

# SUPPORTING STATEMENT

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*OMB NO. 1530-0003*

*FS Form 133, Notice of Reclamation*

*Direct Deposit, Electronic Funds Transfer, Federal Recurring Payment*

## **A. Justifications**

- 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 Bureau of the Fiscal Service (Fiscal Service) is charged with reclaiming post-death payments sent through the Automated Clearing House to Federal benefit recipients after their date of death. When a Federal Program Agency (FPA) learns of the death of one of their beneficiaries receiving Federal benefits, it determines whether there were any electronic payments issued after the date of death. If there are, they notify the Fiscal Service by initiating a non-entitlement death claim. This action starts the reclamation process and includes the generation, mailing and processing of the FS Form 133 form to the Financial Institution (FI). The FI has 60 days to return the funds that were mistakenly issued to the deceased beneficiary. There are certain steps the FI needs to take within 60 days to limit the amount of their liability. However, if the FI fails to take action to limit their liability within the 60 day period, they are sent a copy of FS Form 135, Request for Debit, Electronic Funds Transfer, Federal Recurring Payments, to notify them that their Federal Reserve account was debited for the amount of outstanding payments. It is important to note that as a result of automation in 2004, FMS no longer mails the FS Form 135 debit request form to the servicing Federal Reserve Banks (FRB). The process is centrally administered by the FRB.

In summation the FS Form 133 is the form utilized to notify FIs of their obligation to repay payments erroneously issued to a Federal benefit payment recipient post-death, and the FS Form 135 is the form that summarizes the details of a debit transaction to a FI's FRB account related to an FS Form 133.

The process for Federal Government Reclamation is outlined in 5 U.S.C. 301; 12 U.S.C. 391 Title 31, U.S.C.; Chapter II, Subchapter A, Part 210.

- 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.**

The information would be used by Treasury to close out the request from the program agency to collect (an) EFT payment(s) from the FI to which a beneficiary was not

entitled. If the collection of information was not conducted it would result in enormous financial losses to the federal government.

- 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.**

Financial institutions vary greatly in size. The Fiscal Service has provided the Centralized Reclamation Application (CRA) which allows three options for receipt of FS Form 133. Those options are via paper, Connect Direct (secure electronic method) and secure email. Financial Institutions have begun to utilize these electronic options. The forms were designed as simple as possible to facilitate completion by both Treasury Regional Financial Center (RFC) personnel and FI personnel, yet cover all needed information.

- 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.**

Forms are computer generated. Treasury's system is programmed to only generate forms on those cases having no previous actions. Internal controls have also been established in the form of individual case folders.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 or OMB Form 83-1), describe any methods used to minimize burden.**

All efforts were made to talk with small businesses prior to development of the subject forms to minimize the burden on them. The forms have been under continual review over the years of use and have undergone revisions when 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.**

Frequency of collection cannot be controlled because information is requested on a reactionary basis initiated by the program agency.

- 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; etc.**

As described in answer 6 above, information is requested on a reactionary basis initiated by the program agency, not an annual, semi-annual, quarterly or any other regularly timed basis.

Regulations require financial institutions to respond to FMS within 60 days after receipt of form. Recipients return one copy of the form.

There is nothing in Federal Regulations which requires the financial institution to retain the form for a specified period of time. Once the transaction has been completed, the financial institution may choose to retain or destroy the form in accordance with their policies.

- 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.**

The Bureau's notice was published in the Federal Register on July 24, 2015, page 44195. No comments were received.

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

There are no payments or gifts made to respondents.

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

Aside from protections contained in the Privacy Act, there is no guarantee of confidentiality.

- 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.**

There are no questions of a sensitive nature. A minimal amount of Personally Identifiable Information (PII) in this collection is necessary in order to properly research the claim of nonreceipt. An applicable System of Records Notice for this information was published October 15, 2012. System of Records Name: Treasury/FMS.006 – Direct Deposit Enrollment Records—Treasury/FMS.

**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.**

The estimated time for a financial institution to complete the FMS-133 is estimated time at approximately 8 minutes per claim.

The respondent figures represent the number of operating FIs in the United States. Nationwide, there are 26,895 routing and transit numbers active, which are all potential respondents to non-receipt claims.

The table below reflects the burden associated with FMS-133:

No. of Respondents	No. of Responses Per Respondent	Total Annual Responses	Hours Per Response	Total Burden
26,895	8.296	396,674	0.13	79,335

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

As a result of conversations with several of financial institutions it has been determined that there are no additional capital or start-up costs associated with this information requirement. The information provided by the financial institutions is information that is already available on most financial transactions processed during usual business practices. There is no operational or maintenance costs associated with this information collection.

**14. Provide estimates of annualized costs 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. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Annualized cost to Federal Government is estimated at \$1,236,250.15. The cost is based on the following:

Labor -	1 FTE @ GS-4/5 + Benefits	\$ 11,083.47
	3 FTE @ GS-6/5 + Benefits	40,511.38
	6 FTE @ GS-6/5 + Benefits	335,619.65
	2 FTE @ GS-7/5 + Benefits	106,469.81
	5 FTE @ GS-7/5 + Benefits	310,805.04
	1 FTE @ GS-9/5 + Benefits	29,783.89

Supervisor-	2 FTE @ GS-7/5 + Benefits	\$ 26,640.43
	2 FTE @ GS-8/5 + Benefits	117,903.80
	1 FTE @ GS-12/5 + Benefits	63,807.34
	1 FTE @GS-12/5 + Benefits	27,567.18
	1 FTE @ GS-13/5 + Benefits	32,781.84
Forms		\$ 35,100.00
Postage		<u>\$ 98,176.32</u>
		\$1,236,250.15

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-1I.**

There are no changes or adjustments reported.

**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.**

The results of the collection of this information will not be published for statistical use.

**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 believe the public interest will be better served by not printing an expiration date on the form.

Printing the expiration date on the form will result in increased costs because of the need to replace inventories that become obsolete by passage of the expiration date each time OMB approval is needed. Without printing the expiration date, supplies of the form could continue to be used.

Not printing the expiration date on the form will also avoid confusion among users who may have identical forms with different expiration dates in their possession.

For the above reasons, we request authorization to omit printing the expiration date on this form.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

There are no exceptions to the certification statement.

**B. Collections of Information Employing Statistical Methods**

**The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked, “Yes,” the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:**

Collection of information does not use statistical methods.