1SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION

Tribal Enrollment Count
OMB Control Number 1076-NEW

Terms of Clearance: New Collection.

Justification

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

The Bureau of Indian Affairs (BIA) is requesting an emergency, one-time collection to collect from each of the 574 federally recognized Tribes a total count of its enrolled members. This collection is necessary to equitably distribute funds appropriated under the American Rescue Plan, signed by President Biden on March 11, 2021. The BIA is seeking approval for this collection by March 31 in order to have time to collect the data and use the data in time to distribute funds by the deadlines established in the American Rescue Plan.

This information collection is essential to BIA's mission, as its general statutory authority for Indian Affairs matters for this collection under 25 U.S.C. 2 states:

> "§ 2. Duties of Commissioner The Commissioner of Indian Affairs shall... have the management of all Indian affairs and of all matters arising out of Indian relations."

Enrollment data is an important source of information which allows the Indian Affairs and other Federal agencies to equitably distribute resources because it is a quantifiable representation of a Tribe's population. Different population sizes generally require different levels of services and resources. BIA requests this information immediately to ensure effective, accurate, and timely distribution of assistance to respond to the coronavirus pandemic in Indian Country, as provided in the American Rescue Plan which was recently signed into law. Specifically, enrollment data will be a primary data source to inform Indian Affairs' allocation of $900 million in assistance to Tribal nations, as well as $19 billion to be distributed by the Department of the Treasury. Timely collection is especially critical as Treasury must allocate their funding within 60 days of enactment of the American Rescue Plan.

BIA cannot reasonably comply with the normal clearance procedures under this part because the coronavirus pandemic and appropriated financial assistance were unanticipated events, and the use of normal clearance procedures would prevent collection of the information in time for it to be used in allocating the appropriated financial assistance.

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.

IA requests this information immediately to ensure effective, accurate and timely distribution of assistance to respond to coronavirus in Indian Country as provided in the American Rescue Plan which was recently signed into law. Specifically, enrollment data will likely be a key primary data source to inform BIA's allocation of $900 million in assistance to tribal nations, as well as $19 billion to be distributed by the Department of the Treasury. Timely collection is especially critical as Treasury must allocate their funding within 60 days of enactment of the American Rescue Plan.

The Department of Housing and Urban Development (HUD) has maintained a dataset (i.e., the NAHASDA dataset) which is updated with tribal enrollment data. While the NAHASDA dataset is currently a good available source of enrollment data, the enrollment numbers are not always current since some tribes do not update their enrollment numbers with HUD every year. HUD supports BIA's collection of enrollment data for purposes of ensuring that American Rescue Plan funding resources are distributed equitably. Treasury collected data once from tribes to support the CARES Act Coronavirus Relief Fund allocation of funding, however, submission of data was a voluntary, one-time collection effort and the data is incomplete.

The information to be collected is a count of the number of individuals enrolled with the Tribe. The collection does not ask for personal details of any member(s), nor does the collection ask for the data to be disaggregated in any way

Respondents to this information collection are Tribal governments. Given the importance of receiving assistance to respond to COVID-19 and related economic impacts, Indian Affairs expects high response rate with complete responses, given that we are asking for just one aggregated number from each tribe. If any tribes refuse to respond, Indian Affairs would use the best available information for that particular tribe, likely from HUD's NAHASDA data set.

Data Collection and Verification Process
Authorized BIA field staff in the BIA Regions that directly service the Tribes will collect Tribal enrollment data through a certification form that will be administered by designated BIA Regional staff.

We will collect the necessary information in a format that includes a signature from the Tribal Chairman.

For the "Tribal Enrollment" Form, we ask…	So that we can…
For the name of the Tribe	Link the enrollment number to the correct tribe.
For the total number of individuals on official rolls	Guarantee accurate and timely distribution of funds.

BIA will collect this information by providing a standard form to Tribes. Once each Tribe receives the form, an authorized Tribal government official is requested to complete, endorse, and return the form within 7-10 days. The forms may be returned to BIA by mail, email, or fax.

Once received by BIA (Regions), the certified forms will be reviewed for signature and verified as an authorized submission on behalf of the Tribe.

Once reviewed for reasonableness by BIA (Regions) based on all available data and knowledge of tribal governments by regional specialists, the form will be uploaded into a secured folder. When all submissions are received, an automated download of information to a master spreadsheet will be completed.

The Master Spreadsheet of enrollment information will be stored in a separate secure folder to ensure limited access to the final product.

Data Sharing
Enrollment data is expected to be shared with Department of the Treasury and Department of Housing and Urban Development. Depending on the outcome of tribal consultation it could be published online. BIA is preparing data sharing agreements to be entered into with Treasury and HUD, to ensure proper use of data.

This information collection would better conform to DOI guidelines designed to ensure and maximize the quality, objectivity, utility, and integrity of information distributed by Bureaus because it would allow BIA access to the most updated, accurate information possible.
We are taking steps to ensure the designation of authorized certifiers of the data being provided to allow for verification of all submissions. We are limiting access to the collected information and are using Risk Acceptance and Authorization of use forms for all that will have access. We are ensuring the secure storage of data by limiting access and are outlining in advance the authorized uses of data and will have agreements in place for the agencies outside of Indian Affairs that will use the data.

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.

BIA will provide electronic copies of the collection form via email as well as hard copies by traditional mail to each Tribe. The Tribes will have the option of completing the form electronically or by hand and returning the form via email, fax, or traditional mail. This choice has been made to provide maximum flexibility for Tribes, allowing for Tribes with limited internet access to complete and return the form in an accessible medium.

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 Housing and Urban Development (HUD) has maintained a dataset (i.e., the NAHASDA dataset) which is updated with tribal enrollment data. While the NAHASDA dataset is currently a good available source of enrollment data, the enrollment numbers are not always current since some tribes do not update their enrollment numbers with HUD every year. HUD supports BIA's collection of enrollment data for purposes of ensuring that American Rescue Plan funding resources are distributed equitably. Treasury collected data once from tribes to support the CARES Act Coronavirus Relief Fund allocation of funding, however, submission of data was a voluntary, one-time collection effort and the data is incomplete.

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

This information collection does not impact small businesses or other small entities.

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 BIA does not collect the information, then distributions would have to rely on inaccurate data which does not properly reflect current tribal enrollment numbers when such numbers are a consideration in program allocations. The inaccuracies could lead to legal actions if tribal shares of funding are severely impacted.

This collection is necessary to avoid the risk of making decisions on data that is not accurate. Enrollments numbers are based upon deaths, births and applications, so the numbers are in a constant state of flux. Updating/verification of data will allow a set point of time for all Federally recognized Tribes to have the opportunity to ensure the Federal government has accurate information and that all Tribes are treated equitably to have this opportunity as of a set date. The litigation potential of not using update enrollment data appears to be high. For example, the Department of the Treasury is currently facing litigation in *Shawnee Tribe v. Yellen*, (Case No. 20-cv-1999 (D.D.C.), in which the tribe is challenging Treasury's use of population data which indicated Shawnee tribe's population is zero.

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.**

The Tribes are requested to respond to the information collection in fewer than 30 days, due to the nature of this emergency collection and so that the Department can finalize the funding strategy for American Recovery Act funds designated for Tribes.

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 may preclude consultation in a specific situation. These circumstances should be explained.

This is an emergency, one-time collection. Indian Affairs conducted three consultation sessions with tribes, on March 25, 26, and 29, 2021, in which one of the topics is collection of tribal enrollment data. Tribes were nearly unanimously supportive of the data collection because it will ensure that the Federal Government relies on more accurate enrollment counts, as Tribes know their enrollment counts best. At least one Tribe stated that the form was straightforward, and no Tribes expressed any concerns about the form. In addition, Indian Affairs is seeking comment for 30 days on the information collection.

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

We will 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. Information is collected and protected in accordance with the Privacy Act (5 U.S.C. § 552a) and 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.

We do not ask questions of a sensitive nature. The methods for collecting the data are designed to collect only the information requested, reducing the potential for receiving, storing, processing, or reporting sensitive data including Personally Identifiable Information (PII).

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 estimate that there will be approximately 574 respondents and approximately 574 responses annually. Tribes generally maintain a list of their members in the course of their regular business. We estimate that it will take each respondent one hour to complete the form, taking in to account the amount of time it will take a Tribal employee to research the information, fill in the form, and transmit the form to BIA, totaling 574 annual burden hours.

We estimate the total dollar value of the annual burden hours for this collection to be **$33,235** (574 hours x $57.90 rounded). To obtain the hourly rate, BIA used $57.90 ($38.60 and a 1.5 benefits multiplier), the wages and salaries figure for civilian workers from BLS Release USDL-21-0437, 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.

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, 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.

We have not identified any non-hour cost burden associated with this collection.

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 that the annual cost to the Federal government is **$39,308**. The hourly salary figure of $67.33 is based on the Salary Table 2021-GS and includes a 1.6 multiplier for benefits. *See* 2021 General Schedule (Rest of United States) https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS_h.aspx.

Activity	Grade/ Step	Hourly Rate	Hourly Rate w/ Benefits (x 1.6)	Total Responses	Time per Response (hours)	Total Annual Hours	Annual Cost
Sending out forms and collecting data	GS-12/05	$ 42.80	$68.48	574	1	574	$39,308

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

We don't have an analysis of the exact savings. This collection consolidates and eliminates duplication of ad hoc efforts across the government, with a net reduction in burden for the Tribes. However, in order to include this, we would have to produce current collection estimates.

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.

It appears that enrollment data would be considered discoverable in a FOIA request. During consultation with tribes, we discussed with them the possibility of sharing this data with other Federal agencies. No Tribal representative expressed any objection to this sharing the data among Federal agencies, but one Tribal representative stated a preference that the information not be discoverable under FOIA.

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 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.