

1 Supporting Statement A for Paperwork Reduction Act Submission

Native American Graves Protection and Repatriation, 43 CFR 10 OMB Control Number 1024-0144

Terms of Clearance: None

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Native American Graves Protection and Repatriation Act (NAGPRA), enacted in 1990, requires museums to compile information regarding Native American cultural items in their possession or control and provide that information to lineal descendants, Indian tribes, and Native Hawaiian organizations using specific types of documentation (summaries, inventories, and notices). The implementing regulations, first promulgated in 1995, require that each museum provide one copy of each summary and inventory to the Secretary of the Interior, through the National Park Service (NPS). Notices prepared by museums are published in the Federal Register by the NPS. To date, 1,299 museums have provided summaries, inventories, and notices, as applicable, to the NPS. The information collection requirements are established under the authorities granted in Secs. 5, 6, 7, and 8 of NAGPRA, 25 U.S.C. 3003, 3004, 3005, 3006. Collection of information during the conduct of administrative investigations of allegations of failure to comply under Sec. 9 of NAGPRA, 25 U.S.C. 3007, is exempt from the requirements of the Paperwork Reduction Act (44 U.S.C. 3518 (c)(1)(B)(ii)).

- 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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

The information collected under 43 CFR part 10 is used by lineal descendants, Indian tribes, and Native Hawaiian organizations to determine if a museum has possession or control of Native American cultural items that the individual, tribe, or organization may have a right to claim under provisions of NAGPRA. The information collected is used by the NPS to verify the content of notices of inventory completion or notices of intent to repatriate prior to their publication in the Federal Register, to prepare a list of culturally unidentifiable human remains and associated funerary objects as required by the law, and to document each museum's compliance with NAGPRA.

- 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 format for submitting a summary, inventory, or notice to a lineal descendant, Indian tribe, or Native Hawaiian organization is not specified in the regulations. The regulations

require museums to submit notices and copies of the inventory and summary to the NPS in both printed and electronic formats. To reduce this burden, museums may send in electronic copies of summaries, inventories, and notices and request the National NAGPRA Program to print out a hard-copy.

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.

The issue of duplication arises only in those cases where Native American cultural items are in the physical custody of one institution, but are under the control of another institution. Technical assistance is provided to all museums to ensure that the controlling institution assumes responsibility for the information collection.

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

Of the 1,299 museums that have complied with NAGPRA since 1990, 132 are believed to be "small entities." Information collection requirements are the same for all museums within the scope of the regulation, although alternatives to electronic submissions are specifically allowed for museums that are unable to meet this requirement. When a small museum does not have the capacity to make an electronic submission, the National NAGPRA Program will assist the museum in producing an electronic version. In addition, the burden of the information collection requirements is likely to be reduced for most small museums whose collections generally include fewer cultural items with a limited geographic affiliation. As of this date, information collection for most small entities is complete, unless they receive new collections or a new tribe is recognized and requests copies of documents.

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.

The primary goal of NAGPRA's information collection requirements is to provide lineal descendants, Indian tribes, and Native Hawaiian organizations with timely information and notification regarding cultural items that they may have a right to claim. The Act initially required all museums to complete summaries within 3 years of the date of statutory enactment, inventories within 5 years of statutory enactment, and notification within 6 months of inventory completion. Once initial requirements were complete, for most museums by 1995, new information collection requirements are done on an as-needed basis, with additions to summaries due within 6 months of either receipt of a new collection or acknowledgement of a new Indian tribe, and additions to inventories due within 2 years of either receipt of a new collection or acknowledgement of a new Indian tribe. Institutions receiving Federal funds for the first time must follow the original deadlines of 3 years for a summary and 5 years for an inventory. Summaries and inventories may be updated as needed, but are not required on a regular basis where no new collections have been acquired or no new tribes have an interest in the collection.

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 3 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 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.

The regulations require museums to adopt internal procedures adequate to permanently document the content and recipients of all repatriations. There are no other special circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

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 in response to the PRA statement associated with the collection over the past three years, 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 three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.

On February 17, 2015, we published in the Federal Register (80 FR 8339) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on April 20, 2015. We did not receive any comments in response to the notice.

We initiated consultation with the following persons outside the agency to obtain their views on the information collection:

<p>Chip Colwell Chanthaphonh Denver Museum of Nature and Science 2001 Colorado Blvd. Denver, CO 80205-5798 Phone: (303) 370-6367 Email: chip.c-c@dmns.org</p>	<p>Dr. Ben Secunda NAGPRA Project Manager University of Michigan Office of Research 4080 Fleming Building 503 S. Thompson St. Ann Arbor, MI 48109-1340 Phone: (734) 647-9085 Email: bsecunda@umich.edu</p>	<p>Ms. Julie Woods Repatriation Coordinator University of Massachusetts Amherst Department of Anthropology 215 Machmer Hall 240 Hicks Way Amherst, MA 01003 Phone: (413) 545-2702 Email: repat@anthro.umass.edu</p>
<p>Sheila Goff History Colorado 1200 Broadway Denver, CO 80203 Telephone: (303) 866-4531 Email: Sheila.goff@state.co.us</p>	<p>Dr. Nan Rothschild Department of Anthropology Columbia University 1200 Amsterdam Ave. New York, NY 10027 Phone: (212) 854-4977 Email: roth@columbia.edu</p>	<p>Angie Glasker Assistant Curator Wisconsin Historical Museum</p> <p>Responded on behalf of: Jennifer Kolb Wisconsin Historical Museum 30 North Carroll St. Madison, WI 53703 Phone: (608) 261-2461 Email: jennifer.kolb@wisconsinhistory.org</p>
<p>Peter Lape Burke Museum University of Washington Box 353010 Seattle, WA 98195-3010 Phone: (206) 685-3849 Email: plape@uw.edu</p>	<p>Jess Milhausen NAGPRA Coordinator Archaeology Department Burke Museum of Natural History and Culture University of Washington Box 353010 Seattle, WA 98195 Phone: (206) 685-3849 ext. 2 Email: milhause@uw.edu</p>	<p>Megon Noble Department of Anthropology Museum at the University of California – Davis 330 Young Hall One Shields Avenue Davis, CA 95616 Phone: (530) 752-8280 Email: mnoble@ucdavis.edu</p>

Out of these nine people, three responses of “no comment” were received from: Chip Colwell Chanthaphonh, Denver Museum of Nature and Science; Dr. Ben Secunda, NAGPRA Project Manager, University of Michigan Office of Research; and Dr. Nan Rothschild, Department of Anthropology, Columbia University. We received the following comments:

Ms. Sheila Goff, History Colorado, stated that it would be nice if the non-Federal agencies or institutions that repatriate/disposition report data on reburials completed; a template or form for museums to use for those updates could be nice and perhaps automated inquiries as to whether we need to update inventories as a reminder; and that the availability of data is adequate and has practical utility.

Response: We agree that collecting this information would be valuable. We will work towards creating and establishing a template for reporting repatriation information and will work with the NPS Information Collection Clearance Officer when we are ready to begin collecting that data from museums. We plan to accomplish this by the end of fiscal year 2017.

Ms. Jess Milhausen NAGPRA Coordinator, Archaeology Department, Burke Museum of Natural History and Culture, University of Washington, stated that availability of the Program online databases is helpful and that she often uses them. She commented on the notices databases as follows: It would be useful to be able to search by NIC or NIR only, or by Notices regarding material from a specific area (i.e., King County, Washington), or culturally affiliated tribe.

Response: We are working on connecting our NIC and NIR databases to the Federal Register Web site, which has expanded search tools that allow for searching by specific areas and by tribal names. We will begin to use new links to a searchable database on the Federal Register Web site in fiscal year 2016 and hope to convert our NIC and NIR databases to the searchable database on the Federal Register Web site by the beginning of fiscal year 2017.

Ms. Angie Glasker, Assistant Curator, Wisconsin Historical Museum, responded on behalf of Jennifer Kolb. Ms. Glasker pointed out some broken links on the Program website as well as recommending the online databases having additional search feature such as the ability to filter for state/area in the Notices Database.

Response: We are moving our entire Website into a management system that will reduce the number of broken links. We are working on connecting our NIC and NIR databases to the Federal Register Web site, which has expanded search tools that allow for searching by specific areas and by tribal names. We will begin to use new links to a searchable database on the Federal Register Web site in fiscal year 2016 and hope to convert our NIC and NIR databases and all of our Web pages to the new management system by the beginning of fiscal year 2017.

Ms. Julie Woods, Repatriation Coordinator, University of Massachusetts Amherst, Department of Anthropology, responded that she has used NAGPRA resources to assist with consultation outreach efforts and to verify that information submitted by her University has been recorded on the National NAGPRA. Ms. Woods comments that enhancements to the databases might help to speed consultations along and help museum/institutional NAGPRA coordinators consult more widely.

Response: We are working on updating our database tools for consultations and hope to provide additional resources to support museums in their efforts to identify tribes to contact. We hope to have new tools for consultation in place by the beginning of fiscal year 2017.

There were no comments on the burden estimates. Therefore, we have not made any changes to our estimates in item 12.

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

We do not provide 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.

We do not provide any assurance of confidentiality. At the request of an Indian tribe or Native Hawaiian organization, museum officials may take steps considered necessary pursuant to applicable law to ensure that information of a particularly sensitive nature is not made available to the general public.

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.

We do not ask questions of a sensitive nature.

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.**
- * 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.**

We anticipate receiving approximately 609 responses totaling 6,080 annual burden hours for this information collection. Information collection is on an as-needed basis. We estimate the total dollar value of the burden hours to be \$224,713.

Approximately 1,299 museums are covered by 36 CFR 10. We assume that most of these museums are in compliance with the regulations. The number of museums submitting new summaries or inventories on an annual basis is a relatively small number. The number of museums updating data in a summary or inventory is relatively large and represents multiple submissions from a single museum because the data is usually updated on a case by case basis, depending on geographic or cultural affiliation.

Museums frequently submit multiple notices at one time, depending on geographic or cultural affiliation. During FY 2014, 58 institutions submitted 154 notices for publication in the Federal Register. Of that total, 19 State or local governments submitted 64 notices while 39 privately owned museums submitted 90 notices. The estimate of 105 notices reflects the cost-savings for the institution associated with preparing and submitting multiple notices from a single institution. Museums are required to notify tribes and request information from tribes in preparing notices and facilitating repatriation. NPS is assuming that most museums conducted initial consultation and have fewer requirements for sharing information under the regulations.

Activity	Annual Number of Responses	Completion Time per Response	Total Annual Burden Hours	Hourly Rate w/ Benefits	\$ Value of Annual Burden Hours (rounded)
New Summary/Inventory					
- Private Sector	1	100 hours	100	\$30.55	\$ 3,055
- Govt	2	200 hours	200	42.33	8,466
Update Summary/Inventory					
- Private Sector	226	10 hours	2,260	30.55	69,043
- Govt	245	10 hours	2,450	42.33	103,709
Notices					
- Private Sector	41	10 hours	410	30.55	12,526
- Govt	64	10 hours	640	42.33	27,091
Notify Tribes and Request Information					
- Private Sector	4	30 minutes	2	30.55	61
- Govt	10	30 minutes	5	42.33	212
Respond to Request for Information					
- Govt	16	48 minutes	13	42.33	550
Totals	609		6,080		\$224,713

We used the Bureau of Labor Statistics USDL 15-1756 entitled “Employer Costs for Employee Compensation – June 2015 (<http://www.bls.gov/news.release/pdf/ecec.pdf>) released on September 9, 2015, to determine the hourly wage and benefits.

- Government (State, tribal, local). Table 3 lists the hourly wage for State and local government workers as \$28.22. To calculate benefits, we multiplied \$28.22 by 1.5, resulting in an hourly cost factor of \$42.33. We will use this rate for tribes for the purpose of this collection.
- Private Sector. Table 5 lists the hourly rate for all workers as \$21.82. To calculate benefits, we multiplied this rate by 1.4, resulting in an hourly cost factor of \$30.55 (rounded).

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 already reflected in item 12.)

- * 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 for form processing). 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.
- * 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 are no nonhour burden costs.

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.

We estimate the annual cost for the Federal Government to administer this information collection is \$150,355. In calculating this estimate, the NPS makes the following assumptions:

- Summaries, inventories, and notices submitted by museums are received by staff of the National NAGPRA Program.
- Summaries and inventories are logged, entered into a database, and filed in both paper and electronic formats.
- Notices are logged, entered into a database, reviewed for publication, and returned to the submitting museums for approval.
- The number of museums submitting new summaries or inventories on an annual basis is a relatively small number.
- The number of museums updating data in a summary or inventory is relatively large and represents multiple submissions from a single museum because the data is usually updated on a case by case basis, depending on geographic or cultural affiliation.
- The number of notices published in a year is around 150. In FY2014, 154 notices were submitted for publication. Unlike the museums, each notice requires work by the National NAGPRA Program staff and the figures below do not reflect the cost-savings associated with preparing and submitting multiple notices from a single institution.

Salary costs: \$81,055

Activity	Annual respondents	Average time/ response	Total annual burden hours	Weighted hourly rate	Value of annual burden hours
New Summaries and Inventories	3	2 hours	6	\$65	\$390
Updated Summary/Inventory Data	471	1 hour	471	\$65	\$30,615
Notices	154	5 hours	770	\$65	\$50,050
Total					\$81,055

Other Costs: \$69,300 for publication costs for Federal Register.

Position	Federal Government hourly wage	Hourly rate with benefits (1.5 x hourly rate, rounded)**	Estimated percent of time spent on collection work	Weighted average
Clerical (e.g. filing and data entry), GS-9, step 4	\$27.76	\$41.64	4%	\$1.67
Skilled, craft and technical knowledge, GS-13, step 1	\$43.52	\$65.28	95%	\$62.02
Management and professional, GS-15, step 1	\$60.49	\$90.74	1%	\$0.91
Weighted Average				\$64.60

** Benefit rate calculated in accordance with BLS News Release USDL 15-1756.

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

There are no program changes or adjustments.

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.

We will not publish the information other than in the Federal Register as required by law.

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.

These are regulatory requirements. We will display the OMB Control Number and expiration date on appropriate materials.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.