

Proposed Information Collection Activity; Generic Clearance for Financial Reports Used for ACF Mandatory Grant Programs (Office of Management and Budget #: 0970-0510)

Veronica Ragland <veronica@lean6s4govt.com>

Fri 1/26/2024 2:40 PM

To:infocollection@acf.hhs.gov <infocollection@acf.hhs.gov>;subscriptions@mail.federalregister.gov <subscriptions@mail.federalregister.gov>

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Dear Mary B. Jones, ACF & OPRE Certifying Officer,

In response to the opportunity for Public Inspection and Comment of the Financial Forms Used for DHHS/ACF Mandatory Grant Programs, please see the following comments specific to the OCSE 396 Instructions & Form.

The comments are submitted within the 60-day comment period to infocollection@acf.hhs.gov as requested by the announcement. And, my comments refer to subsection **"(c) the quality, utility, and clarity of the information on to be collected..."**.

I request that HHS/ACF/OCSE 396, Line 10 Fees for the Use of the Federal Parent Locator Service (FPLS) be reviewed for quality, utility, and clarity issues. FPLS Utilization Fees charged by federal OCSE to its Grantees are an "administrative expense"; however, the OCSE 396 Form & Instructions, Special Instructions Section claims that the FPLS Utilization Fees are NOT an administrative expense.

As a result of this determination, the OCSE 396 Form & Instructions constructively prevent Grantees from claiming federal financial participation (FFP) for the FPLS Utilization Fees that OCSE has charged Grantees for decades.

(The OCSE 396 Form & Instructions may be confusing the fees (INCOME) that Grantees can charge specific individuals who request locate information at the local level, with the FPLS Utilization Fees (EXPENSE) that OCSE charges Grantees for the use of the FPLS at the federal level.)

If the FPLS Utilization Fee is deemed an administrative expense, as concluded by multiple legal reviews both internal and external to HHS, OCSE has constructively prevented Grantees from claiming FFP for an allowable cost / administrative expense for decades.

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1. The OCSE 396 Form & Instructions / Special Instructions Section refers to FPLS User Fees as "NOT an administrative expense" and states that it "must not be included on any other line of this report". *Fees paid by a State for its use of the Federal Parent Locator Service (FPLS)...and reported on Lines 10...are not considered administrative expenditures and must not be included on any other line of this report. (FPLS fees are paid solely with State funds and are not eligible for Federal funding (Section 453(e)(2) of the Social Security Act).*
2. As such, OCSE 396 Instructions & Form instruct Grantees to NOT claim FFP for OCSE 396 Form Line 10 Fees for the Utilization of FPLS, claiming that it is "NOT an administrative expenditure" and referencing Social Security Act 453(e)(2) as support, which specifically outlines HHS Secretary data requests from states and does not reference HHS/ACF/OCSE's authority to charge Grantees for FPLS Utilization.
3. The FFP Statute specifically lists FPLS Utilization fees among the allowable costs / administrative expenses. 45 CFR 304.20(b)(5)(ii): *(5) The establishment and operation of the State parent locator service including:(i) Utilization of appropriate State and local locate sources to locate noncustodial parents; (ii) Utilization of the Federal Parent Locator Service;*
4. As such, HHS/ACF/OCSE should review and consider the FPLS Utilization Fee listed on OCSE 396 Line 10 as an administrative fee to be included in the FFP reimbursement calculation.

5. Additionally, HS/ACF/OCSE should review Lines 7, 14, and 15, because Line 10 amounts are considered INCOME and SUBTRACTED from Line 7 when calculating Line 14-Net Federal Share of Expenditures and when calculating Line 15-State Share of Expenditures. (See Item #1 above where Instructions suggest that Line 10 amounts "MUST NOT be included on any other line".)
6. Finally, IF HHS/ACF/OCSE agrees that Grantee payments to OCSE for FPLS Utilization are administrative expenses, the procedure to correct such an error is not limited to the 45 CFR 95.7 2-Year Time Limits. Rather, 45 CFR 95.19 provides for Exceptions to Time Limits for audit exceptions, court orders, and good cause.

Thank you for your careful review of my Public Comments submitted during the 60-day Public Inspection & Comment Period for HHS/ACF Mandatory Grant Programs Financial Reports.

Regards,

Veronica Ragland

From: Federal Register Subscriptions <subscriptions@mail.federalregister.gov>

Sent: Monday, January 22, 2024 6:55 AM

To: Veronica Ragland <veronica@lean6s4govt.com>

Subject: [FR] Public Inspection Documents matching 'OCSE 425'



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Financial Reports Used for Mandatory Grant Programs

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