Tribal TANF Data Report, Tribal TANF Annual Report, and Tribal Reasonable Cause/Corrective Action Documentation Process

OMB Information Collection Request
0970 – 0215

Supporting Statement Part A - Justification

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

1. Circumstances Making the Collection of Information Necessary

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) amended the Social Security Act and created the opportunity under §412 for Federally recognized Indian Tribes to design and operate their own Temporary Assistance for Needy Families (Tribal TANF) programs. Subject to approval by the Federal government of their plans, Tribes can receive block grants from the Federal government for this purpose (Tribal grantees). Indian Tribes and Tribal organizations are defined by PRWORA as having (except for Alaska) the meaning given such terms by section 4 of the Indian Self - Determination and Education Assistance Act (25 U.S.C. 450b). For Alaska, the non-profit arms of the Alaskan Native Corporations and the Metlakatla Indian Community, Annette Island Reserve are specified as the only entities eligible to be Tribal TANF grantees.

Section 412(g) of PRWORA imposed on Tribal grantees the data collection and reporting requirements of §411. Section 411(a)(1)(A) specifies the data items to be reported. Additional data collection requirements are imposed by §407 (work participation requirements) as modified by §412(c) ('negotiated' Minimum Work Participation Requirements and Time Limits) and §411(b) (Report to Congress).

Authority: 42 U.S.C. 607, 611, 612, 613, and 619.

2. Purpose and Use of the Information Collection

The data are used to assess Tribal TANF programs to determine if Tribal grantees have met their negotiated work participation rates and to meet Congressional mandated requirements of §411(a)(1)(A) of PRWORA. The data are also used to measure impacts of Tribal TANF for research and program improvement and to provide descriptions of the populations served, which are published annually on OFA's website and in TANF's annual report to Congress.

3. Use of Improved Information Technology and Burden Reduction

Tribal grantees file data reports electronically on a quarterly basis using format specifications provided by OFA. The decision to use electronic filing was based on a need to reduce the paperwork burden and to increase the efficiency and timeliness of the data collection. A freeware package was developed by ACF and is supplied to Tribes who have started a Tribal TANF program.

4. Efforts to Identify Duplication and Use of Similar Information

The Tribal TANF program has determined there are no specific data available that are similar to those collected.

5. Impact on Small Businesses or Other Small Entities

This collection of information does not impact small businesses or other small entities. It will affect only Tribes.

6. Consequences of Collecting the Information Less Frequently

Section 411(a) of the statute mandates the collection and reporting of the data quarterly. Other sections of the statute specify when the data collection and reporting required of States is to begin, but Tribes are not covered by those sections. A ruling by the Office of General Counsel stated that OFA may use the rules applicable to States. That is, collection of data could begin six months after the effective date of the program and reporting could be done within 45 days after the end of the quarter. Final regulations for Tribal TANF programs contain those specifications.

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

This collection of information does not involve any special circumstances and will not result in a system of records.

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 February 11, 2022, Volume 87 Number 29, page 8017, and provided a sixty-day period for public comment. During the notice and comment period, we did not receive comments.

In the context of PRWORA prior to the development of the Tribal TANF Data Report, OFA consulted on general data collection principles with a number of organizations and individuals, including the National Congress of American Indians (NCAI), American Public Welfare Association (APWA) (now the American Public Human Services Association (APHSA)), the National Governors' Association (NGA), and the National Conference of State Legislators (NCSL).

9. Explanation of Any Payment or Gift to Respondents

This data collection does not involve any payment or gift to respondents other than block grants for the program paid to Tribes with an approved plan. The block grant is for the entire program including administration.

10. Assurance of Confidentiality Provided to Respondents

This data collection does not constitute a Privacy Act System of Records.

11. Justification for Sensitive Questions

This data collection does not contain any questions of a sensitive nature.

12. Estimates of Annualized Burden Hours and Costs

Information Collection Title	Total Number of Respondents	Annual Number of Responses Per Respondent	Average Burden Hours Per Response	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
Final Tribal TANF Data Report - §286.255(b)	75	4	451	135,300	$50.03	$6,769,059
Tribal TANF Annual Report - §286.275	75	1	40	3,000	$50.03	$150,090
Tribal TANF Reasonable Cause / Corrective Action Documentation Process - §286.225; §286.230	10	1	60	600	$50.03	$30,018
Total Burden and Costs:				138,900		$6,949,167

The estimate includes time involved pulling records from files, abstracting information, returning records to files, assembling any other material necessary to provide the requested information, and transmitting the information.

We estimate the annualized cost of the hour burden to be $6,949,167. This is based on an estimated average hourly wage of $50.03 (including fringe benefits, overhead, etc.) https://www.bls.gov/news.release/pdf/ecec.pdf for the Tribal staff performing the work multiplied by the 138,900 burden hours.

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

There is no other required cost associated, as we supply a freeware data entry system (FTANF.exe) to Tribes. The data entered are saved as a text file and submitted via Secure File Transfer Protocol (SFTP) or email, except for 3 tribes in Arizona for whom that state collects and submits data. OFA is currently developing a new TANF Data Portal that will allow tribes to submit their data securely through an online interface, without the need for SFTP. Some tribes choose to engage a vendor to assist with additional data entry and reporting software but this is not required.

14. Annualized Cost to the Federal Government

We estimate total annual Federal burden to be 243 hours. This includes the costs of information collection, development, tests, printing forms, mailing list compilation and maintenance, mailing or enumeration, editing, coding, tabulation, analysis, publication of results, technical assistance, monitoring, and (as necessary) uploading Tribal data. Based on an estimated average hourly Federal salary of $100 (including overhead, fringe benefits, etc.), the annual estimated average Federal cost is $24,300.

15. Explanation for Program Changes or Adjustments

While there are no program changes, there has been an adjustment to the annual burden because there has been an increase in the number of tribes that submit data. It increased from 70 to 75. Additionally, we estimate that only about 10 tribes would need to work on reasonable cause / corrective action documentation each year.

16. Plans for Tabulation and Publication and Project Time Schedule

We publish these findings in the TANF Annual Report to Congress after we have received all of the data for the fiscal year and complete the necessary editing.

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

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

Not applicable.