

Supporting Statement for Prisoner Matching Agreements

20 CFR 404.468 & 416.211

0960-NEW

A. Justification

1. *Section 202(x) of the Social Security Act (the Act)* and regulations at *20 CFR 404.468* preclude a person from receiving a benefit under title II for any month during which such individual is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense or because he/she is not-guilty by reason of insanity.

According to *Section 1611(e) of the Act* and regulations at *20 CFR 416.211*, no person shall be an eligible individual or eligible spouse for title XVI with respect to any month if throughout such month he is an inmate of a public institution.

2. SSA has entered into agreements with the Federal Bureau of Prisons, along with State and local correctional facilities, to submit monthly prisoner reports to SSA. We match these reports against SSA's files to identify incarcerated individuals receiving Social Security and Supplemental Security Income (SSI) payments and take action to suspend their payments. SSA uses the reports of confinement as the basis for stopping payments under titles II & XVI.
3. Enforcing the non-payment provision for prisoners has been a high priority for SSA for many years. We have a process in place in which the Federal Bureau of Prisons and State and local correctional facilities and certain mental health institutions submit monthly prisoner reports to SSA.³ Reports can be submitted on paper listings and via electronic media. Most reports are made using an electronic format. We match these reports against SSA's files to identify incarcerated individuals receiving Social Security or SSI payments and take action to suspend their payments.
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.

³ See article III & IV of the sample agreement for a full description of the submittal and validation process.

5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. The prisoner matching process saves approximately \$500 million annually. If this information collection was not conducted or was conducted less frequently, this savings would not be realized.

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

7. Per the prisoner reporting agreements, jails, prisons, and correctional institutions 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. Section 202(X)(3)(B)(i)(II) and section 1611(e)(1)(I)(i)(II) provide for incentive payments from SSI program funds to State and local correctional and certain mental health institutions which report inmate information to SSA. Such institutions must enter an agreement to furnish SSA with inmate confinement and identifying information and the information must result in the suspension of SSI payments. The law authorizes payment to an institution for information about an inmate if the inmate was receiving a payment for the month that proceeds the first month throughout which the inmate is in the institution and becomes ineligible for such benefit.

SSA pays a reporting institution \$400 if the institution furnishes inmate information to SSA within 30 days after the date the individual is confined in the institution and \$200 if the institution furnishes the information after 30 days but before 90 days.⁴

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

⁴ See Article V of agreement and *Section 202(x) and 1611(e) of the Social Security Act for a complete description of the Incentive Payment Process.*

nature.

12. Listed below is the burden hour estimate for the Prisoner Computer Matching Agreement collection Activity:

Collection Instrument	Number of Respondent	Frequency of Response	Average Burden per Response	Estimated Annual Burden
Prisoner Matching Screens	3,000	12	1 hr. ⁵	36,000 hours
Model Agreement	10	1	12 hours	120 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. SSA's cost of maintaining the system which collects this information is established and accounted for within the cost of maintaining all of SSA's automated systems, and it is not possible to calculate the cost associated with for this one application. In addition, the prorated⁶ incentive payments SSA provides to reporting institutions for matched prisoner information is offset by the program saving achieved through the suspension of ineligible recipients.
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.

⁵ The 1-hour submission time is an average estimate. Please see Article III of the Sample Agreement which defines the steps necessary to complete a submission under the Prisoner matching agreement.

⁶ See article V of the Sample Agreement, Incentive Payment Process for a full description.

