**Supporting Statement Part A**

**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.**

Exploitation, sexual abuse, child abuse, and child neglect cause intolerable harm and threaten the mission of the U.S. Government’s foreign assistance work. Safeguarding measures help keep populations in vulnerable conditions safe from these violations. In recent years, public reporting of exploitation, sexual abuse, child abuse, and neglect involving USG-funded partners and activities has highlighted the pervasiveness of these incidents. News reporting and ad hoc disclosures from recipients have consistently detailed abuses of power by the employees, agents, visitors, interns, and volunteers of USAID-funded organizations over individuals in a position of vulnerability connected to USAID foreign assistance and members of their local communities. These issues are chronically invisible, though regularly present and pervasive. Allegations remain under-reported, due to fears of stigma or retaliation, limited availability of or accessibility to trusted service providers, impunity for perpetrators, and lack of awareness of the benefits of seeking care and support.

The information collection will be a part of a forthcoming standard provision for assistance awards with nongovernmental organizations (NGOs)–[Safeguarding Against Exploitation, Sexual Abuse, Child Abuse, and Child Neglect](https://docs.google.com/document/d/1ejKd-Q9wZQhZDHmJePZsAf-kV5aztRiJ/edit?usp=sharing&ouid=109832929725442220002&rtpof=true&sd=true). The safeguarding provision builds on and strengthens the protections established in the Trafficking Victims Protection Reauthorization Act (implemented at [2 CFR 175](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-I/part-175) and USAID’s Automated Directives System (ADS) 303maa M20, 303mab M15, and 303mat M6 for assistance awards with NGOs). Safeguarding includes both the prevention of these abuses, as well as the response to alleged incidents when they occur, and the pending standard provision takes an approach that is consistent with federal and international standards, priorities, and commitments to establish requirements that are centered on a survivor-centered approach and the best interest of the child.

This information collection will support efforts undertaken by the USG through the recently released [National Strategy on Gender Equity and Equality](https://www.whitehouse.gov/wp-content/uploads/2021/10/National-Strategy-on-Gender-Equity-and-Equality.pdf) and the [U.S. Government Strategy Advancing Protection and Care for Children in Adversity](https://www.childreninadversity.gov/wp-content/uploads/2021/08/apcca-strategy-final-web.pdf) to support women, children, at-risk youth, and underserved and marginalized populations from exploitation and abuse. Congress has shown continual interest in these topics. Consistent with section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, P.L. 116-260) and the accompanying Joint Explanatory Statement, State and USAID jointly submitted a report on allegations of, and steps to prevent and respond to, sexual exploitation and abuse (SEA) committed by recipients of foreign assistance funds appropriated for State and USAID in Fiscal Year (FY) 2020 – the third consecutive report annually requested by Congress on this subject.

**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.**

USAID will use the information received in this new collection to ensure accountability in our foreign assistance programs, support survivors, and mitigate future harm. The notification section requires recipients to (1) immediately inform, in writing, the Bureau for Management, Office of Management Policy, Budget, and Performance, Responsibility, Safeguarding, and Compliance Division (M/MPBP/RSC) at partnerdisclosures@usaid.gov and USAID Office of Inspector General (OIG), with a copy to the Agreement Officer whenever the recipient receives credible information from any source that alleges the recipient, subrecipient, employee, agent, intern, or any other person provided access or contact with beneficiaries under the award has engaged in any exploitation, sexual abuse, child abuse, and child neglect of any person, and supported or advanced these actions, or intentionally ignored or failed to act upon allegations of these actions; and (2) as soon as practicable, the recipient must provide in writing, as specified above: (i) additional information on any actions planned or taken in response to the allegation; and (ii) any actions planned or taken to assess, address, or mitigate factors that contributed to the incident.

The information will be used by USAID’s Responsibility, Safeguarding and Compliance Division to assess the response of the recipient, ensure the recipient takes the necessary and appropriate steps to address instances of exploitation and abuse, and hold the perpetrator(s) accountable. The information collection will be used to support award-level actions, as well as potential suspension and debarment related actions. USAID will be able to use the information to identify overall trends and risks to inform future prevention efforts and program design and respond to Congressional inquiries.

The Safeguarding Compliance Plan will require recipients to develop, implement, and maintain a compliance plan that details risk analysis and mitigation measures, appropriate to the size and complexity of the award and to the nature and scope of the activities, including the particular risks presented by the operating context. When requested by the Agreement Officer, the Safeguarding Compliance Plan will be used to assess the effectiveness of the recipient’s mitigation measures, as well as their adherence to the established policies and processes. This information will then be used to help determine any necessary award or administrative actions to strengthen compliance.

**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.**

Recipients may submit responses electronically, through email. This decision is made to facilitate ease of response for recipients. Recipients are encouraged not to submit personally identifiable information (PII) in their responses. Responses will only be shared with those who have a need-to-know, and any sensitive information will otherwise be redacted pursuant to Agency procedures.

**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 2 above.**

2 CFR 175 implements the USG’s policy prohibiting trafficking in persons in assistance, including the trafficking-related activities during the period of performance of the award. This includes prohibiting the Recipient, its employees, its subrecipients and subrecipient employees, and agents from engaging in severe forms of trafficking in persons, which includes sex trafficking; involuntary servitude, peonage, debt bondage, or slavery; procuring commercial sex acts; or using forced labor. While the prohibitions currently outlined in 2 CFR 175 capture some exploitative behavior, such as sex and labor trafficking, the current requirements fail to prohibit other exploitative actions, sexual abuse, child abuse, and child neglect that occur during the period of performance of federally-funded assistance programs performed outside the United States.

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

The forthcoming standard provision will take a tiered approach to requirements in order to minimize the burden on small and local partners. The proposed Safeguarding Compliance Plan only applies for assistance awards over $500,000, and Recipients will not be required to submit them, except upon request of the Agreement Officer. Further, the provision will consolidate two existing award requirements: (1) the child safeguarding standards[[1]](#footnote-2) and (2) the sexual exploitation and abuse component of the regulations governing employees.[[2]](#footnote-3) The provision aligns with the existing Trafficking in Persons provision, in order to provide consistency for all partners.

**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.**

Without this information collection, USAID is not able to properly oversee its assistance awards and hold recipients accountable for preventing, detecting, and addressing instances of exploitation and abuse and supporting survivors. This lack of oversight can lead to additional harm as incidents continue to occur without being addressed and are not prevented through the mitigation measures in the Safeguarding Compliance Plan. This may also lead to the waste and abuse of federal dollars as funds and programs designed for foreign assistance are instead used to perpetrate the exploitation and abuse of the intended beneficiaries and their communities. Additionally, this may impact USAID’s ability to carry out foreign assistance programs and assist in the achievement of USG foreign policy goals due to a perception by foreign governments and their populations of a lack of oversight and accountability for such incidents. The nature of the information collection requires prompt response, both from the recipient and USAID, in order to prevent additional harm and ensure that any survivors receive timely and appropriate support.

**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.**

The notification section of the forthcoming standard provision requires recipients to (1) immediately inform, in writing, the Bureau for Management, Office of Management Policy, Budget, and Performance, Responsibility, Safeguarding and Compliance Division (M/MPBP/RSC) at partnerdisclosures@usaid.gov and USAID Office of Inspector General (OIG), with a copy to the Agreement Officer whenever the recipient receives credible information from any source that alleges the recipient, subrecipient, employee, agent, intern, or any other person provided access or contact with beneficiaries under the award has engaged in any exploitation, sexual abuse, child abuse, or child neglect during the period of performance, supporting or advancing these actions, or intentionally ignoring or failing to act upon allegations of these actions; and (2) as soon as practicable, the recipient must provide in writing, as specified above: (i) additional information on any actions planned or taken in response to the allegation; and (ii) any actions planned or taken to assess, address, or mitigate factors that contributed to the incident. These timeframes will allow USAID to take any immediate actions that may be necessary to mitigate harm and support survivors. This timeframe is consistent with other forms of mandatory reporting for abuses, including trafficking in persons and mandatory disclosures for fraud, waste, and abuse. This also prevents recipients from unnecessarily reporting at a regular interval a lack of cases of exploitation or abuse. For information that is not necessary for immediate response, USAID requests the information as soon as practicable. Award actions and remedies for exploitation and abuse are often time sensitive, requiring notification to the Agency in a timely manner.

**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.**

On August 13, 2021, a 60-Day Federal Register Notice was published at 86 FR 44684 Volume 86, No. 154. The agency received seven (7) replies, that included eighty-five (85) comments in total, were received and responded to in the 30-Day Federal Register Notice. Comments agreed with the calculated cost and hour burdens, although some requested additional information on how the burdens were calculated. Several comments asked for definitions for certain terms used. A few comments noted certain terms or phrases were vague, and in response, USAID provided more details where needed and adjusted some language in the information collection and the provision to be more specific. USAID addressed all comments in the 30-Day Federal Register Notice. Prior to drafting the provision and the information collection, USAID consulted with a wide variety of implementing partners as part of the roll out of the Protection from Sexual Exploitation and Abuse (PSEA) Policy to gather feedback and inform the requirements.

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

No payments or gifts will be provided, other than remuneration of recipients.

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

This information is disclosed only to the extent consistent with prudent business practices, current regulations, and statutory requirements. Agency staff members will only share information on individual allegation reports related to allegations of misconduct on a need-to–know basis. This means information is only shared when there is a need-to-know in order to perform official duties and/or make an agency decision. USAID workforce will appropriately protect such information, consistent with law and USAID ADS Chapter 508, and mitigate the risk of unauthorized disclosure regarding this sensitive information.

**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.**

Although USAID encourages partners not to share PII in its notifications, information related to this collection can be of a sensitive nature. As part of upholding a survivor-centered approach, USAID only requests information that may be necessary to take appropriate action, including for award administration, holding recipients accountable for preventing, detecting, and addressing instances of exploitation and abuse, supporting survivors, and mitigating future harm, or for initiating suspension or debarment proceedings. The Safeguarding Compliance Plan requires partners to make beneficiaries and local community members aware of these information collection requirements and how they may report allegations in a manner that is inclusive, culturally appropriate, and sensitive to the context; have appropriate safeguards to protect whistle-blowers and survivors, including express protection against retaliation for reporting, documented procedures for protecting PII from unauthorized access and disclosure, and appropriate measures to protect survivors of or witnesses to activities.

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

USAID calculated the average burden per response and average hourly wage rate based on the burdens established in the information collection for Combating Trafficking in Persons, given the parallel structure.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | No. of Respondents | No. of Responses per Respondent | Average. Burden per Response (in hours) | Total Annual Burden (in hours) | Average Hourly Wage Rate | Total Annual Respondent Cost |
| Reporters (Notification) | 218 | 2 | 4 | 1,744 | $81[[3]](#footnote-4)  | $141,264 |
| Reporters (Compliance Plan) | 165 | 1 | 1 | 165 | $813 | $13,365 |
| Recordkeepers | 2,365 | 1 | 24 |  56,760 | $813 |  $4,597,560 |
| Total | 2,418[[4]](#footnote-5) | 1.2 | 19.8 | 58,669 | $81 | $4,752,189 |

Reporting

Notification: A recent FOIA request identified notifications of allegations of exploitation and abuse received by USAID from FY 2017-2021. Based on the percentage annual increase from FY 2018-2021 (93.62%), USAID expects 436 annual notifications of exploitation, sexual abuse, and child abuse and/or neglect.

USAID estimates a burden of 4 hours to collect and review the data and draft the notification to the Agreement Officer and USAID Inspector General.

Estimated respondents/year............................. 218

Responses annually.................................... x 2

Total annual responses................................ 436

Estimated hours/response................................ x 4

Estimated total burden/hour........................... 1,744

Hourly rate3..........................................x $81

Estimated cost to public.......................... $141,264

Compliance Plan: USAID’s award management system identified 2,365 Recipients and subrecipients with awards over $500,000. USAID estimates that a copy of the compliance plan will be requested from about 165 Recipients (less than 1% of the total). Agreement Officers will usually request copies of compliance plans only if the Agreement Officers has reason to believe that there may be of exploitation, sexual abuse, and child abuse and/or neglect activities, generally during an audit, investigation, or formal action. USAID estimates that it should not require more than one hour to send a copy of the pre-existing compliance plan.

Estimated respondents/year.............................. 165

Responses annually.................................... x 1

Total annual responses................................ 165

Estimated hours/response................................ x 1

Estimated total burden/hour............................ 165

Hourly rate3..........................................x $81

Estimated cost to public.......................... $13,365

Recordkeeping

Compliance Plan: There is a recordkeeping burden associated with the Safeguarding Compliance Plan. USAID’s award management system identified 2,365 Recipients and subrecipients with awards over $500,000. It is estimated that each recordkeeper will take 24 hours to review instructions, search existing data sources, gather the data, and maintain the information internally.

Estimated Recordkeepers/year........................... 2,365

Estimated hours/record.................................. x 24

Estimated total burden/hour......................... 56,760

Hourly rate3......................................... x $81

Estimated cost to public....................... $4,597,560

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

The estimated cost to USAID for responding to notifications and reviewing the compliance plans are listed in the table below. The time estimates are based on receiving, reviewing and analyzing the information submitted by the recipient. It is estimated that the USAID reviewer of notifications and compliance plans will be a mid-level procurement analyst and/or a mid-level Agreement Officer (i.e. GS-14/step 5).

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Notification** | **Compliance Plan** | **Total** |
| Total annual responses | 436 | 165 | 601 |
| Estimated hours/response | 17.6 | 17.6 | 17.6 |
| Estimated total burden hours | 7,674 | 2,904 | 10,578 |
| Hourly rate | $81 | $81 | $81 |
| Estimated cost to USAID | $621,594 | $235,224 | $856,818 |

**15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.**

This is a new program.

**16. For collections of information whose results will be published, outline plans for tabulation 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 of State and USAID have jointly submitted annual reports to Congress on allegations of, and steps to prevent and respond to, sexual exploitation and abuse (SEA) committed by implementing partners of foreign assistance funds appropriated for State and USAID for prior fiscal years (Section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2021 (Div. K, P.L. 116-260), and would anticipate doing so going forward. These reports outline the number and types of reports at an aggregate level received by USAID during the previous fiscal year and are then published on USAID’s website. As part of an effort by donor governments to improve transparency regarding instances of sexual exploitation and abuse in international development and humanitarian assistance, USAID also contributes aggregated data to an annual progress report published by the Foreign, Commonwealth & Development Office of the United Kingdom.

**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.**

Not applicable.

**18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

None.

1. ADS 303maa M27 and ADS 303mab M25 (Child Safeguarding). [↑](#footnote-ref-2)
2. ADS 303maa M14 (Regulations Governing Employees) and ADS 303mab M11 (Recipient and Employee Conduct). [↑](#footnote-ref-3)
3. Based on the Office of Personnel Management (OPM) 2021 General Schedule (GS) 14/step 5 salary for the rest of the United States ($59.13 per hour) plus a 36.25 percent fringe factor, rounded to the nearest whole dollar. The fringe factor used is pursuant to the rate provided in OMB memorandum M-08-13 for use in public-private competition. The respondent is expected to be a high-level administrator or program manager. [↑](#footnote-ref-4)
4. Respondents providing plans are the same respondents as those certifying and therefore not additive. [↑](#footnote-ref-5)