

1 Supporting Statement A

Bureau of Indian Affairs Verification of Indian Preference for Employment in BIA and IHS 25 CFR 5

OMB Control Number 1076-0160

This is a request for extension of the OMB approval.

Terms of Clearance: None.

Justification

1. Explain the circumstances that make the collection of information necessary.

The BIA is authorized by 25 U.S.C. 44, and implementing regulations at 25 CFR 5, to provide a form which will verify that an individual is an enrolled member of a federally recognized Indian tribe or possesses a required degree of Indian or Alaska Native blood. The BIA or tribal official will check the information provided to verify the person's enrollment in a federally recognized tribe. A form verifying membership, with a valid application for employment, is used to allow Indian preference in filling positions in the BIA and Indian Health Service (IHS).

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

An applicant uses the form to seek documentation of Indian descent or membership from a BIA or tribal official. The respective servicing personnel office at BIA or IHS will use the information to determine whether Indian preference applies. BIA and IHS are required to first consider qualified applicants who are Indian preference-eligible when filling vacancies. If the applicant fails to include all the requested information, the application would then be incomplete and would not be eligible for Indian preference in employment.

The form is divided into four (4) sections referred to as "Categories."

- Category A applies to an enrolled member of a federally recognized tribe; requesting indentifying information such as the applicant's full name, date of birth, and tribal affiliation. If an individual is a member of a federally recognized tribe, he/she must request that his/her tribe complete this category. One of the following procedures will apply and the applicant will be advised by his/her tribe:
 - If the applicant's tribe has contracted or compacted the maintenance of tribal enrollment records under the Indian Self-Determination and Education

Assistance Act, Pub. L. 93-638, as amended, a verification signed by an authorized Tribal Representative(s) is sufficient.

- If the tribe does not maintain tribal enrollment records, the tribe must certify that the applicant is a member and the applicant must submit the form to the BIA official who maintains the official roll for the tribe.
- Category B applies to descendants of members of a federally recognized tribe, band or community, who were residing on a reservation on June 1, 1934; requiring the applicant's full name, date of birth, reservation of residence, full name of ancestor and tribal affiliation, title and source of records upon the request is based.
 - If the claim for preference is based upon lineal descent from a member of a federally recognized tribe, band or community, the applicant must also provide documentation of his/her residence within the present boundaries of the reservation on June 1, 1934.
- Category C applies to persons who possess at least one-half degree Indian blood derived from tribes indigenous to the United States; requiring the applicant's full name, date of birth, degree of blood and tribal derivation, title and source of records upon the request is based.
 - The applicant must possess one-half degree of Indian blood from a tribe indigenous to the United States, and must submit State or academic records that document this status and official records that establish the degree of Indian blood, such as census records. Applicant must complete and attach family history.
- Category D applies to Alaska Natives; requiring the applicant's full name, date of birth, Alaska Native village or corporation roll, title and source of records upon the request is based.
 - Applicant may contact the BIA office servicing the village of corporation for completion of this category.

It is the responsibility of the individual to establish evidence of entitlement to Indian preference. Applicants must submit as much background information as possible to verify eligibility for Indian preference.

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 [and specifically how this collection meets GPEA requirements].

The form is available electronically on the BIA website at <http://www.bia.gov/DocumentLibrary/index.htm> and <http://www.bia.gov/WhatWeDo/ServiceOverview/TribalGov/index.htm>. However, the requirement to have original signatures precludes the processing of information completely by electronic means. The collected information is subject to Privacy Act system of record

notice OS-79, General Personnel Records (64 FR 2010, April 23, 1999).

4. Describe efforts to identify duplication.

The form verifies the information provided by the applicant by using other collections which have been gathered for the purpose of enrolling or identifying tribal members. It does not require additional information to be supplied. The applications, including the verification of Indian preference, must remain in the appropriate application file. After employment, should the form be lost or misplaced, the employee may be required to file an additional form in the Official Personnel File for personnel actions.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The collection of this information does not adversely impact tribes because they maintain tribal rolls and have the information available for verification. The form, divided into four (4) categories, cover different situations minimizing the paperwork to be completed.

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.

If Federal agencies did not conduct this collection, an applicant entitled to Indian preference by law, may not receive this preference when personnel actions are made. The collection, on an individual basis, is the means to verify and implement Indian preference in employment for those agencies required by law to first hire Indian preference applicants. An applicant can choose not to exercise this right and may still be hired.

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 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.**

There are no special circumstances that will apply to this collection. Only when an individual seeks eligibility for Indian preference is required to submit the form. The information provided will be covered by the Privacy Act, as stated on our form.

- 8. Provide 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 (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.**

A 60-day notice for public comments was published in the Federal Register on May 27, 2011 (76 FR 30961). No comments were received on the workload burden or the form itself (OMB Control Number 1076-0160) during this public comment period.

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. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Historically, based on our years of experience assisting applicants in completing the form, applicants have completed the form within 30 minutes, on average. The following individual can provide additional information on the basis for this estimate:

Suzanne Chaney, Community Services Officer, Tribal Services, Southern Plains Region, Bureau of Indian Affairs, P.O. Box 368, Anadarko, Oklahoma 73005, telephone: (405) 247-6673.

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

No payment, gift, or other remuneration is being given to respondents.

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

This information collection contains information covered by the Privacy Act, and the persons using this form are advised of how the protected information will be handled to safeguard it

according to law.

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.

We do not request any information of sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

We receive approximately 5,000 applications annually, one per applicant, with each application taking an estimated 30 minutes to complete. Therefore, the total annual estimated burden is 2,500 hours.

The estimated total salary cost for each applicant is 1/2 hour x \$29.27 per hour, which is an average of the hourly wages for civilian, as shown below.

	Salary per hour	Benefits Multiplier	Total
Civilian*	20.91	1.4	29.27
		Total	29.27

*Table 1, Wages & Salaries – All Workers, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, March 2011.

We have used the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—March 2011 (released June 8, 2011), USDL 11-0849, as a guide for our estimates, including the benefits multiplier. See www.bls.gov/news.release/pdf/ecec.pdf.

Therefore, the total cost burden on the public is \$29.27 x 2,500, which totals \$73,175.

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

There are no costs to consider, except for those that may use postage to submit the form. Approximately 4,000 applicants mail the forms and supporting documentation, using two stamps, with a cost of .44 cents per stamp, (4,000 x .88) for a cost of \$3,520.

Additionally, each of the 5,000 applicants must copy an average of 3 pages of supporting documentation, with a cost of \$.10 per page, (5,000 x 6 x \$.10), for a cost of \$3,000.

Therefore the total annual nonhour cost burden to respondents is approximately \$6,520.

14. Provide estimates of annualized cost to the Federal government.

The estimated salary cost to the government for processing each Indian preference form is \$16.51. It will take the Bureau’s enrollment clerk about 30 minutes to review each request. It will take the certifying Bureau Official about 15 minutes to certify the form.

Position	Hourly Base Rate	Benefits Multiplier	Time to Complete	Total
Enrollment Clerk (GS-2)	\$9.59	1.5	.50	\$7.19
Bureau Official (GS-10/5)	\$24.86	1.5	.25	\$9.32
Applications				5,000
Total				\$82,550

The cost of supplies for reproducing copies is about \$.60 (6 pages at \$.10). For approximately 5,000 applications, the total is \$3,000.

The total estimated annualized cost to the Federal government is \$85,550.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

We adjusted the nonhour cost burden BY \$120 from \$6,400 to \$6,520 to reflect the increase in postage costs and the decrease in persons mailing in the forms versus delivering them personally.

16. For collections of information whose results will be published, outline plans for tabulation and publication.

There are no plans to publish the information. The effect of applying this information collection may appear as sums; e.g., a bureau or field office may report the percentage of Indian preference employees, but no information covered by the Privacy Act will be released.

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 intend to display the OMB Control Number and the expiration date.

18. Certification.

We are not seeking any exceptions to the certification statement.