

**Child Care and Development Fund Plan Preprint for Tribes (Tribal
CCDF Plan Preprint) for FFY 2022-2025
ACF-118A**

**OMB Information Collection Request
0970 - 0198**

Supporting Statement Part A - Justification

February 2022; Updated May 2024

Submitted By:
Office of Child Care
Administration for Children and Families
U.S. Department of Health and Human Services

Summary

OCC has a trust responsibility to consult with Tribal Nations and incorporate their testimony to the maximum extent feasible. To meet this responsibility and in support of Executive Order 14112, OCC released a Request for Information (RFI) titled: Meeting the Child Care Needs in Tribal Nations in the summer of 2023. This RFI covered rules and regulations of the Tribally administered Child Care and Development Fund (CCDF) program as part of ACF's commitment to creating partnerships with Tribal Nations to identify and implement solutions that transcend traditional program boundaries. OCC hosted over 14 in person and virtual listening sessions and two in person Tribal Consultations focused on the RFI.

One thing OCC heard consistently is that the Tribal Lead Agencies (TLAs) need more lead time (at least one year) to complete one piece of this information collection: **the Triennial Child Count**. The Triennial Child Count allows OCC to calculate the funding for tribal grantees using these responses. As such, OCC is hoping to inform Tribal Nations and TLAs as soon as possible and update systems concurrently to allow for work on this piece of the information collection and provide sufficient technical assistance. The next due date for the CCDF Plan for Tribes is not due until July 1, 2025 and the child count would not actually be due until that time, but being able to put the request out for just that information would be helpful so work can begin on that piece (ACF system updates to the CARS system, TLAs beginning data entry, etc). To allow for this, OCC is requesting a non-substantive change to open this section of the information collection in July 2024, to allow Tribal grantees to answer the same questions one more time. OCC proposes minor changes to the questions to reduce the administrative burden on respondents.

1. Circumstances Making the Collection of Information Necessary

To be eligible to receive funds under this program, Section 658E of the Child Care and Development Block Grant (CCDBG) Act, 42 U.S.C. 9858c, a Tribe or Tribal Organization shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require by rule, including a Child Care and Development Fund (CCDF) Plan that meets the requirements of Section 658E(c) of the CCDBG Act, 42 U.S.C. 9858c(c) Requirements of a Plan.

The CCDF Plan for Tribes serves as the agreement between the Tribal Lead Agency (TLA) and the Federal Government as to how the Block Grant program will be operated. The TLA provides assurances that the CCDF funds will be administered in accordance with legislative requirements, Federal regulations at 45 CFR parts 98 and 99 and other applicable instructions or guidelines issued by ACF. The standardized, "Preprinted" format provides complete program information necessary to complete the CCDF Plan and expedites timely reviews by ACF staff. The CCDF Plan Preprint reflects the CCDBG statute and amended regulations. The CCDF Plan Preprint serves as a blueprint for TLAs to assist them in developing a complete Plan, with all of the required elements needed to implement their CCDF programs.

The CCDBG Act of 2014, which was signed into law in November 2014, made significant changes to the CCDF program and the Final Rule published in September 2016 detailed the specific requirements of the law applicable to tribes. The FY 2020-2022 Tribal CCDF Plan Preprint, which is approved through 6/30/2022, was developed to align with the CCDF Final Rule requirement for tribes. This current request for the FY 2023-2025 Tribal CCDF Plan Preprint incorporates changes based on comments received during the 60-day public comment period as well as input from OCC Central and Regional staff working with Tribal CCDF Grantees, including lessons learned where refinements and clarifications were needed.

2. Purpose and Use of the Information Collection

The responses contained in the Tribal Plan helps the Office of Child Care (OCC) identify trends, best practices and areas that need improvements. Based on a review of the Plans, OCC designs technical assistance strategies that will be responsive to the needs of the Tribal Lead Agencies. ACF has found the CCDF Plan Preprint useful in guiding Tribal Lead Agencies in the development and submission of their Plans.

The public takes considerable interest in the way Tribes and Tribal Organizations administer their CCDF funds. OCC makes Plan Preprint and the final completed Plan information available to many users including members of Congress, Congressional Committees, the Department of Health and Human Services, the Administration for Native Americans, the White House, Tribes, States, and local child care administrators, advocacy groups, researchers, and the public. OCC also uses the information internally for planning and technical assistance purposes.

3. Use of Improved Information Technology and Burden Reduction

For the upcoming triennial, TLAs will submit their plans via the newly designed electronic Child Care Automated Reporting System (CARS). All of the questions included in the CCDF Plan Preprint document will be included in the CARS system, and TLAs will input their answers directly into the system. OCC will provide sufficient training and support for grantees to use this new system.

4. Efforts to Identify Duplication and Use of Similar Information

The information collected by the ACF 118-A is not available from any other source.

5. Impact on Small Businesses or Other Small Entities

The data collection effort does not involve small businesses or other small entities.

6. Consequences of Collecting the Information Less Frequently

In accordance with 45 CFR §98.17 TLAs are required to provide a Plan that describes the entire child care program in detail triennially.

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

The collection of information will be conducted in accordance with 5 CFR 1320.5.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995), ACF published a notice in the Federal Register announcing the agency's intention to request an OMB review of this information collection activity. This notice was published on October 15, 2021, Volume 86, Number 197, page 57434, and provided a sixty-day period for public comment.

OCC sent an email message to TLAs notifying them of the Federal Register Notice, including sending electronic copies of the draft CCDF Tribal Plan Preprint. On November 9, 2021, the OCC held a national webinar with all TLAs to provide an overview of the proposed Plan Preprint. OCC also held a focus group with 7 TLAs on January 12, 2022 to gain additional feedback.

We received feedback from tribes including five comments submitted directly in response to the Federal Register Notice. Attachment A provides an overview of the comments and OCC responses. The feedback and comments were positive and helpful. An OCC team reviewed and discussed all feedback and comments through a series of meetings and revised the draft Preprint accordingly. As part of these discussions, staff suggested additional revisions needed to improve readability and understanding of the Preprint.

The major themes of the comments were:

- Request for additional clarification and guidance across many topics with a focus on items where there is a need for technical assistance

Specifically, we revised address the following:

- Made grammatical and formatting edits throughout the Plan and deleted duplicate language
- Increased examples of the use of funds for increased quality to highlight the flexibility of spending in this area
- Eliminated narrative description boxes where not required by statute or rule
- Eliminated reporting items for Tribes who rely exclusively on states for those specific elements (e.g., Tribes do not have to explain the development of the Consumer

- Statement if they disseminate the statement written by the state)
- Clarified skip patterns throughout
- Based on responses from Tribes and the current context of managing the COVID-19 Pandemic, OCC will postpone modernizing the allocation size thresholds. Requirements for this Tribal CCDF Plan submission will continue to be based on FY 2016 allocations.

9. Explanation of Any Payment or Gift to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentiality Provided to Respondents

The information collection is nothing of a confidential nature, therefore does not require any assurance of confidentiality.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

The annual public reporting burden for this information collection is broken out to reflect the estimated hours based on the requirements for TLAs. TLAs report information every three years. The revised Plan consists of two primary parts (one part for all TLAs and a second part for medium and large allocation TLAs only), with each part containing appropriate sections corresponding to the CCDF requirements for small, medium, and large tribes. Part I consists of four sections for all TLAs and Part II contains additional sections only applicable to medium and large allocation TLAs.

TLAs consolidating their CCDF funding as part of Public Law 102-477 do not need to complete the Tribal Plan Preprint. However, they are required to complete the child count and optional Tribal Early Learning Initiative (TELI) appendices. The burden for those 45 TLAs is included in the burden estimate under Part I.

In Spring 2024, OCC also created a stand-alone section for the Triennial Child Count (Section 1) to allow more lead time (at least one year) for TLAs to complete **this section**. The next due date for the CCDF Plan for Tribes is not due until July 1, 2025 and the child count would not actually be due until that time, but putting the request out for just the Triennial Child Count early will allow TLAs to begin on that piece (system updates, beginning data entry, etc). Burden estimates have been updated to account for burden that may occur between now and the next extension request (prior to April 30, 2025).

Information Collection Title	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Total Burden Hours	Total Burden Hours	Average Hourly Wage	Total Annual Cost
ACF-118A Part I (for all tribes)	265	1	120	31,800	10,600	\$36.76	\$389,656
Triennial Child Count Only	265	1	20	5,300	1,767	\$36.76	\$64,943
ACF – 118A Part II (for medium and large tribes only)	106	1	24	2,544	848	\$36.76	\$31,173
Estimated Annual Estimates:					13,215		485,772

Wage data was calculated using the job code for a Social and Human Service Assistants (21-1093) and wage data in local government (per the Bureau of Labor Statistics recommendation for assigning Indian Tribal Councils and related establishments https://www.bls.gov/oes/current/oes_nat.htm#21-0000) from May 2020 is \$18.38 per hour. Therefore, to account for fringe benefits and overhead the rate is multiplied by two which is \$36.76. Total cost is projected to be approximately \$420,829.

13. Estimates of Other Total Annual Cost Burden to Respondents and Record Keepers

There are no direct monetary costs to TLAs other than the time to complete the ACF-118-A.

14. Annualized Cost to the Federal Government

The annual costs to the Federal Government are projected as follows:

Task	Estimated Hours	Estimated Rate	Total
Preprint Design	80	\$30.58	\$ 2,446.40
Tribal Plan Review	40 * 265 Plans = 10,600	\$30.58	\$324,148.00
		Total	\$326,594.40

NOTE: Plans are submitted triennially.

15. Explanation for Program Changes or Adjustments

OCC is hoping to inform Tribal Nations and TLAs as soon as possible and update systems concurrently to allow for work on the Triennial Child Count and provide sufficient technical assistance. The next due date for the CCDF Plan for Tribes is not due until July 1, 2025 and the child count would not actually be due until that time, but being able to put the request out for just that information would be helpful so work can begin on that piece (ACF system

updates to the CARS system, TLAs beginning data entry, etc). To allow for this, OCC is requesting a non-substantive change to open this section of the information collection in July 2024, to allow Tribal grantees to answer the same questions one more time. Burden estimates have been updated to account for burden that may occur between now and the next extension request (prior to April 30, 2025).

16. Plans for Tabulation and Publication and Project Time Schedule

Not applicable

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

Not applicable

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions.