

General Services Administration
Nondiscrimination in Federal Financial Assistance Programs for Real Property
Recipients
OMB Control No. 3090-0310

A. Justification

Overview of Information Collection:

This is a request for a revision to an existing Information Collection under The Office of Management and Budget (OMB) Control No. 3090-0310, last approved on March 6, 2023, and expiring on March 31, 2026. This revision seeks to add a Nondiscrimination in Federal Financial Assistance for Real Property Recipients form for the Federal Public Benefit Conveyance Program to the existing approved Information Collection 3090-0310, which is currently used for collecting information for the Federal Surplus Personal Property Donations Program.

1. Need & Method for the Information Collection.

GSA administers the Public Benefit Conveyance (PBC) program, which is considered a federal financial assistance program to which certain federal civil rights laws apply. In accordance with the authority granted the Attorney General of the United States under Executive Order 12250 (*Leadership and Coordination of Nondiscrimination Laws*) and Executive Order 14074 (*Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety*), the U.S. Department of Justice (DOJ) requires that each federally assisted program provides for the collection of data and information from recipients of federal assistance sufficient to permit effective enforcement of Title VI of the Civil Rights Act of 1964, as amended (Title VI). (§ 28 CFR 42.406(a); DOJ's Policy Guidance Document: "Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant-Type Programs", dated January 28, 1999). From time to time, the DOJ requests certain civil rights compliance information, which GSA is required to provide to the DOJ under Executive Order 14074.

- The information GSA collects from recipients of federal financial assistance is used by the GSA Office of Civil Rights (OCR) to determine whether the recipients are complying with the nondiscrimination provisions of the following federal laws, regulations, and executive orders:
- Title VI, (42 U.S.C. 2000d et seq.), concerning race, color, and national origin;
- Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. 1681 (et seq.), concerning sex bias;
- Section 122 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), as amended concerning sex discrimination;
- Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) (29 U.S.C. 794), concerning disability discrimination;
- Age Act of 1975 (Age Act), 42 U.S.C. 6101 et seq., concerning age discrimination.

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- Executive Order 12250 (45 FR 72995, November 4, 1980); Executive Order 13166 (64 FR 50123, August 11, 2000) and 28 CFR 42.401-42.415 and 41 CFR 101-6.2; 41 CFR 101-4; and 41 CFR 101-8.

GSA's implementing regulation for Title VI requires each recipient to keep such records and submit to GSA timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as GSA determines necessary to ensure compliance with Title VI. (41 CFR § 101-6.209-2). Further, GSA's implementing regulations for Title IX, Section 504, and the Age Act refer to and adopt Title VI compliance information and enforcement requirements. (41 CFR §101-4.605; 41 CFR § 101-8.312 and § 8.714(c), respectively).

2. Use of the Information.

The OCR analyzes the data collected to determine whether the recipients are complying with the nondiscrimination provisions of the federal laws and GSA regulations. Recipients must be aware that the federal Government is collecting the information so that they do not practice or implement policies, procedures, or activities that may be considered discriminatory.

3. Use of Information Technology.

GSA utilizes information technology for data collection to the maximum extent practicable. Where both the Government and the recipients are capable of electronic interchange, the recipients will submit this information collection requirement electronically. However, GSA allows recipients to mail (or email) hard-copy compliance submissions. Based on experience, approximately 80% of respondents submit electronically, the remaining 20% elect to submit a hard copy.

4. Non-duplication.

To prevent duplication, GSA conducted extensive interviews throughout the agency and reviewed agency regulations, brochures, and pamphlets regarding the collection of information for the federal financial assistance programs. There is no risk of duplication as no information related to the subject request is currently being collected within the agency.

This data collection effort will not duplicate the collection of any compliance data that was provided to another federal agency by the recipients of federal financial assistance. If a Civil Rights Compliance Report was completed within the last 24 months and sent to another federal agency, GSA is allowing the recipient to provide us with a copy of that report.

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5. Burden on Small Business.

This collection of information does not impact any small businesses or entities because small businesses are not recipients under GSA's federal financial assistance program.

6. Less Frequent Collection.

If the data collection is eliminated or reduced, GSA will not be in compliance with the guidance issued by the Department of Justice (DOJ) regarding "Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant-Type Programs." GSA is required to collect information from recipients of federal financial assistance. Therefore, the data is critical to the success of the program in that the collected data will allow GSA to identify program issues and assist GSA in determining appropriate technical assistance and conduct periodic compliance reviews.

7. Paperwork Reduction Act Guidelines.

There are no special circumstances that would cause collection of any information as identified above in #7.

8. Consultation and Public Comments.

GSA consulted with and obtained the assistance of DOJ, Federal Coordination and Compliance Section, in the development of the Information Collection under OMB Control No. 3090-0310- compliance questionnaire for recipients. As the lead agency for ensuring coordination and enforcement of federal civil rights laws that apply to federally assisted programs and activities, the DOJ reviewed and approved the proposed data collection under their Executive Order 12250 authority. GSA also consulted with the Department of Energy (DOE) and the Department of Health and Human Services (HHS) to ensure GSA's proposed data collection was not duplicating any of their data collection efforts. (This data has been collected yearly from recipients under GSA's Federal Surplus Personal Property Donation Program).

A 60-day notice was published in the *Federal Register* at 89 FR 64462 on August 7, 2024. No comments were received. A 30-day notice published in the *Federal Register* at 89 FR 88050 on November 6, 2024.

9. Gifts or Payment.

Not applicable.

10. Privacy & Confidentiality.

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No assurance of confidentiality is provided because there are no confidential or sensitive questions on the questionnaire.

11. Sensitive Questions.

There are no confidential, sensitive, or private questions on the questionnaire.

12 & 13. Burden Estimate.

Total Annual Recipient Estimates:

Number of Recipients*	1275
Number of Responses from each recipient	<u>X 1</u>
Total Annual Responses	1275
Estimated Hours to Complete each Form**	<u>X 2</u>
Estimated Total Burden Hours	2550
Average Hourly Wage***	<u>X \$29</u>
Estimated Cost to the Public	\$73,350

Table 1 - Burden Hours and Cost; GSA Form 3702

Number of Recipients*	1200
Number of Responses from each recipient	<u>X 1</u>
Total Annual Responses	1200
Estimated Hours to Complete each Form**	<u>X 2</u>
Estimated Total Burden Hours	2400
Average Hourly Wage***	<u>X \$29</u>
Estimated Cost to the Public	\$69,600

Table 1 - Burden Hours and Cost for the added form

Number of Recipients*	75
Number of Responses from each recipient	<u>X 1</u>
Total Annual Responses	75
Estimated Hours to Complete each Form**	<u>X 2</u>
Estimated Total Burden Hours	150
Average Hourly Wage***	<u>X \$29</u>
Estimated Cost to the Public	\$4,350

Note: *The approximate number of responses GSA receives (per past submissions).

** It takes approximately 2 hours to complete the questionnaire (per responses from past submissions).

***The hourly wage of employees who work in administrative areas of state and local government organizations are approximately \$29.00.

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14. Estimated cost to the Government.

Government Cost

The estimated cost to the Government is captured in Table 3.

Table 3 - GSA Cost

Total Annual Responses *	1275
Estimated Hour to Review each Form**	<u>X 1</u>
Estimated total hours	1275
Hourly Wage***	<u>X \$46</u>
Estimated Cost to GSA	\$58,650

Note: *The approximate number of responses GSA receives (per past submissions).

** It takes approximately 1 hour to review the questionnaire (per past submissions).

***The hourly wage of the employee (GS-12/GS-13) is approximately \$46.00.

15. Reasons for changes.

Increased burden due to adding a duplicate form to the U.S. General Services Administration (GSA) form 3702 existing collection, referencing the federal real property conveyances under the Federal Public Benefit Conveyance Program.

16. Publicizing Results.

There are no plans to publish the results of the survey. The data is for determining compliance with applicable federal civil rights laws and regulations.

17. OMB Not to Display Approval.

Not applicable.

18. Exceptions to “Certification for Paperwork Reduction Act Submissions”.

None.

19. Surveys, Censuses, and Other Collections that Employ Statistical Methods.

This section is not applicable for the purposes of these forms.