

Child Care and Development Fund for Tribes for FFY 2020-2022

OMB Information Collection Request

0970 - 0198

Supporting Statement Part A - Justification

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Submitted By:
Office of Child Care
Administration for Children and Families
U.S. Department of Health and Human Services

SUPPORTING STATEMENT A – JUSTIFICATION

Summary

The PRA requires Federal agencies to request approval from the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs (OIRA) for any information collection that will ask the same question of ten or more persons. The process includes publication of an initial Federal Register Notice (FRN) allowing 60 days for public comments on the initial plan for information collection, the publication of a second FRN allowing 30 days for public comment on the final proposed information collection, and review and approval by the OMB Office of Information and Regulatory Affairs.

The Office of Child Care (OCC) has given thoughtful consideration to the comments received and have made changes to the Plan Preprint document following the publication of the 60-day public comment period. Consistent with the statute and regulations, Administration for Children and Families (ACF) requests revision of the ACF-118A with minor corrections and modifications.

1. Circumstances Making the Collection of Information Necessary

To be eligible to receive funds under this program, Section 658E of the CCDBG Act, 42 U.S.C. 9858c, a Tribe or Tribal Organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require by rule, including a CCDF Plan that meets the requirements of Section 658E(c) of the CCDBG Act, 42 U.S.C. 9858c(c) Requirements of a Plan.

The CCDF Plan Preprint serves as the agreement between the Tribal Lead Agency and the Federal Government as to how the Block Grant program will be operated. The Tribal Lead Agency provides assurances that the CCDF funds will be administered in accordance with legislative requirements, Federal regulations at 45 CFR parts 98 and 99 and other applicable instructions or guidelines issued by ACF. The Tribal Lead Agency CCDF Plan Preprint (ACF Form 118-A) is currently approved through 06/30/2019 (OMB Approval Number 0970-0198). A revision of the current information collection is being requested. See Attachment A for the revised version.

The CCDBG Act of 2014, which was signed into law in November 2014, made significant changes to the CCDF program and the Final Rule published in September 2016 detailed the specific requirements of the law applicable to tribes. The FY 2020-2022 CCDF Plan Preprint has been developed to align with the CCDF Final Rule requirement for tribes.

2. Purpose and Use of the Information Collection

The information contained in the Tribal Plan helps the Office of Child Care identify trends, best practices and areas that need improvements. Based on a review of the Plans, the Office of Child Care designs technical assistance strategies that will be responsive to the needs of the Tribal Lead Agencies.

ACF has found the CCDF Plan Preprint useful in guiding Tribal Lead Agencies in the development and submission of their Plans. The standardized, “Preprinted” format provides complete program information necessary to complete the CCDF Plan, and expedites timely reviews by ACF staff. The CCDF Plan Preprint reflects the CCDBG statute and amended regulations. The Plan Preprint serves as a blueprint for Tribal Lead Agencies to assist them in developing a complete Plan, with all of the required elements needed to implement their CCDF programs.

The public takes considerable interest in the way Tribes and Tribal Organizations administer their CCDF funds. The Office of Child Care makes Plan information available to many users including members of Congress, Congressional Committees, Tribes, States, and local child care administrators, advocacy groups, researchers and the public.

3. Use of Improved Information Technology and Burden Reduction

For the upcoming triennial, Tribal Lead Agencies will submit their plans via a fillable pdf. OCC will be working with Tribal Lead Agencies on the feasibility and usability of an on-line tool for future Plan submissions.

4. Efforts to Identify Duplication and Use of Similar Information

The information collected by the ACF 118-A is not available from any other source.

5. Impact on Small Businesses or Other Small Entities

The data collection effort does not involve small businesses or other small entities.

6. Consequences of Collecting the Information Less Frequently

In accordance with 45 CFR §98.17 Tribal Lead Agencies are required to provide a Plan that describes the entire child care program in detail triennially.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

The collection of information will be conducted in accordance with 5 CFR 1320.5.

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

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on January 31, 2019, Volume 84, Number 21, page 744, and provided a sixty-day period for public comment.

OCC sent an email message to Tribal Lead Agencies notifying them of the Federal Register Notice, including sending electronic copies of the draft CCDF Tribal Plan Preprint. On February 14, 2019, the OCC held a national conference call with all Tribal Lead Agencies to provide an overview of the proposed Plan Preprint. We also held a Tribal Consultation at the Tribal Management Institute on March 19, 2019.

We received feedback from tribes following all of these activities including one comment submitted directly in response to the Federal Register Notice which is attached (Attachment B). The feedback and comments were positive and helpful. An OCC team reviewed and discussed all feedback and comments through a series of meetings and made revisions to the draft Preprint accordingly. As part of these discussions, staff suggested additional formatting and revisions needed to improve readability and understanding of the Preprint.

The major themes of the comments were:

- Request for additional clarification and guidance across many topics with a focus on items where there is a need for technical assistance
- Request that tribal background check repositories be considered in meeting criminal background check requirements
- Request for increased flexibility in spending CCDF funds.

Specifically, we made revisions to address the following:

- Made grammatical and formatting edits throughout the Plan and deleted duplicate language
- Improved the logical flow of information by grouping related topics together
- Added language to encourage the use of and report tribal background check repositories in CCDF Tribal Plan
- Increased examples of the use of funds for increased quality to highlight the flexibility of spending in this area
- Emphasized provisions that are statutorily required versus optional.

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

The information collection is nothing of a confidential nature, therefore does not require any assurance of confidentiality.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

The annual public reporting burden for this information collection is broken out to reflect the estimated hours based on the requirements for tribes. The revised Plan consists of two primary parts (one part for all tribes and a second part for medium and large tribes only), with each part containing appropriate sections corresponding to the CCDF requirements for small, medium and large tribes. Part I consists of four sections for all tribes and Part II contains additional sections only applicable to medium and large allocation tribes.

Total cost is projected to be approximately \$451,899.

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours	Average Hourly Wage	Total Annual Cost
ACF-118A Part I (for all tribes)	260	0.33	120	10,296	\$40.58	\$417,812
ACF – 118A Part II (for medium and large tribes only)	106	0.33	24	840	\$40.58	\$34,087
Estimated Total:				11,136		\$451,899

The job code for a Social and Human Services with 100 hours of burden is 21-1093 and wage data in local government (per the Bureau of Labor Statistics recommendation for assigning

Indian Tribal Councils and related establishments <https://www.bls.gov/cew/cewbultn01.htm#2d>) from May 2018 is \$20.29 per hour. Therefore to account for fringe benefits and overhead the rate is multiplied by two which is \$40.58. The estimate of annualized cost to respondents for hour burden is \$40.58 times 11,136 or \$451,899.

<https://www.bls.gov/oes/current/oes211093.htm>

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

There are no direct monetary costs to Tribal Lead Agencies other than the time to complete the ACF-118-A.

14. Annualized Cost to the Federal Government

The annual costs to the Federal Government are projected as follows:

<u>Task</u>	<u>Estimated Hours</u>	<u>Estimated Rate</u>	<u>Total</u>
Preprint Design	80	\$30.58	\$ 2,446.40
Tribal Plan Review	40 * 260 Plans = 10,400	\$30.58	\$318,032
		Total	\$320,478.40

NOTE: Plans are submitted triennially.

15. Explanation for Program Changes or Adjustments

Program updates were made to provide additional guidance and clarification to Lead Agencies to improve the quality of the information requested. Additional revisions were also made to identify those questions related to the CCDF Final Rule of 2016. The annual hourly burden was reduced by 4,284. The annualized costs to the Federal Government minimally increased by \$3,669.

16. Plans for Tabulation and Publication and Project Time Schedule

Not applicable

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

Not applicable

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions

SUPPORTING STATEMENT B – STATISTICAL METHODS

Not applicable. The information collected by the ACF 118-A is not the type of information that may be collected by statistical methods. Statute requires Tribes and Tribal Organizations to prepare and submit to the Secretary a CCDF Plan that meets the requirements of Section 658E(c) of the CCDBG Act, 42 U.S.C. 9858c(c).

1. Respondent Universe and Sampling Methods
2. Procedures for the Collection of Information
3. Methods to Maximize Response Rates and Deal with Nonresponse
4. Test of Procedures or Methods to be Undertaken
5. Individuals Consulted on Statistical Aspects and Individuals Collecting and/or Analyzing Data