

## Supporting Statement - Part A

**Title of information collection:** NASA Assurance of Civil Rights Compliance

**Type of information collection:** Reinstatement with change

**O.M.B. Control Number:** 2700-0148

**Abstract:** NASA requests the revision of NASA form 1206/Assurance of Civil Rights Compliance. As a Federal agency providing financial assistance through grant awards and cooperative agreements, NASA is required to collect information from institutions applying for a grant and/or a cooperative agreement award, e.g., universities and colleges, museums, science centers, research institutes grant to ensure regulatory requirements are met. NASA form 1206/Assurance of Civil Rights Compliance serves as the information collection instrument and is required from all applicants for Federal financial assistance, e.g., grant awards and cooperative agreements.

### **Major changes made to this renewal are:**

- Minimal revisions to opening paragraph to clarify the broad application of the relevant laws/regulations.
- Page 1 of 5, question 1: Clarifying statement made to include shared ancestry provision information to Title VI section, per direction from Department of Education. Formatting changes made to Section one.
  - Title VI's protections against discrimination based on race, color, and national origin include antisemitism and other forms of discrimination when based on shared ancestry or ethnic characteristics.
- Page 1 of 5, question 2: Change to Title IX section to make clear that all recipients that engage in "education program or activity" are required to meet the standards listed in subparts a, b, c and d. This distinction in language is required by the NASA Title IX regulation, 14 CFR 1253.100.
- Page 2 of 5: Insertion of new Anti-Harassment reporting requirement per 85 FR 13934.
  - Grant recipients are required to report (1) any finding/determination regarding the Principal Investigator or any Co-Investigator (PI or Co-I) that demonstrates a violation of the recipient's policies or codes of conduct, relating to sexual harassment, other forms of harassment, or sexual assault; and/or (2) if the PI or any Co-I is placed on administrative leave or if any administrative action has been imposed on the PI or any Co-I by the recipient relating to any finding/determination or an investigation of an alleged violation of the recipient's policies or codes of conduct, statutes, regulations, or executive orders relating to sexual harassment, other forms of harassment, or sexual assault, consistent with the procedures provided at Section 4.7 of the NASA Grant and Cooperative Agreement Terms and Conditions, <https://www.nasa.gov/wp-content/uploads/2024/09/nasa-grant-and-cooperative-agreement-terms-and-conditions.pdf?emrc=7735d3>. The recipient acknowledges that this reporting is required for the length of the grant or cooperative agreement.
- Page 4 of 5: Update of Address:
  - Address:  
Equal Opportunity Programs Branch  
Office of Diversity and Equal Opportunity

National Aeronautics and Space Administration  
300 E St. SW  
6<sup>th</sup> Floor, Office 6K74  
Washington, DC 20546

- Page 4-5 of 5: Replaced reference to out-of-date URL for ODEO/EOPB with new URL and email address.

## **A. Justification**

### **1. Explain the circumstances that make the collection of information necessary.**

The National Aeronautics and Space Administration, NASA, as a Federal agency providing financial assistance through grant awards and cooperative agreements, is required to receive a signed assurance of civil rights compliance from all applicants for Federal financial assistance, e.g., grant awards and cooperative agreements. This requirement is pursuant to the U.S. Department of Justice (DOJ) Civil Rights Division regulations for coordination and enforcement of Title VI of the Civil Rights Act of 1964 and other grant-related civil rights laws (28 C.F.R. Sec. 42.407(d)(4)) as well as NASA's own Title VI and related regulations at 14 C.F.R. Parts 1250-53, 1260.

DOJ regulations requirements specifically state that all Federal agencies offering financial assistance to grants and cooperative agreements obtain the following:

- information regarding: any lawsuit filed against the applicant or recipient alleging discrimination on the basis of race, color or national origin, and
- a statement by the applicant describing any civil rights compliance reviews regarding the applicant, and information concerning the agency or organization performing the review. 28 C.F.R. Sec. 42.407(d)(1),(3).

In addition, guidance provided to Federal agencies on efforts to strengthen enforcement of Title VI (Assistant Attorney General's Memorandum on August 19, 2010) included a model for civil rights assurance forms, which NASA adopted.

### **2. Indicate how, by whom, and for what purpose the information is to be used.**

The NASA Office of Equal Opportunity collects information from institutions applying for a grant and/or a cooperative agreement award, e.g., universities and colleges, museums, science centers, research institutes grant to ensure regulatory requirements are met via the NASA Form 1206/ Assurance of Civil Rights Compliance with NASA Regulations Pursuant to Nondiscrimination in Federally Assisted Programs. The collection of this information is used by the NASA Office of Diversity and Equal Opportunity to select recipients for compliance reviews and to assist in investigations of alleged illegal discrimination by the recipient. Collection of this information for these purposes is required by DOJ and NASA civil rights regulations (see discussion in answer to question 1).

NF-1204 serves as the information collection instrument for the following information:

Section 1 requires respondents/applicants to:

- Acknowledge their understanding of the conditions associated with the receipt of financial assistance from NASA.
- Agree to cooperate with any compliance review or investigation conducted by NASA.
- Maintain associated records/documentation.

Section 2 requires institutions/respondents selected for grants and cooperative agreement awards to either state that no accusations of discrimination have occurred during the past three years, or provide information related to accusations of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, or disability arising out of a science, technology, engineering or mathematics (STEM.) The information collected includes a list of:

- all applicable proceedings, pending or completed, and the outcome.
- all discrimination complaints filed directly with a Federal agency, such as the U.S. Dept. of Education Office for Civil Rights.

Should the timeline for the NASA award exceed three years, NASA requires proposed grant/cooperative agreement selectees to provide the information described above every three years. In this manner, the institutions selected for grant/cooperative agreement awards, e.g., universities and colleges, museums, science centers, research institutes, resubmit information regarding their institutions, tri-annually or the next time they apply for a grant, whichever comes first.

The information provided is used to help make a pre-award determination of civil rights compliance of proposed grant selectees and cooperative agreements consistent with DOJ regulations stating: “[p]rior to approval of federal financial assistance, the federal agency shall make written determination as to whether the applicant is in compliance with Title VI.” 28 C.F.R. 42.407(b), as well as to select post-award recipients for compliance reviews, and to assist in investigations where an allegation of discrimination has been made.

NASA will maintain compliance review records in accordance with NASA Records Retention Schedule 5/27A.

### **3. What steps have been taken, or planned, to increase the use of the information technology and electronic submissions?**

The NASA Form 1206/Assurance of Civil Rights Compliance is available in a PDF format that can be filled and signed electronically. It is available to the public via the NASA Electronic Forms System (NEFS).

NASA expects many grant selectee institutions will state that no accusations or findings of discrimination occurred. To the extent that respondents do find the two items applicable, NASA expects that records or files relating to the information requests will be kept in electronic form,

either by the respondent's Human Resources Office or another administrative office within the institution, by the respondent's legal officer, or possibly all. NASA allows the institution to submit "scanned" or PDF versions of documentation and will allow the documents/responses to be submitted by email.

**4. Describe efforts to identify duplication.**

NASA is taking steps to ensure the information collected will not be duplicated through communication/coordination with the other agencies through coordination with the U.S. Department of Justice, Civil Rights Division, Federal Compliance and Coordination Section (FCCS).

**5. If the collection of information impacts small businesses or other small entities (Item 5 of the OMB Form 83-I), describe the methods used to minimize burden.**

NASA may provide a small number of grants and cooperative agreements (less than 25) annually to small businesses. The vast majority of NASA grant awards are extended to large educational institutions, and other non-profits, e.g., research institutes, museums and planetariums. The methods used to minimize burden are outlined in #3 above.

**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.**

NASA cannot award federally funded grants and cooperative agreements to institutions that are not compliant with civil rights laws.

NASA, as a Federal agency providing financial assistance through grant awards and cooperative agreements, is required to receive a signed assurance of compliance from all applicants for Federal financial assistance, e.g., grant awards, etc. This requirement is pursuant to the U.S. Department of Justice (DOJ) Civil Rights Division regulations for coordination and enforcement of Title VI of the Civil Rights Act of 1964 and other grant-related civil rights laws (28 C.F.R. Sec. 42.407(d)(4)) as well as NASA's own Title VI and related regulations at 14 C.F.R. Parts 1250- 53, 1260.

The information collected from the impacted members of the public is necessary to enable NASA to make a determination regarding the applicant's compliance with Federal civil rights laws.

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

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

**8. Provide the date and page number of publication in the Federal Register for the 60-day and 30-day FNRS, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.**

60-day FRN: 89 FR 81951 on 10/9/2024. Comments were not received.

30-day FRN: 90 FR 338 on 1/3/2024.

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

No payments, gifts, or other remuneration will be provided to respondents.

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

Privacy protected data is not collected as part of this information collection.

**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.**

No questions considered sensitive are being asked in this collection.

**12. Provide estimates of the hour burden of the collection of information.**

<b>Respondent category</b>	<b>Number of respondents</b>	<b>Estimated completion time</b>	<b>Annual burden</b>
Individuals	250	4 hours	1000 hours

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

The estimate of the total cost burden per respondent is approximately \$120.00, which is based on an estimate of 4 hours of effort multiplied by \$30 (the estimated average hourly wage of the professional, administrative, and clerical salaries.)

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

The NASA cost to process the information collected is estimated at 2 hours of labor at \$50 per hour per respondent for a total of \$25,000 (2 x 250 x 50 = 25,000).

**15. Explain the reasons for any major program changes or adjustments to burden hours or annualized costs to respondents.**

Program changes due to Title IX modifications and DOJ recommendations.  
No changes to burden hours since the last renewal.

**16. For collections of information whose results will be published, outline plans for tabulation and publication.**

There are no plans for tabulation and/or publication.

**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 not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument. The expiration date is displayed within the PRA statement that appears on the last page of the NASA Form 1206.

**18. Explain each exception to the certification statement.**

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9. The NASA office conducting or sponsoring this information collection certifies compliance with all provisions. Certifying individual must be a civil service employee.

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**Date:** 12/12/2024