

## **Supporting Statement**

### **“Trust Funds for Tribes and Individual Indians, 25 CFR 115”**

**OMB Control Number 1035-0004**

**Terms of Clearance:** None

#### **General Instructions**

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

#### **Specific Instructions**

#### **Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Office of the Special Trustee for American Indians (OST) carries out fiduciary responsibilities of the Federal Government toward individual Indians and Tribes. The American Indian Trust Fund Management Reform Act of 1994 (Reform Act), codified as 25 U.S.C. 4001, directs the Secretary of the Interior to establish guidelines to carry out trust duties on behalf of Indian account holders. Included within these duties are managing and administering trust funds exclusively for individual Indians and Tribes, who are the beneficiaries of these funds.

The administration of Tribal trust fund accounts is detailed in 25 CFR 1200 and Subpart G of 25 CFR 115. Tribal accounts are not the subject of this information collection. This collection pertains only to individual Indian account holders and the information necessary to manage and administer their trust fund accounts. Individual Indian Money (IIM) trust fund accounts are emphasized in 25 CFR 115.

In order to establish and maintain IIM accounts for individual Indian beneficiaries, OST must regularly collect from account holders the type of information normally required by banks and other financial institutions. Pertinent information includes: (1) name, (2) address, (3) telephone number, (4) date of birth, (5) email address, and (6) Social Security Number. Additionally, this collection seeks to obtain disbursement instructions from account holders.

There are circumstances which require OST, together with the Bureau of Indian Affairs, to

collect information from third parties, who substantiate a legal interest in particular accounts. Examples are: (1) legal guardian of an account holder who is a minor child, and (2) recipient of child support (when awarded by a court of competent jurisdiction that has legally attached the IIM account as the source for payment). Correspondingly, OST complies with instructions from an account holder when a request is made to initiate a hearing to challenge restrictions imposed on his or her account by a third party.

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.

All of the information collected is used to manage and administer accounts established for the respective beneficiaries.

The information sought by this collection is used to manage and administer IIM accounts for individual account holders/beneficiaries. The primary purposes served by the information collection are: (1) authorization for disbursement of trust funds from an IIM account, (2) change of address for an IIM account holder, and (3) issuing a statement of performance.

#### **Question Justification:**

Question 1 requests the account holder's IIM Account Number or Tribal ID Number (if known). This is needed to identify an existing account when changing disbursement instructions or address information.

Question 2 requests the account holder's Legal Name, and Other Names Used (maiden name or Also Known As) or other names by which he or she may already be identified in the IIM system. This verifies the identity of the individual and prevents the establishment of duplicate accounts for the same individual.

Question 3 requests the account holder's Date of Birth and Social Security Number. These are needed to legally and uniquely identify the individual, since more than one account holder may have the same name.

Question 4 requests the account holder's Telephone Numbers and Email Address. These are needed to permit OST to immediately communicate with the account holder.

Question 5 requests that the account holder identify his or her preference with respect to disbursement options. An account holder is offered seven alternatives for the disbursement of funds, which include: (1) Automatically disburse all funds in the account, or (2) Specific instructions to disburse the funds, or (3) No Current Disbursements or (4) One-Time Disbursement or (5) Scheduled Disbursements of Account Balance (6) Other - I request that my IIM funds be disbursed as follows: or (7) Third Party Payment.

The account holder is provided a variety of options regarding the payment schedule that he or she may elect. This information is needed in order to facilitate an account holder's access to funds on deposit in his or her trust fund account.

Question 6 requests the account holder to choose a Method of Payment for disbursements from his or her IIM account. The account holder may select one of the following methods: (1) Direct

Deposit to checking or savings account, (2) OST Debit card, or (3) Check. Bank account information is also requested from the account holder who directs disbursements to be made from his or her IIM account to his or her personal bank account. The response to this question is needed in order to effect the disbursement option selected in response to question 5. New information collected in this section includes the ability to indicate the means by which notification of a disbursement by Automated Clearing House (ACH) will be sent.

Question 7 requests the account holder's Mailing Address and asks the account holder to indicate if the address is new. This enables OST to deliver by postal mail periodic statements of account to the account holder or for other bona fide business reasons, as necessitated by account activity.

Question 8 requests the account holder's signature or mark and the date the signature or mark is affixed to the form. This verifies the identity of the account holder and authenticates the instructions he or she placed on the form. The date is needed to establish the precise date the account holder's signature is affixed to the form.

Question 9 requests information to identify a witness to the account holder's signature or mark, as well as the date the signature or mark is affixed to the form. This information is needed to verify the identity of the account holder. The date is needed to establish when the activity in both question 8 and question 9 are recorded.

The remainder of the form is used to record information provided directly to OST staff by an account holder or someone legitimately acting on behalf of the account holder. These instances most often occur when the form is completed in response to a toll-free telephone call placed by the account holder, or the legal guardian or a person designated as Power of Attorney, who conducts business on the account holder's behalf. In these instances, the latter portion of the form is filled in by an OST employee.

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.

Account holders/beneficiaries may gain access to this collection instrument using the following URL: [http://www.doi.gov/ost/individual\\_beneficiaries/forms.cfm](http://www.doi.gov/ost/individual_beneficiaries/forms.cfm). The Department of the Interior's website provides a link to the OST website. Select Forms on the left hand side under the Individual Beneficiaries heading. The collection will then appear as a [fillable] form, and is ready to be completed (filled out) by the account holder. The document must then be printed so that signatures can be affixed. Currently there is no mechanism in place that allows the information to be electronically submitted to OST.

OST operates the Trust Beneficiary Call Center (Call Center), and has for the past eleven years extensively publicized the toll-free telephone number of the Call Center. The toll-free number appears on the OST website and on the collection document. The toll-free number permits beneficiaries the opportunity to provide OST with disbursement instructions and to effect changes of address via telephone. During its hours of operation, which includes Saturday

mornings, designated OST staff continually responds over the toll-free line(s) to requests from beneficiaries. As information is reported to the Call Center it is entered into the ServiceManager Database. These efforts have been successful in reducing the time required to complete the form, and consequently the burden on the public required to use the form. The vast majority of information received from beneficiaries is collected by the Call Center via the toll-free telephone line(s).

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.

OST is the only federal agency authorized to oversee trust fund accounts for individual Indians and Tribes and the Trust Funds Accounting System (TFAS) is considered to be the system of record. While other federal agencies may manage assets held in trust by the United States on behalf of individual Indians and Tribes, the accounting aspect for the trust funds lies exclusively with the OST.

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 involve small businesses or other small entities; it only applies to individual Indians.

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 Federal Government has a fiduciary obligation to establish and maintain trust funds for the benefit of individual Indians and Tribes. The information in this collection is the minimum required to establish and manage individual Indian trust fund accounts administered by OST. If the information is not collected, account holders would have no way of gaining access to their funds. The frequency of collecting the information is dependent upon the needs of the account holders for access to funds in existing accounts.

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.

None of these special circumstances apply to 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.

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.

A Federal Register notice soliciting public comments on the information collection was initially published on March 21, 2016 (81 FR 15120). No comments were received from the public in response to this notice, nor were comments received in response to the Paperwork Reduction Act statement associated with the collection for the three previous years.

In FY'15 OST Field Operations responded to a total of 342,247 beneficiary contacts of which the Call Center responded to 236,053 beneficiary contacts. 229,469 (97%) of these contacts were via the toll free telephone number. The remaining contacts were made via USPS, Walk-In, FAX and Email.

OST contacted seven individuals, but only three responded for the purpose of filling out the information collection in hardcopy paper format to validate the estimates of the time required to respond to it. The respondents are members of the following Tribes: Seminole Nation of Oklahoma, Doyon Region of Alaska, and Kiowa-Comanche-Apache. All respondents indicated that they had no problem with the collection of information and understood the information has practical utility for the proper performance of OST. Two-thirds of the respondents indicated that OST's filling out and completing the paper form was not difficult or a burden on them. One-third indicated there was a slight concern in filling out and completing the paper form, on the

portion about the method of payment, otherwise, not a burden to complete it. Most respondents indicated that the estimated amount of time to complete the form of approximately 15 minutes was accurate and agreed that the estimated amount of time is reasonable. Minimal response indicated that it did not take much longer than the estimated amount of time to complete the form since they had to read it carefully. Most respondents indicated that if the form were available to complete and submit electronically, they would like that. Minimal response indicated that the paper form method is preferred since they do not use the computer.

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

No payment or gifts are given to respondents.

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

This collection contains information that is covered by the Privacy Act of 1974, as amended and in the following system of records within the Office of the Secretary: OS--02, "Individual Indian Money (IIM) Trust Funds." In accordance with the Privacy Act and OST policy, beneficiaries are afforded confidentiality with respect to their trust fund accounts. Information obtained in this information collection is shared only with OST staff whose duties require access to trust fund account information. OST will not disclose any record containing such information without the written consent of the respondent except for the following: (1) it is needed to be sent to appropriate agencies, courts or parties for legal actions, (2) to the Department of Treasury so that it can make disbursements, (3) to the Internal Revenue Service for legally required reporting, (4) to appropriate agencies or law enforcement bodies concerning a specific potential violation of a statute or regulation, (5) to agencies or appropriate parties in the event of a breach for remediation purposes, (6) or to a party such as Congress to answer inquiries filed by the account holder. Other examples of those who may request this information are: (7) Individual Indian trust account holders, their heirs, guardians, or agents (8) Contractors, but only after ensuring that all provisions of the Privacy Act, the Trade Secrets Act, the Indian Minerals Development Act, and all other applicable laws, regulations, and policies relating to contracting and security are met, who:

(a) provide trust and other services to beneficiaries;

(b) provide, use, operate or facilitate various components of the system;

(c) service and maintain the system for the Department.

Collection of a beneficiary's Social Security Number is authorized by 31 U.S.C. 7701. The primary use of information is for managing the collection, investment, distribution, and disbursement of income derived from trust resources, disclosing to account holders via quarterly statements and upon request the status of their accounts, and for the management of trust fund programs. The authority for maintenance of the system, and basis for confidentiality is found at 25 U.S.C. 116, 117 (a) (b) (c), 118, 119, 120, 121, 151, 159, 161 (a), 162 (a), 4011, and 4043

(b) (2) (B).

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 posed by this collection of information. The type of personal information requested, which does include date of birth and Social Security Number, serves as a means of establishing and verifying the identity of account holders. These collections are common to standard applications encountered by beneficiaries when establishing accounts with commercial banking institutions.

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.

As discussed above in response to question 8, estimates of the burden hours of the collection of information are based on electronic logs created by OST staff who respond to the toll-free telephone line(s) and Field Operations staff who collect information directly from respondents and fill out the collection instrument on their behalf, which on average takes ¼ hour per request.

Currently there are approximately 417,822 individual IIM account holders. In FY'15 OST Field Operations Beneficiary Call Center and Agency staff responded to a total of 74,905 beneficiary requests for an account update to provide information to change his or her disbursement instructions or to change his or her address of record. Based on a current burden estimate of 15 minutes per response, the total burden on the public is expected to be 18,726 hours.

The average dollar value of the time of IIM account holders is estimated at \$31.70 including benefits. This value is based on the average hourly earnings of all private industry workers (Table 5) March 2016 as released by the Bureau of Labor Statistics. Based on this the annual burden cost to the public is: 74,905 requests \* ¼ hour per request \* \$31.70 per hours = \$593,622 per year.

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 and 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.

There is no additional annual cost burden for respondents in providing the information covered by these information collections. All of the information provided is either readily or customarily available to respondents, such as legal address of IIM account holders, or generated in the customary course of doing business, such as a legal order from a court of competent jurisdiction awarding child support from an IIM account.

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.

OST's estimate of the annualized cost to the Federal government is based upon the salary rate of a GS 7, step 2, government employee, at a rate of \$19.82 per hour, adjusted for benefits at a rate of 1.6, or \$31.71. Based on this the annual cost to the Federal Government is: 74,905 requests \* ¼ hour per request \* \$31.71 per hour = \$593,809 per year.

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



The total burden hours requested in the submission of this information collection total 18,726. This number represents a decrease in burden of 55,038 hours from the number of hours previously approved, which was 135,797.

The reason for the decrease in the burden hours of this information collection is the previous estimation was based on all individual IIM account holders responding every year. OST has updated their estimate to reflect the actual number of documented OST contacts with beneficiaries during FY'15, who requested account updates.

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.

OST has no plans to publish the information collected.

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.

OST will show the OMB Control Number and expiration date on the approved form.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions requested for the certification statement.