Office of Management and Budget, developed the “P.L. 102-477 Tribal Workgroup” (477 Workgroup) to review the current reporting forms and identify ways to streamline reporting to make it less burdensome

while continuing to capture important data. The 477 Workgroup revised all the forms and instructions. However, due to the nature of P.L. 102-477 project contracts, we are also requesting to keep the current forms for tribes that are currently under contract. We are requesting the new forms be approved under the same OMB Control Number, to allow flexibility for the tribes that are currently under existing P.L. 102-477 contracts to continue to use the current forms; while as tribes enter a new contract; they must utilize the new reporting forms.

These universal, single-page report forms and the narrative are due annually. The reports consolidate activities under the jurisdiction of the 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 477 Workgroup, developed a new version of reporting forms for this collection. However, due to the nature of the P.L. 102-477 Programs, as a program can be contracted up to three years, we intend to continue utilizing the currently approved reporting forms as Version 1, and include the new reporting forms as Version 2 to ensure a smooth transition in reporting forms.

There are currently four information collections associated with this control number, four of which are currently collected on reporting forms: Narrative Report, Statistical Report, Financial Report, and Tribal Temporary Assistance for Needy Families (TANF) Financial Report.

The new revised version (Version 2) reduces the reporting forms to three: Narrative Report, Statistical Report and Financial Expenditure Report. The previous TANF Financial Report and Financial Report have been combined to create the Financial Expenditure Report. Revisions were made to the Narrative Report and Statistical Report to provide clear guidance for completion. In addition, the revision will include a “Functional Costs Categories” guidance document which contains the definitions of each category and provides additional guidance in clarifying categories for accurate reporting.

The agencies use all of the data collected to ensure statutory compliance, report to the Congress, the Office of Management and Budget, and to report to the respective agency administration. 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** is used to demonstrate how well a tribal plan was executed in comparison to its proposed goals. This one-page, single-sided, universal report form:
 - Satisfies the very basic 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.
- In accordance with standard regulations governing the administration of grants, the Common Rule, certain sanctions will be imposed on grantees if they do not report thoroughly and timely.

The statistical report identifies the number of participants enrolled in the program, the number that successfully completed the program, those that were not successful, the characteristics and barriers to employment faced by participants and the types of activities and services the participant received while enrolled. This information helps to determine the success of current employment and training programs.

(b) **The financial expenditure report** is used to track cash flow, compare program activity with expenditures, compare general expenditures with approved intent and budget, and to avoid over-expenditures and identify savings. This report will identify the tribes applying for grants, the period of operation, and total resources committed to the plan. The form includes a “previously reported” column, a “current expenditures” (this period) column and a “cumulative” column. This report is acceptable to all the participating Federal agencies.

Version 1 contains an attachment to the financial status report provides another form, Tribal Temporary Assistance for Needy Families (TANF) ACF, which corresponds to Item 12g of the financial status report. Tribes that receive TANF 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 toward addressing employment and training issues.

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 reports were designed to provide tribes the opportunity to collect, maintain and report the data using technological collection techniques. Some tribes have automated the data to such an extent that they are able to meet their own day-to-day needs, (i.e., identify candidates for employment meeting specific qualifications while 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.

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.

While three different Federal agencies representing eleven different programs do collect the information, comprising an estimated 166 pages of reports and instructions annually, we have consolidated that into one set of forms annually through this reporting mechanism. 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. Regulatory compliance indicates annual reports are sufficient; tribes control the content of the information and normally do not deal in sensitive information when compiling this report. Any copies needed by other agencies are made by the Bureau.

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 February 14, 2014 (79 FR 8985). We received responses from the following ten tribes:

- Cherokee Nation
- Citizen Potawatomi
- Bristol Bay Native Association
- Eastern Shoshone Tribe
- Cook Inlet Tribal Council
- Kodiak Area Native Association
- Aleutian Pribilof Islands Association*
- Maniilaq Association*
- Jamestown S'Klallam Tribe*
- Metlakatla Indian Community*

The BIA, along with the participating Federal agencies, reviewed and provided responses to the comments in a supplemental attachment.

In addition, a 30-day notice for public comments was published in the Federal Register on September 26, 2014 (79 FR 57969). We received responses from the following eight tribes/organizations:

- Sun'aq Tribe of Kodiak
- Pueblo of Zuni
- Nez Perce
- 477 Tribal Workgroup
- Aleutian Pribilof Islands Association*
- Maniilaq Association*
- Jamestown S'Kallam Tribe*
- Metlakatla Indian Community*

The comments generally stated that the notice did not provide the correct information on the forms and does not provide access to all information necessary for tribes to be able to respond to

the notice. Specifically, tribes had a difficult time accessing the forms through reginfo.gov and questioned the version of the statistical form. In addition, tribes noted the notice did not address A-133, nor did it address how it may affect auditing. Lastly, tribes indicated that 30-days were not enough time to review and comment.

In response to the comments, BIA has posted all forms, comments received from the 30-day and 60-day notices, and the responses to comments on our website (<http://www.bia.gov/WhoWeAre/AS-IA/IEED/DWD/index.htm>) for easier access. Furthermore, BIA is aware that there may be other versions of older forms, but this revision will address the issues of various versions as every tribe participating in P.L. 102-477 will be using the new revised form by 2017. BIA will not address any issues regarding A-133, instead will defer to OMB for guidance and direction. Based on the overall feedback, BIA decided to withdraw the revision on October 24, 2014 to address these concerns, make the information more accessible, and allow for additional time to review and comments.

*Represents the tribes that submitted comments in a single letter/submission.

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 new forms (Version-2) were developed by the 477 Workgroup, comprised of tribal members and P.L. 102-477 program staff from Federal agencies. In addition, the 477 Workgroup consulted with the tribes on the draft forms on March 13, 2014 in Washington DC.

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.

Not applicable; the annual report deals with totals and summaries, not with individual applicants.

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 collection of data necessary to complete the forms is completed by administrators of the grant to determine eligibility and to report to tribal councils. No additional data collection is required to complete the P.L. 102-477 forms. These reports will be retained for the life of the grant.

The reporting requirements currently used will affect approximately 64 grantees. Many of the grantees state that their reporting requirements of their respective tribal councils are more stringent than the reports required by this program—both in frequency and the amount of data. As a result, grantees are able to provide the necessary information for this program relatively easily. Not all 64 grantees include TANF funds in their Pub. L. 102-477 grants. We estimate 16 grantees will participate in TANF. These submissions total approximately 4,730 annual hours or the amount equivalent to \$239,831.

Version 1

Information Collection	Number of Respondents	Hourly Burden	Annual Burden Hours	Annual Salary Cost (at \$51.23 /hour)*	Non-Hour Annual Cost: \$5
Financial Report	22	2	44	\$2,254.12	--
Statistical Report	22	16	352	\$18,032.96	\$110
Narrative	22	40	880	\$45,082.40	--
TANF	5	2	10	\$505.10	--
Totals	-		1,286	\$65,874.58	\$110

Version 2

Information Collection	Number of Respondents	Hourly Burden	Annual Burden Hours	Annual Salary Cost (at \$50.51/hour)*	Non-Hour Annual Cost: \$5
Financial Expenditure Report	42	2	84	\$4,242.84	--
Statistical Report	42	20	840	\$42,428.40	\$210
Narrative	42	60	2,520	\$127,285.20	--
Totals	-		3,444	\$173,956.44	\$210

Total

Information Collection	Total Number of Respondents	Annual Burden Hours	Annual Salary Cost (at \$50.51/hour)*	Non-Hour Annual Cost: \$5
Version 1	22	1,286	\$65,874.58	\$110
Version 2	42	3,444	\$173,956.44	\$210
Totals	64	4,730	\$239,831.02	\$320

*We are estimating salary using Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2014 (released September 10, 2014), USDL 14-1673, Table 2, for the “Management, professional and related” category (\$36.59/hour x 1.4 for benefits for individuals or \$51.23/hour). The 1.4 multiplier is also derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2014 (released September 10, 2014), USDL 14-1673. See <http://www.bls.gov/news.release/pdf/ecec.pdf>.

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 64 grantees equals \$320 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 163 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 \$37.65* per hour, the total salary cost to the Federal government is \$6,137. This estimated does not include cost to the Department of Labor Department of Health and Human Services which receives copies of the data. This estimate is based on eight years of experience implementing the program.

*We used an average salary of **\$37.65** per hour (\$25.10 x 1.5 for benefits), based on *Salary Table 2014-GS, Incorporating the 1% General Schedule Increase*. See, 2014 General Schedule (Base) – Hourly Rate (GS 10, Step 5) at http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/GS_h.pdf. The 1.5 multiplier is also derived from the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION— June 2014 (released September 10, 2014), USDL 14-1673. See <http://www.bls.gov/news.release/pdf/ecec.pdf>.

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

The program made changes to the information collection reporting forms. In addition to keeping the currently approved forms, we are including a new version of the reporting forms and adding a new guidance document. This change makes adjustments to the hour and cost burden, increasing the hourly burden from 3,628 to 4,730 hours. The Bureau of Indian Affairs, in conjunction with the partnering Federal agencies, will conduct trainings and provide technical assistance on the new reporting forms, and we anticipate as tribes become more familiar with the new reporting forms, the hourly burden will decrease.

		Requested	Program Change due to	Adjustment in Agency	Previously Approved
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			Agency Discretion	Estimate	
Version 1 Financial Report	Responses	22	0	-9	31
	Hour Burden	44	0	-18	62
Version 1 Statistical Report	Responses	22	0	-40	62
	Hour Burden	351	0	-640	992
Version 1 TANF	Responses	5	0	-11	16
	Hour Burden	10	0	-22	32
Version 1 Narrative Report	Responses	22	0	-40	62
	Hour Burden	880	0	-1600	2480
Version 2 Financial Report	Responses	42	42	0	0
	Hour Burden	84	84	0	0
Version 2 Statistical Report	Responses	42	42	0	0
	Hour Burden	840	840	0	0
Version 2 Narrative Report	Responses	42	42	0	0
	Hour Burden	2520	2520	0	0
Totals	Responses	197	126	-100	171
	Hour Burden	4,730	3,444	-2,280	3,566

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 each of 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.