

# THE SUPPORTING STATEMENTS

## **Procedures for Requests from Tribal Lead Agencies to use Child Care and Development Fund (CCDF) Funds for Construction or Major Renovation of Child Care Facilities**

**OMB Information Collection Request  
0970 - 0160**

**Supporting Statement Part A - Justification**

**August 2019**

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 Administration for Children and Families (ACF) is requesting proposed revisions with a three-year extension to this approved information collection. There are few minor changes to the form requested.

#### **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 using 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 2013. The changes to the new, updated information collection include the following:

- Incorporating the additional construction provisions of the Child Care and Development Block Grant Act of 2014, which allow for a waiver to the requirement that the use of funds for construction or renovation does not result in the decrease in child care services.
- Adding the submission of the SF-429 cover page and Attachment B as a new Application Requirement.
- Updating the references to 45 CFR Part 92 to reflect the new Uniform Guidance at 45 CFR Part 75.
- Adding a requirement that Tribal Lead Agencies must submit the SF-429 cover page and Attachment A annually after their request to CCDF funds for construction or renovation has been approved by ACF.

We expect more respondents for this information collection because 1) there has been an increase in the funding for which this information is being collected and 2) there is increased flexibility in the use of these funds. The change in flexibility is described in the package as “a waiver to the requirement that the use of funds for construction or renovation does not result in the decrease in child care services.”

## 2. Purpose and Use of the 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 e-mail attachment. Applicants may submit applications via an email attachment submitted to ACF Regional Offices. 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 the Guidelines of 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 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

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 May 3, 2019, Volume #84, Number #86, page #19080, and provided a sixty-day period for public comment. During the notice and comment period, we received 1 comment from Tribes (Attachment H). The comment was supportive in the purpose and scope of the proposed information collection.

We made formatting and minor revisions to the document based on feedback on challenges on the prior form to improve readability and understanding. Below are the changes made:

- Incorporated technical changes regarding the official title of Pub L. 102-477 to

reflect as the Indian Employment, Training and Related Services Consolidation Act of 2017; included the correct contact for submission of SF-429 information and updated OMB circular references.

- Clarified the process for disposition and included information regarding access to grantsolution.gov.
- Added language regarding submission of the SF-429 cover page and Attachment C Encumbrance Request and support documentation into grantsolutions.gov.

9. Explanation of Any Payment or Gift 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

Total cost is projected to be approximately \$38,240.

Informatin Collection Title	Total Number of Respondents	Total Number of Responses per Respondent	Average Burden Hours Per Response	Burden Hours	Average Hourly Wage	Total Cost
Procedures for Requests from Tribal Lead Agencies to use Child Care and Development Fund (CCDF) Funds for Construction or Major Renovation of Child Care Facilities	50	1	5 hours for reporting ; 15 hours for record keeping	1000	\$38.24	\$38,240

<b>Estimated Annual Burden Total:</b>	<b>1000</b>	<b>Estimate d Annual Cost Total:</b>	<b>\$38,240</b>
---------------------------------------	-------------	--------------------------------------------------	-----------------

**Example of description of costs for Social and Human Services Assistants with 100 hours of burden:**

The job code for a Social and Human Services with 20 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 \$19.12 per hour. Therefore to account for fringe benefits and overhead the rate is multiplied by two which is \$38.24. The estimate of annualized cost to respondents for hour burden is \$38.24 times 1000 or \$38,240.

<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 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 \$425,000. This is based on submission of 50 applications, requiring approximately 250 professional staff hours at an average of \$32 per hour (\$400,000); 20 clerical staff hours at an average of \$20 per hour (\$20,000); and reproduction and mailing fees of approximately \$5000.

15. Explanation for Program Changes or Adjustments

There were program changes, as described in section A1, but these do not affect estimated response time.

We expect more respondents for this information collection because 1) there has been an increase in the funding for which this information is being collected and 2) there is increased flexibility in the use of these funds. The change in flexibility is described in the package as “a waiver to the requirement that the use of funds for construction or renovation does not result in the decrease in child care services.”

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 is 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.

**Procedures for Requests from Tribal Lead Agencies to use  
Child Care and Development Fund (CCDF) Funds for  
Construction or Major Renovation of Child Care Facilities**

**OMB Information Collection Request  
0970 - 0160**

**Supporting Statement Part B – Justification**

**Statistical Methods**

**August 2019**

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



## **SUPPORTING STATEMENT B – 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