

SUPPORTING STATEMENT FOR REPRESENTATIVE PAYMENT POLICIES AND ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS OR WITHHOLDING OF INFORMATION

20 CFR 404.2035(d)-(f), 404.2065, 408.665, 416.635(d)-(f), 416.665

RIN 0960-AG09

OMB No. 0960-NEW*

*** NOTE:** Please note that when we submitted this regulation to OMB at the NPRM stage in 2005, we were instructed to re-submit for clearance at the FR stage and to use the reference number 0960-0714, although the public reporting burdens for the regulation were not approved at that time.

A. Justification

1. The Social Security Protection Act (SSPA), Public Law 108-203, amends representative payment policies by providing additional safeguards for Social Security beneficiaries whose benefits are paid to representative payees. Selected sections of *20 CFR 404* and *416* of the *Code of Federal Regulations* are being changed to reflect the new provisions of the SSPA. Of these amended regulations, sections *20 CFR 404.2035(d)-(f)*, *404.2065*, *408.665*, *416.635(d)-(f)*, and *416.665* contain public reporting requirements. Sections *205 (j)-(k)*, *1631(a)(2)*, and *807* of the *Social Security Act* give the Social Security Administration (SSA) the authority to collect the information required by these newly revised regulation sections.
2. Sections *20 CFR 404.2035(d)-(f)* and *416.635 (d)-(f)* contain the following information collection requirements:

The following three regulation sections apply to representative payees for beneficiaries of **Federal Old-Age, Survivors, and Disability Insurance** and **Special Benefits for Certain WWII Veterans**:

- **404.2035(d)** - Representative payees are required to notify SSA of any event or change in their circumstances would impact the amount of benefits they receive, their right to receive benefits, or how they receive them.
- **404.2035(e), 404.2065, 408.665** – When asked to do so by SSA, representative payees are required to submit a written report accounting for the benefits received on their behalf, and make all supporting records available for review.
- **404.2035(f)** - Representative payees must notify SSA of any change in his/her circumstances that would affect performance of his/her payee responsibilities.

The following three regulation sections apply to representative payees of **Supplemental Security Income for the Aged, Blind, and Disabled** beneficiaries:

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- **416.635(d)** - Representative payees are required to notify SSA of any event or change in their circumstances would impact the amount of benefits they receive, their right to receive benefits, or how they receive them.
- **416.635(e), 416.665** - When asked to do so by SSA, representative payees are required to submit a written report accounting for the benefits received on their behalf, and make all supporting records available for review.
- **416.635(f)** - Representative payees must notify SSA of any change in his/her circumstances that would affect performance of his/her payee responsibilities.

The information will be used by SSA to comply with the new requirements of representative payees mandated by the SSPA.

3. Some of the information required by these regulation sections is collected by existing forms: in those cases, the information may be collected electronically under the aegis of the Government Paperwork Elimination Act (GPEA). Where information is not collected by an existing form, new electronic means of collecting the information will not be implemented under GPEA due to low volume of usage and Agency resources.
4. The nature of the information being requested, and the manner in which it is collected, preclude duplication. There is no other form in use by SSA which collects this information.
5. This collection could impact small businesses which act as representative payees. However, any impact is expected to be minimal.
6. If the information were not collected, SSA would have no means of tracking representative payees, which could result in overpayments, underpayments, or even the elimination of the representative payee program, a service required by many SSA beneficiaries. Since the information is only collected when a change in circumstances warrants it, it cannot be collected less frequently.

There are no technical or legal obstacles that prevent burden reduction.

7. There are no special circumstances that would cause this information collection to be conducted in a manner inconsistent with 5 CFR 1320.5.
8. The Federal Register Notice for the Notice of Proposed Rulemaking for these revised regulations was published on October 17, 2005, at 70 FR 60251. There have been no outside consultations with the public. Of the multiple comments submitted in response to this Notice, none address issues related to the Paperwork Reduction Act.

The Federal Register Notice for the Final Rules for these revised regulations was published on October 18, 2006, at 71 FR 61403.

9. SSA provides no payment or gifts to the respondents.
10. The information collected on this form is protected and held confidential in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974), and OMB Circular No. A-130.
11. The information collection does not contain any questions of a sensitive nature.
12. The chart below indicates the number of respondents, completion time, and burden hours for these regulation sections. The total burden is reflected as burden hours, and no separate cost burden has been calculated.

Regulation Section	Number of Respondents	Completion Time	Burden Hours
404.2035(d)	550,000	.083	45,650
404.2035(e), 404.2065, 408.665	-	-	1 (covered by existing form)
404.2035(f)	5,500	.083	457
416.635(d)	300,000	.083	24,900
416.635(e), 416.665	-	-	1 (covered by existing form)
416.635(f)	3,000	.083	249
Total	858,500	-	71,258

13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government for the collection of this information is accounted for in the existing ICRs for forms which are used to cover these regulation sections. The cost for collecting information not accounted for by other forms is unknown at this time.
15. The revised regulations will increase the public reporting burden.
16. The results of the information collection will not be published.
17. We are not requesting an exemption to display the OMB expiration date.
18. SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. Justification

Statistical methods are not used for this information collection.

