

**Supporting Statement for
20 CFR Part 429, Subpart 100
Filing Claims Under the Federal Tort Claims Act
OMB No. 0960-0667**

A. Justification

1. The Federal Tort Claims Act, 28 U.S.C. 2671-2680 of the *United States Code* authorizes the collection of this information. One can also find it in the *Code of Federal Regulations*, 20 CFR 429.101-429.110.
2. SSA uses the information provided to investigate and determine whether to make an award, compromise, or settlement under the Federal Tort Claims Act. The Federal Tort Claims Act is the legal mechanism for compensating persons injured by negligent or wrongful acts of Federal employees committed within the scope of their employment. The United States, through the Federal Tort Claims Act, is responsible to injured persons for the common law torts of its employees; therefore, the Federal Tort Claims Act serves as the sole means for compensating persons injured by the tortuous conduct of Federal employees. In accordance with the law, SSA accepts claims filed under the Federal Tort Claims Act money damages against the United States for the following:
 - 20 CFR 429.102 - .103: Filing a Claim. To file a claim, a person must complete a Standard Form 95 or submit written notification of the incident accompanied by a claim for the money damages for damage to or loss of property believed to be caused by the incident.
 - 20 CFR 429.104 (a): Damage to or loss of property. To claim property damage, the individual may be required to submit the following types of evidence: proof of ownership; itemized statements of the amount claimed; statements listing purchase, purchase price, market value, and salvage value; or any other evidence bearing on the responsibility of the United States for the injury to or loss of property.
 - 20 CFR 429.104 (b): Personal injury. To claim personal injury, the individual must submit a written report from a physician explaining the nature and extent of injury as well as the prognosis as well as itemized bills for treatment expenses; and a statement of expected duration of and expenses for treatment. The individual may also need to submit a written statement from the individual's employer showing actual time lost from employment, or, if self-employed, documentary evidence showing the amount of earnings lost; or any other evidence bearing on the responsibility of the United States for the personal injury or damages claimed.

- 20 CFR 429.104 (c): Death that a negligent or wrongful act or omission on an SSA employee caused. To claim a death caused by an SSA employee, the claimant must submit evidence and information such as the following: an authenticated death certificate showing cause of death, date of death, and age at time of death; and the employment or occupation at time of death. We may also require information regarding the deceased's dependent survivors; the deceased's general health before death; itemized bills for medical and burial expenses; a physician's detailed statement specifying the injuries suffered and the deceased's physical condition; or any other evidence or information bearing on the responsibility of the United States for the death or damages claimed.

All of the above pertain to the claims individuals submit to the agency along with the appropriate evidence or information pertaining to their claims. Due to the nature of the Federal Tort Claims Act, the federal employee must cause the loss, damage, injury or death in the performance of his or her official duties, under circumstances in which the United States, if a private person, would be liable in accordance with the law of the place where the act or omission occurred.

If SSA denies the claim, before filing suit and before the expiration of the six-month period after the date of mailing the denial notice, the claimant may complete the following:

- 20 CFR 429.106 (b): File a written request with SSA for reconsideration. The individual must send this written request via certified or registered mail.

Those Agency employees who need the information in the scope of their official duties are the only ones who use the information to make decisions in accordance with the law. The respondents are individuals/entities making a claim under the Federal Tort Claims Act.

3. SSA collects the information through OMB-approved standard form(s), chiefly the SF-95. Because of the low volume of claims, and due to other agency priorities, SSA does not currently collect the information electronically.
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. If this information were not collected, SSA would not be in compliance with the law, and would not be able to investigate and determine whether to make an award, compromise, or settlement under the Federal Tort Claims Act. Therefore, it could not

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 that is not consistent with 5 CFR 1320.5.
8. The 60-day advance *Federal Register Notice* published on December 2, 2008, at 73 FR 73377, and SSA has received no public comments. The second Notice published on March 19, 2009 at 74 FR 11804. 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.

| SECTION | ANNUAL NUMBER OF RESPONSES | FREQUENCY OF RESPONSE | AVERAGE BURDEN PER RESPONSE (MINUTES) | ESTIMATED ANNUAL BURDEN HOURS |
|----------------------------------|----------------------------|-----------------------|---------------------------------------|-------------------------------|
| 429.102; 429.103 ¹ | 1 | - | - | 1 |
| 429.104(a) | 30 | 1 | 5 | 3 |
| 429.104(b) | 25 | 1 | 5 | 2 |
| 429.104(c) | 2 | 1 | 5 | 0 |
| 429.106(b) | 10 | 1 | 10 | 2 |
| Totals | 68 | | | 8 |

SSA reflects the total burden as burden hours, and has calculated no separate cost burden.

13. There is no known cost burden to the respondents.
14. The form is printed by the Department of Justice. SSA staff costs to collect the information are \$540 per year

¹ The 1 hour represents a placeholder burden. We are not reporting a burden for this collection because we did not want to double count the burden--respondents complete OMB-approved form SF-95.

15. The burden has increased by one hour. SSA believes that this is due to a change in the calculation of burden for 429.106(b). Previously we rounded the total burden for that citation down; however, ROCIS rounds it up increasing the burden.
16. SSA will not publish the results of the information collection.
17. SSA is 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. Collections of Information Employing Statistical Methods

Statistical methods are not used for this information collection.