

# **1Supporting Statement A**

## **Bureau of Indian Affairs Verification of Indian Preference for Employment in BIA and IHS OMB Control Number 1076-0160**

**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 ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. 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.**

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 the Department of Health and Human Services, Indian Health Service (IHS).

- 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.**

An applicant uses the forms 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. The BIA and the 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 have the necessary documentation to show eligibility for Indian preference in employment at either agency.

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 identifying 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.
  - The Applicant may contact the BIA office servicing the village of corporation for completion of this category.
- In addition to the Indian Preference form, BIA provides a Family History Chart that is used to assist in making determinations as to descendency and/ or degree of Indian

ancestry. This chart has been included with past renewals of this collection, but it hasn't been specifically mentioned in the supporting statement. Previous burden estimates for this collection included the use of the Family History Chart as part of the Indian Preference form; therefore, no additional burden is associated with this chart.

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/WhatWeDo/ServiceOverview/TribalGov/index.htm>. However, the requirement to have original signatures precludes the processing of information completely by electronic means. The BIA will investigate the use of electronic signatures for future applications.

- 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 forms verify 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.

- 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 Indian Preference form, divided into four (4) categories, covers 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 give preference in hiring Indian preference applicants. An applicant can choose not to exercise this right and may still be hired by an agency.

- 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 he/she required to submit the form. The information provided will be covered by the Privacy Act, as stated on the BIA form.

- 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.**

A 60-day notice for public comments was published in the Federal Register on September 30, 2020 (85 FR 61767). There were no comments received in response to this notice.

**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.**

The BIA reached out to several individuals to obtain their input with regard to the clarity of Verification of Indian Preference for Employment (BIA-4432) form and the instructions, the burden to complete the form, the frequency in which it's collected, and if they had any comment or suggestions they would like to add to make the process less burdensome:

Tribal Member, Oglala Sioux Tribe  
Tribal Member, Pascua Yaqui Tribe of Arizona  
Tribal Member, Citizen Potawatomi Nation (Oklahoma)

The individuals indicated that the form and instructions were clear, accurate and easy to follow. The time involved in filling out the BIA-4432 form was minimal and none of the individuals had any comments or recommendations to ease the process or burden of time involved. All individuals indicated that they felt the process was relatively straight forward and simple and concurred with the frequency in which it's collected. Based on the feedback received, BIA did not make any changes to this information collection.

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

No payments or gifts are provided to respondents.

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

The collected information is subject to Privacy Act pursuant to 5 U.S.C. 552(a), under the system of records entitled "Interior Personnel Records –Interior, DOI –79" (64 FR 20010, April 23, 1999). A copy can be located on the BIA website: [https://www.doi.gov/privacy/bia\\_notices](https://www.doi.gov/privacy/bia_notices).

**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 included in the information collected.

**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.**

The BIA receives 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 total hour cost burden on the public is \$38.26 x 2,500 hours which totals **\$95,725**.

	Number of Respondents	Hourly Burden per Response	Total Annual Hour Burden	Total Cost Burden
Indian Preference Form (including the Family History Chart)	5,000	30 minutes	2,500	
<b>Total</b>	<b>5,000</b>		<b>2,500</b>	<b>\$95,725</b>

\* To obtain the hourly rate, the BIA used \$38.26, the wages and salaries figure for civilian workers from BLS Release USDL-20-2266, Employer Costs for Employee Compensation—December 2020, Table 2, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, at <https://www.bls.gov/news.release/pdf/ecec.pdf>. This wage includes a 1.5 multiplier for benefits.

**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 costs to consider, except for those that may use postage to submit the form since original forms are required to be mailed. Approximately 4,000 applicants mail the forms and supporting documentation, using two stamps, with a cost of .55 cents per stamp, (4,000 x \$1.10) for a cost of \$4,400.

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 non-hour cost burden to respondents is approximately **\$7,400**.

**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.**

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	Time to	Number of	Total Cost
----------	------------------	---------	-----------	------------

	(including 1.6 benefits multiplier)	Process	Applications	Burden
Enrollment Clerk (GS-2/1)*	\$19.71	.50	5,000	\$49,275
Bureau Official (GS-10/5)**	\$51.14	.25	5,000	\$63,925
<b>TOTAL</b>				<b>\$113,200</b>

The total estimated annualized cost to the Federal government is **\$113,200**.

\*The Bureau enrollment clerk salary and benefits are \$19.71/hour (a GS-2/Step 1 salary of \$12.33/hour multiplied by a factor of 1.6 to account for benefits). See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS_h.aspx).

\*\*The certifying Bureau Official salary and benefits are \$51.14/hour (a GS-10/Step 5 salary of \$31.96/hour multiplied by a factor of 1.6 to account for benefits). See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS_h.aspx).

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

The non-hour burden estimate increased because the cost of a first-class stamp increased slightly. Additionally, the hourly cost burden increased based on salary information provided by the Bureau of Labor Statistics.

**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 BIA will not publish the results of this information collection. 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.**

The BIA will display the OMB control number and expiration date on both forms.

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

There are no exceptions.