

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

**Tribal Enrollment Count  
OMB Control Number 1076-0197**

**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) is requesting to reinstate a previously approved information collection. This data will assist Federal agencies in developing distribution formulas for funds under annual appropriations, Inflation Reduction Act of 2022 (P. L. 117-169), or Infrastructure Investment and Jobs Act (P.L. 117-58).

On August 16, 2022, President Biden signed the Inflation Reduction Act of 2022 which includes transformational investments that will address the climate crisis, lower costs for working families, and create good-paying jobs. There are several provisions in the law that make historic investments in the Interior Department. Combined with the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law), these two initiatives represent the largest investments in climate resilience in the nation's history and provide a once-in-a-generation opportunity for the work of the Interior Department.

The purpose of this collection is to collect enrollment data from each of the federally recognized Tribes. This collection is necessary to support decisions regarding the allocation of funds and services to Tribes by the Interior Department (and other Federal agencies) with funds specific to the Tribes. It will provide more accurate Tribal enrollment numbers as received from the Tribe—rather than from a third-party data collection effort.

The authority for this information collection:

- 25 U.S.C. 2, Duties of Commissioner
- Infrastructure Investment and Jobs Act (Public Law 117-58), aka The Bipartisan Infrastructure Law.
- Inflation Reduction Act of 2022 (Public Law 117-169).

**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.**

Respondents to this information collection are Tribal governments.

The information to be collected is a count of the number of individuals enrolled with the

Federally recognized 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.

IA utilized the information collected in 2021 to serve as a key foundation for distribution of funds specific to addressing the CV pandemic. This data was also shared with the Department of Treasury to assist in its distribution of funds on a more equitable, accurate and timely basis. Tribes were supportive of providing this data, as they recognized the impact of the data on the distribution of appropriated funds targeted for Tribes.

### 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.

The BIA will collect the necessary information in a format that requires a signature from the authorized Tribal Chairman.

<b>For the “Tribal Enrollment” Form, we ask...</b>	<b>So that we can...</b>
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. The form must be completed and endorsed by the authorized Tribal government official. The forms may be returned to the BIA by mail, email, or fax.

Once received by the 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 the 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 confidentially with requesting sister agencies, such as the Department of Energy, the Department of the Treasury, and the Department of Housing and Urban Development. BIA will ensure Tribal data is appropriately managed by sister agencies.

**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 BIA will provide electronic copies of the collection form via email as well as hard copies by traditional mail to each Federally recognized 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 to their designated regional contact. 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.**

There is no duplication. The information requested is not otherwise available in the agency or throughout the Federal government.

**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 the BIA does not collect the information, then distributions would have to rely on incomplete data. This collection is necessary to avoid the risk of making decisions on data that is not accurate. Tribal enrollments numbers are based upon deaths, births and applications, so the numbers are in a constant state of flux. Updating/verification of data annually 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.

**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.

**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.**

The BIA conducted a Tribal consultation on collection of enrollment data on June 8, 2022. Comments received during the consultation included:

- Support for ongoing collection of total enrollment data
- Feedback that the data collection process used in FY 2021 for American Rescue Plan distributions worked well.
- Support for sharing data with other federal agencies to support funding allocations.
- Did not support making enrollment data publicly available online.
- Reiterated importance of respecting tribal data sovereignty.

One Tribe proposed including Tribal Governments in the Census Bureau's Census of Government.

The BIA appreciates these comments and is moving forward with collection of enrollment data. Additionally, we will ensure the data are appropriately managed as suggested by the Tribes.

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

The BIA 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.**

The BIA does 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.**

The BIA does not ask questions of a sensitive nature. The methods for collecting the data are designed to collect only the information required, 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.**

The BIA estimates the total dollar value of the annual burden hours for this collection to be \$23,477 (574 hours x \$40.90).

The BIA estimates 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. The BIA estimates 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 the BIA, totaling 574 annual burden hours

The BIA used \$40.90 from BLS Release USDL-22-1176 (March 2022). See <https://www.bls.gov/news.release/pdf/ecec.pdf> at Table 2, Employer Costs for Employee Compensation— Civilian workers.

Requirement	Average Number of Annual Responses	Average Number of Responses Each	Average Number of Annual Responses	Average Completion Time per Response (hour)	Estimated Annual Burden Hours	Hourly Rate	\$ Value of Annual Burden Hours
Reporting	574	1	574	1	574	\$40.90	\$23,477
Recordkeeping				0	0	\$40.90	\$0
<b>Totals:</b>	<b>574</b>		<b>574</b>		<b>574</b>		<b>\$23,477</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 BIA has 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.**

The BIA estimates that the annual cost to the Federal government is **\$24,739**. The BIA used \$43.10 listed on the Locality Pay Table for the Rest of the United for a GS-12 step 5. See [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/RUS_h.pdf) effective January 2022.

Activity	Grade/Step	Hourly Rate	Total Responses	Time per Response (hours)	Total Annual Hours	Annual Cost
Sending out forms and collecting data	GS-12/05	\$43.10	574	1	574	\$24,739

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

There are no changes or adjustments beyond the updates made to the BLS and OPM salary data contained in Sections 12 and 14. Changes in burden estimates were due to salary increases from the Bureau of Labor and Statistics and the Federal government.

**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.**

During consultation with Tribes, a few Tribal stakeholders indicated they did not want BIA to publish the enrollment data online for purposes of transparency. BIA will ensure Tribal data is appropriately managed by sister agencies.

**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 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.