

**SUPPORTING STATEMENT FOR REPRESENTATIVE PAYMENT POLICIES AND ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS OR WITHHOLDING OF INFORMATION**

**20 CFR 404.2035(d)/(f), 416.635(d)/(f)**

**OMB No. 0960-0740**

**A. Justification**

1. The Social Security Protection Act (SSPA), Public Law 108-203, amends representative payment policies by providing additional safeguards for Social Security beneficiaries who have representative payees to receive their benefits. Sections *20 CFR 404.2035(d)/(f)* and *416.635(d)/(f)* contain public reporting requirements to fulfill provisions of the SSPA. Sections *205 (j)-(k)*, *1631(a)(2)*, and *807* of the *Social Security Act* give the Social Security Administration (SSA) the authority to collect the information required by these regulation sections. This Information Collection Request (ICR) is a renewal without changes of these regulation sections.
2. Sections *20 CFR 404.2035(d)/(f)* and *416.635 (d)/(f)* contain the following information collection requirements:

The following regulation sections apply to representative payees for beneficiaries of **Federal Old-Age, Survivors, and Disability Insurance** and **Special Benefits for Certain WWII Veterans**:

- **404.2035(d)** - Representative payees must notify SSA of any event or change in their circumstances that would affect the amount of benefits they receive, their right to receive benefits, or how they receive them.
- **404.2035(f)** - Representative payees must notify SSA of any change in their circumstances that would affect their ability to perform their responsibilities.

The following regulation sections apply to representative payees of **Supplemental Security Income for the Aged, Blind, and Disabled** beneficiaries:

- **416.635(d)** - Representative payees must notify SSA of any event or change in their circumstances that would affect the amount of benefits they receive, their right to receive benefits, or how they receive them.
- **416.635(f)** - Representative payees must notify SSA of any change in their circumstances that would affect their ability to perform their responsibilities.

SSA will use the information mandated by the above regulation sections to ensure representative payees are meeting the safeguard requirements mandated by the SSPA.

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The agency does not have a prescribed form to collect this information: rather, if circumstances arise that require representative payees to submit this information, they can do so using any modality they wish, in addition to providing proof of the information they are submitting. There are many SSA field office screens used that can collect the type of information covered by these regulation sections. We are attaching sample screen shots in the IC section of our ROCIS submission.

3. Because SSA is not using a prescribed form to collect the information mandated by these regulation sections, we did not create an electronic version of the ICR under the agency's Government Paperwork Elimination Act plan. However, representative payees can come into a field office and report changes in person. During a live interview, SSA field office employees input these changes into the agency's Intranet system. Approximately 95% of respondents use this method.
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 obtain similar data.
5. This collection could affect small businesses or other small entities, if such groups are representative payees who must report the information mandated by the regulation sections in this ICR. However, since the reporting time is minimal, the impact of the ICR is limited.
6. If SSA did not collect the information required by these regulation sections, we would have no means of meeting SSPA mandates. In addition, SSA would lose a valuable means of tracking representative payee changes, resulting in possible overpayments or underpayments of benefits. Since we only collect the information when a change in the representative payee's situation warrants it, we cannot collect it less frequently.

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. SSA published the advance 60-day Federal Register Notice on August 19, 2009, at 74 FR 41959, and we did not receive any public comments. We published the 30-day Federal Register Notice on October 26, 2009, at 74 FR 55080. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB.

SSA did not consult with the public in the maintenance of this ICR.

9. SSA does not provide payments or gifts to the respondents (although we do provide payments to representative payees for the beneficiaries they represent).

10. SSA protects and holds confidential the information we are 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. This ICR does not contain any sensitive questions.
12. The chart below indicates the number of respondents, completion time, and burden hours for these regulation sections.

**Respondents via Paper/Mail-in Method:**

<b>Regulation Section</b>	<b>Number of Respondents</b>	<b>Completion Time (hours)</b>	<b>Burden Hours</b>
404.2035(d)	27,500	.083	2,282.5
404.2035(f)	275	.083	23
416.635(d)	15,000	.083	1,245
416.635(f)	150	.083	12
<b>Total</b>	42,925	-	<b>3,562.50</b>

**Respondents via Office Interview/Intranet:**

<b>Regulation Section</b>	<b>Number of Respondents</b>	<b>Completion Time (hours)</b>	<b>Burden Hours</b>
404.2035(d)	522,500	.083	43,367.5
404.2035(f)	5,225	.083	434
416.635(d)	285,000	.083	23,655
416.635(f)	2,850	.083	237
<b>Total</b>	815,575	-	<b>67,693.50</b>

The total combined burden across both modalities is **71,256 hours**. This figure represents burden hours, and we did not calculate a separate cost burden.

13. This collection does not impose a known cost burden on the respondents.
14. The annual cost to the Federal Government for the collection of this information is approximately \$1,136,000 (71,256 hours at \$16.35/hour). This figure represents an estimate of the employee time to collect and input data, either from a mailed-in document or during a field office interview.
15. There are no changes to the public reporting burden.
16. SSA will not publish the results of the information collection.
17. Since there are no official documents or forms for the regulation sections' requirements, we continue to request an exemption from displaying 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. Justification**

SSA does not statistical methods for this information collection.