

SUPPORTING STATEMENT A FOR Complaint Form, Federal Coordination and Compliance Section

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Pursuant to (I) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d et seq., and its implementing regulations, 28 C.F.R. § 42.101 et seq, and (II) anti-discrimination provisions in the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. § 3789d, and its implementing regulations at 28 C.F.R. § 42.201 et seq., the Department of Justice has the authority to investigate certain allegations of discrimination on the basis of race, color, national origin, religion, or gender by recipients of Federal financial assistance. See 28 C.F.R. § 42.107 and 28 C.F.R. § 42.205. The Department's Civil Rights Division, Federal Coordination and Compliance Section (FCS) serves as a clearinghouse for receipt of complaints alleging discrimination. Following receipt of a complaint, FCS must determine whether the Department or another Federal agency has jurisdiction to investigate the complaint. If the Department has jurisdiction to investigate the complaint, it must undertake an investigation of the complaint, attempt to achieve informal resolution of the complaint and, if informal resolution is not achieved, issue a Letter of Findings that must include findings of fact and conclusions of law. If the Department does not have jurisdiction, FCS must forward the complaint to the applicable Federal agency.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information to be collected in the form submitted for OMB approval (Complaint and Consent Form) has been, and will be used by the Department's attorneys and investigators (i) to determine whether the Department of Justice or another Federal agency has jurisdiction to investigate the alleged discrimination, (ii) if the Department does not have jurisdiction, to make a referral to the appropriate agency, and (iii) if the Department has jurisdiction to investigate the complaint, to provide the information needed to initiate investigation of the complaint. This information has been used by other Departments in the course of their investigation.

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. Also, describe any consideration of using information technology to reduce burden.

The use of this form provides the most efficient means of collecting the required data. No electronic collection techniques are being used.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

This form will only be distributed to individual complainants at their request and use of the form is voluntary. If the information provided by a complainant indicates that the complaint should be investigated by another Federal agency, the completed form will be forwarded to the investigating agency, thus avoiding any duplicative requests for information.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

There is no significant impact on small business or other private entities.

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.

If this information were not obtained, the Department would be unable to process and investigate complaints as required by its statutory mandate.

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

- **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 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.**

There are no special circumstances.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the Federal Register on May 19, 2023 (88 FR 32248). The comment period ended on July 18, 2023. No comments were received.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

No government funds will be used as payment or for gifts to respondents.

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

A portion of the Complaint and Consent Form entitled the "Complainant Consent Release Form" describes how information provided to or obtained by the Department of Justice in the course of complaint investigation will be treated by the Department. This portion provides a brief overview of the Privacy Act of 1974, 5 U.S.C. § 552a, and the Freedom of Information Act, 5 U.S.C. § 552. The complainant has the option of giving or denying consent to the disclosure of information by the Department during the course of its investigation. Confidentiality is assured;

Central Civil Rights Division Index File and Associated Records, System of Records 82 FR 24147.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no sensitive questions.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

| Activity | Number of Respondents | Frequency | Total Annual Responses | Time Per Response | Total Annual Burden (Hours) |
|--------------------------------------|------------------------------|------------------|-------------------------------|--------------------------|------------------------------------|
| Form: FCS Complaint and Consent Form | 4,000 | 1 | 4,000 | .5 | 2,000hrs. |
| Unduplicated Totals | 4,000 | | 4,000 | | 2,000hrs |

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no capital or start-up costs associated with this information collection. Self-addressed returned envelopes are sent to the respondents to return the Complaint Form to the Department at no mailing costs to respondents. However, CRT estimates \$640.00 for printing costs.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

Print cost \$640.00

Collection and processing \$13,440.00

Total cost to the Federal government \$14,080.00

15. Explain the reasons for any program changes or adjustments.

There are no changes.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The Department does not to publish this collection.

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.

We are requesting no exemption.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.