

Supporting Statement for SSA-640
Financial Disclosure for Civil Monetary Penalty (CMP) Debt
20 CFR 498
OMB No. 0960-NEW

A. Justification

1. Sections 1129 of the *Social Security Act* (the *Act*) govern the imposition of civil monetary penalties (CMP) and assessments for various fraudulent conduct related to SSA-administered programs. These sections state the methods by which the agency may collect the CMP. One such collection method is withholding the CMP amount from an individual's benefit payments. If the individual is not currently receiving benefits that SSA can withhold, SSA may ask to have an individual pay the CMP through an installment agreement. In order for SSA to determine a monthly repayment amount, the agency needs financial information from the individual. The policies for implementing Section 1129 of the *Act* are set forth in 20 CFR 498 of the *Code of Federal Regulations*.
2. Form SSA-640 obtains the information SSA needs to determine a monthly repayment rate. Respondents are individuals who have had a CMP imposed upon them and have not entered into any prior settlement agreement and are not currently receiving Social Security benefits.
3. Improved information technology that would reduce the burden is not available as this form contains personal financial information. Until more secure methods exist to safeguard respondents' personal information, we cannot make this form available electronically. Individuals have the option to call or visit SSA in order to request payment of the CMP in monthly installments. At that time, an SSA representative will send or give a copy of the SSA-640 to the individual.
4. The nature of the information SSA is collecting and the manner in which we are collecting it preclude duplication. There is another form used by SSA to collect similar information; however, SSA uses it for a different purpose. SSA's Office of General Counsel has advised the agency that there must be a CMP-specific financial information form.
5. This information collection does not impact small businesses or other small entities.
6. The collection must take place based upon the need of the applicant. If SSA did not collect the information, the agency may recover the CMP at a less than optimal rate. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause SSA to collect this information in a manner that is not consistent with 5 CFR 1320.5.

8. SSA published the 60-day advance Federal Register Notice on February 17, 2009 at 74 FR 7506, and SSA has received no public comments. We published the 30-day Notice on April 24, 2009, at 74 FR 18782. There have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. The information SSA is requesting 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. This information collection requests personal financial information. Although an individual's response is voluntary, he or she's failure to provide all or part of the requested information could prevent SSA from making an accurate and timely decision regarding a fair and equitable monthly payment amount the individual must pay in order to satisfy the CMP.

12. Form SSA-640 will be used by approximately 400 respondents annually. The estimated average response time is 2 hours for the 400 respondents who are requesting to pay a CMP in monthly installments, yielding a total of 800 burden hours

The total burden reflects burden hours; SSA has not calculated a separate cost burden.
13. There is no known cost burden to the respondents other than the agreed upon monthly payment to satisfy the CMP.
14. The annual cost to the Federal government is approximately \$4,312. This estimate is a projection of printing and distribution costs for the information collection.
15. This is a new information collection that will increase the public reporting burden.
16. SSA will not publish the results of the information collection.
17. OMB exempted SSA from publishing the expiration date for OMB approval on its forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB clearance. SSA does not periodically revise and reprint its public-use forms, (e.g., on an annual basis). OMB granted this exemption so that SSA would not have to stop using otherwise useable editions of forms with outdated expiration dates. In addition, we avoid government waste because we do 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 did not use statistical methods for this information collection.