

**NATIVE EMPLOYMENT WORKS (NEW)  
PROGRAM PLAN GUIDANCE DOCUMENTS AND PROGRAM REPORT**

**OMB Information Collection Request**

**0970 - 0174**

**Supporting Statement Part A - Justification**

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

## SUPPORTING STATEMENT A - JUSTIFICATION

### 1. Circumstances Making the Collection of Information Necessary

Section 412(a)(2) of the Social Security Act (42 U.S.C. 612(a)(2)), as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Balanced Budget Act of 1997, created a new tribal work activities program – the Native Employment Works (NEW) program. The NEW program began July 1, 1997.

The NEW program plan guidance for Tribes that do not include their NEW programs in Public Law 102-477 projects, and the NEW program report document contain requirements for information needed by the Department of Health and Human Services (HHS) to evaluate and approve plans for funding and to monitor and measure program performance. Eligible Indian tribes and Alaska Native entities must submit program plans (generally once every three years) in order to receive NEW program grants. The plan describes how the grantee will administer and operate its NEW program. NEW grantees must submit program reports annually, providing information on activities and services provided, characteristics of NEW program clients, and program outcomes achieved.

The NEW program final regulations (45 CFR Part 287- Attachment A) contain requirements for program plans and program reports. In these regulations, sections 287.70 through 287.110 apply to NEW plans, and sections 287.150 through 287.170 apply to NEW reports. These requirements are reflected in the program plan guidance documents and program report document.

This information collection request is to continue this data collection with updated versions of the program plan guidance and program report documents. The version of these documents for which we now seek approval replaces previous versions. Unlike previous versions of these documents, this one does not include the NEW program plan guidance for Tribes that do include their NEW programs in Public Law 102-477 projects. Recent legislation, Pub. L. 102-477 (Attachment B) together with an MOA signed by the Secretary (Attachment C) have placed those programs under the guidance of the Bureau of Indian Affairs (BIA) Division of Workforce Development. 477 grantees are directed to contact BIA in the non-Pub. L. 102-477 programs guidance.

### 2. Purpose and Use of the Information Collection

HHS uses the information in NEW program plans to determine whether to approve the proposed NEW plans and programs for funding.

- HHS and grantees use the information in NEW plans to document how the grantees will administer and operate their NEW programs.
- HHS and grantees use the information in NEW program reports to determine the extent to which grantees' programs are fulfilling their intended purpose and meeting their goals and projected outcomes.

The information assists HHS and grantees to evaluate the program and to develop policies and procedures to make it more effective in addressing the needs of American Indian families. HHS and others, including Congress and grantees, use the information to determine the impact of the NEW program.

3. Use of Improved Information Technology and Burden Reduction

The NEW program plan and program report may be submitted to HHS in hard copy or electronically. Electronic submission is faster and more efficient than hard copy submission and should reduce information collection burden. Electronic submission of NEW plans and program reports is optional for grantees. Automated, electronic, and other technological collection techniques are not available to some tribes that operate NEW programs.

4. Efforts to Identify Duplication and Use of Similar Information

No similar or duplicate information is available. The information collected relates specifically to uses of NEW program funds.

5. Impact on Small Businesses or Other Small Entities

These requirements have no impact on small businesses or entities. Information requested through this collection is the minimum needed for the intended use.

6. Consequences of Collecting the Information Less Frequently

Information is collected less frequently under the NEW program than under the predecessor Tribal Job Opportunities and Basic Skills Training (JOBS) program. Tribal JOBS plans were due once every two years, while NEW plans are due once every three years. Three-year plans allow grantees sufficient time to plan and implement longer-term strategies. Tribal JOBS program operation reports were due quarterly, while NEW program reports are due annually. Collecting the information less frequently than once every three years for plans and once a year for reports would not be sufficient for program accountability as funds are awarded annually and are based on compliance with the program regulations confirmed through review of annual reporting.

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

None. For example, NEW program plans are submitted once every three years, and NEW program reports are submitted annually.

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, Attachment D, was published on April 24, 2019, Volume 84, Number 079, page 17168, and provided a sixty-day period for public comment. We did not receive comments.

9. Explanation of Any Payment or Gift to Respondents

No payment or gift will be (or has been) provided to respondents (other than annual award of NEW grant funds to NEW grantees consistent with statutory and regulatory requirements).

10. Assurance of Confidentiality Provided to Respondents

No assurance of confidentiality is provided to respondents (NEW grantees). The information collected is not confidential. Grantees do not submit information that identifies individual NEW program clients.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature in the information collection.

12. Estimates of Annualized Burden Hours and Costs

Instrument	Total Number of Respondents	Total Number of Responses Per Respondent	Average Burden Hours Per Response	Annual Burden Hours	Average Hourly Wage	Total Annual Cost
New Program Plan Guidance	14 <sup>1</sup>	1	29	406	\$34.44	\$13,983.64
Native Employment Works Program Report	42 <sup>2</sup>	1	15	630	\$34.44	\$21,697.20
<b>Estimated Annual Burden Total:</b>				<b>1036</b>	<b>Estimated Annual Cost Total:</b>	<b>\$35,679.84</b>

**Example of description of costs for Social and Human Services Assistants with 1036 hours of burden:**

The Bureau of Labor Statistics job code is 21-1093 and the mean wage data from May 2018 is \$17.22 per hour. <https://www.bls.gov/oes/current/oes211093.htm>

Therefore to account for fringe benefits and overhead the rate is multiplied by two which is \$34.44. The estimate of annualized cost to respondents for hour burden is \$34.44 times 1036 or \$35,679.84

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

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<sup>1</sup> We estimate that 42 of the 78 NEW grantees will not include their NEW programs in P.L. 102-477 projects. 42 grantees divided by 3 (because grantees submit the NEW plan once every 3 years) = 14.

<sup>2</sup> We estimate that 42 of the 78 NEW grantees will not include their NEW programs in P.L. 102-477 projects and therefore will submit the NEW program report to HHS.

There are no direct monetary costs to respondents other than their time to participate. (Costs of hour burdens covered in items 12 and 14 are not included under this item.)

#### 14. Annualized Cost to the Federal Government

We estimate that the federal cost of central office and regional office staff time associated with the program plan guidance – reviewing 42 plans, and obtaining and reviewing any necessary additional information – is \$7333. These tasks will require approximately 168 professional staff hours (an average of 4 hours per plan) at an average cost of \$43.65 per hour (based on the OPM 2019 salary table for a GS-13-5). Because program plans are effective for a 3 year period and HHS incurs the federal burden for processing the plans only once every 3 years, the federal annualized cost is reduced. The annualized federal cost is approximately \$1833.

We estimate that the annualized federal cost of central office and regional office staff time associated with the program report – analyzing the reports, obtaining clarifications and corrections, tabulating, and publishing the results from 42 annual reports – is \$8163. Grantees submit one NEW program report each year. (Of the 78 NEW grantees, approximately 42 report to HHS each year, and approximately 36 include their NEW programs in P.L. 102-477 projects and report to the Department of the Interior in a similar, but separate, program report information collection.) Each year, these tasks will require approximately 187 professional staff hours at an average cost of \$43.65 per hour (based on the OPM 2019 salary table for a GS-13-5).

The total annualized federal cost for the program plan and the program report is approximately \$9,996 (\$1833 + \$8163).

#### 15. Explanation for Program Changes or Adjustments

There is no adjustment or program change. There is a minimal change in burden due two additional NEW programs joining the Pub. L. 102-477 program.

#### 16. Plans for Tabulation and Publication and Project Time Schedule

Results of the information collected in the NEW program report are published in the Temporary Assistance for Needy Families (TANF) annual reports to Congress. HHS staff tabulate the results and prepare tables and text for publication. Numbers and characteristics of program participants, program activities and services provided to participants, and program accomplishments and issues will be covered. No complex analytical techniques will be used. Grantees will report this information annually, within 90 days after the close of each program year. The time schedule for completion of TANF annual reports to Congress is about one year after the end of the period covered in the report. Arrangements are made to publish these reports as soon as they are approved.

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

Not applicable. We will display the expiration date for OMB approval of the information collection.

#### 18. Exceptions to Certification for Paperwork Reduction Act Submissions

No exceptions are necessary for this information collection.