

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number _____

Application for Relocation Benefits: Form MM # 1110.9
_____ 2010

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a) (i) (iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

P.L. 93-531, as amended, 25 U.S.C. §§ 640d et seq. the Navajo—Hopi Settlement Act ("the Act") provided for a settlement of land disputes between the Navajo Nation and Hopi Tribe. Among the Act's provisions were ones requiring the relocation of certain Tribal members who resided on lands partitioned to the other Tribe by the Federal District Court for the District of Arizona.

The Act established the Navajo and Hopi Indian Relocation Commission, which later became the Office of Navajo and Hopi Indian Relocation ("ONHIR") an independent agency in the Executive Branch of the United States Government (25U.S.C. § 640d-11). ONHIR was charged by the Act with providing Relocation Benefits for persons eligible for such benefits under the Act and the implementing regulations set forth in 25 CFR Part 700 (25 U.S.C. §§ 640d-13, 640d-14).

In order to determine if an individual is eligible for Relocation Benefits, ONHIR must obtain certain information from applicants including where such persons resided when the Act was passed (December 22, 1974) and when they attained "Head of Household" status and where they resided when such status was attained. (See: 25 U.S.C. § 640d-13 (a)). This insures that Relocation Benefits are provided to persons whom Congress intended be provided such benefits and not provided to persons not entitled to benefits under the Act. The specific information ONHIR will be collecting from applicants is the minimum needed to determine whether applicants are eligible for benefits and to provide eligible applicants such benefits.

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ONHIR utilizes an Application for Relocation Benefits to obtain such information. Further discussions and communications with applicants where appropriate enable ONHIR to clarify ambiguities in the information provided; correct mistakes and enable the Agency to verify the accuracy of information provided. The Agency seeks to utilize the method of communication most effective and “user-friendly” in such discussions and communications--discussions with applicants (here at the Agency; at the Applicant’s home or on the telephone) and/or written communications (E-Mail, letter, fax) with them.

The Agency encourages potential applicants to call or otherwise contact the Agency if they have questions concerning the Application; regularly meets with potential applicants to assist them in completing the Application and, where appropriate, travels to meet with potential applicants at their residence.

2. 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.

The Application will be used by ONHIR to gather basic eligibility information from applicants. ONHIR compares the information provided by the Applicant with the statutory and regulatory requirements (including court interpretations of same) for eligibility for Relocation Benefits. Without the information contained in an Application the Agency would be unable to fulfill its statutory authority to provide Relocation Benefits to persons required to relocate under the Act and entitled to Relocation Benefits.

If an Applicant is certified as being eligible for Relocation Benefits, the information already provided by the Applicant is available to that Branch of the Agency (Relocation Operations Branch) charged with counseling and delivering the actual Relocation Benefits. In this way the Agency avoids duplicating requests for information from applicants (who, once certified are referred to as “Agency Clients.”)

All information gathered on the Application would be maintained in the ONHIR office in Flagstaff, Arizona in individual Applicant/Client agency files. The information includes personally identifiable information which would be maintained in compliance with the Privacy Act of 1974. All Applicant/Client files are kept in locked filing cabinets in rooms equipped with sprinklers. Access to Client files is controlled through a password-protected computer-based system. The records that make up the Client files are maintained in accordance with a National Archives and Records Administration-approved records disposition schedule.

The current System of Records Notice sets forth the following “Routine Uses”:

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Disclosures outside the Office of Navajo and Hopi Indian Relocation may be made to (1) the Navajo Nation and the Hopi Tribe for use in adjudicating disputes and in determining the configuration of Life Estate Lease parcels, (2) United States Courts concerned with the partition of the Joint Use Area, (3) the Department of Justice when related to litigation or contemplated litigation, (4) appropriate federal, state, local, or foreign agency responsible for investigating or prosecuting violations or enforcing or implementing a statute, rule, regulation, order, or license of information indicating a violation or potential violation of a statute, regulation, rule, order, or license, (5) reports to the United States Congress, and (6) publication of roster to assist potential relocates in determining their application and eligibility status.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

ONHIR will provide the Application in electronic format or in paper format at the option of the Applicant. ONHIR does permit the Applicant to scan a completed and signed Application and then attached the scanned file to an E-Mail which is then sent to ONHIR. Applicants may also submit Applications by personal delivery to ONHIR, or mail or fax or private carrier (FedEx, UPS.)

ONHIR has considered permitting applicants to directly access Agency computers to download the Application information into Agency computers but has rejected this alternative. The information collection is a single event of limited duration. (The Agency anticipates that the deadline for submission of Applications will be 180 days or less after OMB approval of the ICR.) The ICR is also targeted at a very small segment of the general public (estimated as 500 or less individuals.) Given the costs of "hardening" Agency computers to protect against the risks which would arise from permitting the public to directly access Agency computers and the limited scope of the ICR, the Agency has determined that such direct downloading to Agency computers is not appropriate.

A fillable electronic form will be posted on the Agency website. Applicants may fill in and then download and print the Application. The completed Applications may then be delivered, mailed, faxed or scanned and e-mailed (as an attachment) to an Agency mailbox. (eligibility@onhir.gov)

The fillable electronic form is Section 508-compliant and was developed using Adobe Acrobat software. Because of Adobe licensing limitations, the Application cannot be saved by applicants on the computers used to access the Agency website. Applicants are advised of this and urged to make a copy of the Application for their own files.

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4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

ONHIR has a unique role in the government of the United States. No other Agency collects information concerning eligibility for Relocation Benefits under the Act.

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

The collection of information is from individuals. It does not impact small businesses or other small entities.

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.

ONHIR will conduct a single collection of information from each Applicant. If the collection of information is not conducted ONHIR will not be able to determine whether an Applicant is eligible for Relocation Benefits or is not eligible. Without the collection of information, ONHIR will not be able to complete its statutory obligation to provide Relocation Benefits to persons eligible for such benefits and this will defeat part of the Congressional purpose in enacting the Act. (See: 25 U.S.C. §§ 640d-13 and 640d-14)

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
 - * requiring respondents to report information to the agency more often than quarterly;
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - * requiring respondents to submit more than an original and two copies of any document;
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
 - * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
 - * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
 - * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that

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are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

It has always been Congress' intent that when the Agency completes its work, it would close.

“(f) Termination The Office of Navajo and Hopi Indian Relocation shall cease to exist when the President determines that its functions have been fully discharged.”

25 U.S.C. § 640d-11

Thus, following OMB's approval of the ICR, the Agency must set a deadline for the receipt of Applications. The only possible special circumstances that would cause this ICR to be conducted in a manner inconsistent with OMB guidelines would be if a person delayed requesting an Application from ONHIR such that the person received the Application less than 30 days before the deadline for submitting such Applications. Even in such circumstances, the Commissioner or Executive Director of the Agency would have the ability to extend the deadline for such a person or persons so that such person or persons would have thirty days to respond to it.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A copy of the Federal Register Notice published on October 16, 2009 is attached. (74 FR 53305)

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A summary of the public comments follows: No comments were received from the public.

There were no comments related to cost and burden.

The Agency has had ongoing discussions with the Navajo—Hopi Legal Services Program a program of the Navajo Nation Department of Justice which represents members of the Navajo Nation who are seeking Relocation Benefits. Comments and suggestions made by this Program were taken into account in designing and revising the Application form. These comments have including deleting a “Preliminary Eligibility Determination Request Form” that the Agency originally considered utilizing to explaining terms such as “full-time employment” in terms of a quantifiable number rather than the subjective concept of “full-time.”

The Agency also solicited comments from its outside counsel and made changes in the form in response to such comments. Such comments included clarification of what the Agency was requesting when the form sought specific dates information and insuring that the form of the Application was consistent from section to section and question to question to make it easier to complete and reduce the likelihood of erroneous responses. The Application was also reviewed by the Agency’s consultant Booz Allen and Hamilton and their comments and suggestions were incorporated into the Application form.

ONHIR anticipates that the deadline for submittal of Applications will be well within a three year period following OMB approval of the collection (the Agency estimates the deadline will be within 180 days of approval) and that no further Applications will be accepted after that deadline. Thus the requirement otherwise applicable of consultation with applicants or potential applicants at least every three years will not apply.

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

There will be no payments or gifts to respondents.

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

ONHIR fully complies with the Privacy Act of 1974. Information obtained will not be disseminated to other persons except with the prior written consent of applicants or as otherwise permitted under the Privacy Act under the “Routine Uses” exception.

As noted above, Agency records are kept in locked file cabinets in rooms that are locked when no staff member is present.

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Access to records by non-Agency staff requires an approved document request (such as a Privacy Act Request or FOIA Request.) Requests are accompanied by evidence of the identity of the requester (such as a "Picture I.D.") Copies of document requests are retained by the Agency.

The ICR is not a collection for research or statistical purposes.

The ICR does not require applicants to submit any information that is proprietary in nature or that involves trade secrets. The only personal information sought is information about date of birth; marriage; children and income and prior residences needed to determine eligibility for Relocation Benefits.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature on the Application.

12. Provide estimates of the hour burden of the collection of information. The statement should:
 - * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
 - * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
 - * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

As provided in 5 CFR § 1320.3 (b) (2), the information sought on the Application is information that applicants can be assumed to have gathered and maintained in the normal course of their activities such as their age, marital status, children and employment and residence history.

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Consequently it is the Agency's position that the burden involved in completion of an Application would be limited to the time needed to read the Application; gather data that the applicant should either know as a matter of the applicant's own history or readily be able to obtain; fill in the Application form itself and then transmit it to the Agency. The Application form is submitted only once and only one form is used.

ONHIR estimates the number of Respondents based upon an analysis of existing ONHIR Client Files and related ONHIR data. ONHIR is using the figure of \$10.00 per hour for Applicant's time since the skills needed to complete the Application are essentially clerical in nature and the current Federal minimum wage is \$7.25 per hour.

- 1) reviewing instructions-10 minutes
- (2) acquiring, installing, and utilizing technology and systems;- 0
- (3) adjusting the existing ways to comply with any previously applicable instructions and requirements- 0
- (4) searching data sources-5 minutes
- (5) completing and reviewing the collection of information (form)- 10 minutes
- (6) transmitting, or otherwise disclosing the information-5 minutes.
- Total: 30 minutes (.5 hours)

Total Number of Respondents	Total Number of Responses	Estimated Burden Hours Per Response	Total Annual Burden Hours	Dollar Value of Total Annual Burden Hours
500	500	.5 hours	250 hours	\$2,500.00

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

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- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There is no submission or filing fee associated with providing this Application form to the Agency. There are miscellaneous costs, including the cost of making photocopies and the cost of faxing or mailing the form to the Agency, associated with this collection, but they are minimal (less than \$2.00 per respondent [\$0.44 postage stamp; \$0.10 paper; \$0.02 ink; \$0.75 photocopies). We estimate that these miscellaneous costs for respondents, in the aggregate, amount to less than \$1,000.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The estimated annual cost to the Government is approximately \$230,000 and this includes analyzing the data submitted. The Agency estimates that the cost of developing the Application (in conjunction with the Agency's consultant); mailing and acknowledging receipt of Applications and analyzing them will take approximately 8 hours per Application. For 500 Applications this will take 4,000 hours with a salary burden (including benefits) of \$50.00 per hour the personnel cost will be about \$200,000. Mailing, copying and other indirect costs are estimated at \$20 per Application or \$10,000. Consultant fees are estimated at \$20,000.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

ONHIR has added additional staff (employees and contract persons) to expedite review and decisions on Applications.

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16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

ONHIR does not plan to publish the results of the information collection.

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 would display the expiration date for OMB approval of the information collection on the Application.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the certification statement identified in Item 19 of the OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.