

Supporting Statement for Ensuring Access to Equitable, Affordable, Client-centered, Quality Family Planning Services

(OMB comment filed on proposed rule control number 0937-0211)

1. Circumstances Making the Collection of Information Necessary

The Office of the Assistant Secretary for Health, Office of Population Affairs at the U.S. Department of Health and Human Services (HHS) is requesting approval by OMB on a comment filed on proposed rule OMB # 0937-0211. 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 (HHS).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 the final rule (86 FR 56144, published on October 5, 2021), HHS is readopting the 2000 regulations (65 FR 41270), with several revisions and revoking the 2019 final rule in its entirety. As a result, the final rule does not include information data collection required under § 59.5(a)(12) to provide documentation or assurance to HHS of a plan to comply with state notifications laws, and does not include the requirement under § 59.5(a)(13) to report information to HHS on subrecipients. However,

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

the final rule requires Title X applicants to report additional information in their grant applications related to §§ 59.4, 59.5 and 59.7 that are necessary for the Office of Population Affairs to administer the Title X grant program. This Information Collection Request outlines these information collection requirements.

2. Purpose and Use of Information Collection

OPA will use the information collected to assess the Title X grant requirements in the grant application, that are necessary to administer the Title X grant program for respondents (Title X applicants). Please see the final rule for more detail.

3. Use of Improved Information Technology and Burden Reduction

Respondents will submit the Title X grant requirement information electronically through the use of their grant applications utilizing Grants.gov.

4. Efforts to Identify Duplication and Use of Similar Information

HHS does not anticipate duplication of effort for the respondents.

5. Impact on Small Businesses or Other Small Entities

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

6. Consequences of Collecting the Information Less Frequent Collection

Information is collected the minimum number of times so as to not overburden the respondents.

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

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. Comments in Response to the Federal Register Notice/Outside Consultation

HHS solicited comments 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 had 30 days from the

date of publication to submit written comments on the information collection requirements. No public comments were provided on the proposed information collections.

No additional outside consultation was sought.

9. Explanation of any Payment/Gift to Respondents

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

10. Assurance of Confidentiality Provided to Respondents

HHS will maintain the Title X grants information collected under this ICR in accordance with the Grants Policy Statement (<http://www.hhs.gov/sites/default/files/grants/grants/policies-regulations/hsgps107.pdf>).

11. Justification for Sensitive Questions

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

12. Estimates of Annualized Hour and Cost Burden

§ 59.4 requires Title X grant applicants to describe how the proposed project would satisfy the regulatory requirements for the Title X program in their applications, including the specific project requirements under § 59.5 and the grant review criteria specified under § 59.7. HHS estimates that the time necessary for each respondent (Title X applicant) to include this information in their grant applications would be 70 hours. All other reporting burden associated with grant applications is already approved via existing Grants.gov common forms.

HHS is committed to leveraging existing grant, contract, annual reporting, and other Departmental forms where possible, rather than creating additional, separate forms for recipients to sign. The burden for describing the Title X grant requirements is the cost for each respondent to include this information in their grant applications. The labor cost would consist of a medical and health service manager spending an average of 70 hours writing and incorporating the Title X program information in their grant applications. The Department estimates the number of respondents at 136, based on the number of eligible respondents who applied to the Title X national grant competition before the 2019 final rule was in effect. The mean hourly wage (not including benefits and overhead) is \$55.37 per hour for the medical and health service manager². The labor cost per application is \$3,875.90. ($\55.37×70 hours), and the total labor cost is \$527,122.40 ($\$3,875.90 \times 136$ applications).

12A and 12B — Annualized Estimate Burden Hour and Respondent Cost

Regulation burden	Total Respondent	Hourly rate (\$)	Burden per response (hours)	Total annual burden (hours)	Total Respondent Cost
Title X Grant Requirements	136	55.37	70	9,520	527,122.40

13. Estimates of other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs

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

14. Annualized Cost to Federal Government

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

There are no additional costs to the federal government. The program will be managed by federal employees as part of their normal scope of duties. Eight federal employees will dedicate at least 10 hours as part of their normal scope of duties. The estimated total cost to the Federal Government was \$3,150.

15. Explanation for Program Changes or Adjustments

This is a comment filed on a proposed rule which reflects the additional estimated burden for the Title X grant requirements under § 59.4, 59.5, and 59.7. The increased burden was due to an adjustment.

16. Plans for Tabulation and Publication and Project Time Schedule

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

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

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.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.