



October 17, 2014

The purpose of this email is to provide an initial response to September 26, 2014 notice by the Bureau of Indian Affairs (BIA) that revised 477 reporting forms have been submitted to the Office of Management and Budget (OMB) for approval. *See* 79 Fed. Reg. 57969 (Sep. 26, 2014). (The notice of draft forms subject to comment was published on February 21, 2014. *See* 79 Fed. Reg. 9915 (Feb. 21, 2014)). The notice provides information about where to find the proposed forms and requests that additional comments on the forms be provided to OMB by October 27, 2014.

On behalf of the 477 Tribal Work Group and its member tribes, I object to the manner and content of the notice and request that the notice be republished, or that the comment period be extended, for the reasons outlined below.

First, the notice does not provide correct information regarding the proposed new forms, and does not provide access to all information necessary for tribes to be able to respond to the notice. The notice states that the information collection documents can be reviewed online at reginfo.gov by following instructions to review Department of the Interior collections. However, there are no clear directions or instructions at that site that enable easy access to the documents. I obtained copies of the documents by other means, only to discover that they include documents that are obsolete and apparently not intended to be part of the information collection package. The statistical report identified as 1076-0135 that is referenced on the website was in use prior to 1999. It was revised at that time to include three categories of participants: adults, youth, and cash assistance. There have been minor changes made since then.

Second, the notice states that “a detailed copy of the comments and responses” can be seen at bia.gov, but that site only contains an outline summary of responses, and does not provide access to the extensive tribal comments from which they were drawn. Additionally, the notice states that the BIA received 7 comments on the proposed forms. Our information is that there were additional comments were filed (9 or more). My request to the BIA for copies of the comments to be placed on the website as the Federal Register indicated was not honored. In order for the 477 Tribal Work Group and its member tribes to provide meaningful comments, the BIA must publish or post the correct forms that will be used, and the 477 tribes must be provided access to the complete set of comments filed in response to the original notice, as well as the BIA’s detailed responses to those comments.

Third, the notice does not address the status of OMB Circular A-133, and how that will be replaced for auditing purposes under the new forms. We assume the current moratorium on use of A-133 with regard to reporting under existing forms will continue until 2017. However, the tribes cannot properly evaluate the terms of the new forms or how they will be used without knowing how A-133 will be replaced.

Fourth, the response to the tribal comments indicates that the 'new' revised financial form will replace SF-425. This is an incorrect reference. The 477 reporting forms that are in use currently, include an SF269a (aka IA7703).

In addition, the short time of 30 days provided for review and comment is not adequate to address concerns raised by the forms. The DOI took 6 nearly months to respond to comments, and has revised the forms in light of the comments. With the concern that the referenced number of comments (7), do not reflect the count of which we are aware, and the non-response to the request to post the comments in full as indicated in the federal register or address the concern with the incorrect number of respondents, it is impossible to provide adequate response.

The 477 tribes need additional time to respond to the new proposed forms. In view of the errors in the September 26 notice regarding the specific forms which will be used, the misinformation and difficulty in locating the approved forms currently in use at reginfo.gov, and the BIA's failure to provide access to the complete comments and proposed responses, we request that the notice be republished with adequate documentation and that it provide additional time for 477 tribes to access the data and respond with appropriate comments before OMB approves the forms. The September 26 notice provides that the forms will be transitioned into use during a period up to 2017. Under these circumstances, the additional time necessary to republish the notice with appropriate documents and provide opportunity to comment is warranted.

With concern,



Margaret Zientek

Co-Chair P.L. 102-477 TWG