

## **SUPPORTING STATEMENT FOR ELIGIBILITY QUESTIONNAIRE FOR HAVANA ACT PAYMENTS**

### **A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) in August 2015 to provide Tribes access to national crime information systems for both criminal justice and non-criminal justice purposes. TAP allows Tribes to more effectively serve and protect their nation's citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems. By the end of fiscal year 2024, TAP will have 132 participating Tribes with over 400 deployed Tribal criminal justice and non-criminal justice agencies. The service provides software to enable Tribes to access national crime information databases and/or a kiosk-workstation that provides the ability to submit and query fingerprint-based transactions via FBI's Next Generation Identification (NGI) for both criminal and non-criminal justice purposes.

In order to make informed decisions about participation in TAP, the Department of Justice has developed an application for use by federally recognized Tribes interested in participating in TAP. The application includes information about current challenges to access that the Tribe is facing as well as information and data about the current level of access and participation in national crime information systems. The application will enable Tribes to think comprehensively about their needs for TAP as well as their planned usage of the information systems. In addition, the Department of Justice will improve decision making during the selection process when increased TAP participation is possible.

**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.**

While the Violence Against Women Act of 2005 (VAWA) and the Tribal Law and Order Act of 2010 (TLOA) require the Attorney General to ensure that Tribal law enforcement officials who meet applicable federal or state requirements be permitted access to national crime information databases, the reality is that the ability of Tribes to fully participate in national criminal justice information sharing via state networks depends upon various regulations, statutes, and policies of the states in which a Tribe's land is located. As a result, the Department of Justice (DOJ) repeatedly has heard from Tribes that they face barriers to accessing and entering information into national crime information databases. In August 2015, DOJ initiated the Tribal Access Program for National Crime Information (TAP) to address these barriers. The DOJ Office of the Chief Information Officer (OCIO) operates TAP, but in reality, it is a collaboration between

OCIO, DOJ's Office of Tribal Justice (OTJ), DOJ's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), FBI's Criminal Justice Information Systems Division (CJIS), DOJ's Office of Community Oriented Policing Services (COPS), DOJ's Office for Victims of Crime, DOJ's Office on Violence Against Women (OVW), and the Tribes themselves. TAP consists of three primary elements: access, technology, and training. Access to national crime information databases is provided via the OCIO, which acts as the CJIS Systems Agency (CSA) for Tribes unable or unwilling to access CJIS-managed services through state networks. Tribes participating in TAP receive an integrated workstation that includes a computer, fingerprint/palmprint scanner, integrated camera (for mugshots and photographs of scars, marks and tattoos); flatbed scanner (for capture of inked fingerprint cards); a printer; and an optional ruggedized kiosk cabinet. The three software applications on the workstation provide access to over half a dozen criminal information databases including the National Crime Information Center (NCIC); FBI's fingerprint and biometric system, Next Generation Identification (NGI); the national repository of criminal histories, the Interstate Identification Index (III); and the International Justice and Public Safety Network (Nlets). TAP also provides Tribes on-site training as well as access to an online Training and Learning portal containing training videos, job aids, fact sheets, and certification tests for CJIS Awareness Training and NCIC usage. The Department of Justice also offers TAP-LIGHT, under the umbrella of TAP. TAP-LIGHT provides access to a web-based application that offers full access (both query and entry capabilities) to national crime information databases such as National Crime Information Center (NCIC), the Interstate Identification Index (III) and the International Justice and Public Safety Network (Nlets).

The TAP application is designed to enable Tribes interested in participating in TAP to provide information regarding their points of contact, planned uses for TAP, current access capabilities, and acknowledge DOJ conditions around participating in the program. Development and refinement of the application involved working across all federal stakeholders to design an application that meets everyone's needs while minimizing the burden for the applicants. Under this request, the DOJ will request that federally recognized Tribes interested in participating in TAP complete the application. The next solicitation of interest in TAP is expected to occur in the Summer of 2024. Although we do not know the specific Tribes that may submit an application, we have made estimates on the level of interest in participating based on past experience with TAP, and this is reflected in our overall burden estimates. Pending funding availability, DOJ would expect future solicitations of interest to expand TAP in 2024 and beyond.

**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.**

To reduce burden, the application process allows respondents submit their application electronically via 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 A.2 above.**

Efforts were made to minimize the burden on respondents. In designing the application questions were carefully considered and efforts were made to avoid duplication. Only information and data that is essential to convey the current access, planned uses, contact information and acknowledgements are included.

The estimated average time required to complete the application is 60 minutes per respondent.

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

There is no significant impact on small business or other private 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.**

The collection will only occur when an open period for TAP participation is available and selections of new participating Tribes are made. A less frequent collection is not possible.

**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 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 secret, 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 would influence the collection of information pertaining to the TAP application and surveys.

**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 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 3 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 60-Day Notice was published in the Federal Register on March 15, 2021 (86 FR 14339). The comment period ended on May 14, 2021. No comments were received.

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

No government funds will be used as payment or for gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Confidentiality is not required in the processing of this information collection.

**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.**

No questions will be asked that are of a personal or sensitive nature. The Department of Justice is committed to protecting the confidentiality of individual respondents. An Information Collection Request–Privacy Assessment has been completed with the DOJ Office of Privacy and Civil Liberties that determined that a privacy notice is not required.

**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. General, 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.**
- **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. Instead, this cost should be included in Item 14.**

**Estimated Annualized Respondent Cost and Hour Burden**

<b>Activity</b>	<b>Number of Respondents</b>	<b>Frequency</b>	<b>Total Annual Responses</b>	<b>Time Per Response</b>	<b>Total Annual Burden (Hours)</b>	<b>Hourly Rate*</b>	<b>Monetized Value of Respondent Time</b>
TAP Application	50	1	50	1 hour	50	\$47.56 <sup>1</sup>	\$2,378.00

<sup>1</sup> US Bureau of Labor Statistics Division of Occupational Employment, 11-3011 Administrative Services Manager, <https://www.bls.gov/oes/current/oes113011.htm> (May 2016).

<i>Unduplicated Totals</i>	50		50		50	0	\$2,378.00
----------------------------	----	--	----	--	----	---	------------

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **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 service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. 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.**

Completing the TAP application will not generate any costs other than those associated with the respondents' time. Therefore, the direct cost of the application and surveys is \$0.00.

**14. Provide estimates of the 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), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

The Department of Justice will administer this process with existing personnel thus there is no estimated cost to the federal government.

**15. Explain the reasons for any program changes or adjustments.**

A non-material change request was submitted for minor grammatical edits, and minor edits to the instructions.

**16. For collections of information whose results will be published, outline plans for tabulations, 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 Department of Justice will not produce any publications based on this information collection.

**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 are requesting no exemption.

**18. Explain each exception to the certification statement.**

This collection of information does not include any exceptions to the certificate statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

This collection does not contain statistical data.