

**1SUPPORTING STATEMENT A  
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**Indian Land Title and Records, 25 CFR 150**

**OMB Control Number 1076-0196**

**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 Bureau of Indian Affairs (BIA) Land Title and Records Office (LTRO) maintains title documents for land that the United States holds in trust or restricted status for individual Indians or Tribes (Indian land), much like counties and other localities maintain title documents for fee land within their jurisdictions. Several Acts authorize BIA maintenance of these title records. See, e.g., 25 U.S.C. 5, 9; 64 Stat. 1262; 34 Stat. 137; 35 Stat. 312; and 38 Stat. 582, 598. Individuals or entities that are requesting information regarding title documents – either for property they own or for property they seek to lease or encumber – must provide certain information to the LTRO in order for LTRO to accurately identify the property for which they are seeking information.

Each LTRO records land title documents that are primarily within its designated geographic area; however, it is BIA's vision that eventually, all title documents will be electronically stored and accessible to LTROs regardless of geographic area.

**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.**

LTRO uses the information provided by individuals or entities in order to identify the property so that they can retrieve the appropriate title documents and produce reports for that property.

The collection of information is found in § 150.305, which provides that anyone requesting title documents or reports must provide one of the following items of information:

- If someone is inquiring about their own interest in the tract, then their name and date of birth, or identification number; or
- The name of the reservation where the land is located and the tract number or legal description; or
- The Agency name and the tract number or legal description; or
- A legal description of the tract; or
- A title document number pertaining to the tract; or
- The allotment number including the Tribe or land area code; or
- The name of the original allottee.

LTRO maintains title documents primarily through an electronic system: the Trust Asset Accounting Management System (TAAMS). LTRO can retrieve information only if it has one of

the above items of information to pinpoint the property that is the subject of the request.

Individuals or entities who are leasing, using, or consolidating Indian land, or are applying to lease, use, or consolidate Indian land must also provide LTRO with a document showing that they are leasing, using, consolidating or applying to lease, use, or consolidate Indian land. Examples of such documents would be a lease or lease application. LTRO uses this information to confirm that the individuals have the right to obtain the information, in accordance with 25 U.S.C. 2216(e)(3).

**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 accepts the information in hard copy (in person or by mail) or by email. BIA then emails the scanned images to the LTRO for entry into the electronic system.

**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.**

There is no duplication. The information requested is site- and activity-specific. In some cases, the BIA agency office will already have the information necessary to obtain the LTRO document or report because a respondent provided the information as part of an application for a realty transaction or probate under other OMB Control Numbers (e.g., OMB Control No. 1076-0100, Trust Acquisitions; 1076-0155, Leases and Permits; 1076-0181, Rights-of-Way; 1076-0169, Probate of Trust Property Estates). To the extent information is otherwise available in the agency, because it was already submitted through under another OMB Control No., then the agency, rather than the respondent, would provide that information to the LTRO.

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

Some entities who seek to lease or use Indian land may be small entities, such as small businesses; however, there is no significant economic impact on a substantial number of small entities. The information collected is information that the entity will have readily on hand when seeking information from the LTRO.

**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 information collection burden cannot be reduced any further because the information is collected only on an as-needed basis.

**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.

This information collection does not involve any of these special circumstances.

**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.**

On December 11, 2020, we published a proposed rule (85 FR 79965) and requested comments on this information collection. While no comments directly addressed the cost and hour burden of the information collection, the following comments addressed those portions of the rule containing the information collection:

- A title insurance company commenter requested that the regulations precisely address any forms needed to authorize access to title documents. (See 07-First American Title Insurance Company, p. 3)
  - o No change to the information collection was made in response to this comment because LTRO does not have any forms for accessing title documents; instead, BIA agency realty staff will contact LTRO by email to obtain the appropriate title documents and reports, and work with the requestor and LTRO.
- A Tribe stated that the regulations should specify that any person or entity seeking records based on applying to lease, use, or consolidate Indian land must also be required to submit written proof of consent for the disclosure by the owners of the Indian land or Tribe with jurisdiction. (See 13-Navajo Nation, pp. 1-2)
  - o No change to the information collection was made in response to this comment because, in practice, the BIA agency realty staff serves as the gatekeeper and works with anyone seeking to lease, use, or consolidate Indian land to obtain the necessary title documents or reports from LTRO for the transaction.
- A Tribe commented that if they were to charge fees in carrying out LTRO functions under its self-governance compact, that they should not be bound by Federal standards because those standards are out of touch with "rush" orders and other

- demands. (See 04-Salt River Pima Maricopa Indian Community, p. 2)
- o No change to the information collection was made in response to this comment. In fulfilling Federal functions as an LTRO, Tribes are bound by Federal regulations and statutes.
  - Another Tribe commented that the fee schedule is outdated and not representative of geographical differences and recommended that BIA authorize LTRO offices to develop their own fee schedules that are indexed to CPI and account for geographical differences. (See 05-Agua Caliente pp 5-6)
    - o No change to the information collection was made in response to this comment. The final rule continues to use the fee schedule established at 43 CFR part 2, Appendix A, for consistency across the Department, to avoid “forum shopping” for the lowest fees and for administrative efficiency to prevent each of the 12 LTRO offices from having to individually publish and update their fees.
  - A Tribe opposed charging a fee to a Tribe with jurisdiction to obtain copies of records concerning land under its jurisdiction. (See 13-Navajo Nation, p. 2)
    - o No change to the information collection was made in response to this comment because the original estimates assumed only members of the private sector would be charged.
  - A title insurance company commented that paying for documents adds another hurdle for development by increasing the expense of doing business in Indian County. (See 07-First American Title Insurance Company, p. 3)
    - o No change to the information collection was made in response to this comment. The fees required under this rule are nominal and are an expected cost of doing business, given that companies charge for title searches and counties and localities often charge fees, as well.

**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.**

We contacted several individuals who have provided information to the LTRO in the course of their jobs, to obtain Indian land title records, to obtain their views on the availability of data, frequency of collection, the clarity of instructions and on the data elements reported. The owner of Caddo County Abstract Company Inc., in Anadarko, Oklahoma stated:

- The data she had to provide to BIA was just the right amount
- The instructions regarding what data you have to provide to BIA are very clear
- It has not taken longer than ½ hour to collect the data to provide to BIA.

A private citizen in Missouri who has provided information to obtain title information for will preparation stated that BIA’s service was “excellent” and had recommendations for improvements on the availability of data, frequency of collection, clarity of instructions or data elements. Although many attempts were made to get additional feedback during outreach, BIA was only able to get the two responses to the outreach.

**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). We maintain the information in a secure System of Records, Trust Asset and Accounting Management System—Interior, BIA-04 (79 FR 68292).

**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 estimate that there will be approximately 36 respondents annually and approximately 36 responses annually, totaling 19 annual burden hours. The completion time for each information collection varies as shown in Table 12.1 below.

Note: These estimates capture only the respondents who are seeking documents or reports directly from the LTRO and therefore have to provide the information to LTRO. In other cases, the BIA agency office will already have the information necessary to obtain the LTRO document or report because the individual or entity provided the information as part of an application for a realty transaction or probate under other OMB Control Numbers (e.g., OMB Control No. 1076-0100, Trust Acquisitions; 1076-0155, Leases and Permits; 1076-0181, Rights-of-Way; 1076-0169, Probate of Trust Property Estates)

We estimate the total dollar value of the annual burden hours for this collection to be \$735 (rounded). We used the Bureau of Labor Statistics news release USDL-1232, June 18, 2020, Employer Costs for Employee Compensation—March 2020, to calculate the total annual burden (See <https://www.bls.gov/news.release/pdf/ecec.pdf>). Table 1 of that release lists the hourly rates for all workers as:

- Individuals – \$37.73, including benefits.
- Private Sector – \$35.24, including benefits.
- Government – \$52.45, including benefits.

**Table 12.1**

| Respondent   | Activity  | Annual No. of Respondents | Number of Submissions Each | Total Annual Responses | Avg. Time per Response (hours) | Total Annual Burden Hours* | Hourly Labor Costs Incl. Benefits | Dollar Value of Annual Burden Hours |
|--|-----------|---------------------------|----------------------------|------------------------|--------------------------------|----------------------------|-----------------------------------|-------------------------------------|
| <b>Information to Obtain LTRO Document or Report</b> |           |                           |                            |                        |                                |                            |                                   |                                     |
| Individuals  | Reporting | 5                         | 1                          | 5                      | 0.5                            | 3 (rounded)                | \$ 37.73                          | \$ 94.33                            |
| Private Sector                                       | Reporting | 20                        | 1                          | 20                     | 0.5                            | 10                         | \$ 35.24                          | \$ 352.40                           |
| Government   | Reporting | 11                        | 1                          | 11                     | 0.5                            | 6 (rounded)                | \$ 52.45                          | \$ 288.48                           |
| <b>Totals:</b>                                       |           | <b>36</b>                 |                            | <b>36</b>              |                                | <b>19</b>                  |                                   | <b>\$ 735.20</b>                    |

**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.

The information collection will not require the purchase of any capital equipment nor create any

start-up costs because no equipment purchase is contemplated. Any computers and software used to complete this information collection are part of the respondent's customary and usual business practices.

The information collection does include a fee when the requestor is a representative of the private sector (as opposed to an individual requesting information about their own property) and when the fee total for responding to the request exceeds \$50 (the Department does not collect fees less than \$50) (see 43 CFR § 2.37(g)). We estimate that approximately 5 requests each year will be so voluminous as to exceed \$50 and thereby prompt BIA to charge fees, and estimate that the total of such fees will only amount to approximately \$500 annually.

**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 to administer this information collection is \$12,119 (rounded). To determine average hourly rates, we used Office of Personnel Management Salary Table 2021-RUS as an average nationwide rate (See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/RUS_h.pdf)).

This hour burden includes careful checking of all records to ensure that none of the information has changed because of new liens, updated title, land records, possible probates.

| Activity   | Grade/ Step | Hourly Rate | Hourly Rate w/ Benefits (x 1.6) | Total Responses | Time per Response (hours) | Total Annual Hours | Annual Cost      |
|--|-------------|-------------|---------------------------------|-----------------|---------------------------|--------------------|------------------|
| Review information provided to identify the correct property | GS-12/05    | \$ 42.08    | \$ 67.33                        | 36              | 5                         | 180                | \$ 12,119        |
| <b>Total</b>   |             |             |                                 |                 |                           |                    | <b>\$ 12,119</b> |

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

This is an information collection that is in existence without approval. This information collection is associated with revisions to regulations that have not been updated since prior to the 1994 enactment of the Paperwork Reduction Act.

**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.**

There are no plans for publication of the results of these information collections.

**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.