

**Prohibition of Payment of SSI Benefits to Fugitive Felons and Parole/Probation  
Violators**

**OMB No. 0960-0617  
20 CFR 416.708(o)**

**A. Justification**

1. **Authoring Laws and Regulations** - Section 202(a) of Public Law 104-193, *the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, amended section 1611(e) of the *Social Security Act* to preclude eligibility for Supplemental Security Income (SSI) payments for certain fugitives and probation and parole violators. Section 1611(e)(4) of the *Act* provides:
  - that a person shall not be considered an eligible individual or eligible spouse for purposes of the SSI program for any month during which the person is fleeing to avoid prosecution for a crime, or an attempt to commit a crime,
  - which is a felony under the laws of the place from which the person flees (or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that State)
  - is fleeing to avoid custody or confinement after conviction for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees (or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that State)
  - is violating a condition of probation or parole imposed under Federal or State law.

Section 202(a) was effective August 22, 1996, the date of enactment of Public Law 104-193. Information reporting requirements are set forth in final rules set forth by the Commissioner at *20 CFR 416.708(o)*.

2. *Section 1611(e)(4)* of the *Social Security Act* precludes eligibility for SSI benefits for certain fugitives and probation/parole violators. SSA will use the information reported to deny eligibility, or suspend recipient's SSI payments. The respondents are SSI applicants/recipients or representative payees of SSI recipients who are reporting a recipient as a fugitive felon or probation/parole violator.
3. Contact with SSA is usually by telephone and the SSA Representative inputs the data into Modernized Supplemental Security Income Claims System (MSSICS). Due to extremely low volume, MSSICS is the only technology used.
4. The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to collect similar data.

5. This collection does not affect small businesses or other small entities.
6. If SSA did not collect the information, we would be non-compliant with the Federal Statutes. There are no technical or legal obstacles to burden reduction.
7. There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice published on March 23, 2009, at 74 FR 12170, and SSA received no public comments. The second Notice published on May 21, 2009, at 74 FR 23916. SSA did not consult members of the public in the development of this form.
9. SSA provides no payment or gifts to the respondents.
10. SSA protects and holds confidential the information it is requesting 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. SSA will collect information from approximately 1,000 respondents annually. The estimated average response time is 1 minute, resulting in 17 burden hours. The total burden represents burden hours, and SSA did not calculate a separate cost burden.
13. There is no known cost burden to the respondents.
14. The estimated cost to the Federal Government to collect the information is negligible. Because the cost of maintaining the system which collects this information is accounted for within the cost of maintaining all of SSA's automated systems, it is not possible to calculate the cost associated with just one Internet application.
15. There are no changes in the public reporting burden.
16. SSA will not publish the results of the information collection
17. OMB exempted SSA from the requirement to print the OMB approval expiration date on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). OMB granted this exemption so the agency would not have to discontinue using otherwise useable editions of forms with outdated expiration dates. In addition,

SSA avoids Government waste, because we will not have to destroy and reprint stocks of forms.

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**

SSA is not using statistical methods for this collection.