

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

**Use of Bureau-Operated Schools by Third Parties, 25 CFR 48**

**OMB Control Number 1076-0187**

**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 Education (BIE) established standards for the appropriate use of lands and facilities by third parties at 25 CFR 48 to carry out the provisions of the following public laws: Public Law 112-74, § 115 (Consolidated Appropriations Act, 2012), as amended by Public Laws 113-235 (Consolidated and Further Continuing Appropriations Act, 2015), and 114-113 (Consolidated Appropriations Act, 2016).

These standards address the following: the execution of lease agreements; the establishment and administration of mechanisms for the acceptance of consideration for the use and benefit of a Bureau-operated school; the assurance of ethical conduct; and monitoring the amount and terms of consideration received, the manner in which the consideration is used, and any results achieved by such use.

**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.**

BIE uses the information it collects to determine whether or not a lease may be approved or granted, the value of such lease(s), the appropriate consideration a Bureau-operated school can accept, the penalties, if any, that should be assessed for violations of leases, and whether or not a lessee may assign, sublease, or mortgage a lease. The information is also be used to monitor the results achieved by the use of funds received from leases.

Subpart A of 25 CFR 48 (§§ 48.1 through 48.5) provides general provisions. Subpart B (§§ 48.101 through 48.119), addresses leasing of Bureau-operated facilities and contains substantive provisions that require information collection.

Most of the information is collected at the time a lease document is proposed for BIE approval, except for penalties; information regarding violations of leases; and requests to assign, sublease, or mortgage a lease which are collected on an as needed basis. The following chart shows these information collection requirements and how BIE uses the information.

<b>CFR Cite</b>	<b>Information Collection Requirement</b>	<b>BIE Use of Information</b>
48.105	Provisions of leases and the	BIE uses this information to

48.106	construction of permanent improvements under the lease	determine if a facility may be leased, what standards the Director will use to determine whether to enter into a lease, and to monitor the results achieved by the use of funds received from leases.
48.117	Violations of leases	BIE uses this information to determine if a violation has been cured, if the violation has been disputed, or if the lessee requests additional time to cure the violation.
48.119	Assignments, subleases, and mortgages of leases	BIE uses this information to determine whether a lease should be assigned, subleased, or mortgaged.

Additionally, subsection C of the final rule addresses fundraising activities and the acceptance of donations by Bureau personnel on behalf of Bureau-operated schools. The fundraising and donation acceptance allowed in 25 CFR 48.206 of the proposed rule is already covered in the Department of Interior's Donor Certification Form (DI-3680), OMB# 1090-0009. This subpart limits the types of fundraising an employee may conduct to ensure fundraising maintains the school's integrity, the Bureau's impartiality, and public confidence in the school.

**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.**

To the extent respondents provide information in written form, BIE accepts the information via e-mail to reduce burden on respondents. We estimate that most (60%) respondents who provide information in written form will do so electronically (by email).

**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 and is not otherwise available in the agency.

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

Some lessees may be small entities, such as small businesses or non-profits seeking to hold events on school property; however, there is no significant economic impact on a substantial number of small entities. The information collection burden under this program is limited further by the fact that information is generally collected only when it is needed.

**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 without the integrity of the leasing program being jeopardized. Information is collected, as needed, when Bureau-operated schools want to enter into leases for the benefit of the respective school. If the collection is not conducted, or is conducted less frequently, the BIE will not be able to properly administer and monitor the use of Bureau-operated schools by third parties under lease agreements.

**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.

Section 48.117(a)(1) requires an exception to 5 CFR 1320.5(d)(2). This section requires that violations of a lease must be responded to within 10 business days of the receipt of a notice of violation. It is important for the program to address lease violations in an expeditious manner to ensure that the BIE facilities are being productively utilized by third-parties. Additionally, this time frame is similar to other unrelated lease violation requirements that Bureau of Indian Affairs regulates. There are no other exceptions in this information collection.

**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.**

We published a notice in the Federal Register on January 5, 2023 (88 FR 879). 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.

BIE requested feedback from 9 individuals. Users indicated the information collection was necessary and the burden estimates were reasonable.

**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 will maintain the information in a secure System of Records, which is in the process of being approved for publication through our Bureau Privacy Officer.

**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 the total dollar value of the annual burden hours for this collection to be **\$3,181**.

We estimate that there will be on average, approximately 17 respondents and approximately 24 responses annually, totaling 68 annual burden hours. To obtain these hourly rates BIE the BLS Release USDL-23-2567, Employer Costs for Employee Compensation—September 2023, at <https://www.bls.gov/news.release/pdf/ecec.pdf>:

- *Individuals/Civilians* at \$43.93, including benefits.
- *Private Sector Employee* at \$41.53, including benefits.
- *Tribal, State, or Local Government Employee* at \$59.90, including benefits.

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>Leases</b>								
Individuals	Reporting	2	1	2	3	6	\$43.93	\$264
Private Sector	Reporting	10	1	10	3	30	\$41.53	\$1,246
Government	Reporting	5	1	5	3	15	\$59.90	\$899
<b>Covered improvements (subset of respondents above)</b>								
Individuals	Reporting	--	--	--	--	--	\$43.93	\$0
Private Sector	Reporting	2	1	2	3	6	\$41.53	\$249
Government	Reporting	1	1	1	3	3	\$59.90	\$180
<b>Response to Notice of Violation (subset of respondents above)</b>								
Individuals	Reporting	1	1	1	1	1	\$43.93	\$44
Private Sector	Reporting	1	1	1	1	1	\$41.53	\$42
Government	Reporting	--	--	--	--	--	\$59.90	\$0
<b>Assignments/Subleases/Mortgages (subset of respondents above)</b>								
Individuals	Reporting	1	1	1	3	3	\$43.93	\$132
Private Sector	Reporting	1	1	1	3	3	\$41.53	\$125
Government	Reporting	--	--	--	--	--	\$59.90	\$0
<b>Totals:</b>		<b>17</b>		<b>24</b>		<b>68</b>		<b>\$3,181</b>

The fundraising and donation acceptance allowed in 25 CFR 48.206 of the information collection is already covered in the Department of Interior’s Donor Certification Form (DI-3680), OMB# 1090-0009. The program anticipates approximately 25 donations as a part of this information collection. The burden associated with this information collection is incorporated into the burden for the currently approved OMB 1090-0009 collection, with expiration of 07/31/2025.

**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 does 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.

**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 **\$7,323**.

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. Salary estimates were based on the General Schedule 2024, located at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/24Tables/html/RUS_h.aspx).

- *DOI Staff:* The estimated average salary for Federal government performing duties at the GS-14, Step 6 level. The salary associated with this grade and step is \$68.31/hour. This salary was further multiplied by 1.6 to cover benefits, for a total loaded rate of \$109.30/hour.
- *BIE Staff:* The estimated average salary for Federal government performing these duties is at the GS-12, Step 5 (\$47.22/hour) level. This salary was further multiplied by 1.6 to cover benefits, for a total loaded rate of \$75.55/hour.

Activity	Grade/ Step	Loaded Rate	Total Responses	Time per Response (hours)	Total Annual Hours	Value of Annual Burden Hours
<b>DOI Staff</b>						
Information Collection Clearance	GS-14/06	\$109.30	N/A	N/A	20	\$2,186
<b>BIE Staff</b>						
Review provisions of leases and the construction of permanent improvements under the lease (businesses)	GS-12/05	\$75.55	17	3	51	\$3,853
Review provisions of leases and the construction of permanent	GS-12/05	\$75.55	3	3	9	\$680

improvements under the lease (individuals)						
Address violations of leases	GS-12/05	\$75.55	2	3	6	\$453
Address assignments, subleases, and mortgages of leases	GS-12/05	\$75.55	2	1	2	\$151
<b>Total</b>					<b>88</b>	<b>\$7,323</b>

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

Updates were made to the Bureau of Labor Statistics (BLS) and Office of Personnel Management (OPM) compensation data contained in Sections 12 and 14.

**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.