



# MEETING THE REPORTING REQUIREMENTS OF FEDERAL AGENCIES

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## INTRODUCTION

A tribe's collection and maintenance of data at its own initiative for its own purposes should be the primary focus of any analysis of tribal data capacity. Such data is certain to have the attention of tribal leaders and is likely to drive the policy that tribal officials design and aid in the evaluation of the services the tribe provides to enhance the well-being of its citizens.

**Nonetheless, the collection of data to satisfy the reporting requirements of the various federal agencies that provide financial assistance to the tribe accounts for the major portion of the data capacity of most tribes.** The smallest tribes, ones that receive services primarily through consortium arrangements, may be among the few exceptions.

There are many federal programs involved. These programs support social services, health, education, workforce development, housing and criminal justice services among others. Federal support is also provided for infrastructure development, natural resources, economic development and additional purposes.

Nearly all of these programs carry requirements to report data to the funding agency on the activities they support. The reports can be extensive.

## **OBJECTIVES**

This project set out to provide a comprehensive account of the total time that tribes are devoting to meet federal reporting requirements. Of special interest was the volume of data tribes are required to collect on tribal members and other American Indians and Alaska Natives (AI/AN) receiving services through tribally administered programs. However, due to the extensive requirements imposed by each federal agency and the absence of coordination among them, developing any estimate of the total scope of the federal reporting requirements imposed on tribes is an enormous task. For this initial effort, a limited number of federal programs were sampled and an estimate of the resources, time and personnel were generated.

## **METHODS**

### **Identification of federal programs for this analysis**

To provide a full accounting of the time and resources that tribes are devoting to meet federal reporting requirements would require a comprehensive listing of federal programs and agencies that support tribal efforts. However, no such list exists. Simply identifying all of the federal programs that fund tribes is a very challenging task. The General Services Administration maintains a compendium of programs called the Catalog of Federal Domestic Assistance.<sup>1</sup> The catalog is online and searchable. The search feature enables the user to search by the type of entities receiving assistance. One such type is "Federally Recognized Indian Tribal Governments."

However, such a search fails to identify all of the hundreds of programs that provide financial assistance to tribes. For example, the planning program within the Commerce Department's Economic Development Administration, an important source of support for data collection and analysis for a number of tribes, is not listed. Among the programs missed may be those relatively small tribal set-asides within larger agency programs.

Another serious obstacle in quantifying the scope of the federal program reporting requirements is the unique nature of each program's data. The report forms and procedures are shaped by the statutory language authorizing the program, the agency's regulations and agency policies and procedures. Few report forms are similar even though the program's purposes, participants and services may be very much like those of programs in another agency or Department.

This analysis of the scope of tribal data capacity required to meet the reporting requirements of federal programs addressed the impossibility of estimating the totality of those requirements by focusing on a very limited subset of those programs.

The selected programs are but a microcosm of the total universe. They were chosen to be illustrative, not representative. They consist of just ten discrete programs, along with two initiatives that enable tribes to consolidate the services they provide under various otherwise separate federal funding streams. All support various human resource development services, including social services, cash assistance, child care, supplemental education and workforce development services.

### **Programs identified for the analysis**

The selected programs, administered by agencies in four separate Departments, are:

- The Native American Career and Technical Education Program administered by the Office of Career, Technical and Adult Education in the Department of Education (ED)
- The Tribal Child Care and Development Fund (CCDF) Program administered by the Office of Child Care, Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS)
- The Native Employment Works (NEW) Program administered by the Office of Family Assistance in ACF/HHS
- The Tribal Temporary Assistance for Needy Families (TANF) Program, also administered by the Office of Family Assistance in ACF/HHS
- The Indian Adult Education Program administered by the Bureau of Indian Education (BIE) in the Department of the Interior (DOI)
- The Higher Education Grant (Scholarships) Program administered by BIE/DOI
- The Financial Assistance and Social Services Program administered by the Bureau of Indian Affairs (BIA) in DOI; this program has a number of components including General Assistance (a cash assistance program)
- The Job Placement and Training (JPT) Program administered by BIA/DOI
- The Native American Section 166, Workforce Innovation and Opportunity Act Comprehensive Services Program (CSP) administered by the Division of Indian and Native American Programs (DINAP) in the Employment and Training Administration (ETA) of the Department of Labor (DOL)
- The Tribal Supplemental Youth Services (SYS) Program also authorized by Section 166 of WIOA and administered by DINAP in ETA/DOL

Program consolidation initiatives:

- The Self-Governance Program, administered by the Office of Self-Governance (OSG) under the Assistant Secretary for Indian Affairs in DOI
- The Public Law 102-477 service integration initiative, administered by the Division of Workforce Development (DWD) in the Office of Indian Services (OIS) in BIA/DOI

As noted, these are but a microcosm of the totality of the federal programs supporting tribal services and activities. The list does not include all of the programs within the categories represented above. Neither does the list include any of the programs providing funding for tribal health services, education services provided by tribal K-12 schools, tribal colleges and universities, tribal housing programs or judicial programs, all vital to the well-being of tribal populations.

Nonetheless, the list does offer a glimpse into the enormous differences from program to program in federal program reporting requirements, as well as some indication of the extent of those requirements.

## **ANALYSIS**

### **Time spent on federal reporting requirements**

The only source that catalogs the forms that are the foundational documents for all of the federal reporting requirements is the Inventory of Currently Approved Information Collections (hereafter referred to simply as the "Inventory").<sup>2</sup> The Inventory is maintained by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

Under the provisions of the Paperwork Reduction Act of 1995, OMB has the authority to approve all forms collecting information from 10 or more non-federal persons or entities. To obtain approval, a federal agency must submit a request to approve the information collection, supplying details on the form or forms involved and a statement to justify the collection of the data. The materials submitted must conform to OMB specifications.

Among other items those materials must indicate the number of respondents (persons or entities required to submit the information), an estimate of the "burden hours" it takes the person or entity to complete and submit the form or forms involved and an estimate of the cost of such reporting to the respondent. The key documents in the submission are generally available online through the Inventory.

The Inventory served as the basic source of the data used in this analysis with respect to the federal reporting requirements associated with the ten selected programs and two consolidation initiatives. The data used from this Inventory was data available as of January 1, 2017.

In particular, the analysis used the number of burden hours in the Inventory maintained by OIRA/OMB. **However, it should be noted that the number of these hours substantially understates the total time involved on the part of tribal staff and program participants in collecting, recording, verifying and maintaining the information required.**

The instructions to agencies on the quantification of burden hours<sup>3</sup> states "Generally, estimates should not include burden hours for customary and usual business practices." This is interpreted to mean that the collection and verification of data on the participants in a program that is used to determine program eligibility or need for services should **not** be included in the burden hours estimate. The tribe, however, must collect and maintain that information, adding to the extent of the tribal data capacity required to administer the program.

Other costs are involved in the total time and effort that a tribe must put into collecting and maintaining program data. Tribal staff must be trained in how to collect and record the data. Key data establishing the eligibility for and amount of benefits to be provided must be verified, as these items are subject to audit.

The burden hours data used in the agency submissions to OMB is not based on any extensive on-the-ground examination of the costs tribes actually incur in running the programs. Agencies are advised **not** to "conduct special surveys to obtain information on which to base burden hour estimates," saying only that "consultation with a sample (fewer than 10) is desirable." As the size of tribes varies significantly, a limited sample is likely to be unrepresentative of the entire universe of tribes operating the program.

The differences between the burden hours reportable to OMB and those actually required to operate the program can be sizable, particularly in the case of programs that provide cash assistance to participants.

Computer hardware is necessary to store the data that must be reported. Software licenses must be purchased and renewed and the software itself maintained. Although initial and continuing capital costs associated with the necessary hardware and software are to be estimated in the information supplied to OMB, these are reportable from OMB's perspective only if they are necessary to submit the reports.

For example, the tribal TANF program provides software to tribes to submit their reports electronically. The three-section quarterly report form for the program has over 1,000 distinct data fields, most of which must be reported as disaggregated data for every single family or family member participating. The supporting statement for that program states: "There is no annual burden, as we supply a freeware data entry system to Tribes. The data entered are saved as a text file and submitted via FTP or email."

This ignores the cost to the tribal grantee of the software that is necessary to collect and maintain the participant data, not simply the cost of the software involved in transmitting the data. For the tribal TANF program, for example, there are several commercial software programs that have evolved over time to deal with the extensive case management involved in the program, as well as to compile the required reports.

The OMB oversight of agency reporting forms is intended to be particularly sensitive to the burden imposed on "small entities." The instructions define small entities as including "a small government jurisdiction which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000." Although only one Indian reservation had an on-reservation AI/AN population of more than 50,000 in the 2010 Census, tribal governments are not covered. No special sensitivity to their reporting burden is provided by OMB.

The Inventory substantially underestimates the actual time involved in collecting and maintaining the data required to report program activities and results to the various agencies. However, this analysis did use the burden hours data in the Inventory. It is the only source for such data standardized across the federal government.

In their supporting statements justifying the use of various federal forms, the agencies can use different ways of producing the estimates of the cost of the burden hours associated with each form. The most commonly used method is to refer to data on total employee compensation (wages and fringe benefits) produced by the Bureau of Labor Statistics (BLS) in DOL. The supporting statements are from different years and use different occupational and industry classifications.

This analysis standardizes the cost of burden hours for all the programs that are included. The cost is computed as the total burden hours times \$32.22 per hour. This is the amount of total employee compensation for office and administrative support workers employed by state and local governments. The source is the annual survey for 2016 published by BLS in December of 2016.<sup>4</sup>

### **Adjustments to the numbers in the inventory**

The Inventory maintained by OMB formed the basis for the analysis of the time incurred by tribes in satisfying federal program reporting requirements for the selected programs and initiatives. That data was adjusted in an effort to make it timely and more accurate.

The principal adjustments involved revising the number of tribes subject to the reporting requirements for the programs included in this analysis.

Current data on the number of tribes receiving funds was used for this analysis from reports up to Fiscal Year (FY) 2016. For example, the number of tribes receiving grants from ED for the Native American Career and Technical Education Program was adjusted from 30 to 31 to reflect the actual current number of tribal and tribal organization grantees. The number receiving tribal TANF grants was adjusted from 70 to 73, the number currently funded.

A more significant adjustment was made to reduce the number of tribal respondents shown in the Inventory to reflect the fact that tribes participating in the Self-Governance and 477 initiatives have their own reporting requirements and do not have to submit reports for certain programs consolidated through their Self-Governance compacts or approved 477 plans. As one example, this reduced the number of grantees subject to the reporting requirements for the NEW program in ACF/HHS from 45 to 42.

The same type of adjustment was made to the data for the Comprehensive Services Program and Supplemental Youth Services program administered by the DINAP in ETA/DOL. The figure for the non-477 tribes (those reporting directly to DINAP) submitted to OMB by ETA/DOL for the CSP program was 81. This analysis uses a figure of 71 as a more accurate reflection of the non-477 tribal grantees receiving funds. The count of non-477 tribes participating in the SYS program was reduced from 81 to 68.

The net effect of these adjustments, although difficult to calculate, is likely to reduce the extent of the tribal data capacity needed to satisfy federal program reporting requirements from that calculated using data directly from the Inventory.

There is no data available at all on burden hours or costs for the tribal Financial Assistance and Social Services Report (FASSR), covering a number of BIA/DOI social service programs that fund an estimated 145 tribes (not including those in Self-Governance or 477). This makes the estimates in this analysis quite conservative. Although no data is available in the Inventory for the FASSR, submission of the form is mandatory in order for a tribe to receive an allocation of the subsequent Fiscal Year's funds.

## RESULTS

There are several ways to attempt to quantify the extent of tribal data capacity needed to satisfy federal program reporting requirements. **None provide more than order of magnitude guesses. They simply point to whether the extent of those requirements is modest or whether it appears to be substantial.**

### Number of data fields

The first measure used is a count of the data fields, basically check boxes on each of the forms that involve participant information. Table 1 illustrates a count of the total number of data fields by groups of programs, and a count of how many of these data fields are numeric versus narrative.

<b>Table 1. Count of Data Fields for Selected Grant Programs for Tribes and Alaska Native Entities Supporting Native American Human Resource Development</b>			
<b>Categories of Tribes and Programs</b>	<b>Count of Total Participant Related Data Fields</b>	<b>Numeric Fields</b>	<b>Narrative Fields</b>
Non-477, Non-Self-Governance Tribes excluding BIA Social Services & Tribal TANF	715	637	78
BIA Social Services	678	526	152
Self-Governance Tribes excluding BIA Social Services & Tribal TANF	598	576	20
BIA Social Services – FASSR* only	120	120	0
477 Tribes excluding BIA Social Services & Tribal TANF	144	122	22
BIA Social Services – FASSR only	120	120	0
Tribal TANF Tribes	1,045	1,039	6

*\*The BIA FASSR involves a participant count required to receive the following year's allocation.*

Some of the forms are intended to collect individual participant data and may be used hundreds or even thousands of times a year for tribes with large programs. The narrative fields will generally require more staff time to complete than numeric ones.

The counts on the indented lines for the BIA Social Services programs and the BIA FASSR, as well as the lines for the tribal TANF program, should be added to the non-indented lines above them for tribes that operate BIA Social Services and/or tribal TANF.

The counts are separated for tribes not involved in either the Self-Governance or the 477 initiatives and those that are in one, the other, or both.

Both Self-Governance and 477 tribes must submit the BIA's FASSR in order to receive the following year's allocation of funds. Both Self-Governance and 477 tribes must submit participant information if they operate a tribal TANF program. The field counts for the FASSR and the tribal TANF programs must be added to the base counts to determine the total number of fields in the forms that must be submitted by the Self-Governance and 477 tribes.

The counts for the Self-Governance tribes are lower than those for tribes that do not participate in either Self-Governance or 477. The Self-Governance tribes can include BIA and BIE programs in their compacts. The counts for the 477 tribes are lower than those for the Self-Governance tribes. The 477 tribes can include BIA and some BIE programs in their plans, along with the NEW and CCDF programs in ACF/HHS and the Native American workforce development programs in ETA/DOL.

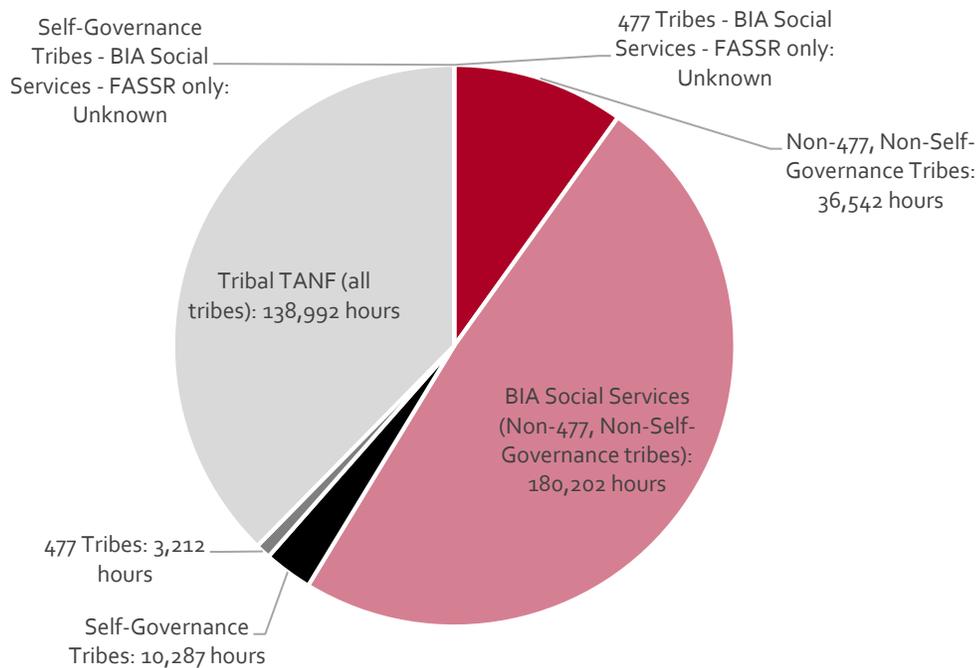
## Burden hours and costs

A second approach to quantifying the extent of tribal data capacity necessary to satisfy federal program reporting requirements involves the amount of staff time (annual burden hours) estimated in the Inventory to deal with these requirements, along with the cost of that staff time. The results of this approach are shown in Figure 1 for burden hours by program, and costs are added for each category in Table 2.

As is the case with the analysis of the field counts, the quantification of burden hours and costs associated with the cash assistance programs -- the General Assistance program within the BIA Social Services programs and the tribal TANF program -- have by far the largest number of burden hours and related costs. This is to be expected as these are needs-based programs with extensive eligibility requirements.

The Self-Governance program and the 477 initiative each lower the burden hours and costs substantially. Their reporting requirements avoid at least some of the program-by-program detail required of tribes that do not participate in either initiative.

**Figure 1. Adjusted Annual Burden Hours for Selected Human Resource Development Grant Programs\* ^**



\* Total Hours: 369,235

^ Hours are unknown for BIA Social Services – FASSR for both 477 and Self Governance Tribes

The computations of adjusted annual burden hours per program are based on the actual number of grantees as of the beginning of calendar year 2017 multiplied by the annual burden hour data provided to OMB by the agencies administering the programs.<sup>5</sup> **Although those burden hour counts significantly underestimate the tribal data capacity actually required to operate the program, they are used in this analysis to provide a standardized method for calculating the minimum time involved.**

As noted earlier, the cost per hour is standardized at the rate of \$32.22, the amount of total employee compensation for office and administrative support workers employed by state and local governments, taken from the September 2016 BLS survey of employer costs for employee compensation.

<b>Table 2. Burden Hours and Costs for Selected Grant Programs for Tribes and Alaska Native Entities Supporting Native American Human Resource Development</b>		
<b>Categories of Tribes and Programs</b>	<b>Adjusted Annual Burden Hours per Program</b>	<b>Adjusted Cost per Program at \$32.22 per Hour</b>
Non-477, Non-Self-Governance Tribes excluding BIA Social Services & Tribal TANF	36,542	\$1,177,368
BIA Social Services	180,202	\$5,806,118
Self-Governance Tribes excluding BIA Social Services & Tribal TANF	10,287	\$331,444
BIA Social Services – FASSR only	Unknown	Unknown
477 Tribes excluding BIA Social Services & Tribal TANF	3,212	\$103,491
BIA Social Services – FASSR only	Unknown	Unknown
Tribal TANF Tribes	138,992	\$4,478,322
<b>Sum for Programs Above</b>	<b>369,235</b>	<b>\$11,896,743</b>

The total cost of nearly \$12 million represents only the very limited number of programs covered in this analysis, and even for these substantially underestimates the time and cost involved.

### **Purposes served by the data required by federal agencies**

There is one additional aspect of this issue that deserves consideration. What purposes are served by the federal program reporting requirements? How are the reports actually used by the federal agencies involved? And what purposes do the reports serve at the tribal level? The answer is important to tribes given the significant burden of the reporting requirements.

The OMB Inventory sheds some light on the first two of those questions. The instructions for the supporting statement that must accompany every request for form approval states:

"Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection."<sup>6</sup>

This analysis counted the purposes cited in the supporting statements for the programs and forms the analysis covered:

Compliance with Program Requirements .....	12
Provide or Publish Data on the Program.....	8
Examine the Need for Technical Assistance .....	1
Analyze the Need for Changes in Program Design .....	0
Justify the Program's Budget.....	2
Other Purposes.....	5

## DISCUSSION/RECOMMENDATIONS

- **The Tribal Data Landscape and Federal Program Reporting Requirements**

This analysis set out to account for the total time tribes spend complying with federal program reporting requirements imposed on tribes. The impossibility of surveying all of those reporting requirements across hundreds of programs of widely varying types led to a focus on a very small number of programs that included only a dozen of the many human resource development programs or initiatives. The results of this analysis are meant to be merely illustrative, not representative of the entire set of such programs, much less all federal programs that fund tribal services.

This analysis established that the data required, even from the smallest tribes that operate the programs, is considerable. There are over 2,400 separate data fields required for tribes that operate all of the ten programs, but do not participate in either the Self-Governance program or the 477 initiative.

The total annual cost involved in hourly staff time for all the tribes participating in the selected programs was conservatively estimated at nearly \$12 million. Participating in either Self-Governance and/or 477 reduced the hours and the costs at the tribal level significantly with the exception of the tribal TANF program, where participant data is required of all of the tribal TANF grantees. The amount of tribal data capacity required to satisfy federal program reporting requirements is substantial, even for the Self-Governance and 477 tribes.

As described previously, this figure does not capture the full amount, but only the costs of the burden hours as reported to OMB and related just to reporting functions for program participants and services.

The purpose of the data collection is important for tribes especially if they are spending a significant amount of time on complying with reporting requirements. In every one of the twelve cases, compliance with program requirements was included. This is the purpose that has the most direct impact on tribes. It includes compliance with the program reporting requirements themselves. There are cases where tribes have lost funding because they failed to submit timely reports.

From a tribal perspective the most important reason to furnish program data is to support an increase in funding for the program involved. Although this is cited in two supporting statements -- those for the application form for higher education (scholarship) assistance and for the 477 initiative -- we are not aware of any documented cases where data supplied by tribal grantees has actually resulted in an increase in the funding for the program involved.

Closely related to the issue of using tribal reports to build a case for an increase in program funding is the matter of documenting unmet needs. This is an issue that is absent in the OMB classifications of the purposes served by the reports. It has been an issue in the discussions of the Tribal Interior Budget Council. As part of the budget formulation process for FY 2019, the Assistant Secretary of the Interior for Indian Affairs developed a survey of unfunded obligations consisting of tribal statements on unmet needs requiring funding support in October of 2016.

Documenting unmet needs is also mentioned as an item that can be included in the Narrative Report for the 477 initiative. However, it is clear that this is a secondary concern from the OMB's perspective. From the tribes' perspective, it would be helpful for federal reporting requirements to be better coordinated (across agencies and programs) and for these reporting requirements to be designed to facilitate tribal initiatives and needs.

- **Tribal Perspectives: Challenges, Frustrations and Innovations**

Tribes often complain that the data collected by tribes to satisfy federal program reporting requirements is burdensome and, from their perspective, does not really have an impact on how tribes design and operate the services they provide to their citizens. The reports provided to the funding agencies are developed and reviewed by tribal program staff, may have to be signed by a tribal elected official, and are often provided to the Tribal Council or to the Council committee that oversees the program involved. However, the reports prepared to satisfy federal requirements seldom affect the way tribes design their programs or a program's relationship to similar tribal services.

Tribes can and do use data to design their own programs; however, the extent to which they use the data collected to meet federal reporting requirements is unknown. One notable

example of a data-driven program is that of the "Pipeline" project involving education services provided by the Coeur d'Alene Tribe in Idaho. The tribe used data from various sources to identify the times in an individual's life when problems begin that adversely affect the person's future well-being. It then focused the tribe's services so as to intervene at those times with appropriate preventative services.<sup>7</sup>

Among the reasons that the federal program reporting requirements for the individual programs may contribute little to designing more effective services at the tribal level is the difficulty of sharing and integrating data across the different programs. This difficulty is illustrated in the results of the "data gap" analysis conducted by the Sault Ste. Marie Band of Chippewa Indians as part of this tribal data capacity project. That analysis was designed to identify gaps in the data collected by the various tribal agencies in preparation for the tribe's upcoming tribal census in 2019. In the process, the analysis also served to identify many of the data bases that are currently maintained by various tribal agencies.

The analysis found that there are many data bases containing demographic information on tribal citizens that receive services from the tribe. There appear to be scores of such data bases, perhaps even as many as 100. Presently all are in separate "silos," each kept independently of the others. Most are used primarily or exclusively to collect data and report it to various federal agencies. There is no standardization across programs and little ability to integrate the data into a comprehensive profile of the characteristics and needs of the tribal population.

The Sault Ste. Marie analysis also identified the hurdles in the way of making better use of the data that is collected. A major barrier is ambiguity on how to best utilize aggregate and de-identified data and work within the systems that protect the privacy of program clients. The foremost example involves the health programs. Health care providers are bound by the Health Insurance Portability and Accountability Act (HIPAA)<sup>8</sup> privacy rules that are in place to protect the confidentiality of individual health records. The rules are strict, and often in practice tend to discourage health administrators from sharing allowable information when they are only restricted from sharing personal information.

Programs providing other types of human resource development services give rise to similar concerns. For example, information about substance abuse may be collected to assist in the counseling of clients seeking employment.

Additional barriers include a lack of standardization of the information collected, an issue that arises from the structure and definitions embedded in the reporting requirements of the federal programs.

A comprehensive picture of the characteristics of a tribe's citizens and service population implies the need for a central repository for the data, a central "data hub." The cost of establishing an integrated tribal-wide data system is another barrier to providing a way for

tribal leaders, planners and program managers to develop a comprehensive picture of the characteristics and needs of the tribal population.

Nonetheless, the Self-Governance and 477 initiatives discussed earlier show that the barriers to integrating participant data can be overcome through the cooperative efforts of the federal agencies and the tribes involved.

- **It is Possible to Reduce Federal Program Reporting Requirements**

The case of the 477 initiative illustrates how it is possible to reduce the reporting burden considerably by standardizing the items to be reported across federal departments.

Public Law 102-477<sup>9</sup>, passed late in 1992 with bipartisan support in both houses of Congress, set out to demonstrate that enabling tribes to integrate the services they provide under a number of separate programs with similar purposes and target populations would "improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally-determined goals consistent with the policy of self-determination." As part of the demonstration, the law mandated that there be a single reporting system covering all programs integrated under an approved tribal 477 plan. (The only major deviation from this requirement involves the participant reporting system for the tribal TANF program.)

When the implementation procedures for the 477 initiative were developed following the law's passage, the tribes interested in participating in 477 expressed their desire to reduce the reporting burden to a minimum. With the cooperation of officials from BIA, ACF/HHS and ETA/DOL, the result was a one-page statistical form, to be submitted annually, covering all the programs included in the initiative.

This approach to a reporting system covering multiple programs authorized under different federal statutes and administered by different federal departments has continued. OMB approved the renewal of the 477 forms through February of 2018. The BIA supporting statement reads:

"While three different Federal agencies representing eleven different programs do collect the information, comprising an estimated 166 pages of reports and instructions annually, we have consolidated that into one set of forms annually through this reporting mechanism. Terms used in the reports have been standardized among the three Federal agencies. Duplication has been eliminated."<sup>10</sup>

The Self-Governance program, originally authorized as part of the Indian Self-Determination and Education Assistance Act in 1988 and expanded and refined several times since, took a similar approach. The regulations for the program specifically provide:

"The report submitted under this section is intended to provide the Department with information necessary to meet its Congressional reporting responsibilities and to fulfill its responsibility as an advocate for self-governance. The tribal reporting requirement is not intended to be burdensome, and tribes are encouraged to design and present the report in a brief and concise manner."<sup>11</sup>

**The two initiatives, each in their own way, show that the amount of tribal data capacity needed to satisfy federal program reporting requirements and the cost burdens associated with them can be reduced.**

- **Data Already Collected to Meet Federal Program Reporting Requirements Should Be More Relevant to Tribes**

At present, federal reporting requirements are onerous for tribes, and meeting these requirements may not generate information useful to federal agencies. This project has documented the considerable sums of money being spent to collect data to satisfy federal program reporting requirements. Examining only a dozen federal human resource development programs, the analysis estimated that recipient tribes spend nearly \$12,000,000 annually to collect and report data required by the agencies for just this very limited set of programs.

The federal funding agencies have not provided documentation in a consistent manner on how they use this data. They appear to tribes to make little, if any, use of the data they collect to improve their policy guidance or justify increased funding to address unmet needs in Indian Country. More efforts are needed to explore ways to make better use of the money currently spent on tribal data capacity to satisfy federal program reporting requirements, in order to provide the types of data tribal leaders and staff need to improve their services.

An overhaul of federal reporting requirements is a common recommendation from tribes to federal agencies. Tribes have consistently stated that this overhaul should strive to reduce and coordinate federal reporting and to ensure that the data generated are useful for tribes and federal agencies. Our analysis supports the following recommendation:

**A process involving federal program officials, with tribal leaders and staff as engaged and equal partners, should be established to explore how federal program reporting requirements can also serve tribal policymaking purposes and reduce the burden of reporting.**

## **ABOUT THIS PUBLICATION**

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## Endnotes

<sup>1</sup> U.S. General Services Administration, "Catalog of Federal Domestic Assistance," retrieved on October 11, 2017 from: <https://www.cfda.gov>.

<sup>2</sup> U.S. Office of Management and Budget, Office of Information and Regulatory Affairs, "Inventory of Currently Approved Information Collections" retrieved on October 11, 2017 from: <https://www.reginfo.gov/public/do/PRAMain>.

<sup>3</sup> U.S. Office of Management and Budget, "Supporting Statement for Paperwork Reduction Act Submissions," "Instructions for Completing OMB Form 83-I." Retrieved on October 11, 2017 from: <https://www.nrc.gov/docs/ML1431/ML14310A723.pdf>.

<sup>4</sup> U.S. Department of Labor, Bureau of Labor Statistics, "Employer Costs for Employee Compensation," December 8, 2016 retrieved from: [https://www.bls.gov/news.release/archives/ecec\\_12082016.pdf](https://www.bls.gov/news.release/archives/ecec_12082016.pdf).

<sup>5</sup> The burden hour data is taken from data supplied by the administering federal agency to OMB in compliance with the OMB instructions for Section A item 12 of the Supporting Statement for Paperwork Reduction Act. See footnote 3 above.

<sup>6</sup> U.S. Office of Management and Budget, "Supporting Statement for Paperwork Reduction Act Submissions," part of OMB's "Instructions for Completing OMB Form 83-I." See footnote 3 above.

<sup>7</sup> Partnership for Tribal Governance, National Congress of American Indians, Coeur d'Alene case study retrieved on October 11, 2017 from: <http://www.ncai.org/ptg/workforce-development-coeur-dalene>.

<sup>8</sup> Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. An explanation of the HIPAA privacy rule is retrieved on October 11, 2017 from: <https://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>.

<sup>9</sup> The text of Public Law 102-477 retrieved on October 11, 2017 from: <http://uscode.house.gov/statutes/pl/102/477.pdf>.

<sup>10</sup> Supporting Statement requesting renewal of OMB approval of reporting forms for the Public Law 102-477 initiative retrieved from: [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=201411-1076-001](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201411-1076-001).

<sup>11</sup> 25 Code of Federal Regulations 1000.382 retrieved from: <https://www.gpo.gov/fdsys/search/pagedetails.action?st=Statement+of+Additional+Information&packageId=CFR-2016-title25-vol2&browsePath=Title+25%2FChapter+VI%2FPart+1000%2FSubpart+P%2FSection+%26sect%3B+1000.382&collapse=true&fromBrowse=true&bread=true&fromState=&granuleId=CFR-2016-title25-vol2-sec1000-382&collectionCode=CFR>.