

Supporting Statement for Ensuring Access to Equitable, Affordable, Client-centered, Quality Family Planning Services
(OMB control number 0990 - New)

1. Need and legal basis

The Title X Family Planning Program (42 U.S.C. 300) enacted in 1970 is administered by the Office of the Assistant Secretary for Health, Office of Population Affairs at the U.S. Department of Health and Human Services.¹ The mission of the Title X Program is to assist low-income individuals and families in determining the number and spacing of children and to provide access to voluntary family planning methods, services, and information to all who want and need them. Title X projects provide a broad range of effective and acceptable family planning methods and services, including fertility awareness-based methods, infertility services and services for adolescents. The Title X Program fulfills its mission through awarding competitive grants to public and private nonprofit organizations.

In a new Notice of Proposed Rulemaking (NPRM) (42 CFR 59) (see 86 FR 19812, published on April 15, 2021), HHS proposed to revise the regulatory requirements of the Title X program by readopting 2000 regulations (65 FR 41270), with revisions. These new proposed regulations would require Title X applicants and grantees to report certain information in grant applications and other reports that is necessary for the Office of Population Affairs to administer the Title X grant program and conduct appropriate oversight. This Information Collection Request outlines these draft information collection requirements. For more information, please refer to the proposed NPRM as published in the Federal Register.

¹ Pub. L. No. 91-572 (“The Family Planning Services and Population Research Act of 1970”), §2(1).

2. Information Uses

OPA intends to use the information collected to administer the Title X grant program and conduct necessary compliance and oversight activities for participating grantees. Please see the proposed rule for more detail.

3. Use of Information Technology

Title X applicants and grantees will submit information electronically for grant compliance utilizing Grants.gov. All subsequent information will be collected electronically using GrantSolutions.gov.

4. Duplication of Efforts

We do not anticipate duplication of effort for Title X grantees.

5. Small Business

This information collection will not have a significant impact on small businesses.

6. Less Frequent Collection

Information is collected the minimum number of times so as to not overburden the Title X grantees.

7. Special Circumstances

There are no special circumstances that would require information to be collected via any of the following methods:

- 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 secret, 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.

8. Federal Register/Outside Consultation

We solicited comment on the proposed information collection requirements contained in the NPRM that published in the Federal Register on April 15, 2021 (86 FR 19812). The public has 30 days from the date of publication to submit written comments on the information collection requirements.

No additional outside consultation was sought.

9. Payments/Gifts to Respondents

No payments and/or gifts will be provided to respondents.

10. Confidentiality

HHS will maintain the confidentiality of the information collected to the maximum extent permitted under the Privacy Act and other applicable laws.

11. Sensitive Questions

There are no sensitive questions included in this information collection effort.

12. Burden Estimates (Hours & Wages)

§ 59.4 requires grant applicants to describe how the proposed project will satisfy the regulatory requirements for the Title X program in their applications. We estimate that the time necessary for each Title X applicant to include this information in their grant applications would be 2 hours. All other reporting burden associated with the grant applications is already approved via existing grants.gov common forms.

All eligible applications of Title X grantees would report, in grant applications and in all required reports, information regarding subrecipients and referral agencies and individuals, including a description of the extent of collaboration and a clear explanation of how the grantee would ensure adequate oversight and accountability listed in § 59.5.

In accordance with § 59.5, Title X grantees would provide appropriate documentation or other assurance satisfactory to the Secretary that it has in place and has implemented a plan to comply with all State and local laws requiring notification or reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, and human trafficking. § 59.5 would also require Title X grantees to maintain records to demonstrate compliance with the requirements of the regulations. The labor cost would include a lawyer spending an average of 1 hour reviewing all assurances and a medical and health service manager spending an average of one hour reviewing and signing the assurances at each grantee and subrecipient. We estimate the number of grantees and subrecipients at 1060, based on the number of Title X grantees and subrecipients from 2019, as represented in Title X FPAR data. The mean hourly wage (not including benefits and overhead) for these occupations is \$69.86 per hour for the lawyer and \$55.37 per hour for the medical and health service manager². The labor cost is \$132,750 in the first year $((\$69.86 \times 1 + \$55.37 \times 1) \times 1060$ grantees and subrecipients). We estimate that the cost, in subsequent years, would be \$95,700 which would represent an annual allotment of 30 minutes for the lawyer and one hour for the medical and health service manager $((\$69.86 \times 0.5 + \$55.37 \times 1) \times 1060$ grantees and subrecipients).

The Department estimates that all recipients and subrecipients will review their organizational policies and procedures or take other actions to self-assess compliance with applicable Title X requirements each year, spending an average of 4 hours doing so. The labor cost is a function of a lawyer spending an average of 2 hours and a medical and health service manager spending an average of 2 hours. The labor cost for self-assessing compliance, such as reviewing policies and procedures, is a total of \$265,500 each year $((\$69.86 \times 2 + \$55.37 \times 2) \times 1060$ grantees and subrecipients).

² 2019 labor costs for lawyers, <https://www.bls.gov/oes/2019/may/oes231011.htm>
2019 labor costs for medical and health service managers, <https://www.bls.gov/oes/2019/may/oes119111.htm>

The burden for the documentation of compliance is the cost of grantee and/ or subrecipient staff time to complete reports regarding information related to subrecipients, referral agencies, and individuals involved in the grantee’s Title X project.

The labor cost would include a medical and health services manager spending an average of two hours each year to complete reports regarding information related to subrecipients, and referral agencies and individuals involved in the grantee’s Title X project at each grantee and subrecipient. The labor cost will be \$117,400 each year ($\$55.37 \times 2 \text{ hours} \times 1060 \text{ grantees and subrecipients}$).

TABLE 1—PROPOSED ANNUAL RECORDKEEPING AND REPORTING REQUIREMENTS OR BURDEN OF RESPONSE IN YEAR ONE/SUBSEQUENT YEARS FOLLOWING PUBLICATION OF THE FINAL RULE

Regulation burden	OMB control No.	Respondents responses	Hourly rate (\$)	Burden per response (hours)	Total annual burden (hours)	Labor cost of reporting (\$)
Assurance of Compliance .....	.....0990-New.....	1060	62.62	6	6360	398,263
Documentation of Compliance .....	...0990-New.....	1060	55.37	2	2120	117,400
Total .....	.....	.....2120	.....	.....	.....8480.....	515,663

13. Capital Costs

There are no additional capital costs associated with these information collections.

14. Cost to the Federal Government

Two Federal employees who dedicated 4 hours as part of their normal scope of duties. The estimated total cost to the Federal Government was \$630.00.

15. Changes to Burden

This is a new information collection.

16. Publication/Tabulation Dates

OPA does not intend to publish any of the information collected.

17. Expiration Date

There are no instruments used as part of this specific information collection request. Respondents will utilize the standard forms (SF) associated with Grants.gov and GrantSolutions.gov to submit information associated with their Title X applications and reports.