

1 Supporting Statement A

“Payments in Lieu of Taxes (PILT) Act, Statement of Federal Lands Payments, (43 CFR 44)” OMB Control Number 1093-0005

Terms of Clearance: None

General Instructions

A completed Supporting Statement A 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 below. If an item is not applicable, provide a brief explanation. When the question “Does this Information Collection Renewal (ICR) contain surveys, censuses, or employ statistical methods?” is checked “Yes,” then a Supporting Statement B must be completed. The Office of Management and Budget (OMB) reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

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

“Payments in Lieu of Taxes” (PILT) are Federal payments made by the Department of the Interior to local governments to help offset losses in property taxes due to non-taxable Federal lands within their boundaries. The law that directs the payments, the PILT Act, is Public Law 94-565, enacted on October 20, 1976. This law was rewritten and amended by Public Law 97-258, which was enacted on September 13, 1982, and codified in Chapter 69, Title 31 of the United States Code. The PILT Act recognizes the inability of local governments to collect property taxes on Federally-owned land and the adverse impact on local governments’ financial ability to provide vital services, such as fire and police protection, construction of roads and schools, and other such services that would generally be funded primarily by property taxes.

PILT payments help local governments carry out such vital services. The payments are made annually for tax-exempt Federal lands administered by the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service (all bureaus of the Department of the Interior [DOI]), and the U.S. Forest Service (part of the U.S. Department of Agriculture) and for Federal water projects and some military installations. Congress appropriates funds for the Department of the Interior to distribute to these local governments to offset the loss in revenue

caused by Federal ownership of lands within their respective jurisdictions.

PILT Act payments are computed according to a formula contained in the law. This formula is based on population, receipt-sharing payments, and the amount of Federal land—by acres—within an affected county/local government.

The PILT Act specifies the Chief Executive Officer of a State shall submit to the Secretary of the Interior a list of the amounts transferred by the State to each unit of local government out of amounts received under a payment law. The information furnished to the Department of the Interior provides the basis for calculating the PILT payment for each county within the State.

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 must be justified.

States are directed to complete the “Statement of Federal Land Payments” (Enclosure 3) spreadsheet to provide details on payment amounts passed through to counties and/or units of local government during the prior Federal fiscal year. Enclosure 3 displays the local units of government (counties) specific to the State. If a county received funds for the first time and is not listed on the State’s spreadsheet, the county’s name should be added to the Enclosure and identified as a new county.

Prior year payments reported on Enclosure 3 should be broken out by the Federal agency making the payment and the type of payment made. The prior year payment categories are as follows:

- Forest Service (FS)—Timber (Title I, Title III, and 25% Payment) and Bankhead-Jones
- Office of National Resources Revenue (ONRR)—Timber and Mineral Leasing
- Bureau of Land Management (BLM)—Mineral Leasing, Taylor Grazing, Bankhead-Jones and Sale of Materials
- Federal Energy Regulatory Commission (FERC)—Power Sales
- Fish and Wildlife Service (FWS)—Refuge Revenue Sharing

Amounts reported by the State as being passed through to local governments will be used to calculate the county’s PILT payment within a State. The “pass through” amounts reported by a State should take into consideration the following summarized Comptroller General’s Decision Number B-167553:

- Payments to units of local government under the PILT Act are to be reduced only by the amounts of payments actually received by the units of local government. Thus, Federal revenues paid to a State and distributed by the State directly to a politically and

financially independent school district or other independent districts should not be deducted from payments to that unit of local government. Payments to other single or special purpose districts should be treated in a similar manner.

- Federal revenues should not be considered “received” by the unit of local government when paid to a State then distributed by the State to a unit of local government with the requirement by State law to pass these revenues directly to a politically and financially independent school district. These payments should not be deducted from payments to that unit of local government unless that unit is legally responsible for provision of school services and has collected other tax revenues for that purpose. Payments passed through to other special or single purpose districts should be treated in a like manner.
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—for example, permitting electronic submission of responses—and the basis for the decision to adopt this means of collection. Also, describe any consideration of using information technology to reduce the burden of collecting information and, specifically, how this method of collection meets Government Paperwork Eliminations Act (GPEA) requirements.

The Department collects data electronically. States submit the completed package via email.

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 Department of the Interior holds a unique role in the Federal government with respect to its stewardship of federally owned land, and the PILT Act grants responsibility for PILT payments to the Secretary of the Interior; therefore, no other Federal agency collects PILT data. Because the information collected is highly specific pursuant to the requirements of the PILT Act, no other Federal agency collects the same or similar information, no other Federal agency collects similar information that can be modified for this collection, and the information is not available from any other source.

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

This information collection has no significant impact on small business or other small entities. State governments are the only entities required to respond to this collection. The information to be collected is limited to only that information needed to comply with the requirements of the PILT Act and its regulations (43 CFR 44).

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 the burden.

If the Office of the Secretary does not collect the information or conducts the collection less frequently, the requirements of the PILT Act will not be met. Reducing the burden by collecting less frequently would yield insufficient information required to compute PILT payments to units of general local governments.

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 that information;
 - 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 require collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of a 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 may preclude consultation in a specific situation. These circumstances should be explained.

On February 13, 2019 (84 FR 3814 Page 3814-3815), the Office of the Secretary, Office of Budget published a 60-day notice in the Federal Register, soliciting comments from the public and other interested parties. No public comments were received.

From April 24 through April 26, 2019, the Office of the Secretary contacted nine States that had completed the State of Federal Land Payments form or Enclosure 3 and other required information for the PILT Payment computation, seeking the amount of time that was required to fully complete the form, including Enclosure 3, and to review the form with an auditor and submit supporting documentation. Personnel from seven States responded; following are responses from three of those States:

- Washington, Office of the State Treasurer, reported that the process took 60 hours to complete their entire submission package, including Enclosure 3.
- Arkansas, Department of Finance and Administration, reported that the process took 20 hours to complete their entire submission package, including Enclosure 3.
- Wisconsin, Director, Bureau of Facilities and Lands, Internal Services Division, Wisconsin Department of Natural Resources, reported that the process took 40 hours to complete their entire submission package, including Enclosure 3.

Those hourly totals combined all aspects of the submission, including planning and research, transcription, auditing, and preparation of the final submission package. The amount of time required varied from one State to another, which is to be expected because of the differences among States in the number of units of local government that must be reported; the level of experience of the personnel compiling and reviewing the information; and the degree to which their fiscal reporting systems readily support the information requested. The average number of hours for these three States to complete the annual submission was 40 hours— less than the estimate provided three years ago, which was expected due to variance in State procedures.

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

The Office of the Secretary does not provide payments or gifts to respondents to the Statement of Federal Land Payments form.

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

The Office of the Secretary protects respondents' confidentiality consistent with the Freedom of Information Act (5 U.S.C. 552).

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.

This information collection does not contain questions of a sensitive nature. The data collected is official governmental information that is public record, and the respondents are public officials operating within the scope of their duties.

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 associated with collecting 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.

To determine the estimated annualized cost to respondents, we applied U.S. Bureau of Labor Statistics (BLS) hourly wage rates. The applicable BLS labor category for PILT is “Financial Analysts and Advisors” for State Governments. Based upon the BLS Occupational Employment and Wages—May 2018, the current mean hourly rate for “Financial Analysts and Advisors” is \$35.48 per hour, which can be found at the following Web site:

https://www.bls.gov/oes/current/naics4_999200.htm#13-0000. Using a 1.5 benefits multiplier, the hourly rate would be \$53.22. The benefits multiplier of 1.5 for this labor category for government, is based upon information provided in *BLS News Release USDL: 19-0449, March 19, 2019*, which can be found at <http://www.bls.gov/news.release/pdf/ecec.pdf>.

We estimated 49 responses x 40 hours per response, for a total burden of 1,960 burden hours. Then multiplying the 1,960 hours by \$53.22 per hour equals a dollar cost equivalent of \$104,311.20.

13. Provide an estimate of the total annual non hour cost burden to respondents or record keepers 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) total capital and startup cost (annualized over its expected useful life) and (b) total operation and maintenance and purchase of services. 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 startup 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) before 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.

Responding to this information request requires States to compile existing data and complete the State of Federal Land Payments form. Respondents incur no annual capital or startup costs to prepare for or respond to the information collection, nor are any operations and maintenance costs incurred. Respondents do not need to purchase any computer software or hardware to comply with this information collection. The Office of the Secretary does not require respondents to pay any filing fees.

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.

The Office of the Secretary estimates that it takes approximately 10 hours per report to review/analyze/validate the certification packages received, request clarification (as needed) from the State, upload the data into the PILT database, and verify the data entered. Because 49 annual responses are expected, this yields 490 hours. Currently, the work is being performed by two federal employees: one GS 14 step 2 with an estimated loaded salary cost of \$86.52 per hour and one GS 14 step 7 with an estimated loaded salary cost of \$100.96 per hour. Assuming each does half of the work, this cost averages to \$93.74 per hour. Then multiplying the \$93.74 hourly rate by 49 responses and by 10 hours per response, yields a total cost to the Government of \$45,933 (rounded). The total cost to the government has increased from the previous ICR to more accurately reflect the review of the entire State submission certification package. The latest Federal pay tables for Baltimore, Washington, and Northern Virginia were obtained from the OPM Web site at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/DCB.aspx>.

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

The administration of this information collection experienced no program changes, but the hour burden increased due to an adjustment in the current estimate of time provided by the States.

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.

The information collected as a result of this information collection will not be published in its original format. The Department published a summary of all prior year payment data as part of the PILT annual report.

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.

The Office of the Secretary plans to continue display of the appropriate expiration date for this information collection.

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

No exceptions to the Certification for Paperwork Reduction Act submissions are requested.