

Supporting Statement for Fugitive Felon Matching

20 CFR 404.471 & 416.1339

OMB No. 0960-NEW

A. Justification

1. *Sections 202(x) and 1611(e)(4) of the Social Security Act (the Act)* and regulations proposed by the Commissioner of Social Security (the Commissioner) to revise *20 CFR 404.471 and 416.1339* that would provide that a person may not receive a benefit under title II and will not be eligible under title XVI for any month he or she is avoiding prosecution for a felony, is avoiding confinement or conviction of a felony, or is violating a condition of probation or parole. In jurisdictions that do not define crimes as felonies this nonpayment/ineligibility applies to any crime that is punishable by death or imprisonment for more than one year, regardless of the actual sentence imposed. We interpret section 1611(e) (4) of the Act to mean that a person is “fleeing to avoid prosecution, custody, or confinement” when a person has an outstanding warrant for his or her arrest, even if that person is unaware of that warrant.
2. SSA has entered agreements with the FBI’s National Crime Information Center (NCIC), the U.S. Marshall Service, 21 individual States, Washington D.C., and four metropolitan law enforcement agencies under which these law enforcement agencies submit outstanding felony and parole/probation violator warrants to SSA. SSA uses the reports of outstanding warrants as the basis for stopping payments under titles II & XVI.
3. Law enforcement agencies furnish SSA electronic files/records that identify individuals who come under the definition of fugitive felons or probation or parole violators. Records submitted monthly, or at such other frequency agreed upon.

SSA matches these data files against SSA’s Master Files of Social Security Number Holders and SSN Applications and Supplemental Security Income Record (SSR) and Master Beneficiary Record (MBR) and Representative Payee System (RPS) to identify certain fugitive felons, parole, or probation violators who are receiving titles II and/or XVI payments as a recipient/beneficiary or fugitive felons serving as a representative payee for an SSI recipient or RSDI beneficiary.

4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. Approximately 55,000 SSI recipients' and RSDI beneficiaries' payments are suspended each year as a result of these matches. If the information collection is not conducted or is conducted less frequently, these individuals would receive benefits they are not due.

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

7. Per the agreement, law enforcement agencies may report information to SSA as frequently as monthly. There are no other special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on September 18, 2006, at 71 FR 54705, and SSA has received no public comments. The second Notice was published on March 29, 2007, at 72 FR 14845, and to date SSA has received no public comments.

There have been no outside consultations with members of the public.

9. SSA provides no payment or gifts to the respondents.
10. The information requested 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. Listed below is the burden hour estimate for the Fugitive Felon Computer Matching Agreement collection Activity:

Collection Instrument	Number of Respondents	Frequency of Response	Average Burden per Response	Total Annual Burden
Fugitive Felon Screens	28	7	1 ¹ hr	196 hours
Model Agreement	10	1	12 hours	120 hours
	38			306 hours

The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to the respondents.
14. The overall cost to the Federal Government to collect the Prisoner information is negligible. The cost-benefit analysis conducted as a result of our experience in FY 2001 shows estimated program savings of \$29M, costs of \$6.1M with a return on investment of 4.8 to 1. (See attached Supplementary CBA.)
15. This is a new information collection that will increase SSA's overall public reporting burden.
16. The results of the information collection will not be published.
17. We are not requesting an exception to the requirement to display an 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. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.

¹ The 1-hour submission time is an average estimate. Please see Article VI of the model Agreement which defines the steps necessary to complete a submission under the Prisoner matching agreement.