

**Supporting Statement for SSA-263-U2**  
**Waiver of Supplemental Security Income Payment Continuation**  
**20 CFR 416.1400-416.1422**  
**OMB No. 0960-NEW**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

*Section 1631(a)(7) of the Social Security Act (the Act)* allows a recipient of Supplemental Security Income (SSI) to continue receiving benefits at the same rate after SSA notifies them that we will suspend, terminate, or reduce their benefits, provided they file a timely appeal. When recipients appeal the cessation within ten (10) days, they can continue to receive the same benefit amount until SSA decides the appeal (reconsideration). If they decide they no longer want to continue to receive payment continuation during the appeal, they can file a waiver of their payment continuation by completing form SSA-263-U2, Waiver of Supplemental Security Income Payment Continuation. *20 CFR 416.1400-416.1422 of the Code of Federal Regulations* sets forth the policies for implementing the pertinent sections of the Act.

**2. Description of Collection**

SSA collects the information on form SSA-263-U2 to determine whether an individual meets the provisions listed above regarding waiver of payment continuation. SSA needs the information on the form to serve as proof that respondents no longer want their payments to continue. Recipients must use form SSA-263-U2 when they are awaiting determinations on their appeals and wish to inform SSA of their decision to stop payment continuation. Respondents are recipients of SSI payments who wish to discontinue receipt of payment while awaiting a determination on their appeal.

**3. Use of Information Technology to Collect the Information**

SSA did not create an electronic version of the SSA-263-U2 due to our need to prioritize higher volume forms for electronic implementation under the agency's Government Paperwork Elimination Act (GPEA) plan. Only 3,000 respondents complete the SSA-263-U2, which is significantly below the GPEA cut-off of 50,000.

**4. Why We Cannot Use Duplicate Information**

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. Minimizing Burden on Small Respondents**

This collection does not affect small businesses or other small entities.

- 6. Consequence of Not Collecting Information or Collecting it Less Frequently**  
If SSA did not collect information on the SSA-263 U2, recipients would have no way to stop receiving payments they no longer want to receive, possibly causing an overpayment on their record. This neglect would be a violation of regulations at *20 CFR 416.1400-416.1422*. Because we collect the information on an as-needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.
- 7. Special Circumstances**  
There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with *5 CFR 1320.5*.
- 8. Solicitation of Public Comment and Other Consultations with the Public**  
The 60-day advance Federal Register Notice published on January 22, 2010 at 75 FR 3778, and SSA has received no public comments. The 30-day Notice published on March 30, 2010, at 75 FR 15761. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. There have been no outside consultations with members of the public.
- 9. Payment or Gifts to Respondents**  
SSA does not provide payments or gifts to the respondents.
- 10. Assurances of Confidentiality**  
SSA protects and holds confidential the information it collects 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. Justification for Sensitive Questions**  
The information collection does not contain any questions of a sensitive nature.
- 12. Estimates of Public Reporting Burden**  
Approximately 3,000 respondents take 5 minutes each to complete form SSA-263-U2 each year. Accordingly, the burden is 250 hours. This figure represents burden hours, and SSA did not calculate a separate cost burden.
- 13. Annual Cost to the Respondents (Other)**  
This collection does not impose a known cost burden to the respondents.
- 14. Annual Cost To Federal Government**  
The annual cost to the Federal Government is approximately \$9,240. This estimate is a projection of the costs for printing and distributing the collection instrument, and for collecting the information.
- 15. Program Changes or Adjustments to the Information Collection Request**  
This form is unintentionally in use without OMB approval, which will increase the public reporting burden. See #12 above for the burden figures.

**16. Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

**17. Displaying the OMB Approval Expiration Date**

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise usable forms with expired OMB approval dates, avoiding Government waste.

**18. Exceptions to Certification Statement**

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 does not use statistical methods for this information collection.