

## **<sup>1</sup>Supporting Statement A**

### **Request for Certificate of Degree of Indian or Alaska Native Blood (CDIB)**

**OMB Control Number 1076-0153**

**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 Congress enacted legislation authorizing program services to Indians, provided that the individual possesses a minimum degree of Indian blood. Thus, when applying for program services, the individual requester must include acceptable documentation to prove that he or she meets the minimum required degree of Indian blood. The BIA<sup>1</sup> will certify an individual's degree of Indian blood if the individual can provide sufficient information to prove his or her identity and prove his or her descent from an Indian ancestor(s) listed on historic documents approved by the Secretary of the Interior that include blood degree information. The laws and Federal regulations that include a minimum Indian blood degree requirement include:

1. The Snyder Act of 1921, 25 U.S.C. 13
2. The Act of August 4, 1947, 61 Stat. 731, Relative to restrictions applicable to Indians of

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<sup>1</sup> Unless the function has been contracted or compacted as authorized under PL 93-638, as amended; if so the individual would seek this service from the applicable contracting/compacting Tribe executing the function on behalf of the Federal Government.

the Five Civilized Tribe of Oklahoma, and for other purposes.

3. The Indian Reorganization Act of June 18, 1934, 48 Stat. 984 - 988, 25 U.S.C. 479
4. The Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601-1624
5. Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450 et seq.
6. Tribal Self-Governance Act, 25 U.S.C. 458aa et seq.
7. Education Amendments Act of 1978, 25 U.S.C. 2001 et seq.
8. The Indian Child Welfare Act of November 8, 1978, 25 U.S.C. 21
9. BIA Programs, Chapter 22 of Title 25 of the United States Code (25 U.S.C. 2007, Allotment formula)
10. Land Consolidation, Chapter 24 of Title 25 of the United States Code (25 U.S.C. 2201, Definitions)
11. 25 CFR Part 5 – Preference in Employment
12. 25 CFR Part 20 – Financial Assistance and Social Services Programs
13. 25 CFR Part 26 – Employment Assistance for Adult Indians
14. 25 CFR Part 27 – Vocational Training for Adult Indians
15. 25 CFR Part 36 – Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations
16. 25 CFR Part 39 – The Indian School Equalization Program
17. 25 CFR Part 151 – Land Acquisitions
18. 25 CFR Part 273 – Education Contracts under Johnson O’Malley

The programs administered under these laws include, but are not limited to, education, loans, housing, and land acquisition, and obtaining preference in employment. Copies of the pertinent portions of the above-cited documents are attached.

- 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.**

BIA staff and Tribal 638 contractors/self-governance compactors (the BIA can contract with Tribes for programs and services otherwise provided by BIA through Public Law 93-638) use the application forms to verify the requester's Indian ancestry and to determine the requester's degree of Indian blood. The requester will provide information, such as birth certificates, death certificates, and probates to document the requester's descent from an Indian ancestor(s). The documentation will also be used to prove the ancestors' Tribal affiliation and the historic roll(s) or other documents that list the ancestors' name, gender, date of birth, date of death, blood degree, and other identifying information. All of this information, including gender, is necessary to determine paternal and maternal descent from other Tribal members. After the information and supporting documentation has been verified, the BIA staff or Tribal 638 contractor/self governance compacter will issue a CDIB to the requester. The requester will use the CDIB to help document their eligibility for programs and services provided to Indians because they are Indian.

Page one of the form collects the family history of the requester. The requester lists identifying information (all names used) and contact information.

- Column one requires information about requester such as DOB, place of birth, whether adopted or not, Tribal enrollment, and roll number.
- Column two requests similar information concerning parents.
- Column three requests information about paternal and maternal grandparents.
- Column four requests information about paternal and maternal great grandparents.

Page two of the form provides appeal rights and other notices, and requests certification of information by the requester.

This information may be disclosed to the Department of the Interior and the Department of Justice when required for litigation or anticipated litigation. Information also will be needed and sent to the Regional Director, BIA, for the appeals process. Notification of inquiries or access must be addressed to the appropriate Regional Director, BIA.

Further, to determine degree of Indian blood the requester must provide family history as traced through his/her mother, father, grandparents, etc. The family history is more often than not different dependent on which portion of the family tree is being cited to prove degree of Indian blood. For instance, one parent may be of one Tribe while the other parent is of a different Federally recognized Tribe. For validation and certification purposes, it must be clear which parent or relative is being cited to prove the family history.

- 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 application form is currently available on DOI's website at: <https://www.bia.gov/policy-forms/online-forms>.

The respondent must submit documentation with the form, which may include: certificates of birth and death, marriage certificates, probate determinations, court orders, affidavits, Federal or Tribal census records, and Social Security records. These must be submitted in hard copy at this time. BIA is evaluating other means of transmitting documentation in light of the COVID-19 pandemic.

**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 information is not duplicated by any other Federal agency and similar information is not used or modified for this collection.

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

There is no significant economic impact on a substantial number of small businesses because the CDIB is for individuals only.

**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.**

Respondents may request a CDIB at any time in order to receive Federal benefits. Submission of this information is required to receive a benefit – a CDIB. The consequence of not providing information may result in a determination that a respondent is not eligible to receive program services based upon his/her status as an American Indian or Alaska Native.

**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 that would require exceptions to 5 CFR 1320.5(d)(2). Information is submitted once, the timing is up to the requester to begin the process, multiple copies are not required, statistics are not involved, and any confidential information is protected by the Privacy Act.

- 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 61768). 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 three individuals for their input regarding to the clarity of CDIB request form and the instructions, the burden time they experienced while filling out the CDIB request, and/or if they had any comment or suggestions they would like to add to make the process easier:

- Member of the Shinnecock Indian Nation

- Member of the Tohono O'odham Nation of Arizona
- Member of the Yankton Sioux Tribe of South Dakota

All three individuals indicated that the clarity of the form and the instructions were accurate and easy to follow. They concurred with burden time involved in filling out the CDIB request and one individual made mention that the time required was relatively minimal. The individuals expressed that they felt the process was relatively straightforward and simple and therefore, had no recommendations for improvement on this information collection.

Based on the feedback and management review, BIA will not make any changes to the current form.

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

No payment or gift 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.**

The information is maintained in strict accordance with the Privacy Act pursuant to 5 U.S.C. 552(a), under the System of Records entitled "Tribal Enrollment Reporting and Payment System, Interior/BIA-7," (42 FR 19038). A copy can be located on our website: <https://www.doi.gov/sites/doi.gov/files/uploads/2011-24808-3.pdf>.

**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.**

The main purpose of this information collection is sensitive in nature because it is used to identify the requester's race and to document an individual's Indian ancestry. Sensitive questions include questions about an individual's age, adoption, the marital status of their parents, and proof of paternity. Proof of paternity is needed when the requester's parents were not married at the time of the requester's birth, and the Indian blood is traced through the father. The same would apply to earlier generations when the Indian blood is traced through the father. If the requester is adopted, the requester will need to provide copies of the adoption records. Again, if the Indian ancestry is traced through the birth father, the requester will need to provide proof of paternity.

**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 reporting and record keeping burden for this collection of information is estimated to average 1.5 hours per response for an estimated 100,000 requests per year, making an annual burden of 150,000 hours or the amount equivalent to **\$5,739,000**. The number of respondents is based on programmatic estimates based on the last three years of applications received by the program. This includes the time for reviewing instructions, searching existing data sources, and gathering needed data. We have estimated the number of requests by using historical numbers and anticipate that the number of requests will be stable within the next year. The 1.5 burden hours per response is estimated as the timeframe for completion of the form and collecting the required documentation to support the information on the form. This number is based on long-term experience in working with individuals to assist them in completing the forms.

Type of request	No. of responses/respondents annually	Hourly burden per response	Total annual hourly burden	Salary cost to respondents*
Applications	100,000	1.5	150,000	\$ 5,739,000

\* To obtain the hourly rate, BIA used \$38.26 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.

The respondents must obtain certain records, such as state-certified birth, death and marriage records, that cost money to obtain. Several states, California, Oklahoma, Oregon, and Washington, DC were surveyed regarding birth and death records. A copy of a certified birth certificate will cost approximately \$18.00. Certified death records cost about \$12.00 each. Marriage certificates are approximately \$10.00 each. Some respondents may already have copies of birth, death or marriage records, while others may have to obtain more than one each to document their ancestors. For this reason, we are averaging one of each document per respondent.

Document	No. of Respondents	Cost to Obtain	Non-salary burden
Birth certificates	100,000	\$18.00	\$1,800,000
Death records	100,000	\$12.00	\$1,200,000
Marriage records	100,000	\$10.00	\$1,000,000
		<b>Total</b>	<b>\$4,000,000</b>

**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 estimated annual salary cost to the government for processing CDIB requests in the 12



regions is **\$6,205,500** and is broken down as follows:

	No. of respondents, annually	Salary & benefit cost per hour	Hourly burden	Cost of Federal Burdens			<b>Total</b>
				Salary	Supplies <sup>^</sup>	Postage <sup>+</sup>	
Bureau Enrollment Clerk	100,000	\$37.01*	1.25	\$4,626,250	\$39,000	\$55,000	
Bureau Official	100,000	\$ 59.41**	0.25	\$1,485,250			
			<b>Total</b>	\$6,111,500	\$39,000	\$49,000	<b>\$6,205,500</b>

\*The Bureau enrollment clerk salary and benefits are \$37.01/hour (averaging at GS-8/Step 1 salary of \$23.18 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 \$59.41/hour (averaging at GS-12/Step 1 salary of \$37.13/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).

<sup>^</sup> The cost of the 3 page form @ \$.13/page is about \$.39 multiplied by 100,000 equals **\$39,000** annually for supplies.

<sup>+</sup> The postage at \$.55 multiplied by 100,000 equals **\$55,000** per year.

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

The hourly cost burden estimates have increased because of changes in the 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 results of this information collection will not be published except that total application numbers are used in reports, such as budget justifications.

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

There are no exceptions.