

## SUPPORTING STATEMENT PARTS A AND B

**TITLE OF INFORMATION COLLECTION:** NASA Assurance of Civil rights Compliance

**TYPE OF INFORMATION COLLECTION:** Extension of a previously approved collection

### **A. JUSTIFICATION**

#### **1. Explain the circumstances that make the collection of information necessary.**

NASA, as a Federal agency providing financial assistance through grant awards and cooperative agreements, is required to receive a signed *NASA Form 1206/Assurance of Civil Rights Compliance* from all applicants for Federal financial assistance, e.g., grant awards and cooperative agreements. This requirement is pursuant to the U.S. Department of Justice (DOJ) Civil Rights Division regulations for coordination and enforcement of Title VI of the Civil Rights Act of 1964 and other grant-related civil rights laws (28 C.F.R. Sec. 42.407(d)(4)) as well as NASA's own Title VI and related regulations at 14 C.F.R. Parts 1250-53, 1260.

DOJ regulations requirements specifically state that all Federal agencies offering financial assistance to grants and cooperative agreements obtain the following:

- information regarding: any lawsuit filed against the applicant or recipient alleging discrimination on the basis of race, color or national origin, and
- a statement by the applicant describing any civil rights compliance reviews regarding the applicant, and information concerning the agency or organization performing the review. 28 C.F.R. Sec. 42.407(d)(1),(3).

In addition, guidance provided to Federal agencies on efforts to strengthen enforcement of Title VI (Assistant Attorney General's Memorandum on August 19, 2010) included a model for civil rights assurance forms, which NASA adopted.

#### **2. Indicate how, by whom, and for what purpose the information is to be used.**

The NASA Office of Equal Opportunity will collect information from institutions applying for a grant and/or a cooperative agreement award, e.g., universities and colleges, museums, science centers, research institutes grant to ensure regulatory requirements are met.

The NASA Form 1206/ Assurance of Civil Rights Compliance with NASA Regulations Pursuant to Nondiscrimination in Federally Assisted Programs will serve as the information collection instrument:

- Section 1 requires respondents/applicants to:
  - o Acknowledge their understanding of the conditions associated with the receipt of financial assistance from NASA
  - o Agree to cooperate with any compliance review or investigation conducted by

NASA

- o Maintain associated records/documentation.

- Section 2 requires institutions/respondents selected for grants and cooperative agreement awards to either state that no accusations of discrimination have occurred during the past three years, or provide information related to accusations of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, or disability arising out of a science, technology, engineering or mathematics (STEM.) The information collected includes a list of:

- o all applicable proceedings, pending or completed, and the outcome
- o all discrimination complaints filed directly with a Federal agency, such as the U.S. Dept. of Education Office for Civil Rights.

Should the timeline for the NASA award exceed three years, NASA will require proposed grant/cooperative agreement selectees to provide the information described above every three years. In this manner, the institutions selected for grant/cooperative agreement awards, e.g., universities and colleges, museums, science centers, research institutes, will resubmit information regarding their institutions, tri-annually or the next time they apply for a grant, whichever comes first.

The information provided will be used to help make a pre-award determination of civil rights compliance of proposed grant selectees and cooperative agreements consistent with DOJ regulations stating: “[p]rior to approval of federal financial assistance, the federal agency shall make written determination as to whether the applicant is in compliance with Title VI.” 28 C.F.R. 42.407(b).

NASA will maintain compliance review records in accordance with NASA Records Retention Schedule 5/27A.

**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.**

The NASA Form 1206/Assurance of Civil Rights Compliance is available in a PDF format that can be filled and signed electronically. It is available to the public via the NASA Electronic Forms System (NEFS).

NASA expects many grant selectee institutions will state that no accusations or findings of discrimination occurred. To the extent that respondents do find the two items applicable, NASA expects that records or files relating to the information requests will be kept in electronic form, either by the respondent’s Human Resources Office or another administrative office within the institution, by the respondent’s legal officer, or possibly all. NASA allows the institution to submit “scanned” or PDF versions of documentation, and will allow the documents/responses to be submitted by email.

**4. Describe efforts to identify duplication.**

NASA is taking steps to ensure the information collected will not be duplicated through communication/coordination with the other U.S. Department of Justice, Civil Rights Division, Federal Compliance and Coordination Section (FCCS).

**5. If the collection of information impacts small businesses or other small entities (Item 5 of the OMB Form 83-I), describe the methods used to minimize burden.**

NASA may provide a small number of grants and cooperative agreements (less than 25) annually to small businesses. The vast majority of NASA grant awards are extended to large educational institutions, and other non-profits, e.g., research institutes, museums and planetariums. The methods used to minimize burden are outlined in #3 above.

**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.**

NASA cannot award federally funded grants and cooperative agreements to institutions that are not compliant with civil rights laws.

NASA, as a Federal agency providing financial assistance through grant awards and cooperative agreements, is required to receive a signed NASA Form 1206/Assurance of Civil Rights Compliance from all applicants for Federal financial assistance, e.g., grant awards, etc. This requirement is pursuant to the U.S. Department of Justice (DOJ) Civil Rights Division regulations for coordination and enforcement of Title VI of the Civil Rights Act of 1964 and other grant-related civil rights laws (28 C.F.R. Sec. 42.407(d)(4)) as well as NASA's own Title VI and related regulations at 14 C.F.R. Parts 1250- 53, 1260.

The information collected from the impacted members of the public is necessary to enable NASA to make a determination regarding the applicant's compliance with Federal civil rights laws.

**7. Explain any special circumstances that would cause an information collection to be conducted in an exceptional manner:**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

**8. Provide the date and page number of publication in the Federal Register for the 60-day and 30-day FNRS, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.**

**60-day FRN:** Federal Register Volume 86, Number 091, on 05/13/2021. No comments were received.

**30-day FRN:** Federal Register Volume 86, Number 171, on 09/08/2021.

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

No payments, gifts, or other remuneration will be provided to respondents.

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

Privacy protected data is not collected as part of this information collection.

**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.**

Not applicable.

**12. Provide estimates of the hour burden of the collection of information.**

RESPONDENT CATEGORY	NUMBER OF RESPONDENTS	ESTIMATED COMPLETION TIME	ANNUAL BURDEN
	250	4 hours	1000 hours
<b>TOTAL</b>	<b>250</b>	<b>4 hours</b>	<b>1000 hours</b>

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information.**

The estimate of the total cost burden per respondent is approximately \$120.00, which is based on an estimate of 4 hours of effort multiplied by \$30 (the estimated average hourly wage of the professional, administrative, and clerical salaries.)

**14. Cost to the Federal Government: Provide estimates of annualized costs to the Federal government.**

The NASA cost to process the information collected is estimated at 2 hours of labor at \$50 per hour per respondent for a total of \$25,000.

**15. Changes in Burden: Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I, if applicable.**

No changes.

- 16. Publication of Results: For collections of information whose results will be published, outline plans for tabulation and publication.**  
There are no plans for tabulation and/or publication.
- 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.**  
The expiration date is displayed within the PRA statement that appears on the last page of the NASA Form 1206.
- 18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**  
*The NASA information collection sponsor must address the certification below and enter their name and position title. The NASA Office of the Chief Information Officer must concur on any exceptions requested by the information collection sponsor, or the package will not be forwarded to OMB.*

*The proposed collection of information –*

*(a) is necessary for the proper performance of the functions of NASA, including that the information to be collected will have practical utility;*

*(b) is not unnecessarily duplicative of information that is reasonably accessible to the agency;*

*(c) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601(6)), the use of such techniques as:*

*(1) establishing differing compliance or reporting requirements or timelines that take into account the resources available to those who are to respond;*

*(2) the clarification, consolidation, or simplification of compliance and reporting requirements; or*

*(3) an exemption from coverage of the collection of information, or any part thereof;*

*(d) is written using plain, coherent, and unambiguous terminology and is understandable to those who are targeted to respond;*

*(e) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;*

*(f) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;*

*(g) when applicable, uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and*

*(h) to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and*

*(i) will display the required PRA statement with the active OMB control number, as validated on [www.reginfo.gov](http://www.reginfo.gov)*

**The NASA office conducting or sponsoring this information collection certifies compliance with all provisions listed above.**

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**Date:** 9/13/2021